



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

January 14, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Waleed Saleh, M.D.
2223 West State Street
Olean, New York 14760

RE: License No. 130267
Effective Date: 1/21/94

Dear Dr. Saleh:

Enclosed please find Order #BPMC 94-03 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
WALEED SALEH, M.D. : BPMC #94-03

-----X

Upon the application of Waleed Saleh, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED,

DATED: 31 December 1993

Charles J. Vacanti
Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

WALEED SALEH, M.D.

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

IN THE MATTER : APPLICATION
OF : FOR
WALEED SALEH, M.D. : CONSENT
: ORDER

STATE OF NEW YORK)
COUNTY OF CATTARAUGUS) SS.:

WALEED SALEH, M.D., being duly sworn, deposes and says:

That on or about March 18, 1977 I was licensed to practice as a physician in the State of New York, having been issued License No. 130267 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1993 through December 31, 1994 from 2223 West State Street, Olean, New York 14760.

I understand that the New York State Board of Professional Medical Conduct has charged me with fifteen Specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the Seventh through Eleventh Specifications and all of the facts alleged therein, in full

WALEED SALEH, M.D.

satisfaction of all the matters contained in the Statement of Charges, and in full settlement of the matters considered by the Investigative Committee on July 13, 1993.

I hereby agree to the penalty of two years suspension, stay of the suspension and probation for two years within the terms of probation annexed hereto, made a part hereof, and marked as Exhibit "B." The terms of probation shall go into effect concurrent with the Order issued in this matter.

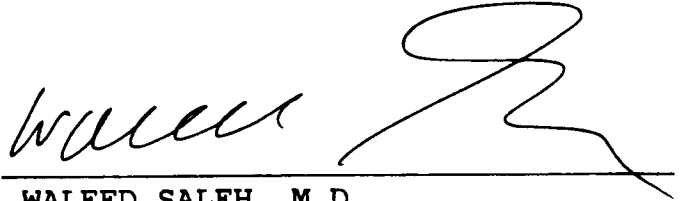
I hereby make this application to the State Board for Professional Medical Conduct ("the Board") in accordance with Chapter 606 of the Laws of 1991, and request that it be granted.

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.

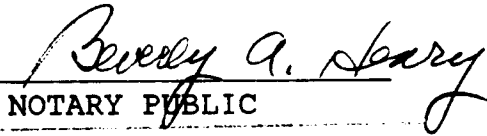
WALEED SALEH, M.D.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



WALEED SALEH, M.D.
Respondent

Sworn to before me this
32nd day of November 1992. 1993



NOTARY PUBLIC

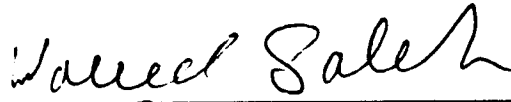
BEVERLY A. SEARY
Notary Public for the State of California
My Commission Expires 07-31-95

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

IN THE MATTER : APPLICATION
OF : FOR
WALEED SALEH, M.D. : CONSENT
: ORDER

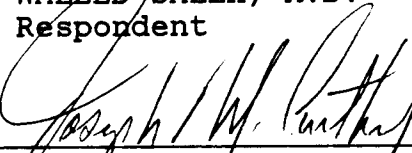
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 11-22-93



WALEED SALEH, M.D.
Respondent

Date: 12-5-93



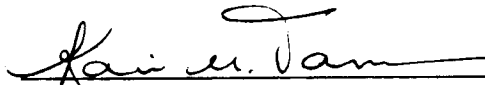
JOSEPH V. MCCARTHY, Esq.
Attorney for Respondent

Date: 12/8/93



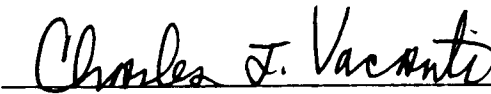
MICHAEL A. HISER
Assistant Counsel, Bureau of
Professional Medical Conduct

Date: Jan. 4, 1993



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 31 December 1993



CHARLES J. VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
WALEED SALEH, M.D. : CHARGES

-----X

WALEED SALEH, M.D., the Respondent, was authorized to practice medicine in New York State on March 18, 1977 by the issuance of license number 130267 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 at 2223 West State Street, Olean, New York 14760.

FACTUAL ALLEGATIONS

A. The Respondent, from on or about November 21, 1984, through at least March 7, 1988, provided medical care to Patient A (All patients are identified in the attached Appendix) at his office at 2223 West State Street in Olean, New York [hereinafter, "his office"]. On or about November 21, 1984, Patient A presented with a chief complaint of pelvic pain.

1. The Respondent, on or about November 28, 1984, at Salamanca District Hospital in Salamanca, New York, performed a dilatation and curettage [hereinafter, "D & C"] on Patient A which was not medically indicated.

Exhibit A

2. The Respondent, on or about November 28, 1984, at Salamanca District Hospital in Salamanca, New York, performed a cervical biopsy on Patient A which was not medically indicated.
3. The Respondent, prior to the above procedures, did not perform diagnostic tests appropriate to Patient A's presenting condition.

B. The Respondent, from on or about June 19, 1985, through at least October 9, 1985, provided medical care to Patient B at his office. On or about June 19, 1985, Patient B presented with an abnormal (Class IV) Pap smear.

1. The Respondent, on or about June 26, 1985, at the Salamanca District Hospital in Salamanca, New York, performed a diagnostic D & C on Patient B, which was not medically indicated.
2. The Respondent, on or about June 26, 1985, at the Salamanca District Hospital in Salamanca, New York, performed a cervical biopsy on Patient B, which was not medically indicated.
3. The Respondent did not perform or refer Patient B for a colposcopy or colposcopically directed biopsy, which was indicated.
4. The Respondent did not use or did not document in records maintained to reflect the evaluation and treatment of Patient B, the use of Lugol's stain or Schiller's stain to delineate surgical margins for biopsy.

C. The Respondent, from on or about February 23, 1984, through at least September 4, 1984, provided medical care to Patient C at his office. On or about February 23, 1984, Patient C presented with a chief complaint of irregular vaginal bleeding with clots.

1. The Respondent, on or about February 24, 1984, at St. Francis Hospital in Olean, New York, performed a D & C on Patient C, which was not medically indicated.
2. The Respondent on February 24, 1984, at St. Francis Hospital in Olean, New York, performed a cervical biopsy on Patient C which was not medically indicated.
3. The Respondent, on or about February 23, 1984, did not elicit and/or document in records maintained to reflect his evaluation and treatment of Patient C, an adequate history of Patient C's use of birth control pills.

D. The Respondent, from on or about December 18, 1985 through at least September 16, 1986, Respondent provided medical care to Patient D at his office. On or about December 18, 1985, Patient D presented with a chief complaint of heavy vaginal bleeding with clots.

1. The Respondent, on December 18, 1985, at Salamanca District Hospital in Salamanca, New York, performed a D & C on Patient D which was not medically indicated.
2. The Respondent, on December 18, 1985, at Salamanca District Hospital in Salamanca, New York, performed a cervical biopsy on Patient D which was not medically indicated.
3. The Respondent, on or about December 18, 1985, did not elicit and/or document in records maintained to reflect his evaluation and treatment of Patient D, an adequate history of menstruation, other vaginal bleeding, and/or history of sexual activity.
4. The Respondent, on December 18, 1985, did not order or perform a pregnancy test, and/or document in records maintained to reflect his evaluation and treatment of Patient D, the results of a test for pregnancy.

E. The Respondent, from on or about February 18, 1986, through at least May 9, 1986, provided medical care to Patient E at his office. On or about February 18, 1986, Patient E presented with a chief complaint of irregular and heavy vaginal bleeding.

1. The Respondent, on or about February 24, 1986, at St. Francis Hospital in Olean, New York, performed a D & C on Patient E, which was not medically indicated.
2. The Respondent, on or about February 18, 1986, and on or about February 24, 1986, did not elicit and/or document in records maintained to reflect his evaluation and treatment of Patient E, an adequate history of menstruation and/or other vaginal bleeding.
3. The Respondent, on February 18, 1986, and/or February 24, 1986, did not adequately document in records maintained to reflect his evaluation and treatment of Patient E, his treatment of Patient E with hormonal therapy.
4. The Respondent, in treating Patient E with hormonal therapy, did not treat the patient for a period of time sufficient to be medically effective as treatment of Patient E's condition.

FIRST AND SECOND SPECIFICATIONS

PRACTICING THE PROFESSION WITH GROSS NEGLIGENCE

Respondent is charged with practicing the profession with gross negligence on a particular occasion under N.Y. Educ. Law §6509(2) (McKinney 1985), in that Petitioner charges:

1. The facts in Paragraphs A and A.1, A and A.2, and/or A and A.3.
2. The facts in Paragraphs B and B.1, B and B.2, B and B.3, and/or B and B.4.

THIRD AND FOURTH SPECIFICATIONS

PRACTICING THE PROFESSION WITH GROSS INCOMPETENCE

Respondent is charged with practicing the profession with gross incompetence on a particular occasion under N.Y. Educ. Law §6509(2) (McKinney 1985), in that Petitioner charges:

3. The facts in Paragraphs A and A.1, A and A.2, and/or A and A.3.
4. The facts in Paragraphs B and B.1, B and B.2, B and B.3, and/or B and B.4.

FIFTH SPECIFICATION

PRACTICING THE PROFESSION WITH NEGLIGENCE

ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law §6509(2) (McKinney 1985), in that Petitioner charges two or more of the following:

5. The facts in Paragraphs A and A.1, A and A.2, A and A.3, B and B.1, B and B.2, B and B.3, B and B.4, C and C.1, C and C.2, C and C.3, D and D.1, D and D.2, D and D.3, D and D.4, E and E.1, E and E.2 and/or E and E.4.

SIXTH SPECIFICATION

PRACTICING THE PROFESSION WITH INCOMPETENCE

ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with incompetence on more than one occasion under N.Y. Educ. Law §6509(2) (McKinney 1985), in that Petitioner charges two or more of the following:

6. The facts in Paragraphs A and A.1, A and A.2, A and A.3, B and B.1, B and B.2, B and B.3, B and B.4, C and C.1, C and C.2, C and C.3, D and D.1, D and D.2, D and D.3, D and D.4, E and E.1, E and E.2, and/or E and E.4.

SEVENTH THROUGH ELEVENTH SPECIFICATIONS

ORDERING EXCESSIVE TESTS, TREATMENT OR USE

OF TREATMENT FACILITIES NOT WARRANTED BY

CONDITION OF PATIENT

Respondent is charged with committing unprofessional conduct under N.Y. Educ. Law §6509(9) (McKinney 1985) within the meaning of 8 NYCRR §29.2(a)(7) (1987), by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient in that Petitioner charges:

7. The facts in Paragraphs A and A.1 and/or A and A.2.
8. The facts in Paragraphs B and B.1 and/or B and B.2.
9. The facts in Paragraphs C and C.1 and/or C and C.2.
10. The facts in Paragraphs D and D.1 and/or D and D.2.
11. The facts in Paragraphs E and E.1.

TWELFTH THROUGH FIFTEENTH SPECIFICATIONS

FAILING TO MAINTAIN ACCURATE PATIENT RECORDS

Respondent is charged with committing unprofessional conduct under N.Y. Educ. Law §6509(9) (McKinney 1985) within the meaning of 8 NYCRR §29:2(a)(3) (1987), by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

12. The facts in Paragraphs B and B.4.
13. The facts in Paragraphs C and C.3.
14. The facts in Paragraphs D and D.3 and/or D and D.4.
15. The facts in Paragraphs E and E.2 and/or E and E.3.

DATED: Albany, New York

March 1, 1991

Peter D. Van Buren

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

TERMS OF PROBATION

WALEED SALEH, M.D.

EXHIBIT B

1. Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Empire State Plaza, Tower Building, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that (1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register; and (2) that Respondent has paid any fines which may have previously been imposed upon respondent by the New York State Board of Regents or Office of Professional Medical Conduct; said proof of the above to be submitted no later than the first two months of the period of probation;

WALEED SALEH, M.D.

5. During the period of probation, Respondent shall have Respondent's practice monitored, at Respondent's expense, as follows:
 - a. That said monitoring shall be by a physician selected by the Respondent and previously approved, in writing, by the Director of the Office of Professional Medical Conduct;
 - b. That Respondent shall be subject to random selections and reviews by said monitor of Respondent's patient records, office records, and hospital charts in regard to Respondent's practice, and Respondent shall also be required to make such records available to said monitor at any time requested by said monitor;
 - c. That said monitor shall review all patient records, office records, and hospital charts involving dilatation and curettage, cervical biopsies, or colposcopies, i.e. the gynecological surgery reflected in Exhibit "A", (the Statement of Charges) as to the medical indications for such surgeries.
 - d. That said monitor shall submit a report, once every three months, regarding the above-mentioned monitoring of Respondent's practice to the Director of the Office of Professional Medical Conduct. The report shall indicate whether that part of the Respondent's practice reviewed by the monitor under paragraph "c", above, has been conducted in accordance with generally accepted standards of professional medical care. Any perceived deviation from accepted standards of medical care, or refusal to cooperate with the monitor, shall immediately be reported to the Office of Professional Medical Conduct.
 - e. It is the responsibility of the Respondent to insure that the reports of the practice monitor are submitted in a timely manner. A failure of the practice monitor to submit required reports on a timely basis will be considered a possible violation of the terms of probation.
 - f. Respondent must maintain medical malpractice insurance coverage with limits no less than two million dollars

per occurrence and six million per policy year, in accordance with §230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director or her designee prior to the placement of a practice monitor.

- g. During the period of probation, the Respondent and the monitor shall meet with the Director, Office of Professional Medical Conduct (or her designee) to discuss the status of Respondent's probation. These meetings will occur on at least a semi-annual basis.
6. In his documentation of colposcopies that he performs, Respondent shall use a standardized form that will include description of positive and negative findings, including but not limited to, description of the extent of visualization of the entire squamo-columnar junction of the cervix; description of the visualization of the entire lesion (or area of abnormality); and description of the lesion sufficient to determine the degree of abnormality and to determine where biopsies should be taken. Description of the lesion usually will include the degree of whiteness, whether the edges are sharp vs. unclear, the intercapillary distances or changes (i.e. punctation and/or mosaicism), contour/thickness, and abnormal vessels.
7. Respondent affirms that he attended a continuing medical education course on August 12-14, 1993 on Basic Colposcopy and Loop Electrosurgical Excision procedures.
8. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with or violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.