



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.
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NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Chairman

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

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

May 19, 2006

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Bassem Rimlawi, M.D.
c/o Frederick C. Riester, Esq.
9 Thurlow Terrace
Albany, NY 12203

Re: License No. 130574

Dear Dr. Rimlawi:

Enclosed is a copy of Order #BPMC 06-114 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect May 26, 2006.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Frederick C. Riester, Esq.
Iseman, Cunningham, Riester & Hyde
9 Thurlow Terrace
Albany, NY 12203

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

IN THE MATTER
OF
BASSEM RIMLAWI, M.D.

CONSENT
ORDER

BPMC No. #06-114

Upon the application of Bassem Rimlawi, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

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

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

SO ORDERED.

DATE: 5/18/06



KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

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

**IN THE MATTER
OF
BASSEM RIMLAWI, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

Bassem Rimlawi, M.D., representing that all of the following statements are true, deposes and says:

That on or about April 22, 1977, I was licensed to practice as a physician in the State of New York, and issued License No. 130574 by the New York State Education Department.

My current address is Riyad Solh Street, Audi Bank Building, Saida, Lebanon, 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 Consent Agreement.

I do not contest the Factual Allegations in Exhibit A, in full satisfaction of the charges against me, and agree to the following penalty:

My license to practice medicine in New York State shall be permanently restricted as follows:

- 1) I shall not practice obstetrics, including but not limited to prenatal care, care of patients in labor and in delivery, and postpartum care.

2) I will not prescribe or dispense any controlled substance. Within thirty (30) days of the effective date of this Order, I will advise the Drug Enforcement Agency (DEA) in writing of this licensure action against me by the New York State Board for Professional Medical Conduct, and I will surrender my DEA controlled substance certificate, privileges, and any DEA U.S. Official Order forms Schedules 1 and 2, to the DEA.

I further agree that the Consent Order shall impose the following conditions:

3) Pursuant to §230-a(9) of the Public Health Law, I shall be placed on probation for a period of three years, subject to the terms set forth in Exhibit B.

I stipulate that my failure to comply with any condition of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement 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 adopts this Consent Agreement, the Chair of the Board shall issue a Consent 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 Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted.

I stipulate that the proposed sanction and Order are authorized by Public Health Law Sections 230 and 230-a and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, 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 Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

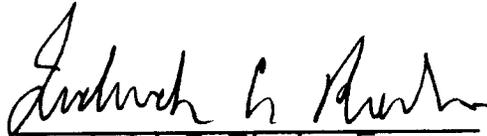
I am aware and agree that regardless of prior communication, the attorney for the Department, the Director of the Office of Professional Medical Conduct, and the Chairperson of the State Board for Professional Medical Conduct each reserve full discretion to enter into the agreement which I propose and this application which I submit, or to decline to do so.

DATED 4/8/2006


Bassem Rimlawi, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: May 3, 2006


Frederick C. Riester, Esq.
Attorney for Respondent

DATE: May 4, 2006


Cindy Marie Fascia, Esq.
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 17 May 2006


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
BASSEM RIMLAWI, M.D.

STATEMENT
OF
CHARGES

Bassem Rimlawi, M.D., Respondent, was authorized to practice medicine in New York State on or about April 22, 1977, by the issuance of license number 130574 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent, on or about October 11, 1999, provided medical care to Patient A at The Hospital in Sidney, New York
1. Respondent failed to adequately monitor Patient A.
 2. Respondent failed to deliver Patient A's baby in a timely manner.
- B. Respondent provided medical care to Patient B at his office and at The Hospital in Sidney, New York on various occasions from on or about October 21, 1999, through on or about March 21, 2000.
1. Respondent, subsequent to Patient B's delivery, failed to adequately and/or timely evaluate Patient B and/or failed to obtain timely consultation.
- C. Respondent provided medical care to Patient C at his office and at The Hospital in Sidney, New York on various occasions from on or about March 1996, through on or about November 1999.
1. Respondent failed to obtain timely consultation with a surgeon.

EXHIBIT A

- D. Respondent provided medical care to Patient D at his office and at The Hospital in Sidney, New York on various occasions from on or about May 12, 2000, through on or about June 2000.
1. Respondent performed a non-emergent diagnostic laparoscopy on Patient D on or about May 18, 2000, without adequate consent from Patient D.
- E. Respondent provided medical care to Patient E at The Hospital in Sidney, New York on or about May 28, 1999. Respondent, while using a syringe on Patient E, stuck himself with the needle, but continued to use the same needle and syringe to inject Patient E.
- F. Respondent provided medical care to Patient F at The Hospital in Sidney, New York on or about August 29, 1996. Respondent, after attempting to deliver Patient F's baby using a vacuum extractor, threw and/or dropped and/or put the vacuum extractor on the floor. Respondent then used the same vacuum extractor again after it had been on the floor.
- G. Respondent provided medical care to Patient G at The Hospital in Sidney, New York on or about August 2, 1998. Respondent, after attempting to deliver Patient G's baby using a vacuum extractor, threw and/or dropped and/or put the vacuum extractor on the floor. Respondent then used the same vacuum extractor again after it had been on the floor.
- H. Respondent prescribed medications to Patient H on various occasions from on or about June 1998 through on or about May 2000, including, but not limited to; Roxicet, Tylenol with Codeine, Buspar, Percocet and Darvocet.

1. Respondent, on various occasions, prescribed medication to Patient H without performing and/or documenting a physical examination.
2. Respondent, on various occasions, prescribed medication to Patient H without taking and/or documenting any history.
3. Respondent, despite his alleged reluctance to prescribe Darvocet to Patient H on April 28, 2000, permitted Patient H to have another prescription for Darvocet on May 28, 2000.
4. Respondent prescribed medication to Patient H without adequate medical justification.
5. Respondent, because of his personal and/or professional relationship with Patient H, prescribed medication to Patient H without adequate medical justification.
6. Respondent offered money to Patient H if she would spend time with him outside the hospital.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of his practicing medicine with negligence on more than one occasion in violation of New York Education Law § 6530(3), in that Petitioner charges that Respondent committed two or more of the following:

1. The facts in Paragraphs A and A.1 and/or A.2; B and B.1; C and C.1; D and D.1; E; F; G; H and H.1 and/or H.2 and/or H.3 and/or H.4 and/or H.5 and/or H.6.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of his practicing medicine with incompetence on more than one occasion in violation of New York Education Law § 6530(5), in that Petitioner charges that Respondent committed two or more of the following:

2. The facts in Paragraphs A and A.1 and/or A.2; B and B.1; C and C.1; D and D.1; E; F; G; H and H.1 and/or H.2 and/or H.3 and/or H.4 and/or H.5.

THIRD SPECIFICATION
FAILURE TO USE SCIENTIFICALLY ACCEPTED
BARRIER PRECAUTIONS AND INFECTION CONTROL PRACTICES

Respondent is charged with professional misconduct under New York Education Law § 6530(47) by reason of failing to use scientifically accepted barrier precautions and infection control practices, in the Petitioner charges:

3. The facts in Paragraphs E and/or F and/or G.

FOURTH SPECIFICATION
PERFORMING PROFESSIONAL SERVICES
WHICH HAVE NOT BEEN DULY AUTHORIZED
BY THE PATIENT

Respondent is charged with professional misconduct under New York Education Law § 6530(26) by reason of performing professional services which have not been duly authorized by the patient, in that Petitioner charges:

4. The facts in Paragraph D and D.1.

DATED: *May 4*
~~February~~, 2006
Albany, New York

Peter D. Van Buren
Peter D. Van Buren
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT B

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law § 6530 or § 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law § 230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but 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 § 171(27)]; State Finance Law § 18; CPLR § 5001; Executive Law § 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty day period. Respondent shall then notify the Director again at least fourteen days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit A or are necessary to protect the public health.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.

8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
9. Respondent, during each year of the period of probation, shall complete 100 hours of Category I Continuing Medical Education (CME). At least 25 hours each year of said CME shall be in the area of following infection control measures/guidelines in the care of patients. All CME courses are subject to the prior written approval of OPMC.

PRACTICE MONITOR

10. Within thirty days of the effective date of the order, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
11. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.