NEW YORK STATE OF OPPORTUNITY. Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

July 31, 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Muhammad Ahmed, M.D.
Registration number 48252-039
FCI Morgantown
Federal Correctional Institution
446 Green Bag Road
Morgantown, WV 26501

Pooja A. Rawal, Esq.
Senior Attorney
Bureau of Professional Medical Conduct
Corning Tower- Room 2596
Empire State Plaza
Albany, New York 12237

RE: In the Matter of Muhammad Ahmed, M. D.

Dear Parties:

Enclosed please find the Determination and Order (No. 17-215) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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 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
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the

determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely

[redacted]

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH[redacted]
Enclosure

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

IN THE MATTER

OF

MUHAMMAD AHMED, M.D.

DETERMINATION

AND

ORDER

BPMC 17-215

A hearing was held on July 20, 2017, at the offices of the New York State Department of Health ("Department").[1] Pursuant to § 230(10)(e) of the Public Health Law ("PHL"), **JILL M. RABIN, M.D.**, Chairperson, **GAIL HOMICK-HERRLING** and **RONALD UVA, M.D.**, duly designated members of the State Board for Profcssional Medical Conduct, served as the Hearing Committee in this matter. **DAWN MacKILLOP-SOLLER, ADMINISTRATIVE LAW JUDGE** ("ALJ"), served as the Administrative Officer.

The Department appeared by Pooja A. Rawal, Senior Attorney. A Notice of Referral Proceeding and Statement of Charges dated February 27, 2017, were served upon Muhammad Ahmed, M.D. ("Respondent").[2] The Respondent did not appear at the hearing and there were no witnesses. The Hearing Committee received and examined documents from the Department, and a stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee sustains the charge that the Respondent committed professional misconduct, in violation of Education Law ("Educ. Law") § 6530(9)(a)(ii), by having been convicted of committing an act constituting a crime under federal law. The Hearing Committee unanimously votes 3-0 to revoke

---

[1] The location of the hearing was 150 Broadway, Suite 510, Menands, New York.

[2] Copies of the Notice of Referral Proceeding and Statement of Charges are attached to this Determination and Order as Appendix I and were personally served on the Respondent on March 17, 2017, at FCI Morgantown Federal Correctional Institution, 446 Green Bag Road, Morgantown, WV, establishing jurisdiction. This case was scheduled for a hearing on May 17, 2017, but was adjourned on the consent of the parties until July 20, 2017. After considering this, the ALJ determined that the hearing on the merits could continue, despite the Respondent's absence. [Exhibit 2].

the Respondent's license to practice medicine in the state of New York.

BACKGROUND

This case began with an Order by the Commissioner of Health, Howard A. Zucker, M.D., J.D., summarily suspending the Respondent's medical license pursuant to PHL § 230(12)(b). The Department brought the case pursuant to PHL § 230(10)(p), which provides for a hearing when a registered provider or licensee is charged solely with a violation of Educ. Law § 6530(9). In such cases, the charge of misconduct is based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The Respondent is charged with one specification of professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, specifically 21 U.S.C. §§ 841(a)(1), 846 and 841(b)(1)(C).

FINDINGS OF FACT

These Findings of Fact were made by the Hearing Committee after a review of the record in this matter. Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence. The references in brackets refer to exhibits ["Ex."]. The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. On March 1, 1974, the Respondent was authorized to practice medicine in New York by the Education Department and was issued license number 118996. [Ex. 3].

2. On or about April 20, 2016, in the United States District Court, Eastern District of Michigan, the Respondent pled guilty to the felony crimes of Conspiracy to Distribute and Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 841(a)(1),

846 and 841(b)(1)(C). The Respondent was sentenced to 48 months of imprisonment, two years of supervised release, and ordered to pay an assessment in the amount of $100.00. [Ex. 1, 4].

VOTE OF THE HEARING COMMITTEE

The Respondent violated New York Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law.

VOTE: Sustained (3-0)

CONCLUSIONS OF LAW

In the United States District Court, Eastern District of Michigan, a federal court, the Respondent was adjudicated guilty, following his plea of guilty, to the felony crimes of Conspiracy to Distribute and Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 841(a)(1), 846 and 841(b)(1)(C). The conduct that is the subject of the Statement of Charges in this action constitutes crimes under federal law. Therefore, the specification of misconduct contained in the Statement of Charges of this proceeding is sustained.

The Department presented evidence to show that the crimes that the Respondent was convicted of involved his participation in a scheme to possess and distribute various Schedule I through V controlled substances, such as OxyContin, Opana, Vicodin, Lortab, Xanax and cough syrup with codeine, outside the scope of his medical practice and without medical justification. The Hearing Committee considered the full spectrum of penalties available by statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties and determined that the sustained specification represents the Respondent's markedly poor judgment in the use of his medical license to engage in illicit conduct that involved the distribution of potent, dangerous and addictive drugs to people, which placed them at risk for harm. As such, the

Hearing Committee concluded that the only appropriate penalty in this case is revocation of the Respondent's New York medical license.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is **SUSTAINED;**

2. The Respondent's license to practice as a physician in New York state is hereby **REVOKED;**

3. This Determination and Order shall be effective upon service on the Respondent. Service shall be either by certified mail or upon the Respondent at his last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: Albany, New York
July 18, 2017

[redacted]
Jill M. Rubin, M.D.
Chairperson

Gail Homick-Herrling
Ronald Uva, M.D.

TO: Muhammad Ahmed, M.D.
Registration Number 48252-039
FCI Morgantown
Federal Correctional Institution
446 Green Bag Road
Morgantown, WV 26501

Pooja A. Rawal, Esq.
Senior Attorney
Bureau of Professional Medical Conduct
Corning Tower – Room 2596
Empire State Plaza
Albany, New York 12237

APPENDIX I

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

IN THE MATTER OF MUHAMMAD AHMED, M.D.	NOTICE OF REFERRAL PROCEEDING

TO: MUHAMMAD AHMED, M.D.
Registration Number 48252-039
FCI Morgantown
Federal Correctional Institution
446 Green Bag Road
Morgantown, WV 26501

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on May 17, 2017 at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719.[1]

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State

[1] For GPS purposes, enter "Menands", not "Albany".

Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. You may also file a written brief and affidavits with the Committee. All such documents shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here [redacted]

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
February 27 2017

[redacted]

MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Pooja A. Rawal
Senior Attorney
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282

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

IN THE MATTER

OF

MUHAMMAD AHMED, M.D.

STATEMENT

OF

CHARGES

Muhammad Ahmed, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 1, 1974, by the issuance of license number 118996 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 12, 2015, Respondent pled guilty to one count of Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances in violation of 21 U.S.C. § 841(a)(1), § 846; 21 U.S.C. § 841(b)(1)(C), a felony, in the United States District Court, Eastern District of Michigan.

On or about April 20, 2016, the Respondent was convicted and sentenced in the same court to 48 months of imprisonment followed by 2 years of supervised release. The Respondent was ordered to pay a court assessment of $100.00.

SPECIFICATION OF CHARGES

CRIMINAL CONVICTION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6350(9)(a)(ii) by having been convicted of an act constituting a crime (felony) under federal law as alleged in the facts of the following:

1. The facts as alleged in paragraph A.

DATE: February 27, 2017
Albany, New York

[redacted]

MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct