



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

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

*Richard F. Daines, M.D.*  
*Commissioner*  
*NYS Department of Health*  
*James W. Clyne, Jr.*  
*Executive Deputy Commissioner*  
*Keith W. Servis, Director*  
*Office of Professional Medical Conduct*

*Public*

*Kendrick A. Sears, M.D.*  
*Chair*  
*Carmela Torrelli*  
*Vice Chair*  
*Katherine A. Hawkins, M.D., J.D.*  
*Executive Secretary*

September 27, 2010

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

Fazila Lalani, M.D.

REDACTED

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Re: License No. Resident

Dear Dr. Lalani:

Enclosed is a copy of BPMC #10-171 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 4, 2010.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Michael J. Schoppman, Esq.  
Kern, Augustine, Conroy & Schoppmann, P.C.  
1325 Franklin Avenue, Suite 255  
Garden City, NY 11530

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

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IN THE MATTER  
OF  
FAZILA LALANI, M.D.

CONSENT  
ORDER

BPMC No. #10-171

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Upon the application of FAZILA LALANI, M.D., (Respondent), in the attached Consent Agreement, 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 Consent 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 or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 9-23-2010

REDACTED

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

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

IN THE MATTER  
OF  
FAZILA LALANI, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

FAZILA LALANI, M.D., represents that all of the following statements are true:

That I have been a "licensee," as that term is defined in N.Y. Public Health Law §230(7), at times in and about 2009, and hereafter I will be referred to as "licensee" although I do not hold and have not held a license to practice medicine in New York State issued by the New York State Education Department. I am currently not licensed as a physician in any jurisdiction outside of New York State, with the exception of: (list the jurisdictions and license numbers or write "NONE")

My current address is REDACTED,

and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one specification 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 First Specification, Negligence On More Than One Occasion, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand. Pursuant to N.Y. Pub. Health Law § 230-a(9), I shall be placed on probation for a

period of three years, subject to the terms set forth in attached Exhibit "B."

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

Respondent shall provide the Director of OPMC with, and ensure to keep current and effective, fully executed waivers of patient confidentiality for: any prior or prospective evaluation and treatment records, and the records and reports of the Committee for Physician Health of New York, the Professional Assistance Program of New Jersey, the Physicians' Health Program of Pennsylvania, and/or a similar program from any other state, with respect to Respondent's compliance; these waivers shall comply with the requirements of federal confidentiality laws and regulations, including but not limited to: HIPAA, Public Law 104-191, et seq., and the laws governing confidentiality of substance abuse records, at 42 U.S.C. § § 290dd-3 and ee-3 and 42 C.F.R, Part 2.

That upon Respondent's return to active practice in New York, and after Respondent has successfully completed the three years of probation required under the terms of this Consent Order, Respondent shall, for a two year period, be subject to the nondisciplinary conditions set forth in attached Exhibit "C" and to such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health; and

That, should Respondent be granted a license to practice medicine in New York State by the New York State Education Department, Respondent shall thereafter remain in continuous compliance with all

requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition will continue so long as Respondent remains a licensee 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 Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent 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 Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in 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 N.Y. Pub. 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 Consent 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 Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC 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 I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter

into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 9/7/10

REDACTED

FAZILA LALANI, M.D.  
RESPONDENT

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

DATE: 9/10/10

REDACTED

MICHAEL SCHOPPMAN, ESQ.  
Attorney for Respondent

DATE: September 14, 2010

REDACTED

MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 9/22/10

REDACTED

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct



**EXHIBIT "A"**

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

IN THE MATTER  
OF  
FAZILA LALANI, M.D.

