

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

March 13, 1991

Mohammed Shafiq Akhtar, Physician
90 Rockaway Parkway
Valley Stream, N.Y. 11580-4331

Re: License No. 123003

Dear Dr. Akhtar:

Enclosed please find Commissioner's Order No. 11473. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

GUSTAVE MARTINE
Supervisor

DJK/GM/er
Enclosures

CERTIFIED MAIL- RRR

cc: Jeffrey Rubin, Esq.
515 Madison Avenue
New York, N.Y. 10022

RECEIVED

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**Office of Professional
Medical Conduct**

REPORT OF THE
REGENTS REVIEW COMMITTEE

MOHAMMED SHAFIQ AKHTAR

CALENDAR NO. 11473



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

MOHAMMED SHAFIQ AKHTAR

No. 11473

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

MOHAMMED SHAFIQ AKHTAR, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On December 3, 1990, the scheduled date of our hearing, respondent appeared before us in person and was represented by his attorney, Jeffrey Rubin, Esq. Terrence J. Sheehan, Esq., represented the Department of Health.

Petitioner's written recommendation as to the penalty to be imposed, should respondent be found guilty, was: "One year suspension, stayed, one year probation".

Respondent's written recommendation as to the penalty to be imposed, should respondent be found guilty, was: "We believe a minimum penalty is required in this case, such as an administrative warning." At the hearing before us respondent orally amended his

MOHAMMED SHAFIQ AKHTAR (11473)

written recommendation to a Censure and Reprimand.

We have reviewed the record in this matter, including the December 4, 1990 and December 26, 1990 letters forwarded to the parties herein on our behalf.

Our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was convicted of committing an act constituting a crime under Federal law, as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

**RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED**

Respondent's license to practice as a physician in the State of New York be suspended for one year upon the charge of which respondent has been found guilty, that execution of said suspension be stayed, and respondent be placed on probation for one year under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B".

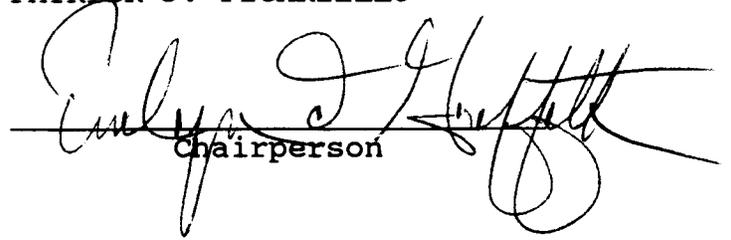
MOHAMMED SHAFIQ AKHTAR (11473)

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO


Chairperson

Dated: 1/15/91

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MOHAMMED SHAFIQ AKHTAR, M.D. : CHARGES

-----X

MOHAMMED SHAFIQ AKHTAR, M.D., the Respondent, was authorized to practice medicine in New York State on March 7, 1975 by the issuance of license number 123003 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991, at 90 Rockaway Parkway, Valley Stream, New York 11580-4331.

SPECIFICATION

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6509(5)(a)(ii) (McKinney 1985), by reason of his having been convicted of committing an act constituting a crime under Federal law, specifically:

On or about April 24, 1990, Respondent was convicted, based on his guilty plea, of one count of taking a Medicare/Medicaid kickback in violation of 42 USC 1320(a) 7b (b)(1)(B). The plea

EXHIBIT "A"

was in satisfaction of a six count indictment. On or about August 3, 1990, Respondent was sentenced to two years probation.

DATED: New York, New York

October 31, 1990



CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION
OF THE REGENTS REVIEW COMMITTEE

MOHAMMED SHAFIQ AKHTAR

CALENDAR NO. 11473

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
 - a. That respondent, during the period of probation, shall act in all ways in a manner befitting respondent's professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by respondent's profession;
 - b. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
 - c. That respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation; and

MOHAMMED SHAFIQ AKHTAR (11473)

- d. That respondent shall submit written proof to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) respondent is currently registered with the NYSED, unless respondent submits written proof to the New York State Department of Health, that respondent has advised DPLS, NYSED, that respondent is not engaging in the practice of respondent's profession in the State of New York and does not desire to register, and that 2) respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
2. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

MOHAMMED SHAFIQ AKHTAR

CALENDAR NO. 11473



The University of the State of New York

IN THE MATTER

OF

MOHAMMED SHAFIQ AKHTAR
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 11473

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 11473, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (February 21, 1991): That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of MOHAMMED SHAFIQ AKHTAR, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent's license and registration to practice as a physician in the State of New York be suspended for one year upon the charge of which respondent has been found guilty; that execution of said suspension be stayed, and respondent be placed on probation for one year under the terms prescribed by the Regents Review Committee; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

MOHAMMED SHAFIQ AKHTAR (11473)

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State of
New York, for and on behalf of the State
Education Department and the Board of
Regents, do hereunto set my hand and affix
the seal of the State Education Department,
at the City of Albany, this 4th day of
March 1991.

Thomas Sobol
Commissioner of Education