



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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March 21, 2003

Shahid M. Siddiqui, Physician
6387 Route 41
Homer, New York 13077

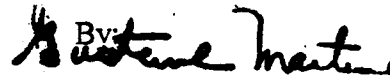
Re: Application for Restoration

Dear Dr. Siddiqui:

Enclosed please find the Commissioner's Order regarding Case No. CP-02-12 which is in reference to Calendar No. 18849. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

Daniel J. Kelleher
Director of Investigations

By: 

Gustave Martine
Supervisor

cc: Carl G. Dworkin, Esq.
9 Columbia Circle
Albany, New York 12203

The
**University of the
Education**  **State of New York
Department**

IN THE MATTER

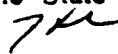
of the

Application of SHAHID M.
SIDDIQUI for restoration of his
license to practice as a physician in
the State of New York.

Case No. CP-02-12

It appearing that the license of SHAHID M. SIDDIQUI, 6387 Route 41, Homer, New York 13077, authorizing him to practice as a physician in the State of New York, was revoked by the New York State Department of Health's Administrative Review Board for Professional Medical Conduct effective March 20, 1995, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on December 13, 2002, it is hereby

ORDERED that the petition for restoration of License No. 113794, authorizing SHAHID M. SIDDIQUI to practice as a physician in the State of New York, is denied.

IN WITNESS WHEREOF, I, Richard P. Mills,
Commissioner of Education of the State of New York for
and on behalf of the State Education Department, do
hereunto set my hand and affix the seal of the State
Education Department, at the City of Albany, this 
day of March, 2003.


Commissioner of Education

Case No. CP-02-12

It appearing that the license of SHAHID M. SIDDIQUI, 6387 Route 41, Homer, New York 13077, to practice as a physician in the State of New York, having been revoked by the New York State Department of Health's Administrative Review Board for Professional Medical Conduct effective March 20, 1995, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on December 13, 2002, it was

VOTED that the petition for restoration of License No. 113794, authorizing SHAHID M. SIDDIQUI to practice as a physician in the State of New York, be denied.

Case number
CP-02-12
November 14, 2002

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Physician License

Re: Shahid M. Siddiqui

Attorney: Carl G. Dworkin

Shahid M. Siddiqui, 6387 Route 41, Homer, New York 13077, petitioned for restoration of his physician license. The chronology of events is as follows:

- 08/01/72 Issued license number 113794 to practice as a physician in New York State.
- 09/08/94 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 10/26/94 Hearing Committee of the State Board for Professional Medical Conduct revoked license.
- 03/20/95 Administrative Review Board for Professional Medical Conduct sustained revocation of license.
- 06/16/98 Submitted application for restoration.
- 07/27/01
&
09/28/01 Peer Committee restoration review.
- 01/21/02 Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
- 09/24/02 Committee on the Professions restoration review.
- 11/14/02 Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See attached disciplinary documents.) On September 8, 1994, the Department of Health charged Dr. Siddiqui with professional misconduct

based on his conviction of committing an act constituting a crime under New York State law. The charges alleged that on or about February 1, 1993 Dr. Siddiqui pled guilty in Kings County Supreme Court to one count of the Class C felony of Grand Larceny in the Second Degree. Specifically, it was alleged that between 1989 and 1990 Dr. Siddiqui owned the Midwood Medical Clinic and M. M. Management Services, Inc., both located in Brooklyn, New York and used these entities to fraudulently bill the New York State Medicaid Program for \$1,400,000 worth of tests, including cardiographs, echocardiographs and sonographs, which tests were either medically unnecessary or never read or read by employees unlicensed to practice medicine. The charges stated that as part of his guilty plea, Dr. Siddiqui agreed to surrender to the government \$800,000 in Medicaid payments he had secreted in Swiss bank accounts, to sell his home and assign the proceeds to the government, and to sign a confession of judgment in favor of the government for an additional \$500,000. Further, the charges indicated that Dr. Siddiqui was sentenced to state prison for a period of 15 to 45 months. On October 26, 1994, a Hearing Committee of the State Board for Professional Medical Conduct determined that he was guilty of the charge of professional misconduct and revoked his license. Dr. Siddiqui appealed this decision and an Administrative Review Board for Professional Medical Conduct sustained the Hearing Committee's determination of guilt and penalty. The revocation was effective March 20, 1995.

Dr. Siddiqui submitted an application for restoration of his license on June 16, 1998.

Recommendation of the Peer Committee. (See attached "Report of the Peer Committee.") The Peer Committee (Cordice, Jr.; Lopez; Salom) met with Dr. Siddiqui on July 27 and September 28, 2001 to review his application for restoration. In its report, dated January 21, 2002, the Committee recommended that the application be denied.

Recommendation of the Committee on the Professions. On September 24, 2002, the Committee on the Professions (Muñoz, Porter, Earle) met with Dr. Siddiqui to review his application for restoration. His attorney, Carl Dworkin, accompanied him. Prior to the meeting, Dr. Siddiqui submitted documentation of continuing medical education courses recently completed; a Grand Rounds and conference schedule at SUNY Upstate Medical University; copies of forms he signed titled "Assignment of Benefits and Release of Information" and "Statement of Understanding" from the Family Counseling Services of Cortland County, Inc., dated July 26, 2002 and August 2, 2002, respectively; and a letter, dated July 23, 2002, from Bilal A. Mian, M.D., indicating he knew Dr. Siddiqui "for many years while in Medical school and Training Program in New York" and stating, "Many years ago while in New York, he developed Guillian Berr Syndrome and Depression. I treated him with medications including anti-depressant treatment."

The Committee asked Dr. Siddiqui to explain what led to the revocation of his license. He indicated that he had a large number of Medicaid and Medicare patients. He explained that the Department of Social Services started investigating him in 1984 and that in 1989 he was disqualified from the Medicaid Program. He said that he became the managerial agent of a corporation providing health care and that in 1993 he pled

guilty to a Class C felony of grand larceny. He clarified that the charges to which he pled guilty related to billings for about a year after he was disqualified from Medicaid and not to the time period involved in his disqualification from Medicaid. He reported that about three years later the Office of Professional Medical Conduct revoked his license.

Dr. Siddiqui told the Committee that at the time he submitted his application for restoration of his license he was an angry person but that time has changed him. He said that he now realizes that others could have helped him. He reported that his life style has changed and that he has made changes to remove himself from the stressful environment he was in. He indicated that he now lives in Homer, New York and sells timber on a 30-acre family trust property. Dr. Siddiqui said that his main income sources came from the sale of properties he owned and from driving a limousine. He indicated that he has been attending conferences and attending Grand Rounds to keep current in medicine.

In response to the Committee's inquiry, Dr. Siddiqui stated that he personally reimbursed \$850,000. He reported that Social Services initially indicated that he had defrauded Medicaid of \$3 million but subsequently conceded that some of that amount was attributable to other doctors in the corporation. He stated that Social Services sought to collect a \$500,000 balance owed to Social Services from him in a civil action but eventually settled for \$190,000, discontinued its civil action against him, and "released properties they had frozen."

The Committee asked a series of questions to clarify the charges that led to the revocation of Dr. Siddiqui's license. He reiterated that he was disbarred from the Medicaid Program in 1989 and could no longer use his provider number on claims. He said that he organized a corporation with his brother, a friend, his cousin, and another doctor. He reported that this group used his building and equipment and that he and his girlfriend became the sole operating officers of the corporation. The Committee asked if he committed fraud. He replied, "Yes." The Committee asked him to explain his understanding of the purpose of the Medicaid program. He replied, "To provide help and care to indigent people." When asked if he was aware of that purpose at the time of his fraud, he replied, "Yes." When asked if he was aware at the time that he was committing fraud, he replied, "Yes." He explained, however, that others were also involved and that he received less than 50 percent of the billed amount. Dr. Siddiqui stated, "I feel bad. I'm a better person now. I take full responsibility for every dollar stolen." He indicated that he pled guilty "to punish myself" and feels that he has paid his debt to society. He said, "It was a vindictive and greedy type of thing I did." Dr. Siddiqui said that 10 years have now passed and he has changed – even from the time when he put together his application for restoration and blamed everyone else for what occurred. He told the Committee, "I was President. I could have stopped it at any time. I paid a million dollars in restitution. He said that he now realizes that he had "some kind of psychological problem" and that the misconduct was a "calculated attempt to get even since they threw me out of the program. I'm Board certified. How can they tell me my handwriting was bad?" He indicated that his faith was restored through the Muslim religion. He further indicated that he has been diagnosed as having a borderline personality, but has received therapy for this condition.

The Committee asked Dr. Siddiqui for his reactions to the Peer Committee report. He said, "Even I don't agree with my petition." However, he questioned the Committee's conclusion that his remorse was "newly found." He referred the Committee to his newly submitted material concerning Continuing Medical Education credits and psychological counseling. Dr. Siddiqui indicated that if his license were restored he would avoid practices with a high volume of Medicaid patients and would not be greedy.

Mr. Dworkin told the Committee that the long restoration process has given Dr. Siddiqui time to reflect upon the events that led to the original revocation of his license and that it "actually has worked wonders." He said that Dr. Siddiqui is getting professional treatment and now accepts full responsibility for his actions.

The overarching concern in all restoration cases is public protection. Section 6511 of the Education Law gives the Board of Regents discretionary authority to make the final decision regarding applications for the restoration of a license to practice as a physician in New York State. Section 24.7(2) of the Rules of the Board of Regents charges the Committee on the Professions (COP) with submitting a recommendation to the Board of Regents on restoration applications. Although not mandated in law or regulation, the Board of Regents has instituted a process whereby a Peer Committee meets with an applicant for restoration and provides a recommendation to the COP. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that there is a compelling reason that licensure should be granted in the face of misconduct so serious that it resulted in the loss of licensure. There must be clear and convincing evidence that the petitioner is fit to practice safely, that the misconduct will not recur, and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. It is not the role of the COP to merely accept as valid whatever is presented to it by the petitioner but to weigh and evaluate all of the evidence submitted and to render a recommendation based upon the entire record.

The COP agrees with the Peer Committee that Dr. Siddiqui's application for restoration of his license should be denied at this time. The COP finds that Dr. Siddiqui now admits he was guilty of fraud and accepts responsibility for his actions. However, as recently as August 17, 2002, in a handwritten letter to the Committee on the Professions he states that the "decision of DOH Committee (copy enclosed) is wrong & biased," that "the investigator [sic] Miss Castellì lied," and that "I had poor legal (unintelligible). Z. Siddiqui closed his office and left for Canada without telling me." The COP notes that the documentation of Continuing Medical Education credits Dr. Siddiqui has submitted for its consideration was primarily done on the computer on August 12, 13, and 14, 2002 – after meeting with the Peer Committee. Also, the most recent documentation Dr. Siddiqui submitted pertaining to the therapy he received included only a letter from Dr. Mian which indicated that he treated Dr. Siddiqui many years ago and forms signed by Dr. Siddiqui in July and August of this year for Family Counseling Services of Cortland County, Inc., presumably to receive treatment. However, no current statement of diagnosis or treatment from a licensed professional was included in these materials. The COP commends Dr. Siddiqui for the recent steps he has taken to assume responsibility for the fraud he committed, to seek professional help to identify the root causes of his misconduct, to undertake continuing education activities, and to

physically remove himself from a stressful environment. However, the COP notes that these actions are recent and insufficiently documented to provide a reasonable level of assurance that the public would be adequately protected were his license restored. The COP believes that these are the kind of steps that Dr. Siddiqui should have taken on his own initiative prior to submitting his application for restoration rather than as a response to deficiencies pointed out to him during the review process. In view of the foregoing, the COP finds that Dr. Siddiqui failed to present and document a compelling case for the restoration of his license.

Therefore, after a careful review of the record and its meeting with him, the Committee on the Professions voted unanimously to concur with the recommendation of the Peer Committee that Dr. Siddiqui's application for restoration of his license to practice as a physician in the State of New York be denied at this time.

Frank Muñoz, Chair

Joseph B. Porter

Steven Earle



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD FOR MEDICINE

-----X
In the Matter of the Application of

SHAHID M. SIDDIQUI

**REPORT OF
THE PEER
COMMITTEE
CAL. NO. 18849**

for the restoration of his license to
practice as a physician in the State of
New York.

-----X

Applicant, SHAHID M. SIDDIQUI, was authorized to practice as
a physician in the State of New York by the New York State
Education Department.

PRIOR DISCIPLINE

In 1993, applicant pled guilty in Kings County Supreme Court,
Brooklyn, New York to one count of Grand Larceny in the second
degree. He was sentenced to state prison for 15 to 45 months and
served 6 months and was granted a Certificate of Conditional
Discharge. Applicant's license was revoked in March 1995 for Medical
Professional Misconduct based on said conviction.

THE APPLICATION

On June 1, 1998 applicant petitioned the New York State
Education Department for the restoration of his license to
practice as a physician in the State of New York.

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Applicant uses the first 29 pages of his application attempting to relitigate his criminal conviction (in which he pled guilty) and the discipline case brought as a result of said conviction.

It is only in the last two pages of the application that applicant addresses rehabilitation and continuing medical education (CME).

We quote:

Petitioner/Licensee was a model prisoner, he was given a good report from probation Dept; & given work release. He was paroled & released from incarceration after serving 6 months of 15-45 months sentence. His parole ended on 10.26.96 (LS1a-LS1) without any further derogatory incidence [sic].

As revealed in sentencing minutes & probationary report, he was a good provider to his 6 children from 3 women. He needs [sic] his Medical License back as he had shown extensive remorse & rehabilitation. He won't be able to make a living in any other field due to his Physical condition & age.

In jail from 8/93-2/94 he learnt [sic] computer Windows/ word Perfect & accountancy course besides teaching Arabic & Islamic studies to other inmates. After work release he worked in a Medical Clinic in Bronx, till 3/95 when ARB upheld OPMC Committee's decision of his License revokation [sic].

OSP Medicaid as per Stipulation of 2.2.93 has allowed him to manage a Land Trust in Homer N.Y. Petitioner has been able to sell timber there & intend to live & practice Medicine at that location, if such is restored. As mentioned in para 1 page 1-2 of this petition, he has no intention of ever getting involved in Medicaid/Medicare in out of institution except to medical emergencies that he wont [sic] bill. A limited Medical

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License of being able to treat self cash paying patients was requested from ARB & Courts & is prayed will be granted by instant forum. Licensee will treat any patients in emergency but will not bill Medicaid/Medicare out side [sic] an institutional setting.

Petitioner has kept himself abreast of Medical knowledge by reading periodicals/journals [sic] & attending Medical Conferences here & abroad (Pakistan). He is trying to take Exam. to become Board certified in Cardiology besides an effort to get research/Fellowship/ PGI 4-5 in Cardiology, Internal Medicine & its other subspecialties [sic]. Siddiqui had gotten offers in Medical fields which are pending restoration of NYS License. He has kept a keen interest in Cardiac procedures [sic], new development [sic] by continuous [sic] dialogue [sic] with Medical personal [sic] on site visits to Cardiac lab's in Columbia Hospital NY & University Hospitals in Multan, Lahore & Karachi, Pakistan. Has read CPCs in NEJM to comply with CME hours (about 50 so far).

INVESTIGATIVE INTERVIEW

On 10/26/99, applicant, unaccompanied by counsel, was interviewed at the OPD Melville Regional Office. The interview was tape recorded in its entirety. He stated that his license revocation and criminal conviction were unjustified. Applicant described long-standing Medicaid and interpersonal difficulties since approximately 1977-1979 when he worked at the Brooklyn Hospital in Brooklyn, NY. Applicant claimed that his problems at the hospital occurred because he "alienated some big wigs who posed a threat to them because of his skills and competence". Applicant stated that because his large practice took patients away from the "big wigs-prima donnas", they became jealous.

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started a vendetta and retaliated against him. He said that as his hospital problems occurred, Medicaid problems surfaced ostensibly because of his "illegible handwriting".

Specific issues involving his actions in the Medicaid scheme, which caused him to be criminally indicted for grand larceny, were raised. Applicant said he was "entrapped and forced to plead guilty". He said that he worked with a group of health care providers and other physicians who caused his entrapment. Applicant stated that he "paid for everybody else's crimes". He spoke perjoratively about the DOH, OPMC, and other regulatory agencies.

When asked if he acknowledges any personal responsibility in the Medicaid fraud, applicant admitted to partial responsibility, acknowledging personal diversion of \$68,000 of the stolen 1 million dollars. Applicant said that he has remorse about "being entrapped".

Applicant claimed that his health concerns are usual for a 57 year old man. He reported that he has arthritis of his knees and ankles, is overweight, and has moderately elevated blood pressure. Daily medications taken by applicant include Naprosyn, an anti-inflammatory drug for arthritis, and Vasotec for hypertension. Applicant denied ever having a psychiatric disability. He said that his faith has increased since he became a re-born Muslim, negating any need for psychiatric support throughout this episode.

Applicant said that if his license to practice medicine is

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New York State is restored, he plans to work in a group practice in internal medicine. Applicant said that he is a "poor judge of peoples' character and that he is a poor administrator". Applicant stated that if his license is not restored, he plans to return to Pakistan and "start again".

THE MEETING

On July 27, 2001 and September 28, 2001 this Peer Panel met to consider the application in this matter. Applicant appeared and was represented by Zafar Siddiqi, Esq. Kenneth J. Appel, Esq. represented the Division of Prosecutions of the Office of Professional Discipline.

Applicant began by giving a brief history of his life and practice prior to the revocation of his license. Then applicant spoke regarding keeping current with the practice of medicine. He said that while in prison he helped in the prison hospital. He said that more recently he has helped in the clinic in Jamaica Hospital taking patient histories, checking blood pressure and attending grand rounds.

Applicant went on to say that he was given a Certificate of Relief and has had no problems with the law since 1995. He also said that had he not run out of money he would not have pled guilty to the crime in question nor would he have pled guilty if he knew his medical license would be revoked because of it. Applicant did admit that he did have a role in the Medicaid scam that was the basis of the criminal charge against him. He said

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that remorse for that role was part of the reason he pled guilty.

Applicant then went on to say that in addition to his work at Jamaica Hospital he also had contact with Columbia Hospital through his girlfriend and attends conferences at Harlem Hospital. He also said he went to Pakistan for six months of training in both 1996 and 1998. He also said he had worked in a medical office in Pennsylvania for two years, doing histories, blood pressures, sonograms and echocardiograms. He also said he goes to hospital libraries. He said that he has not taken any refresher courses or credits in the last 12 months. However, applicant believes he is ready to practice non-invasive cardiology and internal medicine.

Applicant went on to say that at the time of the misconduct in question he was suffering from megalomania and has been treated by a psychologist and a psychiatrist, the latter as recently as last year.

On cross examination, applicant admitted that he knew in September of 1990 about the scam going on in the corporation he controlled. He kept the scam going because his private practice was in the same building and he did not want to disrupt everything.

Regarding CME applicant said that he receives the Journal of the American Medical Association (JAMA) and reads the New England Journal of Medicine and Annals of Internal Medicine at Newton Memorial Hospital Library.

When questioned by the Chairperson regarding applicant's

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megalomania, applicant stated that he now sees, thanks to his psychologist and psychiatrist, that his behavior was irrational and that he believes he is a different person now.

Applicant's attorney closed saying that applicant has shown remorse, rehabilitation and reeducation but he would understand if the panel would recommend that applicant be put on probation with conditions.

Mr. Appel closed saying he did not see significant reeducation, remorse, or rehabilitation.

He said whatever remorse applicant has demonstrated seems to be a recent thing.

As to rehabilitation, Mr. Appel pointed out that there has been no psychological evolution presented to the panel to show applicant's current fitness to practice.

Mr. Appel stated that the Office of Professional Discipline opposes the restoration of licensure in this case.

NOTE

A transcript of an audio tape offered into evidence by applicant and then withdrawn has been disregarded by the panel.

RECOMMENDATION

We unanimously recommend that the application herein be denied.

Applicant has not demonstrated real remorse before this panel. He has taken responsibility only for \$68,000.00 of this crime wherein the corporation he controlled overbilled for all

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over \$1,000,000.00.

Applicant has not presented adequate evidence of continuing medical education (CME). There is no documentary evidence that he has done grand rounds or performed any other significant CME.

Nor has applicant demonstrated, by a psychological evaluation or otherwise, that he is any different today than he was at the time of the misconduct herein.

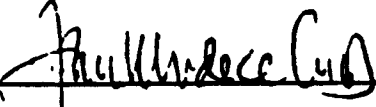
We hope applicant will take our remarks into consideration and should be reapply in the future.

Respectfully submitted,

JOHN W.V. CORDICE, JR., MD,
Chairperson

RAFAEL LOPEZ, MD

IRA L. SALOM, MD


Chairperson

1/21/02
Dated