STATEMENT  
OF  
CHARGES

FAZILA LALANI, M.D., the Respondent, was a "licensee," as that term is defined in N.Y. Public Health Law §230(7), at times in and about 2009, and is referred to as "licensee" although she does not hold, and has not held, a license to practice medicine in New York State issued by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. During periods in and before 2009, Respondent prescribed medications, including Adderall, for herself in an inappropriate manner.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion, as alleged in the facts of:

1. Paragraph A.

DATE:

September 14, 2010  
August 2010  
New York, New York

REDACTED

ROY NEMERSON  
Deputy Counsel  
Bureau of Professional Medical Conduct

## EXHIBIT "B"

### **Terms of Probation**

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; all current and past affiliations and/or privileges, with hospitals, institutions, facilities, medical practices, managed care organizations, and/or applications for such affiliations and/or privileges; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more; the sole exception to this tolling provision shall be that Respondent's successful participation in her current emergency medicine residency at YORK HOSPITAL, York, PA, shall not trigger the tolling provision set forth in this paragraph, as long as the reporting provisions of Term 6(a) are fully satisfied.
  - a. Respondent shall cause the Director of her emergency medicine residency program to report annually, in writing, to the Director of OPMC attesting to her successful ongoing participation in the residency program, or shall cause the Director of her emergency medicine residency program to report immediately, in writing, to the Director of OPMC should Respondent leave the program.

- b. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active medical practice in New York State.
  - c. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
7. The Director of OPMC may review Respondent's professional performance. This review may include, but shall not be limited to: a review of office records, patient records, hospital charts and/or electronic records; and interviews or periodic visits with Respondent and staff at Respondent's practice locations, whether at those locations or at OPMC offices.
8. Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.
9. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
10. Respondent shall engage and continue in therapy with a treating health care professional (hereafter "Therapist"). Respondent shall cause the Therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. OPMC, at its discretion, may provide information or documentation from its investigative files concerning Respondent to Respondent's Therapist. The Therapist shall report to OPMC immediately if Respondent leaves treatment against medical advice or displays any symptoms of a suspected or actual relapse.
11. Respondent shall enroll, or continue enrollment, in the Committee for Physician Health (CPH) and shall engage in a contract with CPH that defines the terms, conditions and duration of Respondent's recovery program; the sole exception to this provision shall be that, upon the effective date of this Consent Order, and during Respondent's successful participation in the emergency medicine residency at YORK HOSPITAL, York, PA, Respondent shall, instead, continue her enrollment in the Physicians' Health Program of Pennsylvania, and all references to CPH below shall apply instead to the Physicians' Health Program of Pennsylvania.
- a. Respondent shall comply with the contract. Respondent shall give written authorization for CPH to provide the Director of OPMC with all information or documentation requested by OPMC to determine whether Respondent is in compliance with the contract and with this Order, including full access to all records maintained by CPH with respect to Respondent.
  - b. Respondent shall cause CPH to report to OPMC promptly if Respondent refuses to comply with the contract, refuses to submit to treatment or if Respondent's condition is not substantially alleviated by treatment.

- c. Respondent shall cause CPH to report immediately to OPMC if Respondent is regarded at any time to be an imminent danger to the public.
12. Respondent shall provide all treating physicians with a copy of this Consent Order. Respondent shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.
13. At the direction of the Director of OPMC, Respondent shall submit to evaluations by a board-certified psychiatrist, licensed mental health practitioner or other health care professional or program designated by the Director (hereafter "Evaluator.") Respondent shall provide the Evaluator with a copy of this Order and copies of all previous treatment records. OPMC, at its discretion, may provide information or documentation from its investigative files concerning Respondent to Respondent's Evaluator. The Evaluator shall report to the Director regarding Respondent's condition and fitness or incapacity to practice medicine. Respondent shall comply with all treatment recommendations based upon the evaluation; failure to comply with such treatment recommendations shall constitute professional misconduct.
14. Respondent shall enroll in and complete a continuing education program, which shall be subject to the Director of OPMC's prior written approval and which shall be completed within the first 90 days of the probation period.
15. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.



