

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

August 15, 1990

Mourad Ramsey Bottros, Physician  
4539 Mount Read Boulevard  
Rochester, N.Y. 14604-2070

Re: License No. 141288

Dear Dr. Bottros:

Enclosed please find Commissioner's Order No. 11085. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  
By:

MOIRA A. DORAN  
Supervisor

DJK/MAH/er  
Enclosures

CERTIFIED MAIL- RRR

cc: John C. Herbert, Esq.  
Harter, Secrest & Emery  
700 Midtown Tower  
Rochester, N.Y. 14604-2070

**RECEIVED**

AUG 20 1990

Office of Professional  
Medical Council

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

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IN THE MATTER : APPLICATION  
OF : FOR  
MOURAD RAMSEY BOTTROS, M.D. : CONSENT  
: ORDER  
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STATE OF NEW YORK )  
 ) ss. :  
COUNTY OF MONROE )

MOURAD RAMSEY BOTTROS, M.D., being duly sworn, deposes and says:

That on or about February 29, 1980, I was licensed to practice as a physician in the State of New York, having been issued License No. 141288 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, 1989 through December 31, 1991 from 4539 Mount Read Boulevard, Rochester, New York 14616.

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

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

I admit guilt to the First Specification with regard to negligence on more than one occasion relating to Patients C and D as enumerated in paragraphs C and C3, C4; D and D1 in full satisfaction of all the charges.

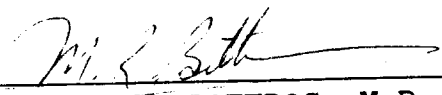
I hereby agree to the penalty that my license to practice as a physician in the State of New York be suspended for a period of two years, that execution of the suspension be stayed and that I be placed on probation for a period of two years under the terms set forth in the exhibit annexed hereto and marked as Exhibit "B".

I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that this application is not granted by the Board of Regents, 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 of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

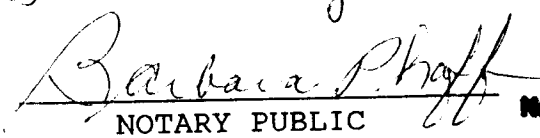
I agree that, in the event the Board of Regents grants my application, as set forth herein, an order of the Commissioner of Education may be issued in accordance with same.

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.



MOURAD RAMSEY BOTTROS, M.D.  
Respondent

Sworn to before me this  
3rd day of May, 1990.



NOTARY PUBLIC

**BARBARA PHAFF**  
Notary Public, State of New York  
Qualified in Monroe County  
Commission Expires Nov. 23, 1991

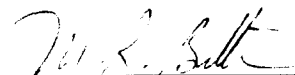
~~JOHN C. HERBERT~~  
~~Notary Public, State of New York~~  
~~Qualified in Monroe County~~  
~~My Commission Expires Dec. 30, 1991~~

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

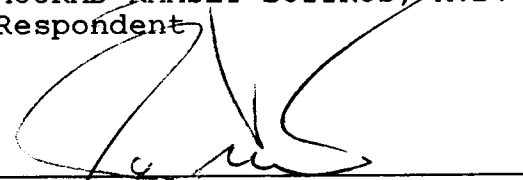
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IN THE MATTER : APPLICATION  
OF : FOR  
MOURAD RAMSEY BOTTROS, M.D. : CONSENT  
: ORDER  
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The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 5-3-90

  
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MOURAD RAMSEY BOTTROS, M.D.  
Respondent

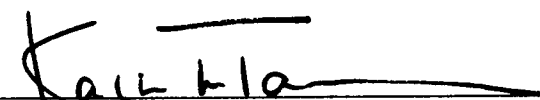
Date: 5-3-90

  
\_\_\_\_\_  
JOHN C. HERBERT, Esq.  
Attorney for Respondent

Date: 5-18-90

  
\_\_\_\_\_  
MEMBER, State Board for  
Professional Medical Conduct

Date: 5/14/90

  
\_\_\_\_\_  
KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

MOURAD RAMSEY BOTTROS, M.D.

The undersigned has reviewed and agrees to the attached application for consent order.

