



New York State Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

May 9, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mohammed Nour, M.D.
66 Mineola Avenue
Roslyn, New York 11576

RE: License No. 126616

Dear Dr. Nour:

Effective Date: 05/16/96

Enclosed please find Order #BPMC 96-113 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: James Froccaro, Esq.
Seven Old Shore Road
Port Washington, Long Island, NY 11050

David W. Smith, Esq.

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

IN THE MATTER
OF
MOHAMMED NOUR, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF NEW YORK)
COUNTY OF *NASSAU*) SS.:

MOHAMMED NOUR, M.D., being duly sworn, deposes and says:

That in or about 1976, I was licensed to practice as a physician in the State of New York, having been issued License No. 126616 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.

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

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

I admit guilt to the First Specification, in full satisfaction of the charges against me.

I hereby agree to the following penalty:

1. My license to practice medicine shall be suspended for a period of one (1) year, such suspension to be stayed.
2. I shall be placed on probation for a period of five (5) years in accordance with the Terms of Probation attached hereto as Exhibit "B".

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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Mohammed Nour

MOHAMMED NOUR, M.D.
RESPONDENT

Sworn to before me this

29th day of April, 1996

JAMES R. FROCCARO, JR.
Notary Public, State of New York
No. 4971130
Qualified in Nassau County
Commission Expires Aug. 27, 1996

James R. Froccaro, Jr.
NOTARY PUBLIC

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

IN THE MATTER
OF
MOHAMMED NOUR, M.D.

CONSENT
ORDER

BPMC #96-113

Upon the application of MOHAMMED NOUR, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that 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 Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 11/16/96

Charles J. Vacanti, M.D.
CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
MOHAMED NOUR, M.D.

STATEMENT
OF
CHARGES

MOHAMED NOUR, M.D., the Respondent, was authorized to practice medicine in 1976 in New York State by the issuance of license number 126616 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. In or about September, 1989, Respondent treated Patient A for instability of the knee and other medical conditions at Glen Cove Community Hospital, Glen Cove, New York. (All patients are identified in the Appendix hereto).
1. Respondent performed a knee replacement operation on Patient A but inappropriately left a large mass of cement in the suprapatellar pouch which was not covered by the prosthesis.
- B. **Between** in or about April, 1987 and in or about May, 1987, Respondent treated Patient B for a fractured ankle and other medical conditions at Jamaica Hospital, Queens, New York.
1. On April 30, 1987, Respondent inappropriately operated on the right ankle of Patient B.

2. On May 12, 1987, Respondent again inappropriately operated on the right ankle of Patient B.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct in practicing the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law §6530(3)(McKinney Supp. 1995). Specifically, Petitioner charges:

1. The facts in Paragraphs A and A1 and/or the facts in Paragraphs B and B1-2.

SECOND SPECIFICATION

PRACTICING WITH INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct in practicing the profession with incompetence on more than one occasion within the meaning of N.Y. Educ. Law §6530(5)(McKinney Supp. 1995). Specifically, Petitioner charges:

2. The facts in Paragraphs A and A1 and/or the facts in Paragraphs B and B1-2.

DATED: New York, New York

11/16/95



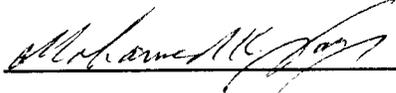
ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

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

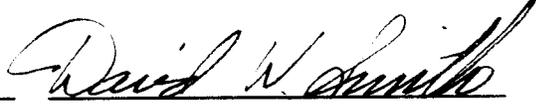
IN THE MATTER
OF
MOHAMMED HOUR, M.D.

APPLICATION
FOR
CONSENT ORDER

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

DATE: 4/29/96 
MOHAMMED NOUR, M.D.
Respondent

DATE: 4/29/96 
JAMES FROCCARO, ESQ.
Attorney for Respondent

DATE: 5/3/96 
DAVID W. SMITH
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: May 7, 1996

Anne Saile

ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE: _____

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. MOHAMMED NOUR, M.D., during the period of probation, 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 imposed by law and by his/her profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board and shall assume and bear all costs related to compliance with the Terms of Probation;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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 §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);

7. During the period of probation, all Respondent's orthopedic operations shall be monitored by a physician monitor, ("Monitor"), board certified in orthopedics proposed by Respondent and approved in advance, in writing by the Director of the Office of Professional Medical Conduct ("Director") or designee. Respondent may not perform orthopedic surgery until an approved Monitor and monitoring program is in place and any orthopedic surgery done prior to such time will be determined to be a violation of probation.
 - a. The Monitor shall be present in the operating room during each of Respondent's operations and shall report, in writing, to the Director or designee after each such operation. Respondent will make available to Monitor any and all records of the patient being operated upon. The report of Monitor will determine whether the Respondent's operations are 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 immediately be reported by the Monitor to the Office of Professional medical Conduct.
 - b. Any change in the Monitor must be approved in writing, in advance, by the Office of Professional medical Conduct.
 - c. All expenses associated with monitoring, including fees to the Monitor, shall be the sole responsibility of the Respondent.
 - d. It is the responsibility of the Respondent to ensure that the reports of the Monitor are submitted in a timely manner. A failure of the Monitor to submit required reports on a timely basis will be considered a possible violation of the terms of probation.
8. Respondent shall notify the Director, in writing, Certified mail, return receipt requested, not less than four nor more than seven business days prior to the resumption of orthopedic surgery in New York State. The duration of this probation shall commence upon the sending of such notice.
9. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.