

# FILED

Dec 30, 2002

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE )  
OF )  
KAJAL SAHA, M.D. )  
LICENSE NO. 43033 )  
TO PRACTICE MEDICINE IN THE )  
STATE OF NEW JERSEY )  
Administrative Action )  
**FINAL ORDER** )  
**OF DISCIPLINE** )

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

### FINDINGS OF FACT

1. Respondent, Kajal Saha, M.D., License No. MA43033, is a physician licensed in the State of New Jersey. As a consequence of respondent's failure to submit his biennial renewal in 1989, respondent's license to practice medicine and surgery in the State of New Jersey was automatically suspended pursuant to N.J.S.A. 45:9-6.1, which allows for reinstatement upon payment of a late registration fee.

2. On December 20, 2001, a Consent Order was entered between respondent and the New York State Board for Professional Medical Conduct ("New York Board"). Respondent was charged with one specification of professional misconduct. Specifically,

**CERTIFIED TRUE COPY**

respondent was charged with committing professional misconduct by failing to maintain a record for Patient A which accurately reflects the care and treatment of the patient. Respondent admitted guilt to the specification of failing to maintain a patient record which accurately reflects care and treatment. A copy of the New York Consent Order is attached as Exhibit A.

3. Respondent, a psychiatrist, performed the Annual Psychiatric Evaluation on Patient A on or about August 13, 1999. The report of the evaluation had been due before Patient A's commitment evaluation. Respondent actually wrote the report in September of 1999 and he falsely dated the signature August 13, 1999.

4. The New York Board imposed a censure and reprimand on respondent's license.

#### **CONCLUSIONS OF LAW**

1. The above New York action provides grounds to take disciplinary action against respondent's license to practice medicine in New Jersey pursuant to N.J.S.A. 45:1-21(h) in that respondent's admission of guilt of failing to maintain a patient record which accurately reflects the care and treatment of the patient conclusively proves respondent has failed to comply with the provisions of any act or regulation administered by the Board, specifically the patient record rule, N.J.A.C. 13:35-6.5 and engaging in dishonesty in violation of N.J.A.C. 45:1-21 (b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline reprimanding respondent was entered on July 26, 2002 and a copy was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS ON THIS 30th DAY OF Dec ,2002

HEREBY ORDERED THAT:

1. Respondent is hereby reprimanded.

STATE BOARD OF MEDICAL EXAMINERS

By: William V. Harrer MD BLD  
William V. Harrer, M.D., B.L.D.  
President

Saha

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

IN THE MATTER  
OF  
KAJAL SAHA, M.D.

CONSENT  
ORDER

BPMC No. 01-316

Upon the proposed agreement of Kajal Saha, 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: 12/20/01

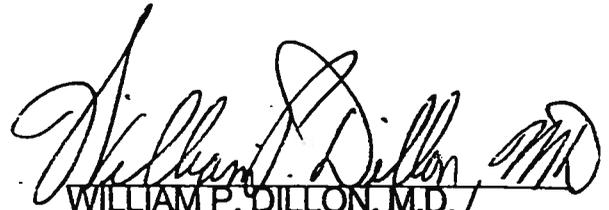
  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

EXHIBIT A

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

IN THE MATTER  
OF  
KAJAL SAHA, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

Kajal Saha, M.D., representing all statements herein made to be true, deposes and says:

That on or about August 21, 1986, I was licensed to practice as a physician in the State of New York, having been issued License No. 167594 by the New York State Education Department.

My current address is 701 Silver Lake-Scotchtown Road, Middletown, New York 10941, 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 one specification of professional misconduct.

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

I admit guilt to the specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Censure and Reprimand.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That Respondent shall maintain active registration of Respondent's 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 will continue while the licensee possesses his/her license; and

That Respondent fully cooperated and shall continue to cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

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.

DATED 11/21/2001 .

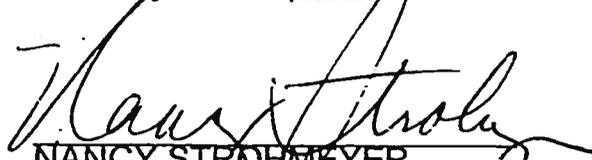
Kajal Kumar Saha, MD  
KAJAL SAHA, M.D.  
RESPONDENT

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

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

  
LEE S. GOLDSMITH, ESQ.  
Attorney for Respondent

DATE: 12/13/01

  
NANCY STROHMEYER  
ASSISTANT COUNSEL  
Bureau of Professional  
Medical Conduct

DATE: 12/19/01

  
DENNIS J. GRAZIANO  
Director  
Office of Professional  
Medical Conduct

EXHIBIT "A"

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

IN THE MATTER  
OF  
KAJAL SAHA, M.D.

STATEMENT  
OF  
CHARGES

KAJAL SAHA, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 21, 1986, by the issuance of license number 167594 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about August 13, 1999, Respondent, a psychiatrist, performed the Annual Psychiatric Evaluation on Patient A (identified in Appendix "A".) Report of this evaluation had been due before Patient A's August 8 commitment anniversary and Respondent actually wrote the report in September of 1999.
1. Respondent falsely dated the signature August 13, 1999.

**SPECIFICATION OF CHARGES**

**FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

1. Paragraph A. and A.1.

DATED: November , 2001  
New York, New York

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Roy Nemerson  
Deputy Counsel  
Bureau of Professional  
Medical Conduct