Date: May 4, 1990   
DAVID AXELROD, M.D.  
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this Application for a Consent Order, has reviewed said application and recommends to the Board of Regents that the application be granted.

Date: 6.29.90   
MEMBER OF THE BOARD OF REGENTS

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

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IN THE MATTER	:	AMENDED
	:	STATEMENT
OF	:	OF
MOURAD RAMSEY BOTTROS, M.D.	:	CHARGES

-----X

MOURAD RAMSEY BOTTROS, M.D. hereinafter referred to as the Respondent, was authorized to engage in the practice of medicine in the State of New York on February 29, 1980 by the issuance of License Number 141288 by the 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 from 4539 Mount Read Boulevard, Rochester, New York 14616

FACTUAL ALLEGATIONS

A. Respondent treated Patient A in his office on various occasions from approximately October 25, 1980 to at least November 10, 1987, and in St. Mary's Hospital, Rochester, New York for hospitalizations on May 12, 1981, April 8, 1982 and February 23, 1984.

1. Respondent failed to adequately evaluate Patient A for infertility.

2. Respondent performed a bilateral tuboplasty on Patient A on or about February 24, 1984, without adequate pre-operative evaluation.
3. Respondent performed a bilateral tuboplasty on Patient A on or about February 24, 1984, which was not medically indicated.

B. Respondent treated Patient B in his office on various occasions from approximately June 23, 1982 to at least May 2, 1983, and in St. Mary's Hospital for hospitalizations on October 20, 1982 and December 29, 1982. Respondent failed to adequately evaluate Patient B for infertility.

C. Respondent treated Patient C in his office on various occasions from approximately May 25, 1983 to at least April 18, 1984, and in St. Mary's Hospital for hospitalizations on July 20, 1983, September 6, 1983 and February 28, 1984.

1. Respondent performed a right tuboplasty on Patient C on or about September 7, 1983 without adequate pre-operative evaluation.
2. Respondent performed a right tuboplasty on Patient C on or about September 7, 1983, which was not medically indicated.
3. Respondent performed an anterior and posterior vaginal repair on Patient C on or about February 29, 1984 without adequate pre-operative evaluation.
4. Respondent failed to adequately investigate Patient C's incontinence of urine.

D. Respondent treated Patient D in his office on various occasions from approximately July 27, 1983 to at least November



20, 1986 and in St. Mary's Hospital for hospitalizations on October 4, 1983 and February 24, 1984.

1. Respondent performed a total abdominal hysterectomy, bilateral salpingo-oophorectomy, and Marshall Marchetti repair on Patient D on or about October 5, 1983, which was not medically indicated.
2. Respondent performed a laparoscopy on Patient D on or about February 24, 1984, which was not medically indicated.

## SPECIFICATION OF CHARGES

### FIRST SPECIFICATION

The Respondent is charged with professional misconduct by reason of practicing the medical profession with negligence and/or incompetence on more than one occasion under N.Y. Educ. Law §6509(2) (McKinney 1985) in that the Petitioner charges that the Respondent has committed two or more of the following:

1. The facts contained in paragraphs A and A(1), A(2), A(3); B; C and C(1), C(2), C(3), C(4); D and D(1) and/or D(2).

### SECOND THROUGH FIFTH SPECIFICATIONS

#### GROSS NEGLIGENCE AND/OR GROSS INCOMPETENCE

The Respondent is charged with professional misconduct by reason of practicing the medical profession with gross negligence and/or gross incompetence under N.Y. Educ. Law §6509(2) (McKinney 1985) in that the Petitioner charges:

2. The facts contained in paragraph A.
3. The facts contained in paragraph B.
4. The facts contained in paragraph C.
5. The facts contained in paragraph D.

DATED: Albany, New York

*July 11, 1987*

*Peter D. Van Buren*

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

EXHIBIT B

TERMS OF PROBATION

MOURAD RAMSEY BOTTROS, M.D.

