

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

**NEW YORK**  
*state department of*  
**HEALTH**

Public

Sue Kelly  
Executive Deputy Commissioner

November 30, 2011

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

Sanjeev K. Ahuja, M.D.

REDACTED ADDRESS

Re: License No. 199847

Dear Dr. Ahuja:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 11-290. This order and any penalty provided therein goes into effect December 7, 2011.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED SIGNATURE

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

Enclosure

cc: Richard S. Tubiolo, Esq.  
Hirsch & Tubiolo, P.C.  
1000 Reynolds Arcade Building  
16 East Main Street  
Rochester, NY 14614-1796

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

IN THE MATTER  
OF  
SANJEEV AHUJA, M.D.

CONSENT  
ORDER

BPMC No. 11-290

Upon the application of **SANJEEV AHUJA, 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: 11/29/2011

REDACTED SIGNATURE

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  
SANJEEV AHUJA, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

SANJEEV AHUJA, M.D., represents that all of the following statements are true:

That on or about June 29, 1995, I was authorized to practice medicine in the State of New York, and issued License No. 199847 by the New York State Education Department.

My current address is REDACTED ADDRESS, 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 Sanjeev Ahuja, M.D., in full satisfaction of the charges against me, do not contest paragraphs A and A.1 and the First Specification of the Statement of Charges and agree to the following penalty:

Pursuant to New York Pub. Health Law § 230-a(1), my license to practice medicine in New York State shall receive a Censure and Reprimand.

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: 11/11/11

REDACTED SIGNATURE

SANJEEV AHUJA, M.D.  
RESPONDENT

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

DATE: 11/12/11

REDACTED SIGNATURE

RICHARD S. TUBIÖLO, Esq.  
Attorney for Respondent

DATE: 11/21/11

REDACTED SIGNATURE

JOEL E. ABELOVE, ESQ.  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 11/28/11

REDACTED SIGNATURE

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  
SANJEEV AHUJA, M.D.

STATEMENT  
OF  
CHARGES

SANJEEV AHUJA, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 29, 1995, by the issuance of license number 199847 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Respondent provided care and treatment to Patient A (identified in the Appendix) on or about 2/11/08 at the Veterans Administration Western New York Healthcare System. Patient A presented with a chief complaint of gout. Respondent documented that he performed a physical examination of Patient A, when in fact he did not. Respondent's care and treatment of Patient A failed to meet accepted standards of medical care in the following respects:
1. Respondent's documentation of a physical exam that was not performed on Patient A constituted a deviation of the minimally acceptable standard of care.



## SPECIFICATION OF CHARGES

### FIRST SPECIFICATION

#### FAILING TO MAINTAIN A MEDICAL RECORD

Respondent is charged with committing professional misconduct as defined in N.Y. Education Law §6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of two or more of the following:

1. The Facts in Paragraphs A and A.1.

DATE: November 21, 2011  
Albany, New York

REDACTED SIGNATURE

PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct