



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

May 6, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Sherif Shafey, M.D.
3661 S. Miami Avenue
#907
Miami, FL 33133-4214

RE: License No. 097749

Dear Dr. Shafey:

Enclosed please find Order #BPMC 94-68 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
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 : ORDER
SHERIF SHAFEY, M.D. : BPMC #94-68

-----X

Upon the application of SHERIF SHAFEY, M.D. (Respondent) for Surrender of his medical license, which application is made a part hereof, it is

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

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED,

DATED: 2 May 1994

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
SHERIF SHAFETY, M.D. : LICENSE

STATE OF FLORIDA)
COUNTY OF *Dade*) ss.:

SHERIF SHAFETY, M.D., being duly sworn, deposes and says:

1. On or about October 7, 1966, I was licensed to practice as a physician in the State of New York having been issued License No. 097749 by the New York State Education Department.

2. I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

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

4. 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 do not contest the specification of professional misconduct set forth in the Statement of Charges. I understand that the New York charges are based solely upon the fact of the 1992 discipline in the State of Florida.

5. I understand that after one year from the effective date of the surrender, I may apply to the New York State Education Department for a determination as to re-licensure.

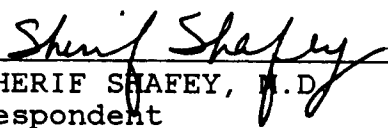
6. I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

7. 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

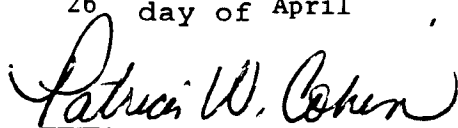
determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

8. 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.

9. I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.


SHERIF SHAFEY, M.D.
Respondent

Sworn to before me this
26 day of April, 1994


NOTARY PUBLIC

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

IN THE MATTER
OF
SHERIF SHAFEY, M.D.

: APPLICATION
:
: TO SURRENDER
:
: LICENSE
:

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

Date: April 26, 1994

Sherif Shafey
SHERIF SHAFEY, M.D.
Respondent

Date: April 26, 1994

Mark A. Dresnick
MARK A. DRESNICK, Esq.
Attorney for Respondent

Date: April 27, 1994

Elizabeth C. Hogan
ELIZABETH C. HOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: May 5, 1994

Kathleen M. Tanner
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 2 May, 1994

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
SHERIF SHAFETY, M.D. : CHARGES

-----X

SHERIF SHAFETY, M.D., the Respondent, was authorized to practice medicine in New York State on October 7, 1966 by the issuance of license number 097749 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. The Florida Board of Medical Examiners, by Final Order dated August 15, 1992 and pursuant to a Consent Agreement entered into between the Board and Respondent, took disciplinary action against Respondent. The Board ordered Respondent to pay a \$1500.00 fine, attend Continuing Medical Education courses and perform community service.

2. The conduct underlying the Florida Board's imposition of discipline upon Respondent, as set forth in the Board's April

27, 1991 Complaint, was the allegation that Respondent knowingly billed patients for initial complex or comprehensive consultations when in fact Respondent was performing follow up office visits or on-going care for patients, this involving five patients over the approximate period December, 1987 through May, 1990. Further, the Complaint alleged failure by Respondent to keep records for each patient reflecting actual evaluation and treatment. The conduct is in violation of Florida Statutes §458.331(1)(k) [making deceptive, untrue, or fraudulent representations in or related to the practice of medicine]; §458.331(1)(h) [making or filing a report which the licensee knows to be false]; §458.331(1) (m) [failing to keep written medical records justifying the course of treatment of the patient].


3. The conduct underlying the Florida Board's imposition of discipline, would, if committed in New York State, constitute professional misconduct under N.Y. Education Law §6530(2) [practicing the profession fraudulently]; and/or N.Y. Education Law §6530(21) [willfully making or filing a false report]; and/or N.Y. Education Law §6530(32) [failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient].

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Education Law §6530(9)(d) (McKinney Supp. 1994) by reason of his having his license to practice medicine revoked, suspended or having other disciplinary action taken, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license 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 1, 2 and 3.

DATED: Albany, New York
April 27, 1994



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