

Public

NEW YORK
state department of
HEALTH

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

Sue Kelly
Executive Deputy Commissioner

May 2, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Joel E. Ablove, Esq.
NYS Department of Health
Corning Tower Room 2512
Empire State Plaza
Albany, New York 12237

Navindra Ramdeen, D.O.
[REDACTED]

Carolyn Shearer, Esq.
Bond, Schoeneck & King
111 Washington Avenue
Albany, New York 12210

RE: In the Matter of Navindra Ramdeen, D.O.

Dear Parties:

Enclosed please find the Determination and Order (No. 13-124) 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 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
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

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), (McKinney Supp. 2013) and §230-c subdivisions 1 through 5, (McKinney Supp. 2013), "the 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 penalties other than suspension or revocation 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., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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,


James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH:nm
Enclosure

COPY

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

-----X
IN THE MATTER : DETERMINATION
: :
OF : AND
: :
NAVINDRA RAMDEEN, D.O. : ORDER
CO-10-12-7754-A :
-----X

BPMC-13-124

A Notice of Referral Proceeding and Statement of Charges, both dated December 20, 2012, were served upon the Respondent, Navindra Ramdeen, D.O. **JILL M. RABIN, M.D. (Chair), LELAND DEANE, M.D., M.B.A., and CAROLYN C. SNIPE**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Joel E. Abelove, Esq., Associate Counsel. The Respondent appeared by Bond, Schoeneck & King, Carolyn Shearer, Esq., of Counsel. A hearing was held on March 13, 2013. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law §6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(b) in that he was found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of this state.

He is also charged with having violated New York Education Law §6530(9)(d) by having surrendered his license to practice medicine in another state after disciplinary action was instituted by said other state. A copy of the Statement of Charges is attached to this Determination and Order in Appendix

I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. 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. Navindra Ramdeen, D.O. (hereinafter, "Respondent"), was authorized to practice medicine in New York State on March 10, 2008 by the issuance of license number 247858 by the New York State Education Department. (Ex. #5).

2. On or about November 29, 2012, the Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), *inter alia*, accepted the surrender of Respondent's medical license, based on Respondent's unprofessional conduct - including alcohol abuse, dishonesty, filing of false documents, practice during license suspension and conviction of a felony. (Exhibit #6).

3. On March 23, 2011, Respondent was arrested and charged with driving under the influence of alcohol. His blood alcohol level was 0.27%. (Exhibit #6).

4. On April 15, 2011, Respondent was again arrested and charged with driving under the influence as well as with felony hit and run, causing bodily injury. Respondent's blood alcohol level was found to be 0.21%. (Exhibit #6).

5. A urine test of Respondent's conducted by the California Board on July 26, 2011 tested positive for marijuana. (Exhibit #6).

6. On August 11, 2011, the California Board issued an Interim Suspension Order against Respondent. (Exhibit #6).

7. Respondent submitted a forged document to the California Board misstating his blood alcohol level following the March 23, 2011 arrest. (Exhibit #6).

8. During the period of suspension of his medical license, Respondent issued an oral prescription for Seroquel to be dispensed [REDACTED]. The prescription was filled and dispensed to [REDACTED] on August 29, 2011. (Exhibit #6).

9. On or about March 8, 2012, in the Superior Court for the county of Sacramento, State California, Respondent pled no contest to one felony count of offering a forged document. He had falsified a laboratory report, misstating his blood alcohol level in a submission to the California Board (Exhibit #6; T. 38).

10. Also on March 8, 2012, in the Superior Court, Respondent pled no contest to a felony violation of driving under

the influence of alcohol and causing bodily injury. Respondent was sentenced to 5 years of probation, in addition to various conditions including enrollment in an alcohol program and abstention from consumption of any amount of alcohol. (Exhibit #6).

11. During the period January 26, 2012 through April 18, 2012, Respondent attended a residential alcohol rehabilitation program at [REDACTED]. (Exhibit C).

12. On May 8, 2012, Respondent was contacted by probation officers at his apartment. He initially denied drinking. He was then administered a breathalyzer test demonstrating a Breath Alcohol level of .006%. He then admitted to drinking and was arrested. (Exhibit #6).

13. Respondent was found to have violated the terms of his probation and was incarcerated in the Sacramento County Jail during the period May 7, 2012 through October 14, 2012. (T.23).

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The evidence clearly established that the Respondent was convicted of a crime under the laws of another jurisdiction by virtue of his convictions for driving under the influence and issued forged documents. Further, the California Board took disciplinary action against Respondent based upon his criminal convictions. The evidence demonstrates that Respondent is a habitual abuser of alcohol, and was fundamentally dishonest in his dealings with the California Board. Respondent's conduct, had it occurred in New York, would constitute professional misconduct in violation of New York Education Law §6530(8) [being an habitual abuser of alcohol]; §6530(9)(a)(iii) [being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law]; §6530(12) [practicing the profession while the license was suspended]; §6530(20) [conduct which evidences moral unfitness to practice the profession], and §6530(21) [making or filing a false report]. Therefore, the First and Second Specifications of

professional misconduct shall be sustained.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that the Respondent's license to practice medicine in New York State shall be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Respondent is a very troubled individual. Despite clear evidence of a long-standing addiction to alcohol, Respondent initially claimed that his problems with alcohol only started in 2011 after he moved to California with his fiancé. (T. 52). When confronted with evidence of drunken episodes dating back to at least July 2010, requiring emergency hospitalization, Respondent was forced to concede that even before he moved to California he was prone to bouts of excessive drinking. (T. 83).

Respondent displayed a serious lack of insight into the depths of his addiction. Within days of release from the residential treatment program at [REDACTED] Respondent relapsed into alcohol consumption. The result of this lapse in judgment

was five months of incarceration. He made a point of stating that he had been alcohol free since May 7, 2012. However, the time between May 7 and October 14, 2012 was when he was in jail, and forced to remain abstinent. Although he claims to be alcohol and drug free, he has no objective evidence to support that claim. He has not participated in any type of outpatient treatment program since the discharge from [REDACTED], and has not been subjected to any level of random screening for alcohol and drugs. It was only after he received the charges in this matter that Respondent contacted the Committee on Physician's Health to make arrangements for an evaluation.

Even when doing so, Respondent showed his lack of insight. He did not contact CPH because they could help him obtain the treatment needed to remain drug and alcohol free. Instead, he contacted them because he believes that they would be a good advocate for him before the OPMC. (T. 56). Indeed, Respondent feels "completely capable with remaining sober on my own". (T. 88)..

Respondent also demonstrated poor judgment regarding his readiness to resume medical practice, although he is "receptive" to having his practice monitored. (T. 28). Respondent, who is not a psychiatrist, attempted to treat [REDACTED] for bipolar disorder, without full knowledge of the side effects of the medication he was prescribing, or the maintenance of a proper

doctor-patient relationship. In addition, Respondent has not practiced medicine since his license suspension in August, 2011. Moreover, his overall medical practice experience since completing his residency in 2008 was sporadic at best.

The Hearing Committee recognizes that revocation is a harsh sanction to impose on such a young Respondent. However, given his demonstrated poor insight and judgment and the lack of any objective proof of a long term commitment to sobriety, the Hearing Committee could not in good conscience allow Respondent to return to practice in New York. This would present a grave risk to the people of this state.

Respondent may apply for reinstatement of his medical license after three years. We sincerely hope that Respondent uses that time to engage in the long-term treatment he desperately needs in order to maintain sobriety, and seek to rejoin the medical profession.

ORDER


Based upon the foregoing, IT IS HEREBY ORDERED THAT:

1. The First and Second Specifications of professional misconduct, as set forth in the Statement of Charges (Exhibit # 1) are SUSTAINED;

2. Respondent's license to practice as a physician in the State of New York be and hereby is REVOKED.

3. This Determination and Order shall be effective upon service. Service shall be either by certified mail upon Respondent at Respondent's last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: New York, New York
April 30th, 2013



JILL M. RABIN, M.D. (CHAIR)

LELAND DEANE, M.D., M.B.A.
CAROLYN SNIPE

TO: Joel E. Abelove, Esq.
Associate Counsel
New York State Department of Health
Corning Tower, Room 2512
Albany, New York 12237

Navindra Ramdeen, D.O.
[REDACTED]

Carolyn Shearer, Esq.
Bond, Schoeneck & King
111 Washington Avenue
Albany, NY 12210

APPENDIX I

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

IN THE MATTER
OF
NAVINDRA RAMDEEN, M.D.
CO-10-12-7754-A

STATEMENT
OF
CHARGES

NAVINDRA RAMDEEN, M.D., Respondent, was authorized to practice medicine in New York state on March 10, 2008, by the issuance of license number 247858 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about November 29, 2012, the Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision and Order (hereinafter "California Decision"), inter alia, accepted the surrender of Respondent's medical license, based on Respondent's unprofessional conduct – alcohol abuse; dishonesty; false documents; practice during suspension; and conviction of a felony.
- B. The conduct resulting in the California Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:
1. New York Education Law §6530(8) (Being a habitual abuser of alcohol).
 2. New York Education Law §6530(9(a)(iii)) (Being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law).
 3. New York Education Law §6530(12) (Practicing the profession while the license is suspended).
 4. New York Education Law §6530(20) (Moral unfitness).
 5. New York Education Law §6530(21) (Willfully making or filing a false report).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A, and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked and/or having other disciplinary action taken or having surrendered his license to practice medicine after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the surrender of license, revocation of license and/or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A, and/or B.

DATED: *Dec. 20*, 2012
Albany, New York

██████████

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