

Public

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

IN THE MATTER

OF

YOGESH PANCHOLI, M.D.
CO-11-07-3962-A

COMMISSIONER'S
SUMMARY
ORDER

TO: Yogesh Pancholi, M.D.
REDACTED ADDRESS

The undersigned, Nirav R. Shah, M.D., M.P.H., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of Rhode Island, Department of Health, Board of Medical Licensure and Discipline, has made a finding substantially equivalent to a finding that the practice of medicine by **YOGESH PANCHOLI, M.D.**, Respondent, New York license number 219237, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Summary Suspension Order, dated August 13, 2011, and allied papers, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **YOGESH PANCHOLI** shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN VIOLATION OF THIS ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY DEFINED BY NEW YORK EDUCATION LAW §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in Rhode Island.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to Respondent after the final conclusion of the State of Rhode Island, Department of Health proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, 433 RIVER STREET, SUITE 1000, TROY, NY 12180-2299, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FINAL CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON SUCH

CONCLUSION.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-A. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE: Albany, New York

Feb 22, 2012

REDACTED SIGNATURE

Nirav R. Shah, M.D., M.P.H.
Commissioner of Health
New York State Department of Health

Inquires should be directed to:

Jude B. Mulvey
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**IN THE MATTER OF:
YOGESH B. PANCHOLI, M.D.
License Number MD 10616**

SUMMARY SUSPENSION

Yogesh B. Pancholi, MD (hereinafter "Respondent") is a 40 year old physician who is a 1997 graduate of New York Medical College in Valhalla, NY. He is board certified in Internal Medicine and has been licensed as a physician in the State of Rhode Island since June 13, 2001. His primary area of practice is walk-in treatment centers. Additionally, he has been authorizing patients to apply for a medical marijuana card from the Department of Health.

FINDINGS OF FACT

1. The Respondent came to Rhode Island from New York where he was being monitored by NY Committee for Physicians Health beginning in March 2000. His monitoring contract responsibilities were transferred to the Rhode Island Medical Society Physician Health Committee.
2. The Respondent has had a series of compliance issues with his monitoring and treatment at the Physician Health Committee leading to a 2007 in-patient evaluation at the Farley Center where he was diagnosed with an impairing disorder, alcohol abuse, and marijuana abuse. He later had an involuntary admission to a hospital for evaluation.
3. The Respondent also bought substances over the internet which were designed to provide false negative readings for substance abuse monitoring by the Physician Health Committee.
4. The Respondent has been under investigation by the Board of Medical Licensure and Discipline for drug diversion and prescribing controlled substances inappropriately.

5. Respondent has advertised his medical marijuana business in a local magazine where he offered to teach people how to grow marijuana and perform the evaluations which he charged between \$350 and \$400 (cash only) per patient.
6. The Respondent was informed by the Physician Health Committee that he had to stop performing these evaluations and re-enter an evaluation and treatment program.
7. The Respondent abandoned certain records of his practice, including the names of his medical marijuana patients, which were found by his landlord in his former office in Pawtucket. This is a violation of the Confidentiality of Health Care Information and Communications Act, R.I.G.L. § 5-37.3-4 and the confidentiality provisions of the Medical Marijuana Act, R.I.G.L. § 21-28.6-6(j). Therefore, the Respondent is subject to discipline by the board for unprofessional conduct in violation of R.I.G.L. § 5-37-5.1 (19) for failing to conform to the minimum standards of professional practice.
8. The Physician Health Committee has referred the Respondent to the Board of Medical Licensure and Discipline. This matter was presented to the Director of Health for immediate action.

ORDER

Based upon the foregoing, the Director of Health has determined that the continuation of the practice of medicine by Yogesh B. Pancholi, MD constitutes an immediate threat to the health, welfare and safety of the public. Accordingly, Yogesh B. Pancholi, MD is hereby suspended from practicing medicine forthwith pursuant to R.I. General Laws §5-37-8. This suspension will remain in full force and effect until further action of the Board.

The Respondent may request a hearing on this matter to be will be scheduled within ten (10) days of the effective date below, if so requested.

Signed this 13th day of April 2011.

REDACTED SIGNATURE

Michael Fine, MD
Interim Director of Health

CERTIFICATION OF SERVICE

I hereby certify that a copy of this Summary Suspension Order was sent via hand delivery and facsimile to the Respondent's attorney on this 13th day of April 2011 at the following addresses:

Robert B. Mann, Esq.
501 Turk's Head Place
Providence, RI 02903

REDACTED SIGNATURE
