



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

June 3, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Manorama Sharma, M.D.
aka Manorama Gupta, M.D.
Redacted Address

Robert Bogan, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
433 River Street
Troy, NY 12180

**RE: In the Matter of Manorama Sharma, M.D. a.k.a.
Manorama Gupta, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 08-85) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

Redacted Signature

James F. Horan, Acting Director
Bureau of Adjudication

JFH:nm

Enclosure

IN THE MATTER
OF
MANORAMA SHARMA, M.D., a.k.a.
MANORAMA GUPTA, M.D.

DETERMINATION
AND
ORDER
BPMC-08-85

A hearing was held on April 16, 2008, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding, Notice of Hearing and Fourth Amended Statement of Charges, dated August 26, 2002, February 20, 2008 and February 19, 2008 respectively, were served upon the Respondent, **MANORAMA SHARMA, M.D., a.k.a. MANORAMA GUPTA, M.D.** Pursuant to Section 230(10)(e) of the Public Health Law, **RICHARD D. MILONE, M.D. (Chair), LYON M. GREENBERG, M.D.** and **JEAN KRYM**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter "the Committee") in this matter. **KIMBERLY A. O'BRIEN, ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Thomas Conway, Esq., General Counsel, by **ROBERT BOGAN, ESQ.**, of counsel. The Respondent appeared in person. Evidence was received and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding

conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530 (2), (3), (4), (5), (6), (9)(b), (9)(d), (12), (20), (29), and/or (32). Copies of the Notice of Hearing and Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner: None

For the Respondent: Manorama Sharma M.D. a.k.a. Manorama Gupta M.D.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the evidence presented in this matter. All Findings and Conclusions herein are the unanimous determination of the Committee. Having heard testimony and considered evidence presented by the Department of Health, the Committee hereby makes the following findings of fact. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Committee in arriving at a particular finding. All Findings of Fact made by the Committee were unanimous unless otherwise noted.

1. **MANORAMA SHARMA M.D. a.k.a. MANORAMA GUPTA M.D.**, (hereinafter " Respondent"), was authorized to practice medicine in New York State on August 15, 1980, by the issuance of license number 143162 by the New York State Education Department (Ex.6).
2. On or about December 20, 2002, the Medical Board of California (hereinafter "California Board"), by a Decision After Remand from Superior Court of the State

of California (hereinafter "Decision 1"), revoked the Respondent's Physician's and Surgeon's Certificate, stayed the revocation, and placed Respondent on four years probation with terms and conditions, based on gross negligence, repeated acts of negligence, incompetence, and alteration of medical records with fraudulent intent (Ex.7). On or about April 2, 2003, the California Board, issued a Decision correcting the "Effective Date" of Decision 1 (hereinafter "Decision 2") (Ex. 8).

3. On or about November 26, 2003, the California Board, by a Decision After Nonadoption (hereinafter "Decision 3"), revoked the Respondent's Physician's and Surgeon's Certificate, stayed the revocation, and placed Respondent on three years probation with terms and conditions (to run concurrent with Decision 1), based on repeated acts of negligence and unprofessional conduct (Ex. 9).

4. On or about December 3, 2004, the California Board, by an Order on Ex Parte Petition for Order of Interim Suspension (hereinafter "Decision 4"), suspended the Respondent's Physician and Surgeon's Certificate, until an administrative hearing, based on a determination that her continued unrestricted practice of medicine will endanger the public health, safety, and welfare (Ex.10).

5. On or about December 16, 2004, the California Board, by an Order on Petition for Order of Interim Suspension (hereinafter "Decision 5"), suspended the Respondent's Physician's and Surgeon's Certificate, until an administrative hearing, based on a determination that her continued unrestricted practice of medicine will endanger the public health, safety, and welfare (Ex.11).

6. On or about October 21, 2005, the California Board, by a decision after Reconsideration (Second) (hereinafter "Decision 6"), revoked the Respondent's Physician's and Surgeon's Certificate, based on global incompetence and holding herself out as being engaged in the practice of medicine while her license was suspended (Ex.12).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to:

- New York Education Law Section 6530(2) - "Practicing the profession fraudulently;"
- New York Education Law Section 6530(3) - "Practicing the profession negligence on more than one occasion;"
- New York Education Law Section 6530(4) - "Practicing the profession with gross negligence on a particular occasion;"
- New York Education Law Section 6530(5) - "Practicing the profession with incompetence on more than one occasion;"
- New York Education Law Section 6530(6) - "Practicing the profession with gross incompetence;"
- New York Education Law Section 6530(12) - "Practicing the profession while the license is suspended;"
- New York Education Law Section 6530(20) - "Conduct in the practice of medicine which evidences moral unfitness;"
- New York Education Law Section 6530(29) - "Violating any term of probation or condition or limitation imposed on the licensee;" and/or
- New York Education Law Section 6530(32) - "Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient."

VOTE OF THE HEARING COMMITTEE

FIRST THROUGH THIRD SPECIFICATIONS

"Respondent violated New York Education Law Section 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..."

VOTE: Sustained (3-0)

FOURTH THROUGH SIXTH SPECIFICATIONS

"Respondent violated New York Education Law Section 6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action, if committed in New York state, constitutes professional misconduct under the laws of New York state..." VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent testified on her own behalf and she denies all the allegations (Tr.13). The Respondent testified about her background and training and expressed her desire to return to practice medicine in New York State (Tr.13-19).

The Department presented extensive documentary evidence, specifically multiple actions by the California Board (Ex.7-12). The California Board found the Respondent was guilty of gross negligence, repeated acts of negligence, incompetence, alteration of medical records with fraudulent intent, unprofessional conduct, and holding herself out as being engaged in the practice of medicine while her license was suspended (See Ex.7-12). On or about October 21, 2005, the California Board revoked the Respondent's Physician's and Surgeon's Certificate (Ex. 12).

In this instance, the Hearing Committee's role was to determine the appropriate penalty. The Hearing Committee concluded that based upon the serious and varied nature of the misconduct that lead the California Board to revoke the Respondent's license, they have no other recourse but to revoke the

Respondent's license to practice medicine in New York State.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in New York State is hereby **REVOKED.**

2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: *Rye*, New York
May 27 2008

Redacted Signature

RICHARD D. MILONE, M.D. (CHAIR)
LYON M. GREENBERG, M.D.
JEAN KRYM

TO: Manorama Sharma, M.D.
A.k.a. Manorama Gupta M.D.
Redacted Address

Robert Bogan
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
433 River Street
Troy, New York 12180

APPENDIX I



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

IN THE MATTER
OF
MANORAMA SHARMA, M.D., aka
MANORAMA GUPTA, M.D.
CO-02-02-0891-A

NOTICE OF
REFERRAL
PROCEEDING

TO: MANORAMA SHARMA, M.D., aka MANORAMA GUPTA, M.D.
Redacted Address

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 18th day of September 2002, at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered that would show that the conviction would not be a crime in New York state. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication,

Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before September 9, 2002.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before September 9, 2002, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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 proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR

EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN
ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

August 26, 2002

Redacted Signature

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

Inquiries should be addressed to:

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



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299



Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

February 20, 2008

Manorama Sharma, M.D.,
aka Manorama Gupta, M.D.
Redacted Address

Via Certified Mail, Return Receipt Requested and First Class Mail

In the Matter of Manorama Sharma, M.D.,
aka Manorama Gupta, M.D.
CO-02-02-0891-A

**NOTICE OF HEARING – MARCH 20, 2008
SERVICE OF FOURTH AMENDED STATEMENT OF CHARGES**

Dear Dr. Sharma:

This is written pursuant to and in conformation of our telephone conversations of the week of February 11, 2008, and our final telephone conversation on February 19, 2008.

In those conversations I advised you, that as all of the appeals in your cases are completed, I have prepared a Fourth Amended Statement of Charges, dated February 19, 2008.

I am, hereby, pursuant to our discussions, serving you with that Statement of Charges.

If the above captioned matter is not resolved by my receipt of an executed Surrender Order or you having received an adjournment, based upon a request from you, prior to **March 20, 2008**, the matter will proceed to hearing on that date at **10:00 a.m. at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York, 12180.**

To the end that you may be interested in entering into a Surrender Order, I am including one, herewith. If the Surrender Order is satisfactory, please date and sign the Order and return it to me in the enclosed, prepaid overnight mailer, so that I receive an executed copy prior to **March 20, 2008.**


I am also enclosing, herewith, a copy of my letter dated February 20, 2008, to the Administrative Law Judge that contains all of the evidence that the Department of Health intends to introduce at the hearing, together with a copy of that evidence.

Should you desire to submit materials in advance for the hearing committee to consider, such materials may be submitted to me in advance. I will, upon review of them, provide them to the Administrative Law Judge with any objections that I may have.

Please do not hesitate to contact me if I can be of any further assistance to you with regard to the final resolution of this matter.

Sincerely,

Redacted Signature

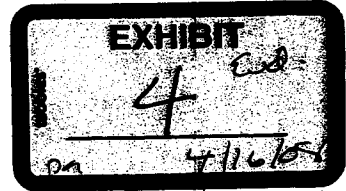

Robert Bosan
Associate Counsel
Office of Professional Medical Conduct
(518) 402-0828

RB/ats
Enclosures

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT



IN THE MATTER

OF

MANORAMA SHARMA, M.D., aka MANORAMA GUPTA, M.D.
CO-02-02-0891-A

FOURTH
AMENDED
STATEMENT
OF
CHARGES

MANORAMA SHARMA, M.D., aka MANORAMA GUPTA, M.D., the Respondent, was authorized to practice medicine in New York state on August 15, 1980, by the issuance of license number 143162 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about December 20, 2002, the California Board, by a Decision After Remand from Superior Court (hereinafter "California Decision 1"), revoked Respondent's Physician and Surgeon's Certificate, stayed the revocation and placed her on four (4) years probation with terms and conditions, required her to pay costs of probation monitoring, required her to pay \$6,175.00 costs of investigation and enforcement, and required her to successfully complete a PACE program medical record keeping course and an ethics course, based on gross negligence, repeated acts of negligence, incompetence, and alteration of medical records with fraudulent intent.

B. On or about April 2, 2003, the California Board, by an Order Correcting "Effective Date" Portion of Decision after Remand (hereinafter "California Decision 2"), changed the effective date of California Decision 1, described in Paragraph A above, from January 20, 2003, to December 14, 2001.

C. On or about November 26, 2003, the California Board, by a Decision After Nonadoption (hereinafter "California Decision 3"), revoked Respondent's Physician and Surgeon's Certificate, stayed the revocation and placed her on three (3) years probation with terms and conditions, to run concurrent with the discipline imposed in California Decision 1, set forth in Paragraph A above, and required her to pay costs of probation monitoring and \$11,521.05 costs of investigation and enforcement, based on repeated negligent acts and unprofessional conduct.

D. On or about December 3, 2004, the California Board, by an Order on Ex Parte Petition for Order of Interim Suspension (hereinafter "California Decision 4"), suspended Respondent's Physician and Surgeon's Certificate until an administrative hearing, based on a determination that her continued unrestricted practice of medicine will endanger the public health, safety, and welfare.

E. On or about December 16, 2004, the California Board, by an Order on Petition for Order of Interim Suspension (hereinafter "California Decision 5"), suspended Respondent's Physician and Surgeon's Certificate until an administrative hearing, based on a determination that her continued unrestricted practice of medicine will endanger the public health, safety, and welfare.

F. On or about October 21, 2005, the California Board, by a Decision After Reconsideration (Second) (hereinafter "California Decision 6"), revoked Respondent's Physician and Surgeon's Certificate and required her to pay \$7,228.00 prosecution costs, based on incompetence and/or holding herself out as practicing medicine while she was suspended.

G. The conduct resulting in the California 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);
2. New York Education Law §6530(3) (negligence on more than one occasion);
3. New York Education Law §6530(4) (gross negligence);
4. New York Education Law §6530(5) (incompetence on more than one occasion);
5. New York Education Law §6530(6) (gross incompetence);
6. New York Education Law §6530(12) (practicing medicine while the license is suspended);
7. New York Education Law §6530(20) (moral unfitness);
8. New York Education Law §6530(29) (violating any term of probation or condition or limitation imposed on the licensee); and/or
9. New York Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATIONS
FIRST THROUGH THIRD SPECIFICATIONS

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

FOURTH THROUGH SIXTH SPECIFICATIONS

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

4. The facts in Paragraphs A and/or G.
5. The facts in Paragraphs C and/or G.
6. The facts in Paragraphs D, E, F, and/or G.

DATED: *Feb. 19*, 2008
Albany, New York

Redacted Signature

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