1. Dr. Bottros 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. Dr. Bottros shall comply with all federal, state and local laws, rules and regulations governing the practice of medicine in New York State.
3. Dr. Bottros shall submit prompt written notification to the Director of the Office of Professional Medical Conduct, Empire State Plaza, Corning Tower Building, Room 438, Albany, New York 12237 of any change in employment, practice, residence or telephone number, within or without New York State.
4. In the event that Dr. Bottros leaves New York to reside or practice outside the State, Dr. Bottros shall notify the Director of the Office of Professional Medical Conduct in writing at the address indicated above, by registered or certified mail, return receipt requested, of the dates of his departure and return.
5. Dr. Bottros shall have quarterly meetings with an employee of the Office of Professional Medical Conduct or a member of the State Board for Professional Medical Conduct during the period of probation.
6. Dr. Bottros shall maintain legible medical records which accurately reflect his evaluation and treatment of his patients. In addition to any other relevant medical information, these records shall contain: a comprehensive history; physical examination as indicated; the patient's chief complaint or present illness; the diagnosis and treatment with data or findings which support the diagnosis and treatment.
7. Dr. Bottros shall have quarterly meetings with a monitoring physician who shall review Dr. Bottros' medical practice in the areas of gynecology, gynecological surgery, and the evaluation and treatment of infertility. This monitoring physician shall randomly review selected office records, patient records and hospital charts and evaluate whether Dr. Bottros' medical care comports with generally accepted standards of medical practice. This monitoring physician shall be selected by Dr. Bottros and is subject to the approval of the Director of the Office of Professional Medical Conduct. The monitoring physician shall submit quarterly reports to the Director of the Office of Professional Medical Conduct. The expense, if any, of said monitoring shall be borne by Respondent.

8. Dr. Bottros, prior to performing any hysterectomy, shall consult with said monitoring physician and shall obtain from said monitoring physician a written second opinion concurring with the performance of said hysterectomy prior to surgery.
9. Dr. Bottros shall complete at least fifty credit hours of Category I continuing medical education in gynecology and/or gynecological surgery during each of the next two years. Dr. Bottros shall obtain prior approval from the Office of Professional Medical Conduct for any continuing medical education courses he elects to apply toward this fifty credit hour per year requirement. Dr. Bottros shall submit written proof of successful completion of CME courses to the Director of the Office of Professional Medical Conduct.
10. Dr. Bottros shall submit quarterly declarations, under penalty of perjury, stating whether or not there has been compliance with all terms of probation and, if not, the specifics of non-compliance. These declarations should be sent to the Director of the Office of Professional Medical Conduct at the address indicated above.
11. Dr. Bottros shall submit written proof to the Director of the Office of Professional Medical Conduct at the address indicated above that he has paid all registration fees due and is currently registered to practice medicine with the New York State Education Department. If Dr. Bottros elects not to practice medicine in New York State, then he shall submit written proof that he has notified the New York State Education Department of that fact.
12. If there is full compliance with every term set forth herein, Dr. Bottros may practice as a physician in New York in accordance with the terms of probation; provided, however, that upon receipt of evidence of non-compliance or any other violation of the terms of probation, a violation of probation proceeding and/or such other proceedings as may be warranted, may be initiated against Dr. Bottros pursuant to N.Y. Public Health Law §230(19) or any other applicable laws.

**ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK**

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**MOURAD RAMSEY BOTTROS**

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**CALENDAR NO. 11085**



# The University of the State of New York

IN THE MATTER

OF

MOURAD RAMSEY BOTTROS  
(Physician)

DUPLICATE  
ORIGINAL  
VOTE AND ORDER  
NO. 11085

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Upon the application of MOURAD RAMSEY BOTTROS, under Calendar No. 11085, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, **it was**

**VOTED (July 27, 1990):** That the application of MOURAD RAMSEY BOTTROS, respondent, for a consent order be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

**and it is**

**ORDERED:** That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as 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 the respondent or five days after mailing by certified mail.

MOURAD RAMSEY BOTTROS (11085)

IN WITNESS WHEREOF, I, Thomas Sobol,  
Commissioner of Education of the State of  
New York, for and on behalf of the State  
Education Department and the Board of  
Regents, do hereunto set my hand and affix  
the seal of the State Education Department,  
at the City of Albany, this 6<sup>th</sup> day of  
*August*, 1990.

*Thomas Sobol*  
Commissioner of Education