



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

**Board for Professional Medical Conduct**

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

C. Maynard Guest, M.D.  
Executive Secretary

June 29, 1993

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Fouad Surur, M.D.

Redacted Address

RE: License No. 105672

Effective Date 07/06/93

Dear Dr. Surur:

Enclosed please find Order #BPMC 93-96 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,

Redacted Signature

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

Enclosure

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

-----X  
IN THE MATTER :  
OF : ORDER  
FOUAD SURUR, M.D. : BPMC #93-96  
-----X

Upon the application of Fouad Surur, 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: 28 June 1993

Redacted Signature

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 : APPLICATION  
OF : FOR  
FOUAD SURUR, M.D. : CONSENT  
: ORDER  
-----X

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

FOUAD SURUR, M.D., being duly sworn, deposes and says:

That on or about March 16, 1970 I was licensed to practice as a physician in the State of New York, having been issued License No. 105672 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 Redacted Address

I understand that the New York State Board of Professional Medical Conduct has charged me with two 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 Second Specification, Failing to Maintain Accurate Records, in full satisfaction of the charges against me.

I hereby agree to the penalty of a Censure and Reprimand, and 250 hours of public service in a manner and at a time and place approved by the Director of the Office of Professional Medical Conduct, such public service to be performed within one year from the effective date of the Order of the State Board for Professional Medical Conduct (the Board).

I hereby make this Application to the Board 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.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Redacted Signature

FOUAD SURUR, M.D.  
RESPONDENT

Sworn to before me this  
11<sup>th</sup> day of JUNE, 1993.

Redacted Signature

NOTARY PUBLIC

PAULINE KUNTZMAN  
Notary Public, State of New York  
No. 41-7325200  
Qualified in Queens County  
Commission Expires March 30, 1994

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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
FOUAD SURUR, M.D. : CONSENT  
-----X  
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 June 1993

Redacted Signature

FOUAD SURUR, M.D.  
RESPONDENT

Date: 11 JUN 1993

Redacted Signature

KEVIN PORTER, ESQ.  
BOWER & GARDNER  
ATTORNEY FOR RESPONDENT

Date: June 28, 1993

Redacted Signature

MARCIA E. KAPLAN  
ASSOCIATE COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: June 28, 1993

Redacted Signature

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KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 28 June 1993

Redacted Signature

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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  
FOUAD SURUR, M.D. : CHARGES  
-----X

FOUAD SURUR, M.D., Respondent, was authorized to practice medicine in New York State on March 16, 1970 by the issuance of license number 105672 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 from 167 E. 67th St., New York, N.Y. 10021.

FACTUAL ALLEGATIONS

A. On or about September 11, 1991, Respondent and Dr. Ernst Bartsich performed surgery on Patient A at New York Hospital, 525 East Sixty-Eighth Street, New York, N.Y. 10021. (Patient A's identity is disclosed in the attached Appendix.) Patient A, a 42 year old female, was admitted by Respondent to New York Hospital on an emergent basis with vaginal bleeding of two to three weeks duration and a hematocrit of 14.3 for

EXHIBIT "A"



transfusion of 3-4 units of packed cells and then D&C, hysteroscopy and submucous resection of fibroid. Respondent was not credentialed to perform myomectomies. Dr. Bartsich agreed to assist as a second attending surgeon and to perform the myomectomy. Patient A was not advised either pre-operatively or in a timely manner post-operatively that Dr. Bartsich would participate in her surgery as a second attending physician.

1. After the conclusion of the operation, Respondent knowingly participated in the alteration and/or falsification of Patient A's medical record in an attempt to conceal the fact that Dr. Bartsich had participated in the surgery.

#### SPECIFICATION OF CHARGES

##### FIRST SPECIFICATION

##### PRACTICING FRAUDULENTLY

Respondent is charged with practicing the profession fraudulently under N.Y. Educ. Law Section 6530(2) (McKinney Supp. 1993), in that Petitioner charges:

1. The facts in paragraphs A and A.1.

SECOND SPECIFICATION

FAILING TO MAINTAIN ACCURATE RECORDS

Respondent is charged with failing to maintain a record for patient A which accurately reflects the evaluation and treatment of the patient under N.Y. Educ. Law Section 6530(32) (McKinney Supp. 1993), in that Petitioner charges:

2. The facts in paragraphs A and A.1.

DATED: New York, New York

Redacted Signature

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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional Medical  
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. FOUAD SURUR, M.D., 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. That 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, Corning Tower Building, 4th Floor, Empire State Plaza 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 that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. Respondent shall perform 250 hours of public service in a manner and at a time and place approved by the Director of the Office of Professional Medical Conduct, such public

service to be performed within a period of one year from the effective date of the Order of the Board. Failure to complete 250 hours of approved community service within one year shall constitute a violation of the terms of probation.

7. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).
8. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any 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.