



**Department
of Health**

ANDREW M. CUOMO
Governor

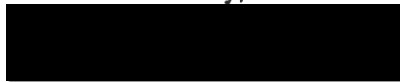
HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

October 6, 2017

CERTIFIED MAIL-RECEIPT REQUESTED

Amr El-Sanduby, M.D.



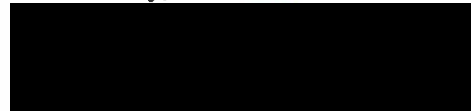
Re: License #219265

Dear Dr. El-Sanduby:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 17-287. This Order of Conditions pursuant to Public Health Law Section 230 is effective October 13, 2017.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York, 12204, telephone # 518-402-0846.

Sincerely,



Robert A. Catalano, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Douglas M. Nadjari, Esq.
Ruskin, Moscou, Faltischek, PC.
1425 RXR Plaza
East Tower, 15th Floor
Uniondale, New York 11556-1425

IN THE MATTER
OF
AMR EL-SANDUBY, M.D.

ORDER
OF CONDITIONS
PURSUANT TO
N.Y. PUB. HEALTH
LAW § 230

Upon the application of AMR EL-SANDUBY, M D (Licensee) in the attached Stipulation and Application for an Order of Conditions Pursuant to N Y Pub. Health Law § 230 (Application), which is made a part of this Order of Conditions Pursuant to N.Y. Pub. Health Law § 230 (Order), it is agreed that.

- the Application and its terms are adopted and
- this Order shall be effective upon issuance by the Board, either by mailing of a copy of this Order by first class mail to Licensee at the address in the attached Application or by certified mail to Licensee's attorney, or upon facsimile transmission to Licensee or Licensee's attorney, whichever is first.

SO ORDERED

DATE: 10/05/2017


Carmela Torrelli
Vice Chair
State Board for Professional Medical Conduct

IN THE MATTER
OF
AMR EL-SANDUBY, M.D.

APPLICATION FOR
ORDER OF
CONDITIONS
PURSUANT TO
N.Y. PUB. HEALTH
LAW § 230

AMR EL-SANDUBY, M.D., represents that all of the following statements are true:

That on or about September 19, 2000, I was licensed to practice as a physician in the State of New York and issued License No. 219265 by the New York State Education Department.

My current address is



_____ and I will advise the Director of the Office of Professional Medical Conduct of any change of address. I am affiliated with the following hospitals and/or facilities: Empire State Ambulatory Surgical Center. I understand that the New York State Board for Professional Medical Conduct ("the Board") has investigated the issues set forth in attached Exhibit "A".

I request that the Board and the Director of the Office of Professional Medical Conduct ("the Director"), in reliance upon the results of the investigation to date and upon my representation that I have practiced medicine without incident for at least a year before this Application, conclude the investigation of these issues, provided I successfully and without incident comply with the Conditions set forth below. In consideration of the Board

and the Director granting this Application, and upon the OPMC's election to terminate the current investigation, I agree that the Board and the Director shall issue an Order of Conditions pursuant to N.Y. Pub. Health Law § 230.

I agree that the Order shall impose the following conditions, and the further conditions set forth in attached Exhibit "B":

That within 90 days of the effective date of this order Licensee shall complete a course of study in Medical Record Keeping, proposed by Licensee but subject to the prior approval of the Director.

That for a period of at least 2 years and until and unless this Order is modified as set forth immediately below, Licensee shall refrain from conducting, interpreting, and/or billing for neuro-diagnostic testing services.

That upon:

1. Successfully completing a course of study in neuro-diagnostic testing proposed by Licensee but subject to the Director's prior approval; and
2. Successfully, and to the satisfaction of the Director, completing a relevant clinical skills assessment program and any remediation recommended by such program,

Licensee shall be permitted to apply to the Director for modification of the terms of this Order, to permit Licensee to conduct, interpret, and/or bill for neuro-diagnostic testing services. Licensee may not resume conducting, interpreting, and/or billing

for neuro-diagnostic testing services until after Licensee receives the Director's written acknowledgment that this Condition has been modified, and shall be subject to any further Conditions the Director may impose upon Licensee's New York Practice based on matters underlying this Consent Agreement and/or any circumstances or information known to the Director at the time of Licensee's proposed resumption of such practice. Licensee, by making such Application, stipulates that the Director shall be authorized in his or her sole discretion to impose whatever further Conditions the Director deems appropriate upon Licensee's resumption of such practice.

That Licensee shall remain in continuous compliance with all requirements of N.Y. Educ. Law § 6502, including but not limited to the requirements that a licensee shall register, and continue to be registered, with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Licensee shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Order's effective date and shall continue at all times until the conclusion of the period of Practice Conditions, regardless of tolling; and

That Licensee shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall : report to the Department all information required by the Department to develop a public physician profile for the licensee; continue to

notify the Department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update Licensee's profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to Licensee's physician profile information either electronically using the Department's secure web site or on forms prescribed by the Department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the Department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Licensee remains a licensee in New York State.

Licensee's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law §230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Licensee shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Licensee's employment and practice; all

professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Licensee shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Licensee remains a licensee in New York State; and

That Licensee shall cooperate fully with the Office of Professional Medical Conduct ("OPMC") in its administration and enforcement of this Order and in its investigation of Licensee. Licensee shall respond in a timely manner to all OPMC requests for written periodic verification of compliance with the terms of this Order, meet in person with the Director's designee, and respond promptly and provide all documents and information within Licensee's control to OPMC, as directed. This Condition shall take effect upon the Order's effective date and shall continue while Licensee possesses a license in New York; and

I stipulate that my failure to comply with the conditions imposed by this order, if proven and found at a hearing pursuant to N. Y. Pub. Health Law § 230(10), shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(29). I agree that if I am charged with professional misconduct in future, this Application and Order shall be admitted into evidence in that proceeding.

I understand that nothing in this Application shall be construed as an admission by me of any act of alleged misconduct or as a finding of misconduct as to those issues referred to in Exhibit "A". I deny any acts of misconduct and reserve my right to assert all defenses I may have in any later or other proceeding.

I understand and agree that my failure to comply with, successfully complete, or satisfy any of the material conditions of this Order, shall vest the Director with the authority, in the exercise of reasonable discretion, to vacate this agreement and shall permit the Director to pursue further investigation and/or prosecution of misconduct charges against me as to the issues set forth in Exhibit "A" to the full extent authorized by the Public Health Law and the Education Law.

I understand that an Order issued upon this Application does not bar prosecution for professional misconduct based upon allegations of violations of N.Y. Educ. Law § 6530 unrelated to the issues set forth in Exhibit "A", whether those alleged violations occurred before or after this Application. The Director may, at such time, also direct counsel to prepare charges that include allegations as to the issues set forth in Exhibit "A".

I agree that, if the Board grants this Application, the Chair of the Board shall issue an Order of Conditions in accordance with its terms. I further agree that the Department of Health shall notify the National Practitioner Data Bank and the Federation of State Medical Boards of this Order of Conditions pursuant to N.Y. Pub. Health Law § 230 and that the change in my licensure status is not disciplinary in nature. This Order of Conditions [with the exception of Exhibit "A," which shall remain a part of the investigative files of the Office

of Professional Medical Conduct within the meaning of N.Y. Pub. Health Law § 230(10)(a)(v)] shall be posted on the Department of Health website(s).

I make this Application of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Application, I waive my right to contest the Order for which I apply, whether administratively or judicially, I agree to be bound by the Order, and I ask that the Board grant this Application.

I understand and agree that the attorney for the Department of Health, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and 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.

DATE 9-15-17

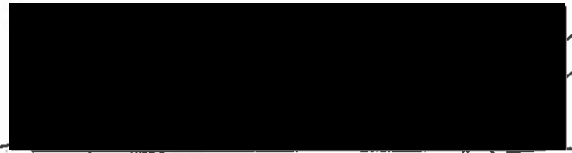
A black rectangular redaction box covers the signature of the applicant. A small handwritten mark is visible above the box.

AMR EL-SANDUBY, M.D.
LICENSEE

The undersigned agree to Licensee's attached Order of Conditions and to its proposed terms and conditions.

DATE:

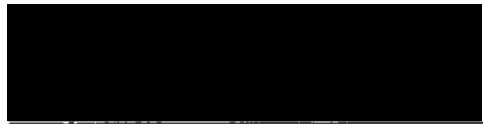
9/15/17



DOUGLAS M. NADJARI, ESQ.
Ruskin Moscou Faltischek, P.C.
Attorney for Licensee

DATE:

9/21/17



ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct

DATE:

10/3/17



KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT "B"

PRACTICE CONDITIONS

- 1) Licensee's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Licensee as defined in N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of this Order and may subject Licensee to an action pursuant to N.Y. Pub. Health Law § 230.
- 2) Licensee shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Licensee shall ensure education, training and oversight of all office personnel involved in medical care with respect to these practices.
- 3) Licensee shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients.
- 4) The Director may review Licensee's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts and/or electronic records; and interviews or periodic visits with Licensee and staff at practice locations or OPMC offices.
- 5) Licensee shall provide access for DOH personnel to Licensee's office(s) to verify Licensee's compliance with this Order. This access shall include, but not be limited to, on-site inspections, observation and interviews.
- 6) Licensee shall comply with this Order, and all its terms and Conditions, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with or violation of these terms, the Director and/or the Board may initiate a proceeding against Licensee under N.Y. Pub. Health Law § 230.