

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

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

IN THE MATTER
OF
OSSAMA ELBAHLOUL, M.D.

STATEMENT
OF
CHARGES

OSSAMA ELBAHLOUL, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 20, 2008, by the issuance of license number 248705 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. From on or about December 1, 2009 through on or about December 6, 2010, Respondent evaluated and treated Patient A, a then 65-year-old woman, for neck and back pain through his solely owned medical corporation, Elbahloul Medical Services, P.C. (EMS) at 160 Broadway, New York, New York 10038. Respondent deviated from medically accepted standards of care in that he:

1. Failed to perform and document an adequate history and physical examination for Patient A.
2. Diagnosed Patient A with medical conditions unsupported by medically appropriate diagnostic testing.
3. Improperly treated Patient A by performing multiple medically unwarranted trigger point injections and facet blocks, often at intervals of less than one week apart, exposing Patient A to risk.

4. Improperly used fluoroscopy when performing trigger point injections, exposing Patient A to unnecessary radiation exposure.
5. Treated Patient A's spinal pain by improperly performing facet blocks.
6. Performed intra-muscular trigger point injections on Patient A but documented and/or billed them improperly as facet joint injections.
7. Documented and billed Patient A's medical insurance carrier for two office visits on March 16, 2010, when Patient A had one visit.
 - a. Respondent did so with intent to deceive.
8. Billed Patient A's medical insurance carrier for at least one fluoroscopy guided treatment on August 11, 2010, when Patient A's medical record did not reflect any such treatment.
 - a. Respondent did so with intent to deceive.
9. Failed to maintain a record that accurately reflects the evaluation and treatment of Patient A.

B. From on or about October 3, 2011 through on or about November 16, 2011, Respondent evaluated and treated Patient B for neck and back pain through his solely owned medical corporation, Elbahloul Medical Services, P.C. (EMS) at 160 Broadway, New York, New York 10038. Respondent deviated from medically accepted standards of care in that he:

1. Failed to perform and document an adequate history and physical examination for Patient B.
2. Diagnosed Patient B with medical conditions unsupported by medically appropriate diagnostic testing.
3. Improperly treated Patient B by performing multiple medically unwarranted trigger point injections and facet blocks, often at intervals of less than one week apart, exposing Patient B to risk.

4. Improperly used fluoroscopy when performing trigger point injections, exposing Patient B to unnecessary radiation exposure.
5. Treated Patient B's spinal pain by improperly performing facet blocks.
6. Performed intra-muscular trigger point injections on Patient B but documented and/or billed them improperly as facet joint injections.
7. Failed to maintain a record that accurately reflects the evaluation and treatment of Patient B.

C. From on or about September 9, 2009 through on or about December 6, 2010, Respondent evaluated and treated Patient C, a then 62-year-old woman, for neck and back pain through his solely owned medical corporation, Elbahloul Medical Services, P.C. (EMS) at 160 Broadway, New York, New York 10038.

Respondent deviated from medically accepted standards of care in that he:

1. Failed to perform and document an adequate history and physical examination for Patient C.
2. Diagnosed Patient C with medical conditions unsupported by medically appropriate diagnostic testing.
3. Improperly treated Patient C by performing multiple medically unwarranted trigger point injections and facet blocks, often at intervals of less than one week apart, exposing Patient C to risk.
4. Improperly used fluoroscopy when performing trigger point injections, exposing Patient C to unnecessary radiation exposure.
5. Treated Patient C's spinal pain by improperly performing facet blocks.
6. Failed to maintain a record that accurately reflects the evaluation and treatment of Patient C.

D. From on or about October 7, 2011 through on or about November 9, 2011, Respondent evaluated and treated Patient D for neck pain through his solely

owned medical corporation, Elbahloul Medical Services, P.C. (EMS) at 160 Broadway, New York, New York 10038. Respondent deviated from medically accepted standards of care in that he:

1. Failed to perform and document an adequate history and physical examination for Patient D.
2. Diagnosed Patient D with medical conditions unsupported by medically appropriate diagnostic testing.
3. Improperly treated Patient D by performing multiple medically unwarranted trigger point injections and facet blocks, often at intervals of less than one week apart, exposing Patient D to risk.
4. Improperly used fluoroscopy when performing trigger point injections, exposing Patient D to unnecessary radiation exposure.
5. Treated Patient D's spinal pain by improperly performing facet blocks.
6. Failed to maintain a record that accurately reflects the evaluation and treatment of Patient D.

E. From on or about January 7, 2012 through on or about May 22, 2012, Respondent evaluated and treated Patient E for neck and back pain through his solely owned medical corporation, Elbahloul Medical Services, P.C. (EMS) at 160 Broadway, New York, New York 10038. Respondent deviated from medically accepted standards of care in that he:

1. Failed to perform and document an adequate history and physical examination for Patient E.
2. Diagnosed Patient E with medical conditions unsupported by medically appropriate diagnostic testing.
3. Improperly treated Patient E by performing multiple medically unwarranted facet blocks, often at intervals of less than one week apart, exposing Patient E to risk.

4. Improperly used fluoroscopy when performing trigger point injections, exposing Patient E to unnecessary radiation exposure.
5. Treated Patient E's spinal pain by improperly performing facet blocks.
6. Failed to maintain a record that accurately reflects the evaluation and treatment of Patient E.

SPECIFICATION OF CHARGES
FIRST THROUGH FIFTH SPECIFICATIONS

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. Paragraph A and each of its subparagraphs, except 7 and 7(a), 8 and 8(a) and 9.
2. Paragraph B and each of its subparagraphs, except 7.
3. Paragraph C and each of its subparagraphs, except 6.
4. Paragraph D and each of its subparagraphs, except 6.
5. Paragraph E and each of its subparagraphs, except 6.

SIXTH 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:

6. Paragraph A and each of its subparagraphs, except 3, 7 and 7(a), 8 and 8(a); and/or Paragraph B and each of its subparagraphs, except 3; and/or Paragraph C and each of its subparagraphs, except 3; and/or Paragraph D and each of its subparagraphs, except 3; and/or Paragraph E and each of its subparagraphs, except 3.

SEVENTH THROUGH ELEVENTH SPECIFICATIONS

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:

7. Paragraph A and each of its subparagraphs, except 7 and 7(a), 8 and 8(a) and 9.
8. Paragraph B and each of its subparagraphs, except 7.
9. Paragraph C and each of its subparagraphs, except 6.
10. Paragraph D and each of its subparagraphs, except 6.
11. Paragraph E and each of its subparagraphs, except 6.

TWELFTH 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:

12. Paragraph A and each of its subparagraphs, except 3, 7 and 7(a), 8 and 8(a); and/or Paragraph B and each of its subparagraphs, except 3; and/or Paragraph C and each of its subparagraphs, except 3; and/or Paragraph D and each of its subparagraphs, except 3; and/or Paragraph E and each of its subparagraphs, except 3.

THIRTEENTH THROUGH SEVENTEENTH SPECIFICATIONS

UNWARRANTED TESTS/TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(35) by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient, as alleged in the facts of:

13. Paragraphs A and A (3).
14. Paragraphs B and B (3).
15. Paragraphs C and C (3).
16. Paragraphs D and D (3).
17. Paragraphs E and E (3).

EIGHTEENTH THROUGH NINETEENTH SPECIFICATIONS

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:

18. Paragraphs A, A (7) and A(7)(a).
19. Paragraphs A, A (8) and A(8)(a).

TWENTIETH THROUGH TWENTY-FIRST SPECIFICATIONS

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully 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:

- 20. Paragraphs A and A (7)
- 21. Paragraphs A and A (8).

TWENTY-SECOND THROUGH TWENTY-SIXTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

- 22. Paragraphs A and A (9).
- 23. Paragraphs B and B (7).
- 24. Paragraphs C and C (6).

25. Paragraphs D and D (6).

26. Paragraphs E and E (6).

DATE June 22, 2018
New York, New York



HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct