

Public

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

IN THE MATTER
OF
FORES PERSAUD, R.P.A.
CO-05-12-6525-A

COMMISSIONER'S
SUMMARY
ORDER AND
NOTICE OF
HEARING

TO: FORES PERSAUD, R.P.A.
44 Ladentown Road
Pomona, NY 10970

FORES PERSAUD, R.P.A.
Harlem East Life Plan
2367- 69 Second Avenue
New York, NY 10035

FORES PERSAUD, R.P.A.
227 Old Route 202B
Pomona, NY 10970

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached, hereto, and made a part hereof, has determined that **FORES PERSAUD, R.P.A.**, Respondent, licensed to practice medicine as a Physician Assistant in New York state on September 28, 1975, by license number 00358, has been found guilty, based on a plea of guilty, of committing an act constituting a felony under state law, in the Supreme Court of the State of New York, New York County, New York.

It is therefore,

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **FORES PERSAUD, R.P.A.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine. This order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law § 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board of Professional Medical Conduct, on the 19th day of April, 2006 at 10:00 am in the forenoon at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180 ATTENTION" HON. SEAN D. O' BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing

date. Claims of court engagement will require detailed affidavits of actual engagement.
Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event that any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

**THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO
PRACTICE MEDICINE IN NEW YORK STATE BE
REVOKED OR SUSPENDED, AND/OR THAT
YOU BE FINED OR SUBJECT TO OTHER
SANCTIONS SET FORTH IN NEW YORK PUBLIC
HEALTH LAW SECTION 230-A. YOU ARE
URGED TO OBTAIN AN ATTORNEY FOR THIS
MATTER.**

DATED: Albany, New York

March 22, 2006



ANTONIA C. NOVELLO, M.D., M.P.H., Dr. P.H.
Commissioner

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street - Suite 303
Troy, New York 12180
(518) 402-0828

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

IN THE MATTER
OF
FORES PERSAUD, R.P.A.
CO-05-12-6525-A

STATEMENT
OF
CHARGES

FORES PERSAUD, R.P.A., Respondent, was authorized to practice medicine, as a Physician Assistant in New York state on September 28, 1975, by the issuance of license number 000358 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 24, 1980, in Supreme Court of the State of New York, New York County, New York, Respondent was found guilty, based on a plea of guilty, of Criminal possession of a weapon in the fourth degree, in violation of New York Penal Law, §265.01, a class A misdemeanor, and was sentenced to a \$2,500.00 fine.

B. On or about July 7, 1999, Respondent prepared and submitted an Application For Professional Privileges, to Harlem East Life Plan, wherein he falsely answered "No," to question "8. Have you ever been convicted of a criminal act?"

C. On or about December 30, 2002, in New York City, New York, Respondent was arrested and charged with Criminal possession of a controlled substance in the fifth degree, in violation of New York Penal Law §220.06(05).

D. On or about February 2, 2003, Respondent prepared and submitted a Registration Renewal Document, to the New York State Education Department, wherein he falsely answered "No," to question "2. Since your last registration application, c. Are criminal charges pending against you in any court?"

E. On or about May 13, 2004, in the Supreme Court of the State of New York, New York County, New York, Respondent was found guilty, based on a plea of guilty, of Criminal Possession of a controlled substance in the fifth degree, in violation of New York Penal Law, §220.06(5), a class D felony, and was sentenced to five (5) years probation and a \$210.00 surcharge.

F. On or about December 7, 2005, Respondent prepared and submitted a Reapplication For Professional Privileges, to Harlem East Life Plan, wherein he falsely answered "No," to question "8. Have you ever been convicted of a criminal act?"

SPECIFICATIONS

FIRST THROUGH THIRD SPECIFICATIONS

Respondent violated New York Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.
2. The facts in Paragraphs C and/or D.
3. The facts in Paragraphs A, E, and/or F.

FOURTH THROUGH FIFTH SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law, in that Petitioner charges:

4. The facts in Paragraph A.
5. The facts in Paragraph E.

SIXTH THROUGH EIGHTH SPECIFICATIONS

Respondent violated New York Education Law §6530(20) by conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:


6. The facts in Paragraphs A and/or B.
7. The facts in Paragraphs C and/or D.
8. The facts in Paragraphs A, E, and/or F.

NINTH SPECIFICATION

Respondent violated New York Education Law §6530(21) by willfully making or filing a false report required by the education department, in that Petitioner charges:

9. The facts in Paragraphs C and/or D.

DATED: *March 22*, 2006
Albany, New York


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