

COPY

DETERMINATION AND ORDER

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charged with professional misconduct pursuant to Education Law § 6530(9)(d), having voluntarily or otherwise surrendered her Texas medical license after a disciplinary action was instituted by a duly authorized professional agency of that state, where the conduct resulting in the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York. Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence.

FINDINGS OF FACT

1. The Respondent was authorized to practice medicine in New York on August 1, 1972, under license number 113372. (Exhibit 4.)

2. Effective December 9, 2022, the Respondent entered into an Agreed Order of Voluntary Surrender with the Texas Medical Board (Texas Board) to resolve charges that she failed to maintain an adequate medical record for five patients, despite issuing prescriptions to them for controlled substances and dangerous drugs; failed to meet the standard of care and non-therapeutically prescribed dangerous drugs and controlled substances to those five patients; and failed to meet the standard of care and the minimum requirements for the treatment of chronic pain for an additional 10 patients. The Respondent agreed, and was ordered by the Texas Board to, permanently surrender her Texas medical license effective December 9, 2022, at which point the Respondent's license was permanently canceled. (Exhibit 3.)

DISCUSSION

Although duly notified of the date, time and place of the hearing, the Respondent did not appear on her own behalf or by representative. After due diligence as certified under oath, the Department was unable to personally serve the Respondent with the Notice of Referral Proceeding and Statement of Charges. On March 20, 2024, a process server arrived at an address identified in public records as

the Respondent's home, but was informed that the Respondent no longer resided there. On March 21, 2024, a process server arrived at the Respondent's last known office address, but was informed by the receptionist that the Respondent did not work there. On April 4, 2024, the Department sent the Notice of Referral Proceeding and Statement of Charges to both last known addresses associated with the Respondent via certified mail. (Exhibit 2.) Service was properly effectuated pursuant to PHL § 230(10)(d). (Exhibit 2.) Upon the Department having established jurisdiction and proper notice, the ALJ determined that the hearing could proceed on the merits despite the Respondent's absence.

In an August 12, 2022 complaint, the Texas Board charged the Respondent with failing to meet the standard of care in her treatment of Patients 1-15 and failing to maintain adequate medical records of treatment rendered. The Respondent entered into an agreement with the Texas Board to voluntarily and permanently surrender her Texas medical license in order to resolve those charges. (Exhibit 3.)

The Hearing Committee agreed that the Respondent's conduct resulting in the Texas Board's disciplinary action would, if committed in New York, constitute misconduct pursuant to Education Law § 6530(3), practicing the profession with negligence on more than one occasion; and Education Law § 6530(32), failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. The Hearing Committee thus determined that the Respondent violated Education Law § 6530(9)(d).

After determining to sustain the charge, the Hearing Committee considered all possible penalties authorized by PHL § 230-a. The Hearing Committee agreed with the Department that revocation of the Respondent's medical license was the only appropriate penalty in this matter. The Hearing Committee was very troubled by the Respondent's persistent pattern of prescribing controlled substances, opioids, and other dangerous drugs without maintaining any documentation to justify those prescriptions. Although charged with negligence regarding prescribing practices for 15 patients, the

Texas Board also found that over the course of just one year (November 2019 to November 2020), the Respondent issued a total of 1459 prescriptions, 93% of which were for opioids, to various patients.

The Respondent's actions reflect continued disregard for patient safety. Her unwillingness to appear for this hearing or offer any explanation to the Hearing Committee regarding her actions only underscore her indifference to her obligations as a physician. For these reasons, the Hearing Committee determined to revoke her New York medical license.


ORDER

IT IS HEREBY ORDERED THAT:

1. The charge of professional misconduct, as set forth in the specification of charges in the Statement of Charges, is sustained.
2. The Respondent's medical license is revoked pursuant to PHL § 230-a(4).
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

DATED: April 26th, 2024

New York, New York


Richard S. Goldberg, Esq., Chairperson
Ashwani Chhibber, M.D.