## EXHIBIT "C"

### **Nondisciplinary Conditions**

1. Licensee's conduct shall conform to moral and professional standards of conduct and governing law.
2. Licensee shall maintain active registration of Licensee's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Licensee shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Licensee's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; all current and past affiliations and/or privileges, with hospitals, institutions, facilities, medical practices, managed care organizations, and/or applications for such affiliations and/or privileges; all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Licensee shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Licensee shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Licensee's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Licensee shall meet in person with the Director's designee.
5. The Director of OPMC may review Licensee's professional performance. This review may include, but shall not be limited to: a review of office records, patient records, hospital charts and/or electronic records; and interviews or periodic visits with Licensee and staff at Licensee's practice locations, whether at those locations or at OPMC offices.
6. Licensee shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Licensee shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.
7. Licensee shall maintain complete, legible office and hospital medical records that accurately reflect the evaluation and treatment of Licensee's patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
8. Licensee shall provide all treating physicians with a copy of this Consent Order. Licensee shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.
9. Licensee shall engage and continue in therapy with a treating health care professional (hereafter "Therapist"). Licensee shall cause the Therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Licensee is in compliance with the treatment plan. OPMC, at its discretion, may provide information or documentation from its investigative

files concerning Licensee to Licensee's Therapist. The Therapist shall report to OPMC immediately if Licensee leaves treatment against medical advice or displays any symptoms of a suspected or actual relapse.

10. Licensee shall provide the Director of OPMC with, and ensure to keep current and effective, fully executed waivers of patient confidentiality for any prior or prospective evaluation and treatment records; these waivers shall comply with the requirements of federal confidentiality laws and regulations, including but not limited to: HIPAA, Public Law 104-191, et seq., and the laws governing confidentiality of substance abuse records, at 42 U.S.C. § § 290dd-3 and ee-3 and 42 C.F.R., Part 2.
11. At the direction of the Director of OPMC, Licensee shall submit to evaluations by a board-certified psychiatrist, licensed mental health practitioner or other health care professional or program designated by the Director (hereafter "Evaluator." Licensee shall provide the Evaluator with a copy of this Order and copies of all previous treatment records. OPMC, at its discretion, may provide information or documentation from its investigative files concerning Licensee to Licensee's Evaluator. The Evaluator shall report to the Director regarding Licensee's condition and fitness or incapacity to practice medicine. Licensee shall comply with all treatment recommendations based upon the evaluation; failure to comply with such treatment recommendations shall constitute professional misconduct.
12. Licensee shall enroll, or continue enrollment, in the Committee for Physician Health (CPH) and shall engage in a contract with CPH that defines the terms, conditions and duration of Licensee's recovery program. Licensee shall comply with the contract. Licensee shall give written authorization for CPH to provide the Director of OPMC with all information or documentation requested by OPMC to determine whether Licensee is in compliance with the contract and with this Order, including full access to all records maintained by CPH with respect to Licensee.
  - a. Licensee shall cause CPH to report to OPMC promptly if Licensee refuses to comply with the contract, refuses to submit to treatment or if Licensee's condition is not substantially alleviated by treatment.
  - b. Licensee shall cause CPH to report immediately to OPMC if Licensee is regarded at any time to be an imminent danger to the public.
13. The period of conditions shall toll when Licensee is not engaged in active medical practice in New York State for 30 consecutive days or more.
  - a. Licensee shall notify the Director of OPMC, in writing, if Licensee is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Licensee shall then notify the Director again at least 14 days before returning to active medical practice in New York State.
  - b. Upon Licensee's return to active medical practice in New York State, the period of conditions shall resume and Licensee shall fulfill any unfulfilled terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.

14. Licensee shall comply with all terms, conditions, restrictions, and limitations imposed by this Order and shall bear all related compliance costs. Upon receiving evidence of any violation of this Order, the Director of OPMC and/or the Board may initiate a proceeding against Licensee. Licensee's failure to comply with this Order, if proven, shall constitute professional misconduct as defined by N.Y. Educ. Law, including but not limited to N.Y. Educ. Law § 6530(29), which defines professional misconduct to include "... violating any... condition... imposed on the Licensee pursuant to section two hundred thirty of the public health law."