



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

Public

Kendrick A. Sears, M.D.
Chairman

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

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

June 22, 2006

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Fores Persaud, R.P.A.
44 Ladentown Road
Pomona, NY 10970

Re: License No. 000358

Dear Mr. Persaud:

Enclosed is a copy of Order #BPMC 06-134 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect June 29, 2006.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this 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: Peter J. Millock, Esq.
Nixon, Peabody, LLP
Omni Plaza, Suite 900
30 South Pearl Street
Albany, NY 12207

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

IN THE MATTER
OF
FORES PERSAUD, R.P.A.

CONSENT
ORDER

BPMC No. #06-134

Upon the application of **FORES PERSAUD, R.P.A.**, (Respondent) in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is
ORDERED, that the Consent Agreement, and its terms, are adopted and it is further
ORDERED, that this Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 6-22-06



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

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**

CONSENT

AGREEMENT

AND ORDER

FORES PERSAUD, R.P.A., (Respondent) representing that all of the following statements are true, deposes and says:

That on or about September 28, 1975, I was licensed to practice as a physician assistant in the State of New York, and issued License No. 000358 by the New York State Education Department.

My current address is 44 Ladentown Road, Pomona, NY 10970, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct has charged me with nine (9) specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the nine (9) specifications, in full satisfaction of the charges against me, and agree to the following penalty:

Five (5) year suspension of my New York State medical license, three (3) months actual retroactive to the March 22, 2006, Commissioner's Summary Order and Notice of Hearing, the remainder stayed.

My license shall be subjected to a five (5) year period of Conditions, attached, hereto, as Exhibit B.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain active registration of Respondent's license with the New York State Education, Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of all matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.


I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patients identities, if any, redacted.

I stipulate that the proposed sanction and Order are authorized by Public Health Law Sections 230 and 230-a and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

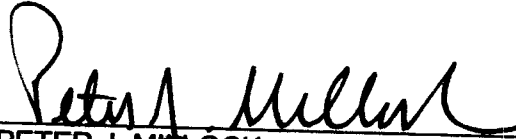
AFFIRMED:

DATED: 6/6/06

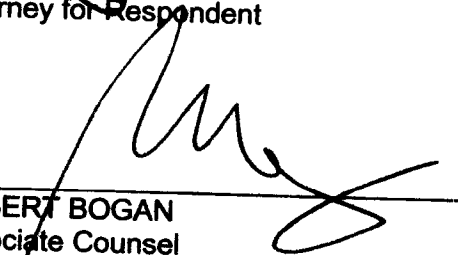

FORES PERSAUD, R.P.A.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions thereof.

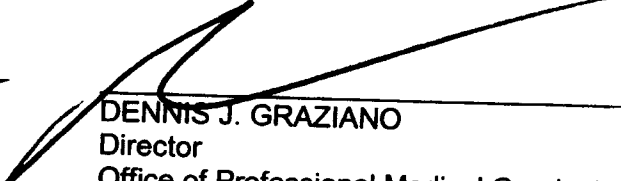
DATE: June 7, 2006


PETER J. MILLOCK
Attorney for Respondent

DATE: June 2006


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 21 June 2006


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

EXHIBIT B

Terms of Conditions

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. The period of conditions shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of conditions shall resume and any terms of conditions which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Respondent shall enroll in and complete a continuing education program in the area of professional ethics. Said continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within the first year of probation.
8. Respondent shall comply with any request from OPMC to obtain an independent psychiatric/chemical dependency evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC. Respondent shall bear all expenses of such evaluation.
9. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of conditions proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.