

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

Public

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

Sue Kelly  
Executive Deputy Commissioner

March 7, 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Jude B. Mulvey, Esq.  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237

Venkata Pulakanti, M.D.  
REDACTED

**RE: In the Matter of Venkata Pulakanti, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 13-65) 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

-----X  
IN THE MATTER : DETERMINATION  
: :  
OF : AND  
: :  
VENKATA PULAKANTI, M.D. : ORDER  
CO-12-01-2834-A :  
-----X

BPMC #13-65

COPY

A Notice of Referral Proceeding and Statement of Charges, both dated August 30, 2012, were served upon the Respondent, Venkata Pulakanti, M.D. **TREVOR A. LITCHMORE, M.D. (Chair), JANET M. MILLER, R.N., and REID T. MULLER, M.D.,** 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 Jude B. Mulvey, Esq., Associate Counsel. The Respondent failed to appear in person, and was not represented by counsel. A hearing was held on January 24, 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) and §6530(9)(d), by virtue of having been disciplined by the State of California's duly authorized disciplinary agency for conduct, which if occurring in New York, would constitute professional misconduct pursuant to the New York Education Law. A copy of the Statement of Charges is attached to this Determination and Order in Appendix I.

The Department was unable to personally serve Respondent with the Notice of Referral Proceeding and Statement of Charges.

However, the Department achieved substituted service by mailing the Notice and Statement of Charges to Respondent by certified

mail, return receipt requested. Accordingly, the administrative law judge ruled that the Department had successfully obtained jurisdiction over Respondent.

#### 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. Venkata Pulakanti, M.D., (hereinafter "Respondent") was authorized to practice medicine in New York State on July 21, 1992 by the issuance of license number 189846 by the New York State Education Department. (Exhibit #4).

2. On or about January 9, 2012, the Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision ("California Decision"), revoked Respondent's license to practice medicine. This action was taken following a contested administrative hearing which resulted in a determination that Respondent's medical care demonstrated gross negligence, repeated negligent acts, dishonest or corrupt acts, general unprofessional conduct, and alteration and/or falsification of patient records. Respondent's petition

for reconsideration was denied and the California Decision became effective on March 9, 2012. (Exhibit #5).

#### 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 established that Respondent was disciplined by the California Board, a duly authorized disciplinary agency of the State of California. The evidence produced at his California administrative hearing led to multiple findings of professional misconduct, which are more fully set forth in the California Decision. The conduct found by the California Board would, if committed in New York State, constitute misconduct pursuant to New York Education Law §6530(3) [negligence on more than one occasion]; §6530(4) [gross negligence]; §6530(20) [conduct evidencing moral unfitness to practice the profession], and §6530(32) [failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient].

As a result, the Hearing Committee voted to sustain the First and Second Specifications of professional misconduct.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine should 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's California medical license was revoked following multiple findings of violation of professional standards of practice. He failed to appear at this hearing, or to present any evidence which might mitigate the sanction to be imposed. Under the circumstances, revocation of his New York medical license is the only sanction which will adequately protect the people of New York.

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 medicine in New York State 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: Albany, New York  
, 2013

03/01/2013

REDACTED

TREVOR A. LITCHMORE, M.D. (CHAIR)

JANET M. MILLER, R.N.  
REID T. MULLER, M.D.

TO: Jude B. Mulvey, Esq.  
Associate Counsel  
New York State Department of Health  
Corning Tower - Room 2512  
Albany, New York 12237

Venkata Pulakanti, M.D.

REDACTED



## **APPENDIX I**

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

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IN THE MATTER  
OF  
VENKATA PULAKANTI, M.D.  
CO-12-01-02834-A

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STATEMENT  
OF  
CHARGES

VENKATA PULAKANTI, M.D., Respondent, was authorized to practice medicine in New York State on July 21, 1992, by the issuance of license number 189846 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about January 9, 2012, the Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision (hereinafter "California Decision"), revoked Respondent's license to practice medicine, based on, inter alia, gross negligence, repeated negligent acts, dishonest or corrupt acts, general unprofessional conduct, and alteration and/or falsification of patient records. Respondent's petition for reconsideration was denied and the California Decision was effective March 9, 2012.

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 State Education Law §6530(3) (negligence on more than one occasion);
2. New York State Education Law §6530(4) (gross negligence);
3. New York State Education Law §6530(32) (failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient); and/or
4. New York State Education Law §6530(20) (moral unfitness).

**SPECIFICATIONS**

**First Specification**

Respondent violated New York State 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, the that Petitioner charges:

1. The facts in Paragraphs A and/or B

**Second Specification**

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

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

DATED: *August 30*, 2012  
Albany, New York

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