

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :
:
SESHAGIRI R. VAVILIKOLANU, M.D. :

ENTRY OF ORDER

On December 13, 2001, Seshagiri R. Vavilikolanu, M.D., executed a Voluntary Surrender of his Certificate to practice medicine and surgery in the State of Ohio with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Dr. Vavilikolanu's express waiver of the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 35-078775 authorizing Seshagiri R. Vavilikolanu, M.D., to practice medicine be permanently REVOKED, effective December 17, 2001.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 17th day of December, 2001, and the original thereof shall be kept with said Journal.

Anand G. Garg, M.D.
Anand G. Garg, M.D. /TAD
Secretary

(SEAL)

December 17, 2001
Date

STATE MEDICAL BOARD
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**STATE OF OHIO
THE STATE MEDICAL BOARD
SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY**

I, Seshagiri R. Vavilikolanu, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Seshagiri R. Vavilikolanu, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 078775, to the State Medical Board of Ohio, thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio. This Surrender of Certificate to Practice Medicine and Surgery shall be effective upon the last date of signature below.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 078775, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, No. 078775, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I, Seshagiri R. Vavilikolanu, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. I, Seshagiri R. Vavilikolanu, M.D., agree to provide

Surrender of Certificate
Seshagiri R. Vavilikolanu, M.D.
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STATE MEDICAL BOARD
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my social security number to the Board and hereby authorize the Board to utilize that number in conjunction with that reporting.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(22), Ohio Revised Code, to wit: New York State Board for Professional Medical Conduct Order No. 01-285 dated November 20, 2001, a copy of which is attached hereto and incorporated herein.

Signed this 13 day of December, 2001


Seshagiri R. Vavilikolanu, M.D.


Witness


Jean F. Arlikowek
Witness

Sworn to and subscribed before me this _____ day of December, 2001.

Notary Public

SEAL (This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:


Anand G. Garg, M.D. /TAD
Secretary


Raymond J. Albert /TAD
Supervising Member

12/17/01
Date

12/17/01
Date

STATE OF NEW YORK

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

IN THE MATTER
OF
SESHAGIRI R. VAVILIKOLANU, M.D.

SURRENDER
ORDER
BPMC No. 01-285

Upon the proposed agreement of SESHAGIRI R. VAVILIKOLANU, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 Surrender 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: 11/20/01



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

**IN THE MATTER OF
SESHAGIRI R. VAVILIKOLANU, M.D.**

**SURRENDER
OF
LICENSE**

SESHAGIRI R. VAVILIKOLANU, M.D., representing all statements herein made to be true, deposes and says:

On or about July 27, 1999, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 215078 by the New York State Education Department.

My current address is 130 Arbor Court, Hillsdale, Michigan, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with Eight Specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit the Eighth Specification in full satisfaction of the Statement of Charges.

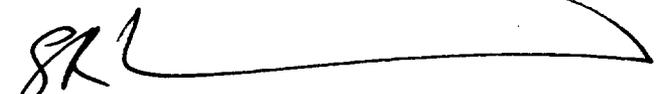
I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. 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 Surrender 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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED 11/09/01


SESHAGIRI R. VAVILIKOLANU, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 11/09/01



CATHERINE A. GALE, ESQ.
Attorney for Respondent

Date: 11/13/01



MICHAEL A. HISER, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 11/16/01



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

**GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A
REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more)
OF A MEDICAL LICENSE**

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall have delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299 his original license to practice medicine in New York State and current biennial registration within thirty (30) days of the effective date of the Order.
3. Respondent shall within fifteen (15) days of the Order notify his patients of the cessation of his medical practice and will refer all patients to another licensed practicing physician for their continued care, as appropriate.
4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
5. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
6. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
7. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.

8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

10. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230-a of the Public Health Law, which includes fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.

IN THE MATTER
OF
SESHAGIRI RAO VAVILIKOLANU, M.D.

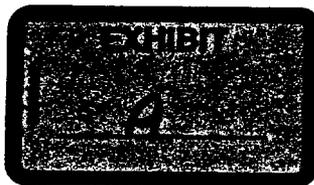
STATEMENT
OF
CHARGES

SESHAGIRI RAO VAVILIKOLANU, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 29, 1999, by the issuance of license number 215078 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent provided anesthesia care to Patient A (patients are identified in the attached Appendix), a twenty-two year old female, on or about January 7, 2000, at Champlain Valley Physician's Hospital Center, 100 Beekman Street, Plattsburgh, New York, 12901, ("CVPH"). Patient A was admitted to the labor and delivery unit on January 7, 2000 for elective induction at 41 weeks gestation. Later the same date, Patient A underwent a cesarean section for delivery, during which Respondent provided anesthesia. Respondent's medical care of Patient A failed to meet accepted standards of medical care in the following respects:

1. Respondent attempted to perform spinal anesthesia on Patient A before having adequate monitors attached and functioning, including a blood pressure cuff and EKG leads, and he attempted to perform general anesthesia on Patient A before having adequate monitors attached and functioning, including EKG leads.
2. Respondent inappropriately gave anesthetic medications to Patient A to begin general anesthesia, including an induction agent and a depolarizing drug, before the patient was fully prepared and draped for the surgery to begin.



B. Respondent provided anesthesia care to Patient B, an eighty-two year old female, on or about December 9, 1999 through January 14, 2000, at the Champlain Valley Physician's Hospital Center. Patient B was admitted for surgical care during which Respondent provided anesthesia. Respondent's medical care of Patient B failed to meet accepted standards of medical care in the following respects:

1. Respondent, during Patient B's surgery of 12/27/99, administered 600 ml of saline to the patient, which was contraindicated given her history of chronic episodic congestive heart failure, low ejection fraction, and cardiomyopathy.

C. Respondent, on or about February 11, 2000, submitted an application for privileges to Our Lady of Lourdes Hospital, Binghamton, New York, 13902. In the materials provided by the Respondent in support of his application, Respondent indicated that he had been on "vacation" from 11/22/99 through 2/13/00. He also failed to disclose his affiliation with CVPH during that or any time frame.

1. Respondent knowingly and intentionally failed to provide details regarding his employment at CVPH. Instead, Respondent falsely indicated that, during the time he was employed at CVPH, he had been on "vacation."

D. Respondent, on or about February 11, 2000, submitted an application for

privileges to Binghamton General Hospital, United Health Services, 33-39 Mitchell Avenue, Binghamton, New York, 13902.

1. Respondent, in his application and supporting materials, knowingly and intentionally failed to provide details regarding his employment at CVPH from November 1999 through January 2000.

E. Respondent, between April 20 and May 15, 2000, submitted an application for medical staff privileges to the Central Credentialing Verification Program of Oneida County Medical Society, New Hartford, New York, as part of applying for membership to the hospital medical staffs at Faxton Hospital, Utica, New York, and St. Luke's Hospital, Utica, New York. In the materials provided by the Respondent in support of his application, Respondent indicated that he had been on "vacation" from 11/22/99 through 3/12/00. He also failed to disclose his affiliation with CVPH during that or any time frame.

1. Respondent, in his application and supporting materials, knowingly and intentionally failed to provide details regarding his employment at CVPH from November 1999 through January 2000.

F. On or about May 24, 2001, in the United States District Court for the Northern District of Illinois, Eastern Division based on a plea of guilty, Respondent was found guilty of conducting and participating in the affairs of a racketeering enterprise, through a pattern of racketeering activity, consisting of racketeering acts of involving wire fraud, in violation of 18 U.S.C. Sec. 1962(c) a felony, and on or about October 10, 2001, was sentenced to thirty five (35) months imprisonment followed by three (3) years supervised release, and monetary restitution and a fine.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the facts of the following:

1. The allegations in Paragraphs A and A.1, and/or A and A.2.

SECOND SPECIFICATION

GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

2. The allegations in Paragraphs A and A.1, and/or A and A.2.

THIRD SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

3. The allegations in Paragraphs A and A.1, A and A.2, and/or B and B.1.

FOURTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

4. The allegations in Paragraphs A and A.1, A and A.2, and/or B and B.1.

FIFTH SPECIFICATION

FRAUDULENT PRACTICE

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

5. The allegations in Paragraphs C and C.1, D and D.1, and/or E and E.1.

SIXTH SPECIFICATION

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

6. The allegations in Paragraphs C and C.1, D and D.1, and/or E and E.1.

SEVENTH SPECIFICATION

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

7. The allegations in Paragraphs C and C.1, D and D.1, E and E.1., and/or F.

EIGHTH SPECIFICATION

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

8. The allegations of Paragraph F.

DATED: November 13, 2001
Albany, New York



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct