



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

October 27, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Uttam L. Munver, M.D.
26 West Bayview Avenue
Englewood Cliffs, New Jersey 07632

RE: License No. 112069

Dear Dr. Munver:

Enclosed please find Order #BPMC 98-249 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **October 27, 1998.**

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.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1315
Empire State Plaza
Albany, New York 12237

Sincerely,



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

Enclosure

cc: Jeffrey M. Rubin, Esq.
Rubin & Shang
9 East 40th Street
New York, New York 10016

Steve Fondulis, Esq.

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

IN THE MATTER
OF
UTTAM L. MUNVER, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #98-249

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

Uttam L. Munver, M.D., being duly sworn, deposes and says:

That on or about April 25, 1972, I was licensed to practice as a physician in the State of New York, having been issued License No. 112069 by the New York State Education Department.

My current address is 26 West Bayview Ave., Englewood Cliffs, N.J. 07632, 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 sixteen (16) specifications of professional misconduct.

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

I agree not to contest the allegations of misconduct referred to in the factual allegations and specification of charges contained in the above mentioned Statement of Charges, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license to practice medicine in the State of New York shall be suspended for a period of sixty (60) days.

I will pay a \$5,000 fine, as directed , upon the effective date of the Consent Order.

My license to practice medicine in New York State shall be placed on probation for a period of three (3) years, subject to the terms and conditions set forth in the "Terms of Probation" attached hereto and marked as Exhibit "B"(I have read and agree to said "Terms of Probation").

I will complete One Hundred-Twenty (120) hours of Community Service in a non-medical capacity during my period of probationary supervision, in a manner and at a place as proposed by the Respondent and approved, in writing, by the Director of OPMC and/or the Board.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my 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 continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied.

I hereby stipulate that any failure by me to comply with such conditions or penalties shall constitute misconduct as defined by New York State

Education Law §6530(29)(McKinney Supp 1997).

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.

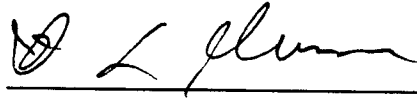
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.

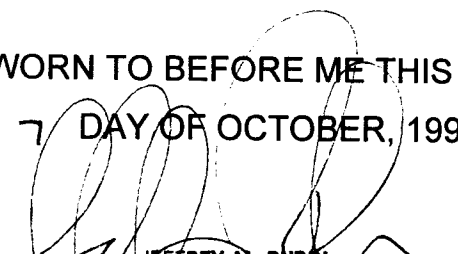
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing 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.



UTTAM L. MUNVER, M.D.
RESPONDENT

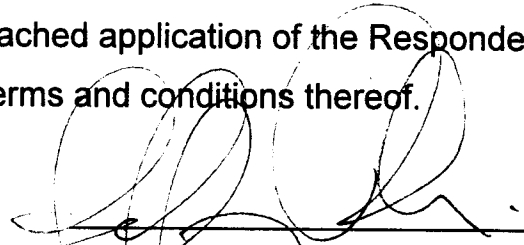
SWORN TO BEFORE ME THIS
7 DAY OF OCTOBER, 1998.



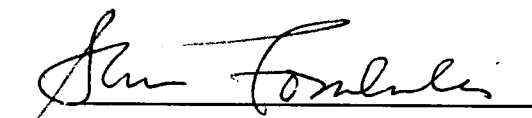
JEFFREY M. RUBIN
Notary Public, State of New York
NOTARY
Qualified in New York County
Commission Expires August 31, 2000

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


DATE: 10/7/97


JEFFREY M. RUBIN, ESQ.
Attorney for Respondent

DATE: 10/9/98


STEVE FONDULIS, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: October 15, 1998


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
UTTAM L. MUNVER, M.D.


CONSENT
ORDER

Upon the proposed agreement of Uttam L. Munver, 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: 10/20/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
UTTAM L. MUNVER, M.D.

STATEMENT
OF
CHARGES

Uttam L. Munver, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 25, 1972, by the issuance of license number 112069 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about November 15, 1991, the Respondent made application for re-appointment to the medical staff of Our Lady of Mercy Medical Center for the 1992-1993 period. A completed reappointment form was submitted to said hospital by or at the direction of the Respondent. Respondent knowingly, falsely, and with intent to deceive, held himself out, on said form, as being board certified by the American Board of Family Practice.
- B. On or about November 25, 1993, the Respondent made application for re-appointment to the medical staff of Our Lady of Mercy Medical Center for the 1994-1995 period. A completed reappointment supplement form was submitted to said hospital by or at the direction of the Respondent. Respondent knowingly, falsely, and with intent to deceive, held himself out, on said form, as being board certified by the American Board of Family Practice.
- C. On or about November 30, 1995, the Respondent made application for

reappointment to the medical staff of Our Lady of Mercy Medical Center for the 1996-1997 period. A completed reappointment supplement form was submitted to said hospital by or at the direction of the Respondent.

Respondent knowingly, falsely, and with intent to deceive, held himself out, on said form, as being board certified by the American Board of Family Practice.

- D. On or about August 21, 1995, the Respondent made application for participation in the Wellcare of New York, Inc. network of providers. A completed provider application form was submitted to said H.M.O. by or at the direction of the Respondent.
1. Respondent knowingly, falsely, and with intent to deceive, held himself out, on said application form, as being board certified by the American Board of Family Practice.
 2. Respondent knowingly, falsely, and with intent to deceive, held himself out as being board certified by submitting a falsified copy of his original, but expired, American Board of Family Practice certificate.
 3. Respondent knowingly, falsely, and with intent to deceive, held himself out as being board certified by submitting a false curriculum vitae.
- E. On or about April 1, 1995, the Respondent made application for appointment to the medical staff of Bronx-Lebanon Hospital Center. A completed application form was submitted to said hospital by or at the direction of the Respondent.
1. Respondent knowingly, falsely, and with intent to deceive, held himself out, on said application form, as being board certified by the American Board of Family Practice.

2. Respondent knowingly, falsely, and with intent to deceive, held himself out as being board certified by submitting a falsified copy of his original, but expired, American Board of Family Practice certificate.
 3. Respondent knowingly, falsely, and with intent to deceive, held himself out as being board certified by submitting a false curriculum vitae.
- F. On or about February 16, 1996, the Respondent made application for participation in the Sanus Health Plans (now NYLCare Health Plan) network of providers. A completed application form was submitted to said H.M.O. by or at the direction of the Respondent.
1. Respondent knowingly, falsely, and with intent to deceive, held himself out, on said application form, as being board certified by the American Board of Family Practice.
 2. Respondent knowingly, falsely, and with intent to deceive, held himself out as being board certified by submitting a false curriculum vitae.
- G. On or about February 20, 1997, the Respondent made application for participation in the Multiplan, Inc. network of providers. A completed application form was submitted to said H.M.O. by or at the direction of the Respondent.
1. Respondent knowingly, falsely, and with intent to deceive, held himself out, on said form, as being board certified in Family Practice. He also answered affirmatively that he should be listed in the Multiplan Directory as being board certified in Family Practice.
 2. Respondent knowingly, falsely, and with intent to deceive, held himself out as being board certified by submitting a falsified copy of his original, but expired, American Board of Family Practice certificate.

- H. On or about September 30, 1997, the Respondent knowingly, falsely and with intent to deceive, held himself out as being board certified by the American Board of Family Practice on his office pre-printed business cards .
- I. On or about October 20, 1997, the Respondent knowingly, falsely, and with intent to deceive, held himself out as being board certified by the American Board of Family Practice on his pre-printed office letterhead stationery.

SPECIFICATION OF CHARGES

FIRST THROUGH NINTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1998) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

- | | | |
|----|------------|-------------------|
| 1. | Paragraph | A. |
| 2. | Paragraph | B. |
| 3. | Paragraph | C. |
| 4. | Paragraphs | D, D1,D2, and D3. |
| 5. | Paragraphs | E, E1, E2 and E3. |
| 6. | Paragraphs | F, F1, and F2. |
| 7. | Paragraph | G, G1 and G2. |
| 8. | Paragraph | H. |

9. Paragraph I.

TENTH THROUGH SIXTEENTH SPECIFICATIONS

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21)(McKinney Supp. 1998) by wilfully making or filing a false report, as alleged in the facts of:

- 10. Paragraph A.
- 11. Paragraph B.
- 12. Paragraph C.
- 13. Paragraphs D, D1, D2, and D3.
- 14. Paragraphs E, E1, E2 and E3.
- 15. Paragraphs F, F1, and F2.
- 16. Paragraphs G, G1, and G2.

DATED: May 6, 1998

New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 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. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This

includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].

5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. 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/her staff at practice locations or OPMC offices.
7. 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.
8. 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.