

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

IN THE MATTER

OF

MOHAMED KHALAF, M.D.

STATEMENT

OF

CHARGES

MOHAMED KHALAF, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 6, 1996, by the issuance of license number 202334 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent provided gynecological and obstetrical care to Patient A (all patients are identified in the Appendix) a 16-year old female from approximately February 8, 2011 through July 25, 2013, at his office located at 225 East Avenue, Lockport, New York (office) and Eastern Niagara Hospital, Lockport, New York ("Eastern Niagara Hospital"). The charges of misconduct relate primarily to the care and treatment of Patient A from November 28, 2012 to January 2, 2013. Patient A was admitted to the Labor and Delivery Department of Eastern Niagara Hospital at approximately 11:00 a.m. on December 29, 2012, at approximately 23 weeks gestation with recent heavy vaginal bleeding. Respondent's medical care and treatment of Patient A deviated from accepted standards of medical care, in that:

1. Respondent failed to adequately attend the delivery of Patient A's fetus and/or the placenta on or about December 29, 2012, having instructed nursing staff what to do at the time of delivery in his planned absence.

2. Respondent, following the delivery of the fetus, failed to adequately evaluate Patient A prior to her discharge from the hospital.
3. Respondent entered a "discharge note" in Patient A's record that documented a purported examination by Respondent of Patient A on December 30, 2012 even though Respondent did not examine Patient A on December 30, 2012, the day of discharge. Respondent's note was a false representation. Respondent knew it was false and intended to mislead through the misrepresentation.
4. Respondent failed to maintain an adequate medical record for Patient A.

B. Respondent provided prenatal and obstetrical care to Patient B, a 27-year old female with a history of obstetrical complications, at his office and at Eastern Niagara Hospital at various times from approximately June 24, 2013, to November 28, 2013. Respondent's medical care and treatment of Patient B deviated from accepted standards of care in that:

1. Respondent, during Patient B's prenatal course of care from on or about June 24, 2013 to on or about November 28, 2013, failed to adequately evaluate and/or treat Patient B's risk of developing gestational diabetes as follows:
 - a. Respondent failed to adequately test Patient B for high blood sugar despite documenting that Patient B had 2+ glucose in her urine during office visits on October 16, 2013 and November 13, 2013, and/or failed to document that Respondent had so tested Patient B.
 - b. Respondent failed to adequately diagnose and/or treat Patient B for gestational diabetes beginning on or about November 8, 2013, despite a one hour glucose tolerance test resulting in a fasting glucose measurement of 241 and a one hour glucose measurement of 358, and/or failed to document such diagnosis and/or treatment.
 - c. Respondent failed to adequately monitor Patient B's blood sugar from November 8, 2013, to on or about November 27, 2013, and/or failed to document that he had adequately monitored her blood sugar.

- d. Respondent, despite complaints from Patient B of abdominal pain, nausea and vomiting during an office visit on or about November 27, 2013, failed to adequately evaluate Patient B, including monitoring Patient B's blood sugar level, and/or failed to document such adequate evaluation.
2. Respondent, during Patient B's admission to Eastern Niagara Hospital on November 28, 2013, where Patient B was admitted at approximately 10:00 a.m. with fever, chills, abdominal pain, nausea, vomiting and extreme thirst, failed to adequately evaluate and/or treat Patient B, as follows:
 - a. Respondent, despite knowing that Patient B had been admitted at approximately 10:00 a.m. on November 28, 2013, failed to adequately evaluate Patient B, failed to timely order laboratory bloodwork to check Patient B's blood sugar, and/or failed to document such adequate evaluation and/or such timely orders.

SPECIFICATION OF CHARGES

FIRST THROUGH SECOND SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(4) by practicing the profession of medicine with gross negligence on a particular occasion, in that Petitioner charges:

1. The facts in Paragraphs A and A.1, A and A.2, A and A.3, and/or A and A.4.
2. The facts in Paragraphs B and B.1.a, B and B.1.b, B and B.1.c, B and B.1.d, and/or B and B.2.a.

THIRD THROUGH FOURTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(6) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

3. The facts in Paragraphs A and A.1, A and A.2, A and A.3, and/or A and A.4.
4. The facts in Paragraphs B and B.1.a, B and B.1.b, B and B.1.c, B and B.1.d, and/or B and B.2.a.

FIFTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion, in that Petitioner charges:

5. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B and B.1.a, B and B.1.b, B and B.1.c, B and B.1.d, and/or B and B.2.a.

SIXTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion, in that Petitioner charges:

6. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B and B.1.a, B and B.1.b, B and B.1.c, B and B.1 d, and/or B and B.2.a.

SEVENTH 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 evaluation and treatment of the patient, in that Petitioner charges:

7. The facts in Paragraphs A and A.3, A and A.4, B and B.1.a., B and B.1.b., B and B.1.c., B and B.1. d, and/or B and B.2.a.

EIGHTH SPECIFICATION

IMPROPER DELEGATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(25) by delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them, in that
Petitioner charges:

8. The facts in Paragraphs A and A.1

NINTH SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(2) by practicing the professional fraudulently, in that
Petitioner charges:

9. The facts in Paragraphs A and A.4.

DATE: June 26, 2017
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct