



***New York State Board for Professional Medical Conduct***

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

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Executive Secretary

November 7, 2006

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Sukhwinder Singh, M.D.  
28 McKown Road  
Albany, NY 12203

Re: License No. 195385

Dear Doctor Singh:

Enclosed is a copy of a Modification Order regarding Order #BPMC 02-372 of the New York State Board for Professional Medical Conduct. The modification and conditions provided therein are effective November 14, 2006.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.**

Sincerely,

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

Enclosure

cc: Peter Millock, Esq.  
Nixon Peabody LLP  
Omni Plaza  
30 South Pearl Street  
Albany, NY 12207

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

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IN THE MATTER

MODIFICATION

OF

OF

SUKHWINDER SINGH, MD

CONSENT ORDER

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This matter was brought to the New York State Board for Professional Medical Conduct (Board) for decision at the request of Sukhwinder Singh, MD, (Petitioner), New York State medical license No. 195385. Petitioner entered into Consent Order BPMC No. 02-372, effective December 20, 2002, which suspended Petitioner's license to practice medicine for an indefinite period of no less than one year. The purpose of the proceeding was to determine whether this suspension was to be stayed upon the satisfaction of a Committee of the Board for Professional Medical Conduct that Petitioner, among other things, has successfully completed a course of therapy prescribed by the Board which includes a determination that Petitioner is no longer incapacitated for active practice and that he is both fit and competent to practice medicine.

A meeting of the Committee was held in the above-entitled proceeding on September 25, 2006. Petitioner appeared with his attorney, Peter Millock, Esq. before a Committee of the Board consisting of Walter M. Farkas, MD, Chair, Alexander Yvars, MD and Sister Mary Theresa Murphy. The Committee determined, by unanimous decision, after careful consideration of all evidence submitted to them prior to the meeting and the testimony provided, that the suspension of Petitioner's license shall be stayed and he shall be allowed to practice medicine subject to the following conditions.

THEREFORE, IT IS HEREBY ORDERED THAT:

The Petitioner's return to practice is subject to the following conditions. Unless otherwise indicated, these conditions shall remain in effect for a period of probation lasting five (5) years from the effective date of this Order.

1. Petitioner shall provide the Director of the Office of Professional Medical Conduct (OPMC) with the following information and shall ensure that such information is kept current: a full description of Petitioner's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; all professional licenses held and applied for, and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.

2. Petitioner shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Petitioner's compliance with the terms of this Order. Petitioner shall personally meet with a person designated by the Director of OPMC as requested by the Director.

3. **Petitioner's period of probation, including some or all of the terms and conditions described herein, may be tolled, at the discretion of the Director of OPMC, during periods in which the Petitioner is not engaged in the active practice of medicine in New York State.**

Petitioner shall notify the Director of OPMC, in writing, if he 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. Petitioner shall submit written notification to the Director prior to any change in that status.

Petitioner shall not resume the practice of medicine in New York State without the approval of the Director and shall comply with any requests from the Director necessary for such approval. Upon the Director's approval, the period of probation shall resume and any terms of probation, which were not fulfilled, shall be fulfilled.

**Petitioner may not commence the practice of medicine in New York State until all proposed monitors have been approved in writing by the Director of the Office of Professional Medical Conduct.**

4. Petitioner shall remain free from alcohol and all other mood altering substances other than those prescribed for Petitioner's treatment by a licensed physician aware of Petitioner's history of alcoholism. **Petitioner shall not self-prescribe any medications or prescribe any medications for any family member.**

5. Petitioner shall be monitored by a qualified health care professional (Sobriety Monitor) proposed by Petitioner and approved in writing by the Director of OPMC. The Sobriety Monitor is to be familiar with Petitioner's history of alcoholism and with the terms of this Order. Petitioner shall submit the name of a proposed successor within seven (7) days of learning that the approved Sobriety Monitor is no longer willing or able to serve.

a. The Sobriety Monitor shall oversee Petitioner's compliance with the terms and conditions imposed herein and shall cause to be performed forensically valid, random, directly observed, unannounced hair, blood, breath, oral fluid and/or urine tests for the presence of alcohol and other drugs in Petitioner. **Petitioner shall be screened no less than six (6) times per month for the first year of practice. The Petitioner shall be called on a seven day a week basis.** After the first year of practice, if Petitioner has been fully compliant with this Order, specimens shall be collected at the discretion of the Sobriety Monitor at a frequency to be approved by the Director of OPMC.

b. The Sobriety Monitor shall notify OPMC immediately if Petitioner refuses such a test.

c. The Sobriety Monitor shall notify OPMC immediately if such a test reveals, or if the monitor otherwise learns, the Petitioner is not alcohol/drug free.

d. Every three (3) months, the Sobriety Monitor shall submit to OPMC a report certifying compliance with each of the terms of this Order or describing in detail any failure to comply. The quarterly reports shall include forensically valid results of all tests for the presence of alcohol and other drugs performed during that quarter.

e. Petitioner shall report to the Sobriety Monitor **within four (4) hours** of being contacted to submit a hair, blood, breath, oral fluid and/or urine test.

f. Petitioner shall avoid all substances that may cause positive results such as poppy seeds/mouthwash/cough medication/herbal teas. **Any positive result will be considered a violation of this Order.**

g. If Petitioner is to be unavailable for sobriety monitoring for a period of 15 days or more, Petitioner shall notify his Sobriety Monitor and seek and receive prior written permission from the Director of OPMC subject to any additional terms and conditions required by OPMC.

