



*Public*

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

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

Richard F. Daines, M.D.  
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NYS Department of Health  
James W. Clyne, Jr.  
Executive Deputy Commissioner  
Keith W. Servis, Director  
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.  
Chair  
Carmela Torrelli  
Vice Chair  
Katherine A. Hawkins, M.D., J.D.  
Executive Secretary

September 17, 2009

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Ruth Atlas, M.D.

Redacted Address

Re: License No. 154394

Dear Dr. Atlas:

Enclosed is a copy of BPMC #09-173 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect September 24, 2009.

**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** and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

Redacted Signature

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Ace Pickens, Esq.  
Brown, McCarroll, LLP- Suite 1400  
111 Congress Avenue  
Austin, Texas 78701-4043

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IN THE MATTER

CONSENT

OF

ORDER

RUTH ATLAS, M.D.

BPMC No. #09-173

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Upon the application of **RUTH ATLAS, M.D.**, (Respondent), 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.

DATED: 9/16/09

Redacted Signature

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KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct

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

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IN THE MATTER

OF

RUTH ATLAS, M.D.  
CO-08-09-5652-A

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CONSENT

AGREEMENT

AND ORDER

RUTH ATLAS, M.D., Respondent, representing that all of the following statements are true, deposes and says:

That on or about June 17, 1983, I was licensed to practice medicine as a physician in the State of New York, and issued license number 154394 by the New York State Education Department.

My current address is Redacted Address, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specification of professional misconduct, based solely on the August 29, 2008, Texas Medical Board, Agreed Order.

A copy of the Statement of Charges, marked as Exhibit "A," is attached to and part of this Consent Agreement.

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand, a \$2,500.00 fine, that I appear before the Director prior to returning to practice in New York state, and that I keep my New York state license registration active.

As I have not practiced medicine in New York state in many years and I do not intend to return to practice medicine in New York state, I do not contest Factual Allegations A and B(3) and the Second Specification, in full satisfaction of the charges against me, and:

I agree, in lieu of the settlement offered by the State of New York:

to never practice medicine as a physician in New York state  
or activate my registration to practice medicine as a physician in New York state.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education 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 New York Public 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.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public 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.

AFFIRMED:

DATED: 9/1/09

Redacted Signature

RUTH ATLAS, M.D.  
Respondent

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

DATE: 9/8/09

Redacted Signature

KEITH W. SERVIS  
Attorney for Respondent

DATE: 14 September 2009

Redacted Signature

ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 9/15/09

Redacted Signature

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

IN THE MATTER  
OF  
RUTH ATLAS, M.D.  
CO-08-09-5652-A

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STATEMENT  
OF  
CHARGES

RUTH ATLAS, M.D., Respondent, was authorized to practice medicine in New York state on June 17, 1983, by the issuance of license number 154394 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about August 29, 2008, the Texas Medical Board (hereinafter "Texas Board"), by an Agreed Order (hereinafter "Texas Order"), inter alia, subjected Respondent to two (2) years terms and conditions and required him to pay a \$2,000.00 administrative penalty, based on failing to maintain adequate medical records, delegating acts of professional medical responsibility to a person whom she reasonably was aware was not qualified by licensure to perform such acts, and failing to supervise her certified medical assistant adequately when that employee saw patients in Respondent's absence.

B. The conduct resulting in the Texas Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(11) (permitting, aiding or abetting an unlicensed person to perform activities requiring a license);
3. New York Education Law §6530(25) (delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them);
4. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient); and/or

5. New York Education Law §6530(33) (failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee).

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *July 29*, 2009  
Albany, New York

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