



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

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Office of Professional Medical Conduct

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Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

December 12, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Chaitanya V. Dave, M.D.
3326 Circle Brook Drive
Apartment 1, Peeble Creek Apartments
Roanoke, VA 24014

RE: License No. 203057

Dear Dr. Dave:

Enclosed please find Order #BPMC 01-301 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 12, 2001.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Valerie Donovan, Esq.

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

IN THE MATTER
OF
CHAITANYA V. DAVE, M.D.

CONSENT
ORDER


BPMC No. 01-301

Upon the proposed agreement of Chaitanya V. Dave, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 12/10/01


WILLIAM P. DILLON, 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
CHAITANYA V. DAVE, M.D.

CONSENT
AGREEMENT
AND
ORDER

Chaitanya V. Dave, M.D., representing all statements herein made to be true, deposes and says:

That on or about May 22, 1996, I was licensed to practice as a physician in the State of New York, having been issued License No. 203057 by the New York State Education Department.

My current address is 3326 Circle Brook Drive, Apartment 1, Pebble Creek Apartments, Roanoke, Virginia 24014, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with forty-eight specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to specifications six through nineteen, in full satisfaction of the charges against me. I hereby agree to the following penalty:

1. My license to practice medicine in the State of New York shall be suspended for a period of eighteen months. Said suspension shall be stayed.
2. Within thirty days of the effective date of this order, I shall begin treatment for alcohol abuse in an intensive, outpatient alcohol abuse treatment program. I agree to abide by all evaluation and

treatment recommendations of the facility, and I agree to successfully complete all program requirements.

3. Effective immediately, I shall abide by the impairment monitoring terms as stated in Exhibit B.
4. A five year period of probation subject to the terms and conditions set forth in Exhibit C.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet

with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via

facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

Chaitanya V. Dave, M.D.

CHAITANYA V. DAVE, M.D.
RESPONDENT

DATED 11-28-01
11:02 AM

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 11/28/01

Valerie B. Donovan

VALERIE B. DONOVAN
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 12/07/01



DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

Exhibit "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
CHAITANYA V. DAVE, M.D. : CHARGES

-----X

CHAITANYA V. DAVE, M.D., the Respondent, was authorized to practice as a physician in New York State on May 22, 1996, by the issuance of license number 203057 by the New York State Education Department. Respondent is currently registered with the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 28, 1986, Respondent was convicted in the Harris County District Court, Texas, of Driving While Intoxicated, a misdemeanor.

B. From in or about July, 1989 through in or about October, 1989, Respondent held a position as PGY I with Jersey Shore Medical Center (Jersey Shore), Neptune, New Jersey. Jersey Shore placed Respondent on probation and/or terminated Respondent from his position as PGY I effective on or about November 6, 1989, due to "gross dereliction of duty."

C. On or about February 11, 1994, Respondent signed an Application for License and First Registration with the New

York State Education Department.

1. Respondent fraudulently and/or willfully answered "No" to question 10, "Have you ever been convicted of a crime (felony or misdemeanor) in any state or country?", when he knew that on or about February 28, 1986, he was convicted in the Harris County District Court, Texas, of Driving While Intoxicated, a misdemeanor.

2. Respondent fraudulently and/or willfully answered "No" to question 11, "Have you ever been charged with a crime (felony or misdemeanor) in any state or country, the disposition of which was other than acquittal or dismissal?", when he knew that on or about February 28, 1986, he was convicted in the Harris County District Court, Texas, of Driving While Intoxicated, a misdemeanor.

3. Respondent fraudulently and/or willfully responded "No" to Question 14, "Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such

measures?", when he knew that he had held a position as PGY I with Jersey Shore from in or about July, 1989 through in or about October, 1989, and that Jersey Shore terminated him from the position effective on or about November 6, 1989, due to "gross dereliction of duty."

4. In response to question 7 of the Candidate Education and Training Record, which requests detail on clinical clerkships, respondent responded "Please see attached sheet". On the attached sheet Respondent fraudulently and/or willfully omitted listing the PGY 1 position that he knew he had held at Jersey Shore from approximately July 1989 through October 1989.

D. On or about May 7, 1996, Respondent signed an Application for License and First Registration with the New York State Education Department.

1. Respondent fraudulently and/or willfully answered "No" to question 11, "Have you ever been convicted of a crime (felony or misdemeanor) in any state or country?", when he knew that on or about February 28, 1986, he was convicted in the Harris County District Court, Texas, of Driving While Intoxicated, a misdemeanor.

2. Respondent fraudulently and/or willfully answered "No" to question 12, "Have you ever been charged with a crime (felony or misdemeanor) in any state or country, the disposition of which was other than acquittal or dismissal?", when he knew that on or about February 28, 1986, he was convicted in the Harris County District Court, Texas, of Driving While Intoxicated, a misdemeanor.

3. Respondent fraudulently and/or willfully responded "No" to Question 15, "Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such measures?", when he knew that he had held a PGY 1 position with Jersey Shore from in or about July, 1989 through in or about October, 1989, and that Jersey Shore terminated him from the position effective on or about November 6, 1989.

4. In response to question 18, "Provide a chronological list of all activities since graduation from professional school to the present," Respondent listed various internships

and residencies he had held, and he fraudulently and/or willfully omitted listing the PGY 1 position he knew he had held at Jersey Shore from approximately July 1989 through October 1989.

5. In the attachment Respondent provided for both question 17 (which requested information on clinical clerkships) and for question 18 (see above), Respondent fraudulently and/or willfully wrote for the time period of July 1989 through May 1990, "vacation, visit to India, marriage, and time with family", when he knew that he had also held a position as PGY 1 at Jersey Shore from approximately July 1989 through approximately October, 1989.

E. On or about October 15, 1997, Respondent signed an application for licensure with the Florida Department of Health.

1. Respondent fraudulently and/or willfully answered "No" to question 15, "During any postgraduate training were you ever on probation, restrictions, suspension, revocation, modification, or otherwise acted against...?", when he knew that he had been on probation while a PGY I resident with Jersey Shore.

2. Respondent fraudulently and/or willfully answered "No" to question 15, "Have you ever been requested to leave, temporarily or permanently, a medical training program prior to completion of training?", when he knew that he had been terminated from his PGY I position with Jersey Shore prior to completion of the training period.

3. Respondent fraudulently and/or willfully answered "No" to question 29, "Regardless of adjudication have you ever been convicted of a violation of, or pled Nolo Contendere, to, any Federal, State, Local statute, regulation or ordinance, or entered into any plea, negotiated plea, bargain, or settlement relating to a misdemeanor or felony?", when he knew that on or about February 28, 1986, he was convicted in the Harris County District Court, Texas, of Driving While Intoxicated, a misdemeanor.

4. Respondent fraudulently and/or willfully answered "No" to question 37, "Have you ever been criminally or civilly charged with any intentional or negligent action related to use or misuse of drugs, alcohol, or illegal chemical

substances?" , when he knew that on or about February 28, 1986, he was convicted in the Harris County District Court, Texas, of Driving While Intoxicated, a misdemeanor.

F. On or about January 19, 1999, Respondent was arrested for Driving While Intoxicated, a misdemeanor. On or about April 8, 1999, Respondent pled guilty, in the Nassau County First District Court, New York, to the reduced charge of driving while ability impaired by alcohol.

G. On or about September 21, 1999, Respondent signed a Registration Remittance Document with the New York State Education Department, and fraudulently and/or willfully responded "No" to question 2, "Since you last filed a registration application: a. Have you been convicted or charged with any crime (felony or misdemeanor) in any state or country, the disposition of which was other than acquittal or dismissal?" , when he knew that on or about January 19, 1999, he was arrested for Driving While Intoxicated, a misdemeanor, and that on or about April 8, 1999, he pled guilty to the reduced charge of driving while ability impaired by alcohol, a disposition which was neither an acquittal nor dismissal.

H. On or about April 9, 2001 through April 12, 2001, medical personnel at the William J. Farley Center, Williamsburg, Virginia, evaluated Respondent and concluded

that Respondent met the diagnostic criteria for alcohol dependence, and that Respondent demonstrated the need for intensive treatment for alcohol dependence.

SPECIFICATIONS OF MISCONDUCT

FIRST THROUGH FIFTH SPECIFICATIONS

OBTAINING THE LICENSE FRAUDULENTLY

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(1) by obtaining his medical license fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A and/or D and D.1.
2. The facts in Paragraphs A and/or D and D.2.
3. The facts in Paragraphs B and/or D and D.3.
4. The facts in Paragraphs B and/or D and D.4.
5. The facts in Paragraphs B and/or D and D.5.

SIXTH THROUGH NINETEENTH SPECIFICATIONS

WILLFULLY FILING A FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making and filing a false report, in that Petitioner charges:

6. The facts in Paragraphs A and/or C and C.1.
7. The facts in Paragraphs A and/or C and C.2.
8. The facts in Paragraphs B and/or C and C.3.
9. The facts in Paragraphs B and/or C and C.4.

10. The facts in Paragraphs A and/or D and D.1.
11. The facts in Paragraphs A and/or D and D.2.
12. The facts in Paragraphs B and/or D and D.3.
13. The facts in Paragraphs B and/or D and D.4.
14. The facts in Paragraphs B and/or D and D.5.
15. The facts in Paragraphs B and/or E and E.1.
16. The facts in Paragraphs B and/or E and E.2.
17. The facts in Paragraphs A and/or E and E.3.
18. The facts in Paragraphs A and/or E and E.4.
19. The facts in Paragraphs F and/or G.

TWENTIETH THROUGH THIRTY-THIRD SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by New York Education Law § 6530(2) by practicing the profession of medicine fraudulently, in that Petitioner charges:

20. The facts in Paragraphs A and/or C and C.1.
21. The facts in Paragraphs A and/or C and C.2.
22. The facts in Paragraphs B and/or C and C.3.
23. The facts in Paragraphs B and/or C and C.4.
24. The facts in Paragraphs A and/or D and D.1.
25. The facts in Paragraphs A and/or D and D.2.
26. The facts in Paragraphs B and/or D and D.3.
27. The facts in Paragraphs B and/or D and D.4.
28. The facts in Paragraphs B and/or D and D.5.

29. The facts in Paragraphs B and/or E and E.1.
30. The facts in Paragraphs B and/or E and E.2.
31. The facts in Paragraphs A and/or E and E.3.
32. The facts in Paragraphs A and/or E and E.4.
33. The facts in Paragraphs F and/or G.

THIRTY-FOURTH THROUGH FORTY-SEVENTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined by New York Education Law § 6530(20) by conduct in the practice of medicine which evidences moral unfitness, in that Petitioner charges:

34. The facts in Paragraphs A and/or C and C.1.
35. The facts in Paragraphs A and/or C and C.2.
36. The facts in Paragraphs B and/or C and C.3.
37. The facts in Paragraphs B and/or C and C.4.
38. The facts in Paragraphs A and/or D and D.1.
39. The facts in Paragraphs A and/or D and D.2.
40. The facts in Paragraphs B and/or D and D.3.
41. The facts in Paragraphs B and/or D and D.4.
42. The facts in Paragraphs B and/or D and D.5.
43. The facts in Paragraphs B and/or E and E.1.
44. The facts in Paragraphs B and/or E and E.2.
45. The facts in Paragraphs A and/or E and E.3.
46. The facts in Paragraphs A and/or E and E.4.
47. The facts in Paragraphs F and/or G.

FORTY-EIGHTH SPECIFICATION

BEING A HABITUAL ABUSER OF ALCOHOL

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(8) by being a habitual abuser of alcohol, in that Petitioner charges:

48. The facts in Paragraphs A, F and/or H.

DATED: *October 30*, 2001
Albany, New York

Peter D. Van Buren

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

EXHIBIT "B"

Impairment Monitoring

1. Respondent shall remain drug/alcohol free.
2. Respondent shall enroll in the Committee for Physicians' Health (CPH) and shall engage in a contract with CPH which fully describes the terms, conditions and duration of a recovery program. Respondent shall fully comply with the contract.
3. Respondent shall provide a written authorization for CPH to provide to the Director of OPMC with any/all information or documentation requested by OPMC to determine whether Respondent is in compliance with the contract.
4. Respondent shall cause CPH to report to OPMC if Respondent refuses to comply with the contract, refuses to submit to treatment or whose impairment is not substantially alleviated by treatment. CPH shall report immediately to OPMC if Respondent is regarded at any time to be an imminent danger to the public.
5. Respondent shall provide written authorization for access to any and all treatment records to the Director of OPMC, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299, and with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with his treatment plan.
6. Respondent shall cause the treatment program to submit quarterly reports to the Director of OPMC documenting whether Respondent has been in compliance with all aspects of the program. These reports shall include, at a minimum, documentation of Respondent's progress in therapy, results of all drug/alcohol screens and information regarding his practice.
7. Respondent shall notify the Director of OPMC, **within thirty (30) days**, of any residential or practice address change as well as any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility.
8. Respondent shall submit written notification to the Director of OPMC of his intent to return to the active practice of medicine in New York State at least thirty (30) days prior to his return.
9. Should Respondent not have completed the alcohol abuse treatment program prior to his return to the active practice of medicine in New York State, then Respondent must, prior to commencement of his practice in New York State, inform the Director of OPMC of the manner in which he will complete his treatment program, and obtain the written approval of OPMC. Respondent agrees that the Director of OPMC may impose impairment monitoring conditions and requirements upon him for his practice of medicine in New York State. Furthermore, Respondent may not commence the practice of medicine in New York State until all proposed monitors have been approved in writing by OPMC.

EXHIBIT "C"

Terms of Probation

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession. Respondent acknowledges that if he commits professional misconduct as enumerated in New York State Education Law §6530 or §6531, those acts shall be deemed to be a violation of probation and that an action may be taken against Respondent's license pursuant to New York State Public Health Law §230(19).
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
5. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
6. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.