

Public

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

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

Sue Kelly  
Executive Deputy Commissioner

April 1, 2014

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Sukhwinder Singh, M.D.  
REDACTED

Peter J. Millock, Esq.  
Nixon Peabody LLP  
677 Broadway, 10<sup>th</sup> Floor  
Albany, New York 12207

***Re: In the Matter of Sukhwinder Singh, M.D.***

Dear Dr. Singh:

Enclosed please find the Determination and Order (No. 14-78) of the Committee on Professional Conduct 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.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct  
New York State Department of Health

Enclosure

**IN THE MATTER  
OF  
SUKHWINDER SINGH, M.D.**

**DETERMINATION  
AND  
ORDER**

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(19). The statute provides for an expedited proceeding when a licensee is charged with being in violation of a Bureau of Professional Medical Conduct (hereinafter "BPMC") Order involving Terms of Probation. In such cases, a licensee is entitled to a hearing if the licensee disputes the allegations set forth in the letter within 20 days of the date of that letter. If the licensee does not dispute the facts forming the basis of the alleged violation of probation within twenty days of the date of the letter, the Director shall submit the matter to a committee on professional conduct for its review and determination.

**SUMMARY OF BACKGROUND**

The Licensee is subject to BPMC Order No. 09-37 with Terms of Probation, effective March 17, 2009. BPMC No. 09-37 was entered after Licensee admitted to one count of misconduct in violation of N.Y. Education Law 6530(29), violating a term of probation originally imposed by BPMC Order No. 02-372M, effective November 14, 2006.

On October 15, 2013, a Physician Monitoring Program (hereinafter "PMP") investigation was opened upon receipt of correspondence from Licensee's employer informing PMP that Licensee had been absent from work and not available for mandated urine drug screens. The resulting investigation identified multiple instances that the Office of Professional Medical Conduct (hereinafter "OPMC") considered violations of Licensee's Terms of Probation.

On February 10, 2014, Keith W. Servis, Director of OPMC, sent a letter to the Licensee informing him that Director Servis had determined he was in violation of the Terms of Probation imposed upon him by BPMC Order 09-37. Consistent with Public Health Law § 230(19), the letter included the facts that formed the basis of the alleged violations of probation and informed the Licensee that he had a right to a hearing and may be represented by counsel. The letter was sent by certified mail and regular mail to the Licensee's last known address and was signed and received on February 12, 2014. OPMC received two letters from Licensee's attorney on February 21, 2014 and February 28, 2014, neither of which disputed the facts set forth in the Director's February 10, 2014 letter.

A proceeding was held on March 27, 2014, at the offices of the New York State Department of Health ("the Department"). The Department appeared by James Dering, Esq., General Counsel, by Nathaniel White, Esq., of Counsel. The Licensee did not appear at the proceeding, either in person or by counsel.

#### **FINDINGS**

1. The Licensee was authorized to practice medicine in New York State on April 13, 1994, by issuance of license number 195385 by the New York State Education Department.
2. The Licensee was subject to BPMC Order No. 09-37 effective March 17, 2009.
3. The Licensee violated his Terms of Probation by making false representations to PMP that he was authorized to access his employer's medication sample area to take samples of Pristiq.
4. The Licensee violated his Terms of Probation by failing to report to his sobriety monitor within four hours of being contacted on October 15, 2013 and October 16, 2013.
5. The Licensee violated BPMC No. 09-37 by failing to respond to PMP on October 16, 2013.
6. The Licensee violated his Terms of Probation by falsely reporting to PMP that he had been diagnosed with Lyme disease and medicated for such by a physician.

7. The Licensee violated BPMC No. 09-37 by failing to provide PMP with requested documentation verifying his Lyme disease diagnosis and treatment.
8. The Licensee violated his Terms of Probation by failing to report to his sobriety monitor within four hours of being contacted on October 21, 2013.
9. The Licensee violated BPMC No. 09-37 by failing to comply with the Committee for Physician Health contract.
10. The Licensee violated his Terms of Probation by failing to respond to correspondence from PMP on November 26, 2013.
11. The Licensee violated BPMC No. 09-37 by having his Committee for Physician Health case terminated.
12. Keith W. Servis, Director of OPMC, sent a letter dated February 10, 2014 by certified mail to the Licensee's last known address. The letter notified the Licensee that it had been determined that he was in violation of the Terms of Probation imposed upon him by BPMC Order No. 09-37, the facts underlying the alleged violations of probation, and the fact that the Licensee was entitled to a hearing and an attorney.
13. Licensee's attorney responded to the Director's letter by sending two letters to OPMC within twenty (20) days of Director Servis' letter. Neither of the attorney's letters disputed the facts forming the basis for the alleged violation of probation as set forth in the Director's letter.

#### **COMMITTEE DETERMINATION**

The Department established that due diligence was exercised in attempting to serve the Licensee with Director Servis' determination letter by certified mail at the Licensee's last known address.

The record indicates that the Licensee is in violation of BPMC Order No. 09-37 and the attached Terms of Probation in that he made false representations to PMP, failed to report to his sobriety monitor within four hours of being contacted, failed to respond to PMP, falsely reported to PMP that he was

diagnosed with Lyme disease and medicated by a physician, failed to promptly provide PMP with requested information on two separate occasions, failed to comply with the Committee for Physician Health contract as required and failed to avoid termination from the Committee for Physician Health program.

The Committee agrees with the Department's recommendation that Licensee's license to practice medicine in New York State should be revoked. No other penalty will sufficiently protect the People of this State.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. Licensee's license as a physician in the State of New York is **REVOKED**;
2. The name of the Licensee is stricken from the roster of physicians in the State of New York;
3. This Order shall be effective upon service on the Licensee by personal service or registered or certified mail in accordance with the requirements of Public Health Law Section 230(10)(h).

**SO ORDERED.**

DATED: 3/27/14

Albany, New York

REDACTED

**Richard F. Kasulke, M.D.**

Chairperson, Committee on Professional Conduct

**Richard H. Edmonds, Ph.D.**

**Joseph S. Baler, M.D.**