



***New York State Board for Professional Medical Conduct***

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
Commissioner  
NYS Department of Health

Dennis P. Whalen  
Executive Deputy Commissioner  
NYS Department of Health

Dennis J. Graziano, Director  
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.  
Chairman

Michael A. Gonzalez, R.P.A.  
Vice Chair

Ansel R. Marks, M.D., J.D.  
Executive Secretary

Public

August 26, 2005

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Mukunda D. Mukherjee, M.D.  
647 Holly Point  
Fenton, MI 48430

Re: License No. 113641

Dear Dr. Mukherjee:

Enclosed is a copy of Order #BPMC 05-185 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect September 2, 2005.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

**Enclosure**

cc: Alan T. Rogalski, Esq.  
Foster, Swift, Collins & Smith, P.C.  
32300 Northwestern Highway, Suite 320  
Farmington Hills, MI 48334

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

---

**IN THE MATTER**

**SURRENDER**

**OF**

**ORDER**

**MUKUNDA D. MUKHERJEE, M.D.**  
**CO-04-10-5133-A**

BPMC No. 05-185

---

**MUKUNDA D. MUKHERJEE, M.D.,** says:

On or about August 1, 1972, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 113641 by the New York State Education Department. I currently reside at 647 Holly Point, Fenton, MI 48430.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest Factual Allegations A and B(1) and the Second Specification set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without

prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.


I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 8/15/05, 2005


  
MUKUNDA D. MUKHERJEE, M.D.  
Respondent

AGREED TO:


Date: 8/16/ 2005

  
ALAN ROGALSKI  
Attorney for Respondent

Date: 16 August 2005

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: 23 August 2005

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

---

**N THE MATTER**  
**OF**  
**MUKUNDA D. MUKHERJEE, M.D.**  
**CO-04-10-5133-A**

---

**STATEMENT**  
**OF**  
**CHARGES**

**MUKUNDA D. MUKHERJEE, M.D.**, the Respondent, was authorized to practice medicine in New York state on August 1, 1972, by the issuance of license number 113641 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about November 17, 2004, the State of Michigan, Department of Community Health, Board of Health Professions, Board of Medicine, Disciplinary Subcommittee (hereinafter "Michigan Board"), by a Consent Order (hereinafter "Michigan Order"), **SUSPENDED** Respondent's license to practice medicine for **SIX (6) MONTHS AND ONE DAY**, and that reinstatement for the license is not automatic, based on negligence; a departure from, or failure to conform to minimal standards of acceptable and prevailing practice; lack of a good moral character; selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purpose; promotion for personal gain of an unnecessary drug, device, treatment, procedure or service.

B. The conduct resulting in the Michigan Board disciplinary actions against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(2) (practicing the profession fraudulently or beyond its authorized scope);
  2. New York Education Law §6530(3) (negligence on more than one occasion);
- and/or
3. New York Education Law §6530(20) (moral unfitness);

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *June 24*, 2005  
Albany, New York

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct

**ORDER**


Upon the proposed agreement of **MUKUNDA D. MUKHERJEE, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 8-24, 2005

  
KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct