



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

June 7, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Indran Rajpal Thurairatnam, M.D.
323 Hampton Green
Staten Island, New York 10312

Denise Lepecier, Esq.
NYS Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10017

Robert Asher, Esq.
Attorney-at-law
295 Madison Avenue
New York, New York 10017

RE: In the Matter of Indran Rajpal Thurairatnam, M.D.

Dear Dr. Thurairatnam, Mr. Asher and Ms. Lepecier :

Enclosed please find the Determination and Order (No. 93-199) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

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,



Tyrone T. Butler, Director
Bureau of Adjudication

TTB:mmn

Enclosure

**STATE OR NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT**
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IN THE MATTER : DETERMINATION
OF : AND
INDRAN RAJPAL THURAIRATNAM, M.D. : ORDER
: NO. BPMC-93-199
-----X

MS. EUGENIA HERBST , Chairperson, **PASQUALE A. CARONE, M.D.**, and **STEPHEN W. HORNYAK, M.D.**, duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter. At the hearing date conducted on January 5, 1994, panel member Stephen Hornyak, M.D. was absent from the session. He affirmed by written statement that he read and considered the transcript of the proceedings on such hearing day prior to deliberations of the hearing committee. Benjamin J. Migliore (Administrative Law Judge) served as Administrative Officer.

The hearing was conducted pursuant to the provisions of §230 of the Public Health Law and New York State Administrative Proc. Act §§301-307 and §401 to receive evidence concerning alleged violations of provisions of 6530 of the New York Education Law by Indran Rajpal Thurairatnam, M.D. (hereinafter referred to as "Respondent"). Witnesses were sworn and examined. A stenographic record of the hearing was made. Exhibits were received in evidence and made a part of the record.

The Committee has considered the entire record in the above captioned matter and hereby renders its decision with regard to the charges of medical misconduct.

RECORD OF PROCEEDINGS

Notice of Hearing dated:	August 10, 1993
Statement of Charges dated:	August 10, 1993
Pre-Hearing Conferences:	September 30, 1993
Hearing dates:	September 30, 1993 January 5, 1994 January 12, 1994 February 17, 1994
Deliberation date:	March 9, 1994
Place of Hearing:	NYS Department of Health 5 Penn Plaza New York, New York
Petitioner appeared by:	Peter J. Millock, Esq. General Counsel NYS Department of Health By: Denise Lepicier Assistant Counsel
Respondent appeared by:	Robert Asher, Esq. 295 Madison Avenue New York, New York 10017

WITNESSES

For the Petitioner:

Howard Hess, M.D.

For the Respondent:

Laurence Shindelman, M.D.

Indran R. Thurairatnam, M.D. (Respondent)

Significant Legal Rulings

September 30, 1993 - Pre hearing motion to suppress the Temporary Surrender of License and Registration, dated January 5, 1989 signed by Respondent but not signed by the Department of Health. Motion Denied.

December 8, 1993 - Motion made by Respondent to adjourn the December 15, 1993 hearing date to January 5, 1994 due to a Supreme Court Order for Respondent's Attorney to appear on December 15, 1993 in another matter. Motion Accepted.

January 5, 1994 - Attorney for Respondent waives the 120 day rule in view of his request for adjournment and extension of time for his witness to appear. Motion Accepted.

January 5, 1994 - Attorney for Petitioner moved to withdraw allegation C and the third specification in the Statement of Charges. Motion Accepted.

STATEMENT OF CHARGES

A Commissioner's Notice of Hearing and Statement of Charges, dated August 10, 1993 advises that Respondent surrendered his license and Registration certification to practice medicine in the state of New York on or about January 5, 1989. On various dates, subsequent to his registration and license surrender, the Respondent practiced medicine while his license was inactive. In addition, Respondent is charged with practicing medicine while impaired by a mental disability and having a psychiatric condition which impairs his ability to practice medicine.

The charges are more specifically set forth in the Statement of Charges, a copy of

which is attached hereto and made a part hereof.

FINDINGS OF FACT

Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Indran Rajpal Thurairatnam, the Respondent, was authorized to practice medicine in New York State pursuant to license number 166118 on March 13, 1986. (Ex. 1, p. 1)

2. On January 5, 1989, Respondent agreed to a temporary surrender of his license and registration on the grounds that he was "incapacitated for the active practice of medicine due to [a] mental disability." (Ex. 1, p. 1)

3. From on or about May 1, 1991, to on or about March 1, 1993, Dr. Thurairatnam worked as a physician at the Interfaith Medical Center in Brooklyn, New York, in violation of the terms of the "Temporary Surrender of License and Registration", which states in relevant part that the Respondent's license is "inactive" and that until his license is restored, he will "notify all persons who request [his] medical services that [he has] temporarily withdrawn from the practice of medicine". (Ex. 1, p.2; Ex. 10, pp. 1, 4, 81)

4. The Department's expert, Howard Hess, M.D., is an eminently well qualified physician, boarded in psychiatry, with forty years of experience in the treatment of mental disorders. (Ex. 19; Tr. 30)

5. Dr. Hess based his opinion on a review of all of the Respondent's relevant medical records and personnel records, as well as a review of the Respondent's recent sworn testimony. (Tr. 31-33)

6. Dr. Thurairatnam is suffering from a paranoid personality, and during the time of his psychosis was probably suffering from paranoid schizophrenia. (Tr. 36-37)

7. Denial and projection of one's own feelings onto others are classic symptoms of paranoia. (Tr. 52-55) The Respondent suffers from these symptoms as shown by Dr. Howard Hess in his testimony on pages 51 and 53. Paranoid personalities are constantly suspicious of others and consistently rationalize their own failures and shortcomings. Dr. Hess concluded that the Respondent is paranoid and believes others caused all his problems. (Tr. 60, 71)

8. Respondent has evidenced a propensity for violence towards others, in some cases towards patients, that would make it dangerous to continue to allow him to practice medicine. He could become suspicious of his patients, confused and perhaps delusional. He could become violent with his patients or mishandle them in some manner. The nature of a paranoid personality is to deny all wrongdoing and project their difficulties onto other people and this could put a patient at great risk. (Tr. 77-81)

9. Both Dr. Hess and Respondent's expert witness, Dr. Shindelman, agreed that mental illness can also effect an individual's intellectual functioning, including his judgment and ability to perform, and evidence of such problems can clearly be a danger to a patient relying on a physician's intellectual abilities for diagnoses and treatment. (Tr. 43; Ex. 9, p. 26; Ex. 15, p. 39, 60)

10. Respondent's personnel record from the Hospital for Joint Diseases Orthopaedic Institute evidences that he was appointed as a first year resident as of October 14, 1985 and was terminated from that position on October 25, 1985. (Ex. 8, p. 8-9) Respondent was terminated as a result of a number of strange incidents involving odd behavior on his part. (Tr. 34-36; Ex. 8, p. 10-11)

11. Following his termination, Respondent was involved in a physical confrontation at the Hospital for Joint Diseases when he refused to leave the premises. A summons returnable in New York County Criminal Court was issued to Respondent by police officers who were summoned to the hospital. (Ex. 8, p. 25; Tr. 38-39; Ex. 15, p. 200-201)

12. these incidents at Joint Disease Hospital evidence the fact that the Respondent was suffering from paranoia and that he has been impaired from 1985 to the present, especially in light of Respondent's recent testimony in which he denies any wrongdoing and blames the building security officers for the physical confrontation after his termination. (Tr. 37-38; 79)

13. Respondent was employed for a period of time at St. Mary's Hospital of Brooklyn. He was terminated on June 23, 1987, and a Western Union Mailgram reminding Respondent that his employment was terminated was sent on July 6, 1987. (Ex. 11, p. 1-2; Tr. 40-42)

