



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

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

March 29, 1995

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Catherine Cholakis, Esq.  
NYS Department of Health  
Corning Tower-Room 2438  
Empire State Plaza  
Albany, New York 12237

Muhammad A. Saeed, M.D.  
32 College Block  
Allama Iqbal Town  
Lahore, Pakistan

**RE: In the Matter of Muhammad A. Saeed, M.D.**

EFFECTIVE DATE: 04/05/95

Dear Ms. Cholakis and Dr. Saeed:

Enclosed please find the Determination and Order (No. 95-71) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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 all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

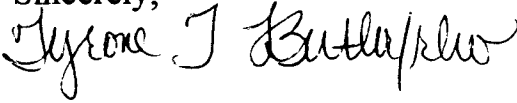
All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

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

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Empire State Plaza  
Corning Tower, Room 2503  
Albany, New York 12237-0030

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,  


Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

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

**IN THE MATTER  
OF  
MUHAMMAD A. SAEED, M.D.**

**DETERMINATION  
AND  
ORDER**  
BPMC-95-71

A Notice of Hearing and Statement of Charges, both dated September 1, 1994, were served upon the Respondent, **MUHAMMAD A. SAEED, M.D.** **CHARLOTTE BUCHANAN**, (Chair), **PETER B. KANE, M.D.** and **JOHN D. FULCO, M.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on December 28, 1994. The Department of Health appeared by **CATHERINE CHOLAKIS, ESQ.**, Assistant Counsel. The Respondent did not appear personally and was not represented by counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication

regarding conduct which would amount to professional misconduct, if committed in New York State. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Respondent was authorized to practice medicine in New York State on June 27, 1973 by the issuance of license number 116493 by the New York State Education Department.  
(Pet. Ex.3)
2. By Final Order dated June 2, 1994, the State of Michigan, Board of Medicine (hereinafter referred to as "the Board") found that Respondent had violated sections 16221(a) , (b) (i), (b) (vi), (c) (iv), (d) (iii) and (e) (i) of the Michigan Public Health Code, 1978 PA 368, as amended. As a result, the Board revoked Respondent's license to practice medicine in Michigan and fined him \$10,000. (Pet. Ex. 4)
3. The Board found that between June 29 and July 26, 1993, five state undercover agents were sent to Respondent's office posing as patients. During these "patient" visits, Respondent repeatedly, without medical cause or adequate examination and evaluation, prescribed

Tylenol #3 and Vicodin ES, Schedule III controlled substances and Librium, Valium and Darvocet N-100, Schedule IV controlled substances. (Pet. Ex. 4)

4. The Board further found that during this same period of time, Respondent defrauded Blue Cross-Blue Shield by repeatedly placing claims for medical services which had not been provided. Respondent was also found to have defrauded the State of Michigan, Department of Social Services, Medicaid Program, by repeatedly submitting claims for medical services never provided. (Pet. Ex. 4)

### CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee unanimously concluded that the Department has sustained its burden of proof. The preponderance of the evidence demonstrates that Respondent was disciplined by the Michigan Board of Medicine for practicing the profession with negligence and incompetence on more than one occasion, for prescribing controlled substances for no legitimate medical purpose and for practicing the profession with fraud or deceit in obtaining or attempting to obtain third party reimbursement. Education Law Section 6530(9)(b) defines professional misconduct as "having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State." As a result, the Hearing Committee voted to sustain the First Specification of professional misconduct contained within the Statement of Charges.

## DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, determined by a unanimous vote that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Respondent did not appear at the hearing and offered no explanation whatsoever in his defense. The record shows that Respondent never appeared before the Michigan Board and he apparently fled the country to avoid facing criminal charges for the illegal prescriptions of controlled substances and Medicaid fraud. (Pet. Ex. 4. T.5)

The Hearing Committee finds Respondent's conduct in this instance to be egregious. Each act of professional misconduct in and of itself provides sufficient grounds for revocation. New York State will not tolerate a physician who exhibits such reckless disregard for his patients, his profession and the law. The Hearing Committee wholly agrees with the Petitioner that Respondent should not be permitted to maintain a license of convenience in New York State, should he ever decide to return to the United States. Under the totality of the circumstances, revocation is the appropriate sanction in this instance.

**ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specification of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED**; and
2. Respondent's license to practice medicine in the State of New York is **REVOKED**.

**DATED: Albany, New York**  
*March 27*, 1995

*Charlotte S. Buchanan*  
**CHARLOTTE BUCHANAN, (Chair)**

**PETER B. KANE, M.D.**  
**JOHN D. FULCO, M.D.**

**TO: Catherine Cholakis, Esq.**  
NYS Department of Health  
Corning Tower-Room 2438  
Empire State Plaza  
Albany, New York

Muhammed A. Saeed, M.D.  
32 College Block  
Allama Iqbal Town  
Lahore, Pakistan



**APPENDIX I**

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

-----x

IN THE MATTER : NOTICE OF  
OF : REFERRAL  
MUHAMMAD A. SAEED, M.D. : PROCEEDING

-----x

TO: Muhammad A. Saeed, M.D.  
32 College Block  
Allama Iqbal Town  
Lahore, Pakistan

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 28th day of December, 1994 at 10:00 a.m. in the forenoon of that day at Room 2509, 25th Floor Conference Room, Corning Tower Building, Empire State Plaza, Albany, New York 12237.

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. 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 Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before December 19, 1994.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before December 19, 1994 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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.

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.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
*September 1, 1994*



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

Inquiries should be addressed to:

Catherine Cholakis  
Assistant Counsel  
NYS Department of Health  
Division of Legal Affairs  
Corning Tower Building  
Room 2429  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
MUHAMMAD A. SAEED, M.D. : CHARGES

-----X

MUHAMMAD A. SAEED, M.D., the Respondent, was authorized to practice medicine in New York State on June 27, 1973 by the issuance of license number 116493 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department. Respondent's last known address is 32 College Block, Allama Iqbal Town, Lahore, Pakistan.

**FACTUAL ALLEGATIONS**

1. The State of Michigan, Board of Medicine (hereinafter referred to as "the Board"), by Final Order dated June 2, 1994, found Respondent had violated no less than six sections of the Michigan State Code. As a result, the Board revoked Respondent's license to practice medicine in Michigan and fined him ten-thousand dollars.
2. The Board found that between June 29 and July 26, 1993, five state undercover agents were sent to Respondent's office posing as patients. During these "patient" visits, Respondent repeatedly, without medical cause or

adequate examination and evaluation, prescribed Tylenol #3 and Vicodin ES, Schedule III controlled substances, and librium, valium and darvocet N-100, Schedule IV controlled substances.


3. The Board further found that during this same period of time Respondent defrauded Blue Cross-Blue Shield by repeatedly placing claims for medical services which had not been provided. Respondent was also found to have defrauded the State of Michigan, Department of Social Services, Medicaid Program, by repeatedly submitting claims for medical services never provided.
4. The conduct upon which the Michigan Board of Medicine found Respondent guilty would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(2) (McKinney Supp. 1994) [practicing the profession fraudulently] and/or N.Y. Educ. Law §6530(3) (McKinney Supp. 1994) [practicing the profession with negligence on more than one occasion] and/or N.Y. Educ. Law §6530(16) (McKinney Supp. 1994) [a willful or grossly negligent failure to comply with substantial provisions of federal, state or local laws, rules, or regulations governing the practice of medicine] and/or N.Y. Educ. Law §6530(3) (McKinney Supp. 1994) [conduct in the practice of medicine which evidences moral unfitness to practice medicine].

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of his having been found guilty of professional misconduct by the duly authorized professional disciplinary agency of another state where the where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under New York State Law, in violation of N.Y. Educ. Law 6530(9)(b) (McKinney Supp. 1994) in that Petitioner charges:

1. The facts in Paragraphs 1, 2, 3 and 4.

DATED: *Sept. 1*, 1994  
Albany, New York

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