



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

September 6, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Walayat Ali Khan, M.D.
317 Ecorse Road, 5
Ypsilanti, Michigan 48197

RE: License No. 134258

Dear Dr. Khan:

Effective Date: 09/13/96

Enclosed please find Order #BPMC 96-204 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: Timothy Mahar, Esq.

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

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IN THE MATTER :
OF : ORDER
WALAYAT ALI KHAN, M.D. : BPMC #96-204

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Upon the Application of WALAYAT ALI KHAN, M.D., to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

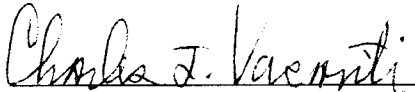
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 via certified mail, whichever is earliest.

SO ORDERED,

DATED: 3 September 1996



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

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
WALAYAT ALI KHAN M.D. : LICENSE

-----X

STATE OF MICHIGAN)

ss.:

COUNTY OF WASHTENAW)

WALAYAT ALI KHAN, M.D., being duly sworn, deposes and says:

On or about May 5, 1978, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 134258 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with three specifications of professional misconduct as set forth in the statement of charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York.

I hereby plead no contest to the allegations and specifications set forth in the statement of charges (Exhibit A).

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

Walayat Ali Khan

WALAYAT ALI KHAN, M.D.
Respondent

Sworn to before me this

16th day of August, 1996

Kathleen M Stewart
NOTARY PUBLIC

KATHLEEN M STEWART
NOTARY PUBLIC STATE OF MICHIGAN
WAYNE COUNTY
ACTING IN:
WASHTENAW COUNTY
MY COMMISSION EXP. AUG. 11, 1999

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
WALAYAT ALI KHAN, M.D. : LICENSE

-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: _____, 1996

Walayat Ali Khan
WALAYAT ALI KHAN, M.D.
Respondent

Date: August 27, 1996

Timothy J. Mahar
TIMOTHY J. MAHAR
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: August 30, 1996

Cynthia Weber Glynan for Anne F. Saile
ANNE F. SAILE
ACTING DIRECTOR
Office of Professional Medical
Conduct

Date: 3 September 1996

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

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

-----X

IN THE MATTER : STATEMENT
OF : OF
WALAYAT ALI KHAN, M.D. : CHARGES

-----X

WALAYAT ALI KHAN, M.D., the Respondent, was authorized to practice medicine in New York State on May 5, 1978, by the issuance of license number 134258 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. On or about September 16, 1994, the Respondent was convicted of the following crimes in the State of Michigan upon a plea of guilty, in the matter of People of The State of Michigan v. Walayat A. Khan, M.D. CR-W-94-00018311:

- a) delivering drug prescription forms to third parties in violation of Michigan Compiled Laws §33.7401(2)(f), a felony;
- b) presenting a false claim under the Michigan Social Welfare Act (Medicaid) alleging the performance of services on October 1, 1992 for Patient J.H., when such services were not provided, in violation of Michigan Compiled Laws §400.607, a felony; and
- c) submitting a false claim for payment to an insurer alleging the performance of medical services for Patient M.A., when such services had not been provided, contrary to Michigan Compiled Laws §752.1003.

2. Respondent was sentenced in the same matter on December 9, 1994 to three years probation, a \$5,000 fine, and other court

costs.

3. The conduct which was the basis of Respondent's conviction in Michigan, if committed within New York State, would constitute crimes under N.Y. Penal Law §220.65 [criminal sale of a prescription for a controlled substance], N.Y. Penal Law § 176.05 and 176.10 [insurance fraud in the fifth degree], and N.Y. Social Services Law § 366-b(2) [presenting a false claim to Medicaid].

4. On or about December 20, 1995, the Michigan Board of Medicine (Michigan Board after having previously summarily suspended Respondent's medical license, entered into a consent agreement with the Respondent providing for the actual suspension of Respondent's Michigan medical license for a period of three years, 300 hours of community service, and the payment of a \$5,000. fine.

5. The conduct upon which the Michigan Board imposed discipline upon Respondent's license consisted of Respondent's criminal conviction on September 16, 1994 of criminal delivery of a prescription form, presenting a false claim under the Michigan Medicaid statute, and submitting a false claim for payment to a health insurer.

6. The conduct upon which the Michigan Board found professional misconduct against Respondent would, if committed in New York State, constitute professional misconduct under N.Y.

Educ. Law §6530 (9) (a) (i) [being convicted of a crime under New York law] in conjunction with those violations of the New York Penal Law and Social Services Law identified in paragraph 3, supra.

7. On or about June 15, 1995, Respondent was convicted in the United States District Court, Eastern District of Michigan (United States of America v. Walayat Kahn), of aiding and abetting marriage fraud in violation of Title 8 United States Code §1325.b .

8. The conduct which was the basis of Respondent's conviction consisted of the arrangement of marriages between United States citizens and individuals who were aliens, with knowledge that the individuals did not intend to live together as husband and wife in violation of United States' immigration laws.

9. On or about June 15, 1995, Respondent was sentenced in the same matter to a five year term of probation and was required to pay a \$5,000 fine.

SPECIFICATIONS

FIRST SPECIFICATION

CRIMINAL CONVICTION BY OTHER STATE

Respondent is charged with professional misconduct under N.Y. Educ. law §6530 (9) (a) (iii) (McKinney Supp. 1996) by reason

of having been convicted of committing acts constituting crimes under the laws of another jurisdiction and which, if committed within this state, would constitute crimes under New York State law, in that Petitioner charges:

- 1. The facts in paragraphs 1 and/or 2 and/or 3.

SECOND SPECIFICATION

DISCIPLINED IN OTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. law §6530(9) and McKinney Supp. 1996 by reason of having been disciplined by a duly authorized disciplinary agency of another state, where the conduct resulting in disciplinary action, would if committed within this state constitute professional misconduct under New York State laws, in that Petitioner charges:

- 2. The facts in paragraphs 4 and/or 5 and/or 6.

THIRD SPECIFICATION

CRIMINAL CONVICTION UNDER FEDERAL LAW

The Respondent is charged with Professional Misconduct under N.Y. Educ. law §6530(9)(a)(ii) (McKinney Supp. 1996) by reason of having been convicted of committing an act constituting a crime under Federal law, in that Petitioner charges:

3. The facts in paragraphs 7 and/or 8 and/or 9.

DATED: *August 12*, 1996
Albany, New York

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