



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

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

Karen Schimke
Executive Deputy Commissioner

March 13, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

David W. Windley, Esq.
224 Atlantic Avenue
Brooklyn, New York 11201

Shahid Masad Siddiqui, M.D.
c/o Bibi Walli
89-00 170th Street, Apt. 5P
Jamaica, New York 11432

Terrence Sheehan, Esq.
NYS Dept. of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

RECEIVED
MAR 13 1995
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

RE: In the Matter of Shahid Masud Siddiqui

Effective Date: 03/20/95

Dear Mr. Windley, Mr. Sheehan and Dr. Siddiqui :

Enclosed please find the Determination and Order (No. 94-245) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

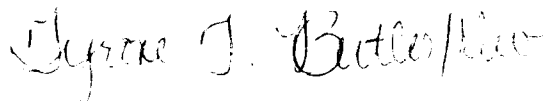
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Corning Tower, Room 438
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a clear, legible font.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:

Enclosure

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

**IN THE MATTER
OF
SHAHID MASUD SIDDIQUI, M.D.**

**ADMINISTRATIVE
REVIEW BOARD
DECISION AND
ORDER NUMBER**

A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.**¹ held deliberations on February 3, 1995 to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) November 24, 1994 Determination finding Dr. Shahid Siddiqui (Respondent), guilty of professional misconduct. The Respondent requested the Review through a notice which the Board received on December 13, 1994. James F. Horan served as Administrative Officer to the Review Board. Terrence Sheehan, Esq. filed a brief for the Office of Professional Medical Conduct (Petitioner) on January 24, 1995. David W. Windley, Esq. filed a brief for the Respondent on January 18, 1995. The Respondent also submitted a pro se supplemental brief.

SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

¹Sumner Shapiro did not participate in the deliberations.
Dr. Stewart participated in the deliberations by telephone conference.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

HEARING COMMITTEE DETERMINATION

The Petitioner brought this case pursuant to Public Health Law Section 230(10)(p) and Education Law Section 6530(9)(a)(i), which provide an expedited hearing in cases in which professional misconduct charges against a Respondent are based upon a prior criminal conviction in New York or another jurisdiction or upon a prior administrative adjudication which would amount to misconduct if committed in New York State. The expedited hearing determines the nature and severity of the penalty which the Hearing Committee will impose based upon the criminal conviction or prior administrative adjudication.

The Hearing Committee in this case found that the Petitioner had met its burden of proof in establishing that the Respondent was guilty of committing professional misconduct as a result of his conviction of a crime in New York State. The Committee found that the Respondent entered a guilty plea in Kings County Supreme Court to one count of Grand Larceny in the Second Degree, a Class C Felony. The criminal case involved the Respondent's submission of fraudulent claims to the Medicaid Program.

The Committee voted to revoke the Respondent's license to practice medicine in New York State. The Committee concluded that revocation was the appropriate penalty because of the serious nature of the Respondent's offense and because the Committee found no mitigating circumstances.

REQUESTS FOR REVIEW

The Petitioner has asked that the Review Board sustain the revocation of the Respondent's license, and in addition to impose a Ten Thousand (\$10,000) Civil Penalty against the Respondent due to the financially avaricious nature of the Respondent's misconduct.

The Respondent's attorney has asked the Review Board to remand this case for a hearing de novo, based on two grounds. Mr. Windley argues that the Respondent was denied due process because he did not have sufficient time to prepare for the direct referral hearing. The Respondent also alleges that the Petitioner's attorney abused his discretion by outrageous behavior at the hearing which was calculated to inflame the Hearing Committee.

The Respondent's pro se brief requests that the Review Board annul or modify the Hearing Committee's Determination. The Respondent alleges that he was denied due process due to errors in the hearing transcript, administrative errors in the conduct of the hearing and improper conduct by government agencies. The Respondent also alleges that there could be no action against his license because he received a certificate for relief of disabilities following his criminal conviction. The Respondent challenges the revocation of his license as a double penalty, and alleges that the penalty is so harsh that it shocks the conscience.

REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below and the briefs which counsel have submitted.

The Review Board votes to sustain the Hearing Committee's Determination that the Respondent was guilty of professional misconduct. That Determination was consistent with the Committee's finding that the Respondent had been convicted of defrauding the Medicaid Program.

The Review Board denies the Respondent's request for a hearing de novo. The Review Board has the authority under Public Health Law §230-c (4)(b) only to remand a case to the original Hearing Committee for further consideration. The Board does not have the authority to order a hearing de

novo, with a totally different Hearing Committee. The Respondent will have to raise his procedural issues with the courts.

The Review Board sustains the Hearing Committee's Determination to revoke the Respondent's license to practice medicine. Revocation is the appropriate sanction for a physician who betrays the public trust by defrauding the Medicaid Program. The Review Board considered the Petitioner's request to impose a civil penalty upon the Respondent in addition to revocation. We concluded that revocation was a sufficient penalty.

ORDER

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Review Board **sustains** the Hearing Committee on Professional Medical Conduct's November 24, 1994 Determination finding Dr. Shahid Masud Siddiqui guilty of professional misconduct.

2. The Review Board **sustains** the Hearing Committee's Determination revoking the Respondent's license to practice medicine in New York State.

ROBERT M. BRIBER

WINSTON S. PRICE, M.D.

EDWARD SINNOTT, M.D.

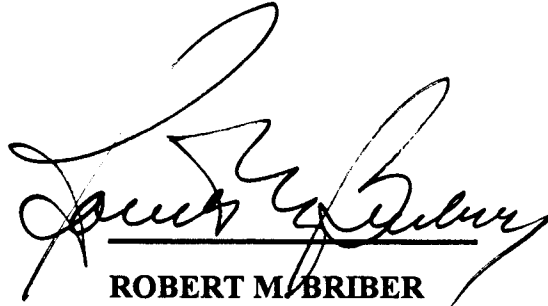
WILLIAM A. STEWART, M.D.

IN THE MATTER OF SHAHID MASUD SIDDIQUI, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Siddiqui.

DATED: Albany, New York

March _____, 1995




ROBERT M. BRIBER

IN THE MATTER OF SHAHID MASUD SIDDIQUI, M.D.

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Siddiqui.

DATED: Brooklyn, New York

_____, 1995



WINSTON S. PRICE, M.D.

IN THE MATTER OF SHAHID MASUD SIDDIQUI, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Siddiqui.

DATED: Roslyn, New York

January 23, 1995

A handwritten signature in cursive script, appearing to read "Edward C. Sinnott", written over a horizontal line.

EDWARD C. SINNOTT, M.D.

IN THE MATTER OF SHAHID MASUD SIDDIQUI, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Siddiqui.

DATED: Syracuse, New York

9 Feb, 1995



WILLIAM A. STEWART, M.D.