



# Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

August 17, 2017

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

Leo Muduve, M.D.  


Re: License No. None

Dear Dr. Muduve:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 17-231. This order and any penalty provided therein goes into effect August 24, 2017.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,

  
Robert A. Catalano, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

IN THE MATTER  
OF  
LEO MUDUVE, M.D.

CONSENT  
ORDER

Upon the application of (Respondent) LEO MUDUVE, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and  
it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board,  
either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at  
the address in the attached Consent Agreement or by certified mail to Respondent's  
attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,  
whichever is first.

SO ORDERED.

DATE: 8/16/2017

  
ARTHUR S. HENGERER, M.D.  
Chair  
State Board for Professional Medical Conduct

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

IN THE MATTER  
OF  
LEO MUDUVE, M.D.

CONSENT  
AGREEMENT

LEO MUDUVE, M.D., represents that all of the following statements are true:

That I have been a "licensee" as that term is defined in N.Y. Pub. Health Law §230(7)(a), at times in and before 2016 while engaged in a Psychiatry Residency Program at St. Luke's–Roosevelt Hospital Center, New York, N.Y. (and hereafter I will be referred to as "licensee" although I do not hold and have not held a license to practice medicine in New York State issued by the New York State Education Department). I am currently not practicing clinical medicine in any jurisdiction, and do not maintain privileges or affiliations with any hospital or facility. I am currently not licensed as a physician, and do not hold a limited permit to practice medicine, in any jurisdiction outside of New York State, with the exception of: (list the jurisdictions and license numbers or write "NONE")

\_\_\_\_\_  
NONE

My current address is [REDACTED]. I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one specification of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I agree not to contest the allegations in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to N.Y. Pub. Health Law § 230-a (6), a limitation shall be imposed, precluding the issuance to me of any further license to practice medicine in New York.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall be precluded from applying for licensure in New York after the effective date of this Consent Order.

That Respondent shall not practice medicine in New York, including practice as an exempt person within the meaning of N.Y. Educ. Law § 6526, after the effective date of this Consent Order.

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will remain in effect permanently.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the

proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 08/05/2017

A solid black rectangular box redacting the signature of the respondent.

LEO MUDUVE, M.D.  
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: \_\_\_\_\_

\_\_\_\_\_  
, ESQ.  
Attorney for Respondent

DATE: August 11, 2017

\_\_\_\_\_  
MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 8/16/17

\_\_\_\_\_  
KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct



**EXHIBIT "A"**  
NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
  
OF  
  
LEO MUDUVE, M.D.

STATEMENT  
  
OF  
  
CHARGES

LEO MUDUVE, M.D., the Respondent, has been a "licensee" as that term is defined in N.Y. Pub. Health Law §230(7)(a), at times in and before 2016 while engaged in a Psychiatry Residency Program at Mt. Sinai St. Luke's–Roosevelt Hospital Center, New York, N.Y. (dba Mount Sinai St. Luke's and Mount Sinai West), and hereafter will be referred to as "licensee" although he does not hold and has not held a license to practice medicine in New York State issued by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. During periods in or about 2016, Respondent, a psychiatry resident at St. Luke's–Roosevelt Hospital Center, New York, N.Y., Respondent prescribed controlled substances not in a manner authorized pursuant to Article 33 of the New York Public Health Law.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**FAILURE TO COMPLY WITH LAW**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(16) by willfully or grossly negligently failing to comply with substantial provisions of state laws, rules or regulations governing the practice of medicine, as alleged in the facts of:

1. Paragraph A.

DATE: August 11, 2017  
New York, New York



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional