



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

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

Paula Wilson  
Executive Deputy Commissioner

November 22, 1993

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Marcia E. Kaplan, Esq.  
Associate Counsel  
NYS Department of Health  
Bureau of Professional  
Medical Conduct  
5 Penn Plaza - Sixth Floor  
New York, New York 10001-1810

Medhat Shenouda, M.D.  
Inmate No. 93A4870  
New York State Downstate  
Correctional Facility  
P.O. Box 445  
Fishkill, New York 12524

**RE: In the Matter of MEDHAT SHENOUDA, M.D.**

Dear Ms. Kaplan and Dr. Shenouda:

Enclosed please find the Determination and Order (No. BPMC-93-190) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

New York State Department of Health  
Office of Professional Medical Conduct  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law, §230, subdivision 10, paragraph (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the administrative review board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Corning Tower -Room 2503  
Empire State Plaza  
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the  
Administrative Review Board's Determination and Order.

Very truly yours,

*Tyrone T. Butler*

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:rg  
Enclosure

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

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IN THE MATTER ;  
OF ;  
MEDHAT SHENOUDA, M.D. ;

DETERMINATION  
AND  
ORDER  
OF THE  
HEARING  
COMMITTEE  
ORDER NO.  
BPMC-93-190

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A Notice of Hearing and Statement of Charges dated August 5, 1993 were served upon MEDHAT SHENOUDA, M.D. (hereinafter referred to as "Respondent"). The undersigned Hearing Committee consisting of PEARL D. FOSTER, M.D., CHAIRPERSON, ROBERT W. STRAUSS, M.D. AND JOHN T. VERNIEU, was duly designated and appointed by the State Board for Professional Medical Conduct. JONATHAN M. BRANDES, ESQ., Administrative Law Judge, served as Administrative Officer.

A hearing was conducted on September 15, 1993 pursuant to section 230 (10)(e) of the Public Health Law and sections 301-307 and 401 of the New York State Administrative Procedure Act to receive evidence concerning alleged violations of section 6530 of the New York Education Law by Respondent. The hearing was held at the Offices of the New York State Department of Health, 5 Penn Plaza, New York, New York.

The Department of Health appeared by Marcia Kaplan, Esq., of counsel to Peter J. Millock, Esq., General Counsel. Respondent neither appeared in person nor by counsel. Evidence was received and a transcript of this proceeding was made.

### STATEMENT OF CASE

The proceeding was brought pursuant to Public Health Law Section 230(10)(p). This statute provides for an expedited hearing where a licensee is charged solely with a violation of New York Education Law, Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct if committed in New York. The scope of the expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon a licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to New York Education Law Section 6530(9)(a)(i) based upon the fact that he has been convicted of committing an act constituting a crime under New York State law. The charges are more particularly set forth in the Notice of Referral Proceeding and Statement of Charges which is attached to this Determination and Order (Appendix I).

### SIGNIFICANT LEGAL RULINGS

The Administrative Law Judge found that the State had made service upon Respondent pursuant to statute and that therefore, jurisdiction of Respondent had been established.

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. The citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Respondent was authorized to practice medicine in New York State on July 1, 1991 by the issuance of license number 186029 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine. Respondent's last registered address with the New York Education Department is 706 Elizabeth Ave., Raritan, New Jersey, 08869.

2. Respondent, at the time of this proceeding was a resident of The New York State Downstate Correctional Facility in Fishkill, New York.

3. On or about May 17, 1993, Respondent was convicted after a trial by jury in the Supreme Court of the State of New York, County of Kings, of Attempted Murder in the Second Degree, a felony, in violation of Section 110/125.25(1) of the Penal Law.

4. Respondent was convicted of intentionally attempting to kill his wife by administering insulin to her.

5. On or about June 8, 1993, Respondent was sentenced to a term of imprisonment for a minimum of eight and one third years.

and was committed to the custody of the New York State Department of Correctional Services.

**CONCLUSIONS**

There can be no debate that Respondent has committed a very serious crime under New York State Law. The State has satisfied its burden of proof. There is little for the Committee to say given the extraordinary gravity of the crime for which Respondent was convicted. Furthermore, a most egregious situation is amplified by the fact that Respondent used his knowledge as a physician to attempt to take life. There can be no other sanction but revocation.

**ORDER**


Based upon the foregoing it is hereby ordered that:

1. The specifications of professional misconduct contained in the Statement of Charges in this matter be **SUSTAINED**; and

2. The license of Respondent to practice medicine in this state be **REVOKED**.

**DATED: New York, New York**

17 November, 1993

  
**PEARL D. FOSTER, M.D.**  
Chairperson

**ROBERT W. STRAUSS, M.D.**  
**ROBERT T. VERNIEU**

TO: Marcia E. Kaplan, Esq.  
Associate Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza  
New York, N.Y.

Medhat Shenouda, M.D.  
Inmate No. 93A4870  
N.Y. State Downstate Correctional Facility  
P.O. Box 445  
Fishkill N.Y. 12524



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

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: IN THE MATTER :  
: OF :  
: MEDHAT SHENOUDA, M.D. :  
-----X

NOTICE OF  
REFERRAL  
PROCEEDING

TO: MEDHAT SHENOUDA, M.D.  
Inmate No. 93A4870  
N.Y. State Downstate Correctional Facility  
P.O. Box 445  
Fishkill, N.Y. 12524

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1993) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 15th day of September, 1993 at 2:00 o'clock in the afternoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: NANCY MASSARONI, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before September 3, 1993 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before September 3, 1993 and a copy of

all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT SUSPENDS OR REVOKES YOUR  
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE

AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED.  
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT  
YOU IN THIS MATTER.

DATED: New York, New York

August 5, 1993



Chris Stern Hyman  
Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Marcia E. Kaplan  
Associate Counsel  
212 613-2615

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

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IN THE MATTER : STATEMENT  
OF : OF  
MEDHAT SHENOUDA, M.D. : CHARGES  
-----X

MEDHAT SHENOUDA, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1991 by the issuance of license number 186029 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. He was last registered for the period ending December 31, 1992 from 706 Elizabeth Avenue, Raritan, New Jersey 08869.

**FIRST SPECIFICATION**

HAVING BEEN CONVICTED OF  
AN ACT CONSTITUTING A CRIME  
UNDER NEW YORK STATE LAW

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(a)(i) (McKinney Supp.

1993) in that he has been convicted of committing an act constituting a crime under New York State law, specifically:

On or about May 17, 1993, the Respondent was convicted after a trial by jury in the Supreme Court of the State of New York, County of Kings, of Attempted Murder in the Second Degree, a felony, in violation of Section 110/125.25(1) of the Penal Law, in that Respondent, with intent to cause the death of Georgette Shenouda, attempted to cause her death by administering insulin to her.

On or about June 8, 1993, the Respondent was sentenced to a term of imprisonment for a minimum of eight and one third years and a maximum of twenty-five years, and was committed to the custody of the New York State Department of Correctional Services.

DATED: NEW YORK, NEW YORK

August 5, 1993



CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct