



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 1, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mohammad Sarwar, M.D.
5945 McFarland Drive
Plano, Texas 75093

RE: License No. 114818

Dear Dr. Sarwar:

Enclosed please find Order #BPMC 02-235 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect August 1, 2002.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Ms. Susan Piver, Esq.
315 Lincoln Parkway
Buffalo, New York 14216

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

IN THE MATTER
OF
MOHAMMAD SARWAR, M.D.

CONSENT
ORDER

BPMC No. 02-235

Upon the proposed agreement of Mohammad Sarwar, 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: 8/1/02



WILLIAM P. DILLON, 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
MOHAMMAD SARWAR, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

Mohammad Sarwar, M.D., (Respondent) states:

That on or about January 22, 1973, I was licensed to practice as a physician in the State of New York, having been issued License No. 114818 by the New York State Education Department.

My current address is 5945 McFarland Drive, Plano, Texas, 75093, 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 agree not to contest the first specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license shall be subject to a censure and reprimand.

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

That, except during periods of actual suspension, 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 shall fully 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.

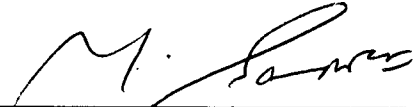
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.

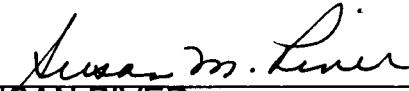
DATE: 7/25/, 2002




MOHAMMAD SARWAR, 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.

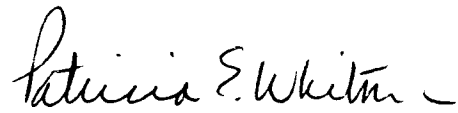
DATE: 7/24/02


SUSAN PIVER
Attorney for Respondent

DATE: 7/25/02


JEFFREY J. CONKLIN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 7/31/02


DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

**IN THE MATTER
OF
MOHAMMAD SARWAR, M.D.**

**STATEMENT
OF
CHARGES**

Mohammad Sarwar, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 22, 1973, by the issuance of license number 114818 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Patient A, hereinafter identified in the annexed Appendix, was seen in the emergency room at Olean General Hospital on the 1st day of May, 1999, because of a possible left arm injury. The Respondent reviewed x-rays taken of Patient A's left shoulder, and failed to diagnose an avulsion fracture of the left humerus. Respondent deviated from accepted standards of medical care in the following manner:
1. Respondent failed to properly interpret x-ray films taken of patient A's left shoulder on May 1, 1999.

B. Patient B, hereinafter identified in the annexed Appendix, was seen in the emergency room at Olean General Hospital on April 17, 1998, because of a possible knee injury. Respondent interpreted an MRI taken of Patient B's knee as revealing a sprain of the anterior cruciate ligament. The correct interpretation was that Patient B had sustained a tear of the anterior cruciate ligament, sprain of the posterior cruciate ligament, and tear of the medial collateral ligament. Respondent deviated from accepted standards of medical care in the following manner:

1. Respondent failed to properly interpret MRI film taken of Patient B's knee on April 17, 1998.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

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

1. The facts in paragraphs A and A.1; and
2. The facts in paragraphs B and B.1.

DATED:

July 26, 2002
Albany, New York


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