



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 13, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Samir Samuel Boutros, M.D.

REDACTED ADDRESS

Re: License No. 002016

Dear Dr. Boutros:

Enclosed please find Order #BPMC 04-175 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 20, 2004.

This letter also acknowledges receipt of your registration certificate and limited license.

Sincerely,

REDACTED SIGNATURE

Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Stephen D. Hans, Esq.
Stephen D. Hans & Associates, P.C.
98-80 Queens Boulevard
Rego Park, NY 11374

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

**IN THE MATTER
OF
SAMIR SAMUEL BOUTROS, M.D.**

**SURRENDER
ORDER**

BPMC No. 04-175

Upon the application of (Respondent) SAMIR SAMUEL BOUTROS, M.D. to Surrender his license as a physician in the State of New York, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Surrender Order, either by first class mail to Respondent at the address in the attached Surrender Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 8/12/04

REDACTED SIGNATURE

MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

**IN THE MATTER
OF
SAMIR SAMUEL BOUTROS, M.D.**

**SURRENDER
of
LICENSE**

SAMIR SAMUEL BOUTROS, M.D., representing that all of the following statements are true, deposes and says:

That on or about September 11, 2000, I was licensed to practice as a physician in the State of New York, and issued Limited License No. 001261 by the New York State Education Department, and again on or about October 1, 2003 under Limited License No. 002016.

My current address is REDACTED ADDRESS, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with four specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A," is attached to and part of this Surrender of License.

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the Statement of Charges, in full satisfaction of the charges against me.

I ask the Board to accept the Surrender of my License.

I understand that if the Board does not accept this Surrender, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this

application shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board accepts the Surrender of my License, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to accept this Surrender of License 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 Surrender of License, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

REDACTED SIGNATURE

SAMIR SAMUEL BOUTROS, M.D.
RESPONDENT

DATED 7/27/04

The undersigned agree to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

DATE: _____

REDACTED

~~STEPHEN HANS, ESQ.~~
Attorney for Respondent

DATE: 7/30/2004

REDACTED

~~CHRISTINE RADMAN~~
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 8/11/2004

REDACTED

~~DENNIS J. GRAZIANO~~
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
SAMIR BOUTROS, M.D.**

STATEMENT
OF
CHARGES

Samir Boutros, M.D., the Respondent, was authorized to practice medicine in New York State as a "Physician on a Limited License," valid for practice only in designated medically-under served areas or facilities located in New York State, effective September 11, 2000 through September 30, 2003 by the issuance of Limited License number 001261 by the New York State Education Department. Another such license was granted to Dr. Boutros effective October 1, 2003 through October 31, 2006 by the issuance of Limited License number 002016. Respondent is currently registered to practice medicine with the New York State Department of Health from October 2003 through October 2005.

FACTUAL ALLEGATIONS

- A. At all times herein, Respondent was employed as an Attending Board Certified Internist by Jamaica Hospital Medical Center (JHMC) to work in the federally designated East New York Health Professional Shortage Area (I.D. 36047-361Z-Kings County) out of the Medisys East New York facility at 3080 Atlantic Avenue, Brooklyn, New York 11208. On or about March 23, 2002, Patient A (whose identity is set forth in the annexed appendix) was seen by Respondent at the Ambulatory Care Clinic, a satellite clinic of the Ambulatory Care/Medisys Network, located at 8900 Van Wyck Expressway, Jamaica, N.Y. 11418 for a persistent headache.
1. Respondent deviated from accepted medical standards in that he:

- a. Failed to identify himself to Patient A, nor did he wear an ID badge.
- b. Performed a pelvic examination on Patient A for other than an appropriate medical purpose, and failed to follow the minimally acceptable standard of care relating to procedural protocol for such an exam.
- c. Failed to maintain records that accurately reflect the care and treatment of Patient A.
- d. Prescribed a drug for Patient A in the absence of any medical need for such drug.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HARASS, ABUSE OR INTIMIDATE PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31), by willfully harassing, abusing or intimidating a patient either physically or verbally as alleged in the facts of:

1. Paragraph A, A(1)(a), and A(1)(b).

SECOND SPECIFICATION

FAILURE TO WEAR AN IDENTIFYING BADGE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(37) by failing to wear an identifying badge, as alleged in the facts of:

2. Paragraph A, and A(1)(a).

THIRD SPECIFICATION
FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

3. Paragraph A, A(1)(b), A(1)(c), and A(1)(d).

FOURTH SPECIFICATION
UNWARRANTED TESTS/TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35) by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient, as alleged in the facts of:

4. Paragraph A(1)(d).

DATED: ³⁰ July 14, 2004
New York, New York

REDACTED

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

**GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A
REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more)
OF A MEDICAL LICENSE**

1. Respondent shall immediately cease and desist the practice of medicine in compliance with the terms of the Surrender Order. Respondent shall not represent himself or herself as eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within fifteen (15) days of the Surrender Order's effective date, Respondent shall notify all patients that he or she has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Within thirty (30) days of the Surrender Order's effective date, Respondent shall have his or her original license to practice medicine in New York State and current biennial registration delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within thirty (30) days of the Surrender Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least six (6) years after the last date of service, and, for minors, at least six (6) years after the last date of service or three (3) years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
5. Within fifteen (15) days of the Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender his or her DEA controlled substance certificate, privileges, and any used DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within fifteen (15) days of the Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at his practice location, Respondent shall dispose of all medications.
7. Within fifteen (15) days of the Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health

care services.

8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by himself or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for six (6) months or more pursuant to this Order, Respondent shall, within ninety (90) days of the Order's effective date, divest himself/herself of all financial interest in such professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the Order's effective date.

10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four (4) years, under Section 6512 of the Education Law. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under Section 230-a of the Public Health Law.