



New York State Board for Professional Medical Conduct

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

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

January 5, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Syed M. A. Ehtisham, M.D.
P. O. Box 469
Bath, NY 14810

RE: License No. 118656

Dear Dr. Ehtisham:

Enclosed please find Order #BPMC 00-3 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **January 5, 2000**.

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 to 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: Kevin T. Hunt, Esq.
Sugarman, Wallace, Manheim & Schoenwald, L.L.P.
HSBC Center, 5th Floor
360 South Warren Street
Syracuse, NY 13202-2680

Mark T. Fantauzzi, Esq.

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

IN THE MATTER
OF
SYED M.A. EHTISHAM, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #00-3

SYED M.A. EHTISHAM, M.D., (Respondent) says:

That on or about December 26, 1973 I was licensed to practice as a physician in the State of New York, having been issued License No. 118656 by the New York State Education Department.

My current address is 7124 Snyder Hill, Bath, New York, 14810 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with eleven specifications of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I do not contest the charges against me. I hereby agree to the following penalty:

I. I agree to the imposition of a permanent restriction and limitation upon my license to practice medicine requiring that I will no longer perform surgery of any kind, including but not limited to, orthopedic surgery.

II. I agree that I shall be subject to a two (2) year period of probation the terms and conditions of which are set forth in Exhibit "B" annexed hereto.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions

shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the

Application be granted.

AFFIRMED:

DATED _____



SYED M.A. ERTISHAM, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 12/21/99



Sugarman, Wallace, Manheim &
Schoenwald, L.L.P.
Kevin T. Hunt, of counsel
Attorney for Respondent

DATE: 12-23-99



Mark T. Fantauzzi
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 12-28-99



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
SYED M.A. EHTISHAM, M.D.

CONSENT
ORDER

Upon the proposed agreement of Syed M.A. Ehetisham, M.D.(Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 1/3/00

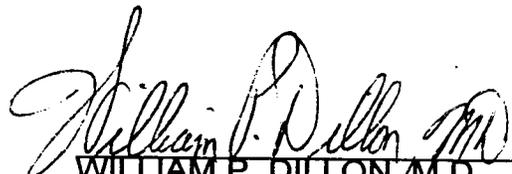

WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
SYED M.A. EHTISHAM, M.D. : CHARGES

-----X

SYED M.A. EHTISHAM, M.D., the Respondent, was authorized to practice medicine in New York State on December 26, 1973, by the issuance of license number 118656 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1998, through December 31, 1999, with a registration address of P.O. Box 469, Bath, New York, 14810.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A on or about November 6, 1996 and June 2, 1997 at Ira Davenport Memorial Hospital, Route 54, Bath, New York, and/or at his office at P.O. Box 469, Bath, New York, 14810. Respondent's care and treatment of Patient A failed to meet acceptable standards of care in that:

1. Respondent failed to appropriately treat a fracture of Patient A's right hip on November 6, 1996.

2. Respondent, failed to appropriately treat Patient A's

right hip on June 2, 1997.

3. Respondent failed to perform a total hip arthroplasty on Patient A's right hip, and/or failed to consider and/or offer the option of a total hip arthroplasty, and/or failed to adequately document any such consideration and/or discussion with Patient A.

B. Respondent treated Patient B on or about April 8, 1997 and May 5, 1997 at Ira Davenport Memorial Hospital, Route 54, Bath, New York, and/or at his office at P.O. Box 469, Bath, New York, 14810. Respondent's care and treatment of Patient B failed to meet acceptable standards of care in that:

1. Respondent failed to appropriately treat Patient B's left hip on April 8, 1997.

2. Respondent failed to appropriately treat Patient B's left hip on May 5, 1997.

3. Respondent failed to perform a total hip arthroplasty upon Patient B, and/or failed to consider and/or offer the option of a total hip arthroplasty, and/or failed to adequately document any such consideration and/or discussion with Patient B.

C. Respondent treated Patient C on or about November 3, 1996 and November 29, 1996 at Ira Davenport Memorial Hospital, Route 54, Bath, New York, and/or at his office at P.O. Box 469, Bath, New York, 14810. Respondent's care and treatment of Patient C failed to meet acceptable standards of care in that:

1. Respondent failed to adequately test and/or assess the stability of the Austin Moore prosthetic device intraoperatively during the surgery of November 3, 1996, and/or failed to adequately document any such intraoperative testing and/or assessment.

2. Respondent failed to adequately assess the extent of the peri-prosthetic fracture intraoperatively and/or failed to adequately document any such assessment.

3. Respondent failed to document that the peri-prosthetic fracture required repair with wire.

4. Respondent failed to adequately assure the protection the operative site, in response to post-surgical displacement of the prosthesis with further fracturing after the surgery of November 3, 1996, by failing to provide Patient C with adequate post-surgical instructions regarding physical activity and/or failed to adequately document the same.

5. Respondent failed to obtain cultures, and/or failed to adequately document the obtainment of such cultures, in connection with the surgery of November 29, 1996.

6. Respondent failed to adequately document the indications and rationale for the removal, on November 29, 1996, of the prosthesis inserted during the surgery of November 3, 1996.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

NEGLIGENCE

Respondent is charged with professional misconduct for having practiced medicine with negligence on more than one occasion in violation of New York Education Law section 6530(3), in that Petitioner charges:

1. The facts in paragraphs:

A and A.1, and/or A and A.2, and/or A and A.3; and/or
B and B.1, and/or B and B.2, and/or B and B.3; and/or
C and C.1, and/or C and C.2, and/or C and C.3, and/or
C and C.4, and/or C and C.5, and/or C. and C.6.

SECOND SPECIFICATION

INCOMPETENCE

Respondent is charged with professional misconduct for having practiced medicine with incompetence on more than one occasion in violation of New York Education Law section 6530(5) in that Petitioner charges:

The facts in paragraphs:

2. The facts in paragraphs:

A and A.1, and/or A and A.2, and/or A and A.3; and/or
B and B.1, and/or B and B.2, and/or B and B.3; and/or
C and C.1, and/or C and C.2, and/or C and C.3, and/or
C and C.4, and/or C and C.5, and/or C and C.6.

THIRD THROUGH FIFTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with professional misconduct for having practiced medicine with gross negligence in violation of New York Education Law section 6530(4) in that Petitioner charges:

3. The facts in paragraphs A and A.3;
4. The facts in paragraphs B and B.3;
5. The facts in paragraphs C and C.1, and/or C and C.2, and/or C and C.5.

SIXTH THROUGH EIGHTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with professional misconduct for having practiced medicine with gross incompetence in violation of Education Law section 6530(6) in that Petitioner charges:

6. The facts in paragraphs A and A.3;
7. The facts in paragraphs B and B.3;

8. The facts in paragraphs C and C.1, and/or C and C.2, and/or C and C.5.

NINTH THROUGH ELEVENTH SPECIFICATIONS

FAILURE TO MAINTAIN PATIENT RECORDS

Respondent is charged with professional misconduct for having failed to maintain adequate patient records in violation of Education Law section 6530(32) in that Petitioner charges:

9. The fact in paragraphs A and A.3;
10. The fact in paragraphs B and B.3;
11. The fact in paragraphs C and C.1, and/or C and C.2, and/or C and C.3, and/or C and C.4, and/or C and C.5 and/or C and C.6.

DATED: *December 23*, 1999
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 shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. 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].
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.