

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

NEW YORK
state department of
HEALTH

Public

Sue Kelly
Executive Deputy Commissioner

August 1, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Devi S. Reddy, M.D.
Federal Register #63312-054
Federal Prison Camp-Schuylkill
P.O. Box 670
Minersville, Pennsylvania 17954-0670

Michael G. Bass, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2512
Albany, New York 12237

RE: In the Matter of Devi S. Reddy, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 12-153) 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. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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,

REDACTED

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH:cah
Enclosure

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

COPY

**IN THE MATTER
OF
DEVI S. REDDY, M.D.**

**DETERMINATION
AND
ORDER**

BPMC#12-153

A hearing was held on July 18, 2012, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Order and Notice of Referral Proceeding with Statement of Charges, dated April 27, 2012, were served upon the Respondent, **Devi S. Reddy, M.D.** Pursuant to Section 230(10)(e) of the Public Health Law, **Therese G. Lynch, M.D.**, Chairperson, **Andrew J. Merritt, M.D.**, and **Randolph H. Manning, Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **William J. Lynch, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by James E. Dering, Esq., General Counsel, by **Michael G. Bass, Esq.**, of Counsel. The Respondent, who is incarcerated serving a 60 month sentence, did not appear at the hearing; however, he submitted a letter and a copy of his curriculum vitae for consideration at the hearing. Evidence was received 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 when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, the misconduct alleged is based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that 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, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(ii), in that he was convicted of an act constituting a crime under federal law. Copies of the Commissioner's Order and Notice of Referral Proceeding with the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:	None
For the Respondent:	None

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to 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. All Hearing Committee findings were unanimous.

1. Devi S. Reddy, M.D., the Respondent, was authorized to practice medicine in New York State on February 11, 1976, by the issuance of license number 126326 by the New York State Education Department (Petitioner's Ex. 3).

2. On December 20, 2011, in the United States District Court, Southern District of New York, Respondent was found guilty, based upon a plea of guilty, of Conspiracy to Distribute and Possess with Intent to Distribute Schedule II Controlled Substances, in violation of Title 21 of the United States Code, Section 846, a felony, and was sentenced to sixty months of imprisonment, three years of supervised release and a \$20,000 fine (Petitioner's Ex. 4).

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

Respondent violated New York Education Law Section 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law.

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The evidence established that Respondent is a convicted felon who is incarcerated for having unlawfully conspired with others to violate the narcotics laws of the United States. The object of the conspiracy was to unlawfully distribute schedule II controlled substances.

Respondent submitted a letter and a copy of his curriculum vitae for consideration by the Hearing Committee which was admitted into evidence. In the letter, Respondent alleges that he was not told that he would be convicted of a felony when he accepted the guilty plea. Respondent contends that that he is therefore appealing his conviction and awaiting the results. Respondent

states in his letter that he is a dedicated physician who is passionate about continuing his ability to heal people and asks the Hearing Committee to suspend his license for no more than one year.

Although Respondent may be in the process of appealing his criminal conviction, that issue is not properly before this Hearing Committee. At present, Respondent stands convicted of a felony. In the event Respondent is successful in his appeal, he may file a petition pursuant to section 230(10)(q) of the New York Public Health Law with the Director of the Office of Professional Medical Conduct, requesting vacatur or modification of this determination.

The Hearing Committee, therefore, pursuant to the Findings of Fact set forth above, determined by a unanimous vote that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension, probation, censure, and the imposition of civil penalties. Due to his criminal conduct, Respondent is no longer entitled to the trust which is required of those who practice the medical profession.

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice medicine in the State of New York is revoked.
2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Pittsford, New York

July 31, 2012

REDACTED

Therese G. Lynch, M.D.
Chairperson

Andrew J. Merritt, M.D.
Randolph H. Manning, M.D.

TO: Devi S. Reddy, M.D.
Federal Register #63312-054
Federal Prison Camp – Schuylkill
Post Office Box 670
Minersville, Pennsylvania 17954-0670

Michael G. Bass, Esq.
Attorney for Petitioner
Associate Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237

APPENDIX 1

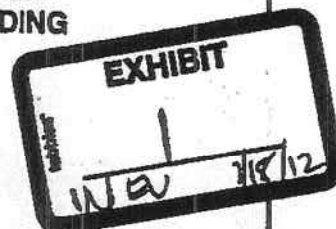
STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

DEVI S. REDDY, M.D.
CO-11-09-5258-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING



TO: Devi S. Reddy, M.D.
FCI Schuylkill
Federal Correctional Institution
PO Box 759
Minersville, PA 17954

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 **DEVI S. REDDY, M.D.**, Respondent, licensed to practice medicine in the State of New York on February 11, 1976, by license number 126326, has been convicted of committing an act constituting a felony under federal law, in the United States District Court, Southern District of New York, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **DEVI S. REDDY, M.D.**, 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 VIOLATION OF THIS COMMISSIONER'S 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.

PLEASE TAKE NOTICE that a 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 the 13th day of June 2012, at 10:30 a.m., at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five

days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

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.

DATED: Albany, New York
Apr 27, 2012

REDACTED

NIRAV R. SHAH, M.D., M.P.H.
Commissioner of Health
New York State Department of Health

Inquires should be addressed to:

Michael G. Bass
Assistant Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

IN THE MATTER
OF
DEVI S. REDDY, M.D.
CO-11-09-5258-A

STATEMENT
OF
CHARGES

DEVI S. REDDY, M.D., Respondent, was authorized to practice medicine in New York state on or about February 11, 1976, by the issuance of license number 126326 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 3, 2011, in United States District Court, Southern District of New York, Respondent plead guilty to one count of Conspiracy to Distribute and Possess with Intent to Distribute Schedule II Controlled Substances, a felony, in violation of Title 21 of the United States Code, Section 846. On or about December 20, 2011, in United States District Court, Southern District of New York, Respondent was sentenced, inter alia, to sixty (60) months of imprisonment.

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law Section 6530(9)(a)(ii) by being convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *April 27*, 2012
Albany, New York

REDACTED

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