14. Respondent was also employed at Medical Associates of Woodhull from February 14, 1987, until he was terminated on July 24, 1987. (Ex. 9, p. 4)

15. Respondent's personnel records form the Medical Associates of Woodhull

evidence the fact that Respondent was experiencing difficulties in diagnosing a variety of orthopaedic problems. Since Respondent's training was as an orthopaedic surgeon, these missed diagnoses are cause for concern. Mental illness can effect an individual's intellectual functioning, including his judgment and ability to perform, and these problems in diagnosing evidence a diminution of Respondent's intellectual functioning at this point. (Tr. 43; Ex. 9, p. 26)

16. The personnel records from Woodhull also mention a number of interpersonal problems between Respondent and other physicians and altercations with patients. (Ex. 9, p. 26) This behavior was consistent with the fact that Respondent was suffering a psychiatric impairment at this time. (Tr. 42)

17. Respondent's personnel records from the Medical Associates of Woodhull also evidence that Respondent had been terminated from St. Mary's Hospital in Brooklyn because his performance was unsatisfactory and that because of his problems at Woodhull he was being terminated there as well. (Ex. 9, p. 26)

18. The records of Respondent's expert, Dr. L. Shindelman, reveal that Respondent had been involved in an incident at a gas station in New Jersey. (Ex. 15-A, p. 62; Ex. 4, p. 4)

19. Respondent was admitted to the Kings County Hospital Center on September 22, 1988, pursuant to a court order for a psychiatric evaluation. (Ex. 2, p. 2) A criminal complaint had been sworn to against Respondent in which it was alleged that on September 12, 1988, Respondent punched a male in the jaw, and upon going to this man's office, he used an umbrella stand to damage a bookcase, threw the stand through a plate glass window and kicked a

female in the groin. Another criminal complaint alleged that the Respondent picked up a camera in a Sears store and threw it to the ground, damaging it, and later attempted to strike one person with his car and succeeded in striking another. (Ex. 2, p. 26; Ex. 3, p. 16-17; Tr. 45-46)

20. In his initial evaluation Respondent told the Kings County physician that he was appointed at the Mayo Clinic but did not go and that he did two years of training at the Hospital for Joint Diseases. He also denied any history of mental illness. (Ex. 2, p. 10)

21. Respondent also admitted both at Kings County Hospital and to Dr. Miller, one of Respondent's recent treating psychiatrists, that he had been involved in another physical confrontation resulting in his arrest in the "last three months" before being detained at Kings County and that this arrest involved a confrontation with a Waldbaum's store employee. (Ex. 2, p. 28, 38; Ex. 5, p. 2; Tr. 47, 51-52; Ex. 15, p. 77)

22. The Respondent expressed delusions to a psychologist at the Kings County Hospital. (Ex. 2, p. 28; Tr. 47-48) Respondent believed there was a conspiracy against him involving the police and legal system and that his wife had been intimate with her boss. (Ex. 2, p. 29, 43, 51, 63; Tr. 48, 56, 59)

23. Respondent manifested denial and projection of one's own feelings onto others. (Tr. 52-55) Respondent blamed others for his problems. (Tr. 69)

24. At the time of his detention at the Kings County Hospital Center, the Respondent was acutely psychotic. (Tr. 55-56)

25. On October 7, 1988, Respondent grabbed a staff psychiatrist's glasses and

seemed about to hit him. (Ex. 2, p. 75; Tr. 58) Respondent expressed paranoid ideation about the people at the hospital and was clearly in the midst of a serious psychotic episode. (Tr. 58) He was given medication intramuscularly. Thereafter, Respondent's condition improved because he was taking medication regularly. (Ex. 2, p. 84)

26. On October 13, 1988, the criminal matters pending against the Respondent were dismissed on the grounds that "as the result of a mental disease or defect [he] lacked the capacity to understand the proceedings against him or assist in his own defense." (Ex. 3, p. 13-14)

27. Respondent was transferred to South Beach Psychiatric Hospital on October 18, 1988, for further treatment. (Ex. 3, p. 1)

28. At South Beach Psychiatric Hospital, Respondent continued to deny any psychiatric history or mental illness. (Tr. 64) However, on December 21, 1988, Respondent was discharged with a two week supply of Ativan and the discharge plan was that he would be seen in therapy by Dr. E. Cruz. (Ex. 3, p. 2)

29. On or about May 4, 1989, Respondent began therapy with Dr. Lawrence Shindelman. (Ex. 4, p. 1) However, on June 19, 1989, Dr. Shindelman's notes reveal that the Respondent was involved in some sort of psychiatric episode in which he expressed some paranoid ideation and stood over his mother-in-law's bed in a threatening manner. Respondent's wife called a Dr. Cabel who prescribed Navane for the Respondent. (Ex. 4, p. 2; Tr. 64-66)

30. Dr. Shindelman's note of February 27, 1990, states that: "During the session he was irritable and somewhat paranoid. He did not exhibit formed delusions but acted like he

was being attacked. He had no understanding that a personality change had occurred." (Ex. 4, p. 6)

31. In May of 1993, Respondent's expert, Dr. Shindelman, conducted a psychiatric assessment of the Respondent in which he concludes that Respondent has "[l]imited insight into [the] inappropriateness of [his] behavior and [the] emotional issues involved." (Ex. 7, p. 3-4; Tr. 76-77)

32. Respondent began a residency program at Interfaith Hospital on May 1, 1991. He was suspended from practice there on December 2, 1992. (Ex. 10, p. 1, 4; Tr. 94)

33. An evaluation at Interfaith Hospital, dated December 2, 1992, stated that Respondent "seemed to have a sudden complete change in his attitude" and "was irresponsible last month". (Ex. 10, p. 59; Tr. 94-95)

34. Respondent misrepresented his whereabouts in his application to Interfaith Hospital. (Ex. 10, p. 98; Tr. 95-96) Respondent admitted that he did this because he did not like the references he was receiving from the Hospital for Joint Disease and the Medical Association of Woodhull. (Tr. 251)

35. Respondent had a personal problem with one of the staff physicians at Interfaith Hospital. Dr. M. Renedo was compelled to write a letter to the Director of Medicine complaining that Respondent was unable to accept her declination to be his private physician and that he argued with her about this. She also complained that he refused to leave her alone when she was on rounds and repeatedly called her secretary to obtain her home phone number. (Ex. 10, p. 135) It is the opinion of Dr. Hess that the Respondent was having some difficulty

psychiatrically at the time of this incident. (Tr. 96-97)

36. A memorandum, dated October 22, 1992, from Dr. Bruce Garner to Dr. Harvey Dosik at Interfaith Hospital further evidences that whenever Respondent is confronted with any sort of negative or critical information, he engages in denial, projection and rationalization. Respondent denied everything in Dr. Renedo's complaint. He claimed first that his signature on an unsatisfactory evaluation was a forgery and then that he did not remember signing it. (Ex. 10, p. 120) This memorandum indicates Respondent was having current psychiatric difficulties. (Tr. 97-98)

37. Dr. Shindelman testified in support of Respondent's recent request for restoration of his license. (Ex. 15) Although he testified that he believed Respondent's mental illness was fairly well circumscribed in time to a period of about one year, perhaps beginning at some time in 1987 and perhaps carrying over a few months into 1989, it was evident from his testimony before the restoration committee that there were many incidents of odd behavior of which he had not been apprised. (Ex. 15, p. 25-26)

38. While Dr. Shindelman was aware that Respondent was accused of having missed a diagnosis of femur fracture at Medical Associates of Woodhull, he was unaware of the complaints regarding his interpersonal relationships with other residents, the allegations of altercations with patients, including one allegation of patient abuse, and the reports of other missed diagnoses. (Ex. 15, p. 38; Ex. 9, p. 26) He admitted that these incidents might change his opinion about when Respondent's mental illness started to surface. (Ex. 15, p. 39)

39. Dr. Shindelman was also unaware of Respondent's belief back in the fall of 1988 that there was a conspiracy against him involving the police and the legal system. (Ex. 15,

p. 51; Ex. 2, p 63)

40. When Dr. Shindelman reviewed another document in the Interfaith records, dated October 22, 1992, and authored by Bruce F. Garner, M.D., who was apparently Respondent's supervisor in the residency program, which indicated Respondent's denial of any problems with Dr. Renedo, his denial that his evaluations had fallen and his subsequent explanation that his signature was a forgery, Dr. Shindelman admitted that he would want to reevaluate his view that Respondent's mental illness has been in remission since 1989. (Ex. 15, p. 60-64; Ex. 10, p. 120)

41. That Dr. Shindelman was not aware of many important occurrences in the Respondent's life is also evidenced by the fact that, although Dr. Shindelman was seeing the Respondent right up until the latter began his residency program at Interfaith Hospital, Dr. Shindelman testified that he did not learn that Respondent was practicing until December of 1991. (Tr. 311; Ex. 4)

42. Dr. Shindelman repeatedly stated that he relied on Mrs. Thurairatnam to confirm evidence of Respondent's functioning. (Ex. 15, p. 26, 33-35, 65-66)

43. Dr. Shindelman was surprised to read in the Kings County Hospital record that Mrs. Thurairatnam had stated that her husband had been ill for two years, because it was not what she had told him. (Ex. 15, p. 48; Ex. 2, p. 43)

44. Despite the evidence of the Respondent's personnel records, Ms. Thurairatnam testified that Respondent was terminated at Woodhull because he did not show up at a time he was scheduled to work. (Ex. 15, p. 121)

45. Although Mrs. Thurairatnam admits calling Dr. Cabel to her house concerning an incident with her mother, she stated she was unable to recall what it was about. (Ex. 15, p. 136-137)

46. Mrs. Thurairatnam also denied ever telling the staff at Kings County that Respondent one took many pictures of a blank wall in their home. (Ex. 15, p. 138)

47. Mrs. Thurairatnam admitted her sister had had Respondent admitted to a psychiatric institution in July of 1988, but denied it was for any psychiatric problem. (Ex. 15, p. 178)

48. Respondent has a rationalization for every event that has been charged against him and often projects things onto other people. (Tr. 148) With respect to the incident at Joint Disease Hospital, Respondent alleged that the entire incident was as a result of the inappropriate behavior of the security guards and that he lodged a complaint with the police, rather than them lodging one against him. (Ex. 15, p. 318-325) He denied having abused a patient at Woodhull Medical Associates and alleged instead that the patient was a malingerer. (Ex. 15, p. 327; Tr. 252) He claimed his sister-in-law had him admitted forcibly to a mental hospital by mistake. (Tr. 201) He denied hitting a Sears employee with his car and alleged instead that he was unlawfully detained. (Ex. 15, p. 255-256) Respondent asserted that the Sears employee feigned injury. (Ex. 15, p. 284-827) He denied having been involved in any incident connected with his eviction from his sister-in-law's house and alleged instead that his property was being kept unlawfully. (Ex. 15, p. 257, 283) He also denied hitting anyone in the eviction lawyer's office on the following day. (Ex. 15, p. 258, 282-283) He stated they were false charges. (Ex. 15, p. 282) With respect to the incident at the Waldbaum's supermarket, Respondent alleged that the checkout girl shortchanged him by ten dollars and that a

Waldbaum's security guard handcuffed him and punched him in the face. (Ex. 15, p. 258-259) With respect to the altercation he had with another patient at Kings County Hospital, Respondent alleged that there was a six foot six serial killer on the floor who walked up to him and punched him in the face and knocked him out. He also denied grabbing a physician's glasses at Kings County. (Ex. 15, p. 261-262) With respect to the incident in which it was alleged that the Respondent threatened his mother-in-law, he blamed her for taking some of his things and keeping them somewhere. (Ex. 15, p. 279-280) With respect to the allegations of odd behavior made by Dr. Renedo at Interfaith, Respondent stated that Dr. Renedo imagined that he was following her around. (Ex. 15, p. 270-272) He claimed her complaint about him was "a lie" and "a false report". (Tr. 222) In explaining a poor evaluation at Interfaith, Respondent stated that the author wrote it because she had received a similar evaluation. (Ex. 15, p. 308) With respect to his falsification of his credentials record at Interfaith Hospital, Respondent had another rationalization. (Tr. 249-251; Ex. 10, p. 102; Ex. 15, p. 313) With respect to his practice of medicine at Interfaith Hospital in violation of the terms of the Temporary Surrender agreement Respondent had a rationalization (Tr. 250-251; Ex. 10, p. 16, 17, 19 [did not record date of Flex]; Ex. 15, p. 268-269) Respondent even projected his own feelings on to Dr. Shindelman when asked about a therapy session in which Dr. Shindelman recorded that the Respondent appeared "irritable and somewhat paranoid." (Ex. 15, p. 292-293)

49. Respondent is unable to accept the fact that he has had mental illness and insists the only reason he has been in therapy is to regain his license. (Tr. 253-263; 270-273) Only after repeatedly denying any psychiatric problem did Respondent admit in a very qualified manner that he had a psychiatric problem for a period of two weeks back in 1988. (Tr. 277-278)

50. When asked what he would do if he received his license back as a result of the Restoration proceeding, Respondent replied that he would like to finish his residency training

program.

51. In a recent letter to the Education Department, accompanied by evidence that he had changed his name, Respondent requested that a license be issued in his new name. (Tr. 246-247, 321-324; Ex. 20)

CONCLUSIONS AS TO
CREDIBILITY OF WITNESSES

Howard Hess, M.D.

Dr. Hess was an impressive expert witness with credentials sufficient to deal with the issues at hand. He testified that the Respondent is suffering from a paranoid personality and during the time of Respondent's psychosis was probably suffering from paranoid schizophrenia. There is also the possibility that during the time of his psychosis he was suffering from a manic phase of bipolar disease, but could not definitely pinpoint this diagnosis, although there were indications of this disease presenting itself.

Dr. Hess was consistent in his testimony, both direct and cross-examination. His demeanor was convincing. His ability to point out examples of paranoia based upon the exhibits made him a credible witness. Additionally, his role as an occupational psychiatrist for large corporations in both the private and public sector strengthened the quality of his testimony.

Laurence Shindelman, M.D.

Dr. Shindelman's testimony left many gaps of information regarding any diagnosis he may have made regarding the Respondent. He could not explain from a psychiatric viewpoint whether Respondent was suffering from any mental condition. When asked whether all the incidents that Respondent was involved in and his denials, Dr. Shindelman could not explain such behavior. Dr. Shindelman was evasive in his responses concerning the denials of the various incidents by Respondent. He concluded that medically, all of the incidents can be explained in a way that are not directly the product of psychiatric illness or mental impairment. However, he never provided the Committee with such explanation.

Upon questioning by the Committee members, Dr. Shindelman admitted that he did not take a complete psychiatric medical history of Respondent prior to treating him. He concluded that "where do I stop being a therapist and state becoming a detective" when questioned by a Committee member.

Lastly, Dr. Shindelman's opinions about hte Respondent could be based on a countertransference. Dr. Shindelman was unsure whether this possibility existed.

In view of Dr. Shindelman's testimony, the Committee determined that his psychiatric evaluation of the Respondent was flawed and detrimental to Respondent's case.

CONCLUSIONS WITH REGARD
TO SPECIFICATIONS

The Hearing Committee unanimously concluded that the first, second and fourth

Specifications are Sustained as follows:

First Specification

Respondent has not contested the fact that he worked as a physician at the Interfaith Medical Center in Brooklyn, New York, from on or about May 1, 1991, to on or about December of 1992. He has not contested the fact that he signed a Temporary Surrender of License and Registration in January of 1989 and that he did in fact surrender his license to the State. (Ex. 1) For these reasons alone, the First Specification in the Statement of Charges must be **SUSTAINED**.

Second Specification

Ample evidence was produced at the time of hearing to establish the fact that the Respondent suffers from a psychiatric condition which can impair his ability to practice medicine. For these reasons, the Second Specification in the Statement of Charges must be **SUSTAINED**.

Third Specification

The Third Specification of misconduct was withdrawn by the department at the time of hearing as a result of a clarification of facts which demonstrated that the Respondent, although listed as a physician on staff, had not actually worked at St. Joseph's Hospital during the period charged. The Third Specification was therefore not considered.

Fourth Specification

Ample evidence was provided at hearing to demonstrate that Respondent has suffered from a mental disability from at least July of 1988 and that this mental disability continues into the present. Respondent has also not contested the fact that he practiced the profession at Interfaith Hospital from on or about May 1, 1991, to on or about December of 1992. For these reasons, the Fourth Specification in the Statement of Charges must be **SUSTAINED.**

ORDER

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

1. That the charges found in the First, Second and Fourth Specification in the Statement of Charges dated August 10, 1993 as amended by the Statement of Charges dated March 1, 1994 are **SUSTAINED**; and

2. Respondents's license to practice medicine in the State of New York is **REVOKED.**

Dated: *June 3*, New York
, 1994

Ms. Eugenia Herbst

Ms. Eugenia Herbst, Chairperson

Pasquale A. Carone, M.D.
Stephen W. Hornyak, M.D.

TO: Ms. Denise Lepecier, Esq.
New York State Department of Health
5 Penn Plaza
New York, New York

Robert Asher, Esq.
Attorney-at-Law
295 Madison Avenue
New York, New York 10017

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

-----X
IN THE MATTER : STATEMENT
OF : OF
INDRAN RAJPAL THURAIRATNAM : CHARGES
-----X

INDRAN RAJPAL THURAIRATNAM, the Respondent, was authorized to practice medicine in New York State on May 13, 1986, by the issuance of license number 166118 by the New York State Education Department. The Respondent temporarily surrendered his license to practice medicine by affidavit dated January 5, 1989. An application for restoration of his license was denied by order dated December 21, 1989.

FACTUAL ALLEGATIONS

- A. On or about January 5, 1989, Respondent surrendered his license and registration certification to practice medicine in the State of New York to the Board of Professional Medical Conduct pursuant to Public Health Law Section 230 (13) (McKinney 1990). From on or about May 1, 1991, to on or about March 1, 1993, Respondent worked as a physician at the Interfaith Medical Center in Brooklyn, New York, in violation

of the terms of the of the Temporary Surrender of License and Registration.

- Withdrawn*
- B. From on or about at least July of 1988 through the present, the Respondent has been impaired by a psychiatric condition.
 - C. From on or about June of 1988, through on or about September of 1988, Respondent practiced the profession at St. Joseph's Hospital, Queens, New York, while impaired by a mental disability.
 - D. From on or about May 1, 1991, through March 1, 1993, Respondent practiced the profession at Interfaith Hospital, Queens, New York, while impaired by a mental disability.

SPECIFICATIONS

FIRST SPECIFICATION

PRACTICING THE PROFESSION WHILE
THE LICENSE IS INACTIVE

1. Respondent is charged with professional misconduct by reason of practicing the profession while his license was inactive, within the meaning of N.Y. Education Law Section 6530 (12) (McKinney Supp. 1993), in that Petitioner charges the facts in Paragraph A.

SECOND SPECIFICATION

HAVING A PSYCHIATRIC CONDITION
WHICH IMPAIRS THE ABILITY TO PRACTICE

2. Respondent is charged with professional misconduct by reason of having a psychiatric condition which impairs the licensee's ability to practice medicine, within the meaning of N.Y. Education Law Section 6530 (8) (McKinney Supp. 1993), in that Petitioner charges the facts in Paragraph B.

THIRD AND FOURTH SPECIFICATIONS

PRACTICING THE PROFESSION WHILE
IMPAIRED BY MENTAL DISABILITY

Withdrawn
3. Respondent is charged with professional misconduct by reason of practicing the profession while impaired by a mental disability, within the meaning of N.Y. Education Law Section 6530 (7) (McKinney Supp. 1993), in that Petitioner charges the facts in Paragraph C.

4. Respondent is charged with professional misconduct by reason of practicing the profession while impaired by a mental disability, within the meaning of N.Y. Education Law Section 6530 (7) (McKinney Supp. 1993), in that Petitioner charges the facts in Paragraph D.

DATED: New York, New York

8/10/93

Chris Stern Hyman for:

CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

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

-----X

IN THE MATTER : AMENDED STATEMEN
OF : OF
INDRAN RAJPAL THURAIRATNAM : CHARGES

-----X

INDRAN RAJPAL THURAIRATNAM, the Respondent, was authorized to practice medicine in New York State on May 13, 1986, by the issuance of license number 166118 by the New York State Education Department. The Respondent temporarily surrendered his license to practice medicine by affidavit dated January 5, 1989. An application for restoration of his license was denied by order dated December 21, 1989.

FACTUAL ALLEGATIONS

- A. On or about January 5, 1989, Respondent surrendered his license and registration certification to practice medicine in the State of New York to the Board of Professional Medical Conduct pursuant to Public Health Law Section 230 (13) (McKinney 1990). From on or about May 1, 1991, to on or about March 1, 1993, Respondent worked as a physician at the Interfaith Medical Center in Brooklyn, New York, in violation

of the terms of the of the Temporary Surrender of License and Registration.

- B. From on or about at least July of 1988 through the present, the Respondent has been impaired by a psychiatric condition.
- C. From on or about June of 1988, through on or about September of 1988, Respondent practiced the profession at St. Joseph's Hospital, Queens, New York, while impaired by a mental disability.
- D. From on or about May 1, 1991, through March 1, 1993, Respondent practiced the profession at Interfaith Medical Center, Brooklyn, New York, while impaired by a mental disability.

SPECIFICATIONS

FIRST SPECIFICATION

PRACTICING THE PROFESSION WHILE
THE LICENSE IS INACTIVE

1. Respondent is charged with professional misconduct by reason of practicing the profession while his license was inactive, within the meaning of N.Y. Education Law Section 6530 (12) (McKinney Supp. 1993), in that Petitioner charges the facts in Paragraph A.

SECOND SPECIFICATION

HAVING A PSYCHIATRIC CONDITION
WHICH IMPAIRS THE ABILITY TO PRACTICE

2. Respondent is charged with professional misconduct by reason of having a psychiatric condition which impairs the licensee's ability to practice medicine, within the meaning of N.Y. Education Law Section 6530 (8) (McKinney Supp. 1993), in that Petitioner charges the facts in Paragraph B.

THIRD AND FOURTH SPECIFICATIONS

PRACTICING THE PROFESSION WHILE
IMPAIRED BY MENTAL DISABILITY

3. Respondent is charged with professional misconduct by reason of practicing the profession while impaired by a mental disability, within the meaning of N.Y. Education Law Section 6530 (7) (McKinney Supp. 1993), in that Petitioner charges the facts in Paragraph C.

4. Respondent is charged with professional misconduct by reason of practicing the profession while impaired by a mental disability, within the meaning of N.Y. Education Law Section 6530 (7) (McKinney Supp. 1993), in that Petitioner charges the facts in Paragraph D.

DATED: New York, New York

March 1, 1994



CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct