

**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
PAUL MACKOUL, M.D.

STATEMENT
OF
CHARGES

Paul Mackoul, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 28, 2017 by the issuance of license number 290599 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 9, 2021 the Maryland State Board of Physicians (hereinafter, "Maryland Board") issued a Final Decision and Order (hereinafter, "Maryland Order") that concluded that the Respondent had engaged in unprofessional conduct in the practice of medicine, grossly overutilized health care services, and failed to meet appropriate standards of care for the delivery of quality medical care. Pursuant to the Maryland Order, the Respondent's license to practice medicine in the State of Maryland was suspended for a minimum of one month. Upon termination of the suspension, the Respondent was to be placed on probation for a minimum of two years with terms and conditions. The Maryland Board's disciplinary action taken against the Respondent was based upon the Respondent's treatment of nine patients and the performance of over 500 hysterectomies performed between 2013 and 2016 in which the Respondent used non-absorbable Ethibond sutures when closing the vaginal cuff rather than absorbable sutures. The Maryland Board found this violated accepted standards of care by exposing the patients to the risks of an unnecessary second surgery.

B. On or about May 10, 2021, by an Order Terminating Suspension and Imposing Probation, the Respondent was placed on probation for a minimum of two years with terms and conditions. The Respondent was required to take and successfully complete an ethics course addressing ethical issues and human participant protection in human subject research. During the first year of probation, the Respondent was prohibited from engaging in any human subject research. During the second year of probation, the Respondent may engage in human subject research and is required to submit his research protocol and IRB approval to the Maryland Board for review and approval prior to commencing research. The Respondent was also ordered to pay a fine of \$50,000.00.

C. The conduct resulting in the Maryland Board disciplinary actions against the Respondent would constitute misconduct under the laws of New York State pursuant to the following sections of New York state law:

1. New York Education Law §6530(3) (Practicing the profession with negligence on more than one occasion);
2. New York Education Law §6530(5) (Practicing the profession with incompetence on more than one occasion)

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New

York state, constitute professional misconduct under the laws of New York state as alleged in the facts of the following:

1. The facts of Paragraphs A, B and C and C1, and/or C and C2.

SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the Respondent's license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state as alleged in the facts of the following:

2. The facts of paragraphs A, B and C and C1, and/or C and C2.

DATE: September 23, 2021
Albany, New York


JEFFREY J. CONKLIN
Acting Deputy Counsel
Bureau of Professional Medical Conduct