

Public

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

BPMC NO. 14-89

IN THE MATTER

OF

SUBRAMANIAM V. RAMANATHAN, M.D.
CO-13-01-0363-A

COMMISSIONER'S
SUMMARY
ORDER

TO: SUBRAMANIAM V. RAMANATHAN, M.D.

REDACTED

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 the duly authorized professional disciplinary agency of another jurisdiction, the Medical Board of the State of Texas, has made a finding substantially equivalent to a finding that the practice of medicine by **SUBRAMANIAM V. RAMANATHAN, M.D.**, Respondent, New York license number 247131, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Order of Temporary Suspension (With Notice of Hearing), dated October 4, 2013, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **SUBRAMANIAM V. RAMANATHAN, 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 THE STATE OF NEW YORK IN VIOLATION OF THIS 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.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in Texas.

The 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 a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the Texas proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, RIVERVIEW CENTER, 150 BROADWAY – SUITE 355, ALBANY, NEW YORK 12204-2719, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED OF THE FINAL CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON SUCH CONCLUSION.

**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.**

DATE: Albany, New York
April 9, 2014

REDACTED

Nirav R. Shah, M.D., M.P.H.
Commissioner of Health
New York State Department of Health

Inquires should be directed to:

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

EXHIBIT A

IN THE MATTER OF
THE LICENSE OF
SUBRAMANIAM V. RAMANATHAN, M.D.

BEFORE THE DISCIPLINARY PANEL
OF THE
TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION
(WITH NOTICE OF HEARING)

On October 4, 2013, at the direction and approval of Irvin E. Zeitler, Jr., D.O., President of the Board, Timothy Webb, J.D., Chair, George Willeford, III, M.D. and Paulette Southard, members of the Board, were appointed to sit as a Disciplinary Panel in this matter, pursuant to the Medical Practice Act, TEX. OCC. CODE ANN. Title 3. Subtitle B (the Act) §164.059(a) and 22 TEX. ADMIN. CODE §187.56. Subramaniam V. Ramanathan, M.D. (Respondent) appeared in person and with counsel Hugh Barton. Barbara Jordan represented Board staff. Based on evidence submitted, the Board through this Panel makes the following Findings of Fact and Conclusions of Law and enters this Order of Temporary Suspension:

FINDINGS OF FACT

1. On December 10, 2012, the Board entered an Agreed Order of Temporary Restriction (December 2012 Order) imposing certain terms and conditions, with Respondent's consent. The Disciplinary Panel that entered the Order found that Respondent's continued practice of medicine posed a continuing threat to public welfare.
2. The December 2012 Order imposed certain terms and conditions, including the following: requiring that Respondent not treat chronic pain patients; requiring that he not supervise or delegate prescriptive authority to physician assistants and advanced practice nurses; requiring that he surrender any and all Pain Management Clinic Certificates issued by the Board; and requiring that he immediately surrender his Controlled Substances Certificates. The action was based upon his failure to adequately supervise delegates and non-therapeutic prescribing.
3. On March 29, 2013, the Board entered an Order of Temporary Suspension Without Notice (March 2013 Order) finding that Respondent failed to immediately surrender his

Controlled Substances Registrations and his Pain Management Certificates, as required by the December 2012 Order, and that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare. The March 2013 Order temporarily suspended Respondent's medical license and Respondent's Pain Management Clinic Certificates.

4. The March 2013 Order of Temporary Suspension was based on Respondent's violation of the December 2012 Order of Temporary Restriction. Similarly, the conduct described below describes Respondent's violation of the March 2013 Order of Temporary Suspension and his continued violation of the December 2012 Order.

5. As recently as April 22, 2013, Respondent continued issuing prescriptions for controlled substances.

6. As recently as June 2013, Respondent's Controlled Substances Registrations remained active. Respondent did not provide proof he surrendered his Controlled Substances Registrations to the Board until September 5, 2013.

7. Based on the above Findings of Fact, the Panel finds an imminent peril to the public health, safety, or welfare that requires immediate effect of this Order of Temporary Suspension on the date rendered.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Panel concludes the following:

1. Section 164.059 of the Act authorizes the Disciplinary Panel to temporarily suspend or restrict the medical license of Respondent if the Disciplinary Panel determines from evidence presented to it that the Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

2. Based on the evidence presented and the Findings of Fact set forth herein, the Disciplinary Panel finds that Respondent violated various sections of the Medical Practice Act, specifically:

- a. Respondent has committed a prohibited act or practice within the meaning of Section 164.051(a)(1) of the Act based on Respondent's commission of an act prohibited under Section 164.052 of the Act;
 - b. Respondent has committed a prohibited act or practice within the meaning of Section 164.051(a)(3) of the Act based up on Respondent's violation of a rule adopted under this Act, specifically, Board Rule 189.3 requiring compliance with all terms of a Board Order;
 - c. Respondent has committed a prohibited act or practice within the meaning of Section 164.052(a)(5) of the Act based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public as further defined by Board Rule 190.8(2)(A), violation of a Board Order; 190.8(2)(R), commission of a violation of state or federal law whether or not there is a complaint, indictment, or conviction;
 - d. Respondent has committed a prohibited act or practice within the meaning Section 164.053(a)(1) of the Act based upon Respondent's commission of an act connected to the practice of medicine that violates state or federal law.
 - e. Respondent has committed a prohibited act or practice within the meaning Section 164.053(a)(5) of the Act based upon Respondent's prescription or administration of a drug or treatment that is non-therapeutic; and
 - f. Respondent has committed a prohibited act or practice within the meaning Section 164.053(a)(6) of the Act based upon Respondent's prescribing, administering, or dispensing in a manner inconsistent with public health and welfare dangerous drugs as defined by Chapter 483, Health and Safety Code; or controlled substances scheduled in Chapter 481, Health and Safety Code, or the Comprehensive Drug Abuse Prevention and Control Act of 1970, (21 U.S.C. Section 801 et seq.).
3. Based on the evidence presented and the above Findings of Fact and Conclusions of Law, the Panel determines that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Panel ORDERS that:

1. Respondent's Texas Medical License No. M-0624 is hereby TEMPORARILY SUSPENDED.
2. This Order of Temporary Suspension is effective on the date rendered.
3. This Order of Temporary Suspension shall remain in effect until it is superseded by an Order of the Board.

Signed and entered this October 4, 2013.

REDACTED

Timothy Webb, J.D., Chair
Disciplinary Panel
Texas Medical Board