

NEW YORK
state department of
HEALTH

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

Sue Kelly
Executive Deputy Commissioner

February 27, 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Rajashaker P. Reddy, M.D.

REDACTED

Re: License No. 217018

Dear Dr. Reddy:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 14-45. This order and any penalty provided therein goes into effect March 6, 2014.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

IN THE MATTER
OF
RAJASHAKER REDDY, M.D. A/K/A
RAJASHAKHER REDDY, M.D.

MODIFICATION
ORDER

Upon the proposed Application for a Modification Order of RAJASHAKER REDDY, M.D. A/K/A RAJASHAKHER REDDY, M.D., (Respondent), that is made a part of this Modification Order, it is agreed and

ORDERED, that the attached Application and its terms are adopted and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either by mailing, by first class mail, a copy of the Modification Order to Respondent at the address in the attached Application or by certified mail to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 2/26/2014

REDACTED

ARTHUR S. HENDERER, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
RAJASHAKER REDDY, M.D. A/K/A
RAJASHAKHER REDDY, M.D.

APPLICATION FOR
MODIFICATION ORDER

RAJASHAKER REDDY, M.D. A/K/A RAJASHAKHER REDDY, M.D., (Respondent)
being duly sworn deposes and says:

That on or about March 25, 2000, I was licensed to practice medicine in the State of New York, having been issued license number 217018 by the New York State Education Department.

My current address is REDACTED

I am currently subject to BPMC 13-84, (hereinafter "Original Order"), annexed hereto, made a part, hereof, and marked as Exhibit 1, that was effective on or about April 15, 2013.

I apply to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, by vacating BPMC 13-84 based upon the reversal of my criminal conviction in United States v. Rajashakher Reddy, United States Court of Appeals for the 11th Circuit, No. 11-16146. As a result of this reversal, and modification of BPMC 13-84, my New York medical license shall be restored and any discipline taken against my medical license based on the underlying criminal charges shall be vacated. In the event that charges are reinstated and any conviction ensues, I understand that I may be subject to additional disciplinary proceedings.

The Modification Order to be issued will not constitute a new disciplinary action against me.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Original Order or the

Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I agree that if the Board adopts this Modification Order, the Chair of the Board shall issue a Modification Order in accordance with its terms. I agree that this Modification Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Modification Order by first class mail to me at the address in this Modification Order, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Modification Order, this Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I agree to be bound by the Modification Order, and I ask that the Board to adopt this Consent Agreement.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. I ask that the Board grant this Application.

I understand and agree that the attorney for the Bureau of Professional Medical Conduct, the Director of the Office of Professional Medical Conduct, and the Chair of the State Board for Professional Medical Conduct each retain complete discretion to either enter into the proposed Agreement and Modification Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 2.25.2014

REDACTED

RAJASHAKER REDDY, M.D. AKIA
RAJASHAKER REDDY, M.D.
Respondent

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

DATE: 2/25/14

REDACTED

JUDE B. MULVEY
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 2/25/14

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

-----X
IN THE MATTER : DETERMINATION
: :
OF : AND
: :
RAJASHAKER REDDY, M.D. : ORDER
CO-11-12-6644-A :
: BPMC #13-84
-----X

COPY

A Commissioner's Order, Notice of Referral Proceeding and Statement of Charges, dated September 13, 2012, were served upon the Respondent, Rajashaker Reddy, 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, either in person or 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)(a)(ii). 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. Rajashaker Reddy, M.D., (hereinafter "Respondent") was authorized to practice medicine in New York State on March 23, 2000 by the issuance of license number 217018 by the New York State Education Department. (Exhibit #3).

2. On or about November 11, 2011, in the United States District Court, Northern District of Georgia, Atlanta Division, Respondent was found guilty, after a jury trial, of twenty counts of Wire Fraud in violation of 18 USC §1343, seven counts of Mail Fraud in violation of 18 USC §1341, four counts of Health Care Fraud in violation of 18 USC §1347, and one count of Falsification of Records in a Federal Investigation in violation of 18 USC §1519. He was sentenced to fifty-four (54) months of imprisonment, followed by three years of supervised release, payment of \$919,855.37 in restitution, \$15,000.00 fine and \$ 3,200.00 special assessment. (Exhibit #4).

3. Respondent was personally served with the Commissioner's Order and Notice of Referral Proceeding with Statement of Charges on November 15, 2012. (Exhibit #2).

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 convicted, of multiple crimes under Federal law. Therefore, he is guilty of professional misconduct in violation of Education Law §6530(9)(a)(ii). As a result, the Hearing Committee voted to sustain the specification 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 was found guilty of multiple counts of health care fraud. Essentially, he used his position of trust as a physician to unjustly enrich himself. He failed to appear or to present any evidence which might mitigate the sanction to be imposed. Under the circumstances, revocation of Respondent's medical license is the only sanction which will adequately

APPENDIX I

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

IN THE MATTER
OF
RAJASHAKER REDDY, M.D.
CO-11-12-6644-A

STATEMENT
OF
CHARGES

RAJASHAKER REDDY, M.D., Respondent, was authorized to practice medicine in New York state on March 23, 2000, by the issuance of license number 217018 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 11, 2011, in the United States District Court, Northern District of Georgia, Atlanta Division, Respondent was found guilty, after a jury trial, of twenty counts of Wire Fraud in violation of 18 USC §1343, seven counts of Mail Fraud in violation of 18 USC § 1341, four counts of Health Care Fraud in violation of 18 USC § 1347 and one count of Falsification of Records in a Federal Investigation in violation of 18 USC § 1519. He was sentenced to fifty-four months imprisonment on each count, to be served concurrently, to be placed on supervised release for three years on each count upon his release, said terms to run concurrently, and ordered to pay a special assessment of \$3,200, a \$15,000 fine and \$919,855.37 restitution.

SPECIFICATION

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

1. The facts in Paragraph A.

DATED: *Sept. 13*, 2012
Albany, New York

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