6. **Petitioner shall practice only in a hospital or institutional setting for at least one year.** After the first year of practice, if the Petitioner has been fully compliant with this Order, he may submit to the Director of OPMC a proposal for a modification of this term. Petitioner's medical practice shall be supervised by a licensed physician (Practice Supervisor), board certified in the appropriate specialty, proposed by Petitioner and approved in writing by the Director of OPMC. The Practice Supervisor shall be on-site at all practice locations and must be in a position to regularly observe and assess the Petitioner's medical practice and patient record documentation. The Practice Supervisor is to be familiar with Petitioner's history of alcoholism and with the terms of this Order.

- a. The Practice Supervisor shall establish the capability of doing a "stat" toxicological screen on Petitioner in response to any complaint or observation that indicates Petitioner may not be drug or alcohol free.
- b. The Practice Supervisor shall oversee the Petitioner's prescribing, ordering, and wasting of controlled substances.
- c. The Practice Supervisor shall immediately report any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
- d. The Practice Supervisor shall notify OPMC immediately if Petitioner violates any term(s) of this Order.
- e. The Practice Supervisor shall submit reports to OPMC every three (3) months certifying compliance with each of the terms of this Order or describing in detail and failure to comply.

7. Petitioner all enroll in and complete a minimum of 50 hours of Category I Continuing Medical Education (CME) in his specialty each year. Each year Petitioner shall provide written documentation to OPMC that he has successfully complied with this term.

8. Petitioner shall continue in treatment with qualified health care professionals (Therapy Monitors) proposed by Petitioner and approved, in writing, by the Director of OPMC. These Therapy Monitors are to be familiar with the Petitioner's history of alcoholism and the terms of this Order. Petitioner will continue in treatment with a psychiatrist and participate in both group and individual therapy for as long as deemed necessary by the Therapy Monitors, in accordance with a treatment plan

approved by the Director of OPMC. Petitioner shall submit the name of a proposed successor within seven (7) days of becoming aware that any of the approved Therapy Monitors are no longer willing or able to serve in that capacity.

a. The Therapy Monitors shall submit reports to OPMC every three (3) months certifying compliance with treatment by Petitioner and describing in detail any failure to comply.

b. The Therapy Monitors shall report immediately to OPMC any significant pattern of absences or failure to comply with recommended treatment by Petitioner.

9. The Director of OPMC shall reserve the authority to direct the Petitioner to undergo an independent evaluation by a practitioner approved by the Director of OPMC who specializes in alcohol/chemical dependency issues and/or mental illness. The Petitioner shall provide the evaluator with copies of previous treatment records and a copy of this Order. The Petitioner shall execute authorizations, and keep said authorizations active, allowing the evaluator to obtain collateral information and communicate with OPMC. Reports of such evaluations shall be submitted directly to the Director of OPMC. Petitioner shall follow treatment recommendations made by the evaluator. If the evaluator determines that the Petitioner is not fit to practice, the Petitioner shall immediately cease practice until it is determined he is fit to resume practice. Failure to comply with treatment recommendations will be considered a violation of this Order.

10. Petitioner shall continue participation in self-help fellowship (e.g., AA, Caduceus, other). Petitioner shall maintain an ongoing relationship with a sponsor.

11. Petitioner shall inform all physicians or other health care practitioners from whom Petitioner seeks treatment of Petitioner's history of alcoholism. Should Petitioner be prescribed any

controlled or mood-altering substances, Petitioner shall notify the Sobriety Monitor and the Director of OPMC before such medications are administered.

12. The Director of OPMC shall reserve the right to conduct on-site review of Petitioner's office, office records, hospital practice and hospital records, inclusive of electronic records.

13. Petitioner shall maintain legible and complete medical records that accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

14. Petitioner shall conduct himself in all ways in a manner befitting his professional status and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.

15. Petitioner shall comply with all terms, conditions, restrictions and limitations to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance of the Order. 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 Petitioner as may be authorized pursuant to the law.

As Petitioner agreed in the Consent Order, failure to comply with any of the conditions described above may result in disciplinary action. This Order shall be effective upon issuance.

Dated: October 28, 2006

Walter M. Farkas, M.D.

Walter M. Farkas, M.D.  
Committee Chair  
State Board for Professional Medical Conduct