

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

June 28, 2011

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Raju Fatehchand, M.D.
REDACTED

RE: License No. 230960

Dear Dr. Fatehchand:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 11-161. This Order and any penalty provided therein goes into effect July 5, 2011.

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1717
Empire State Plaza
Albany, New York 12237

Please direct responses to: Board for Professional Medical Conduct, 433 River Street, Suite 303, Troy, NY 12180, telephone # (518)402-0863.

Sincerely,

REDACTED

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

cc: Elizabeth A. Talia, Esq.
300 State Street
Rochester, NY 14614

IN THE MATTER
OF
RAJU FATEHCHAND, M.D.

CONSENT
ORDER

Upon the application of **RAJU FATEHCHAND, M.D.** 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 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 transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 6/22/11

REDACTED

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

IN THE MATTER
OF
RAJU FATEHCHAND, M.D.

CONSENT
AGREEMENT
AND
ORDER

RAJU FATEHCHAND, M.D., represents that all of the following statements are true:

That on or about June 29, 1999, I was issued a three (3) year limited license to practice as a physician in the State of New York, and issued License No. 000922 by the New York State Education Department, and on or about January 8, 2004, I was licensed to practice as a physician in the State of New York, and issued License No. 230960.

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 (1) specifications of professional misconduct.

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

In full settlement of the Charges, I do not contest the First Specification (negligence on more than one occasion) 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(7) and (9), I shall be subject to a fine in the amount of \$1000 to be paid in full within 30 days of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1717
Albany, New York 12237

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

That Respondent shall 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 shall take effect 120 days after the Consent Order's effective date and 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 5/16/11

REDACTED

RAJU FATEHCHAND, M.D.
RESPONDENT

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

DATE: May 18, 2011

REDACTED

ELIZABETH A. TALIA, ESQ.
Attorney for Respondent

DATE: June 17, 2011

REDACTED

MICHAEL G. BASS, ESQ.
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 6/23/11

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
RAJU FATEHCHAND, M.D.

STATEMENT
OF
CHARGES

RAJU FATEHCHAND, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 29, 1999, by the issuance of a three (3) year limited License No. 000922 by the New York State Education Department, and was authorized to practice medicine in New York State on or about January 8, 2004, by the issuance of license number 230960 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A (patients are identified in the attached appendix), a 24 year old female, at Lifetime Health Medical Group, 800 Carter Street, Rochester, New York 14261 [hereinafter "LH"] from on or about May 2009 to on or about June 2009. On or about June 6, 2009, Patient A was treated for a urinary tract infection. On or about June 9, 2009, it had been noted that Patient A had an antibiotic resistance and a change in antibiotic was noted. On or about June 10, 2009, Patient A complained of, and demonstrated flu like symptoms. Respondent prescribed Patient A Benzonatate for her cough and sent her home. Later that day, Patient A arrived via ambulance to the Highland Hospital Emergency Department. Patient A was then treated with intravenous fluids and oral Tamiflu and found to be positive for influenza type A. Patient A was then treated and discharged home 2 days after admission. Respondent failed to meet

accepted standards of medical practice, in that:

1. Respondent failed to take Patient A's temperature at the June 10, 2009 appointment.
2. Respondent failed to review Patient A's recent medical history in his evaluation of Patient A's condition at her June 10, 2009 appointment.

B. Respondent provided medical care to Patient B, a 54 year old male at LH at various times on or about 2009. On or about June 15, 2009, Patient B had lab work done as part of a pre-operative evaluation in preparation for elective orthopedic surgery, which was to be performed at Rochester General Hospital [hereinafter "RGH"]. The aforementioned lab work indicated that Patient B had an elevated white blood cell count, and on or about June 22, 2009, RGH sent a fax to Respondent, requesting Respondent's authorization to proceed with the surgery given Patient B's blood test results. On or about June 23, 2009, Respondent "signed off" on Patient B proceeding to surgery without ordering any further blood tests nor notifying Patient B of the abnormal blood test results. Respondent failed to meet accepted standards in medical practice, in that;

1. Respondent, on or about June 23, 2009, "signed off" on Patient B proceeding to surgery without informing Patient B of the fact that Patient B's pre-operative evaluation demonstrated an elevated white blood cell count.

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 two or more of the following:

1. The facts in paragraphs A and A.1, A and A.2, and/or B and B.1.

DATED: Albany, New York
June 17, 2011

REDACTED

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