



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Richard F. Daines, M.D.
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Office of Professional Medical Conduct

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Katherine A. Hawkins, M.D., J.D.
Executive Secretary

December 15, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Muhammad R. Javed, M.D.
P.O. Box 900
2951 West Front Street, Suite 3100
Richlands, VA 24641

Re: License No. 130205

Dear Dr. Javed:

Enclosed is a copy of BPMC #10-269 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect December 22, 2010.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Anthony F. Pegnia, Jr., Esq.
Damon Morey, LLP
The Avant Building
200 Delaware Avenue, Suite 1200
Buffalo, NY 14202

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

IN THE MATTER
OF
MUHAMMAD R. JAVED, M.D.

CONSENT
ORDER

BPMC No. #10-269

Upon the application of **MUHAMMAD R. JAVED, M.D.**, (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or upon facsimile or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 12/14/2010

REDACTED

~~KENDRICK A. SEARS, M.D.~~
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER

CONSENT

OF

AGREEMENT

MUHAMMAD R. JAVED, M.D.
CO-09-09-5669-A

MUHAMMAD R. JAVED, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about March 4, 1977, I was licensed to practice medicine in the State of New York and issued license number 130205 by the New York State Education Department.

My current address is 2951 West Front Street, Suite 3100, PO Box 900, Richlands, VA 24641, and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit A, is attached to and part of this Consent Agreement.

I do not contest the two (2) Specifications, and I agree:

to never practice medicine in New York state as a physician,
activate my registration to practice medicine as a physician in New York state or
seek to reapply for a license to practice medicine as a physician in New York state.
[Limitation on registration or issuance of any further license pursuant to Public Health
Law Section 230-a(6)].

I stipulate that my failure to comply with any conditions of the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 12.7.10

REDACTED

ANTHONY F. PEGNIA, JR.
Attorney for Respondent

DATE: 12/9/10

REDACTED

JOEL E. ABELOVE
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 12/14/10

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT A

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

IN THE MATTER
OF
MUHAMMAD R. JAVED, M.D.
CO-09-09-5669-A

STATEMENT
OF
CHARGES

MUHAMMAD R. JAVED, M.D., the Respondent, was authorized to practice medicine in New York state on March 4, 1977, by the issuance of license number 130205 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 28, 2007, the Virginia Board of Medicine, (hereinafter "Virginia Board), by a Consent Order, (hereinafter "Virginia Order"), inter alia, INDEFINITELY SUSPENDED Respondent's license to practice medicine, based on having sexual relationships and/or sexual contact with three of his patients in 2001 and with another patient in 2004, concurrent with and by virtue of, or otherwise during the course of, the practitioner-patient relationship; on several occasions, during the course of physical examinations, he engaged in sexual contact and/or sexual conduct of a lewd and offensive nature with three (3) patients; and on multiple occasions in the treatment of forty (40) patients from 1998 to 2005, on multiple occasions he failed to obtain a complete patient history prior to prescribing controlled substances, including prior psychiatric and substance abuse history, as well as past intervention and treatment for chronic pain conditions, prescribing controlled substances, including opioids and benzodiazepines, to patients without a proper evaluation or diagnosis of a medical condition justifying such prescriptions, failing to develop a comprehensive treatment plan and/or to review and monitor the efficacy of treatment for patients, including obtaining subjective pain ratings from patients, failing to appropriately monitor and manage patients' usage of narcotic and/or benzodiazepine medications, and in many instances did not having a pain management or similar contract in place with patients for whom he regularly prescribed these medications, prescribing controlled substances to patients who exhibited drug-seeking behavior or who he knew or should have known were abusing their medications, failing to appropriately recommend or prescribe to his chronic pain patients treatment modalities other than the prescription of

controlled substances, and failing to make appropriate patient referrals to, and/or to consult and coordinate treatment with, other physicians.

B. The conduct resulting in the Virginia Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence);
5. New York Education Law §6530(17) (exercising undue influence on the patient);

and/or

6. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by 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, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended and/or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license suspension and/or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *August 25*, 2010
Albany, New York

REDACTED

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