



**New York State Board for Professional Medical Conduct**

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
Commissioner  
NYS Department of Health

Dennis P. Whalen  
Executive Deputy Commissioner  
NYS Department of Health

Dennis J. Graziano, Director  
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.  
Chairman

Michael A. Gonzalez, R.P.A.  
Vice Chair

Ansel R. Marks, M.D., J.D.  
Executive Secretary

*Public*

March 2, 2006

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Mohammad S. Baig, M.B.B.S.  
16955 Blue Heron Drive  
Orlando Park, IL 60467

Re: License No. 157452

Dear Dr. Baig:

Enclosed is a copy of Modification Order #BPMC 06-06 of the New York State Board for Professional Medical Conduct. This modification order and any penalty provided therein goes into effect March 9, 2006.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.**

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Leonard Gerstein, Esq.  
95 Revere Drive, Suite J  
Northbrook, IL 60062

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

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IN THE MATTER  
OF  
MOHAMMAD S. BAIG, M.B.B.S.

MODIFICATION  
ORDER

BPMC No. #06-06

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Upon the proposed Application for a Modification Order of **MOHAMMAD S. BAIG, M.B.B.S.**, (Respondent) for Modification Order, that is made a part of this Modification Order, it is agreed to and

ORDERED, that the attached Application, and its terms, are adopted SO ORDERED, and it is further

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

SO ORDERED.

DATED: 3-1-06



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

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IN THE MATTER  
OF  
MOHAMMAD S. BAIG, M.B.B.S.

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APPLICATION TO  
MODIFY DETERMINATION  
AND ORDER  
BPMC NO. 06-06

**MOHAMMAD S. BAIG, M.B.B.S.**, (Respondent) deposes and says:

That on or about March 15, 1984, I was licensed to practice as a physician in the State of New York, having been issued License No. 157452 by the New York State Education Department.

My current address is 16955 Blue Heron Drive, Orlando Park, IL 60467, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I am currently subject to DETERMINATION AND ORDER BPMC NO. 06-06, annexed hereto, made a part hereof, and marked as Exhibit I (hereinafter "Original Order"), that was issued on or about January 12, 2006.

I apply, hereby, to the State Board for Professional Medical Conduct for an Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to add on page 7:

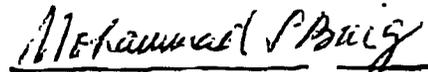
2. Respondent's license shall be placed on probation for two (2) years and two (2) months, to run concurrent and coterminous with the probation adjudged by the June 15, 2004, State of Illinois, Department of Professional Regulations, Consent Order, in accordance with Exhibit B, attached, hereto.

The Modification Order to be issued will not constitute a new disciplinary action against me, but will add the proposed language for the above described Original Order.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

AFFIRMED:

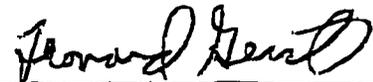
DATED: 2-23-06



MOHAMMAD S. BAIG, M.B.B.S.  
Respondent

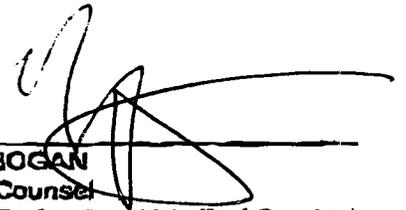
The undersigned agree to the attached application of Respondant and to the proposed penalty based on the terms and conditions thereof.

DATE: 2-23-06



LEONARD GERSTEIN  
Attorney for Respondent

DATE: 23 February 2006



ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 28 February 2006



DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

## **EXHIBIT B**

### **Terms of Probation**

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.



# STATE OF NEW YORK DEPARTMENT OF HEALTH

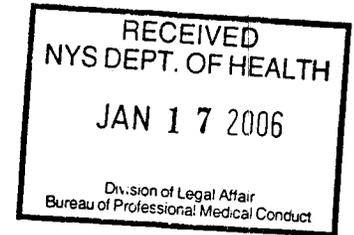
433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

January 13, 2006



**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mohammad S. Baig, M.B.B.S.  
16955 Blue Heron Drive  
Orlando Park, Illinois 60467-5496

Leonard Gerstein, Lt.D.  
Law Offices  
95 Revere Drive, Suite J  
Northbrook, Illinois 60062

Robert Bogan, Esq.  
NYS Department of Health  
Ofc of Professional Medical Conduct  
Hedley Building  
433 River Street, Suite 303  
Troy, New York 12180

**RE: In the Matter of Mohammad S. Baig, M.B.B.S.**

Dear Parties:

Enclosed please find the Determination and Order (No. 06-06) 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.

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 Respondent or the Department may seek a review of a committee determination.

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  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

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,

A handwritten signature in black ink, appearing to read "Sean D. O'Brien". The signature is written in a cursive style with a large initial "S".

Sean D. O'Brien, Director  
Bureau of Adjudication

SDO:djh

Enclosure

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

IN THE MATTER  
OF  
**MOHAMMAD S. BAIG, M.B.B.S.**

**COPY**

DETERMINATION

AND

ORDER

BPMC NO. 06-06

A Notice of Referral Proceeding and Statement of Charges, both dated December 30, 2004, were served upon the Respondent, **MOHAMMAD S. BAIG, M.B.B.S.** **MICHAEL R. GOLDING, M.D.**, Chairperson, **JAMES D. HAYES, M.D.** and **THOMAS W. KING, JR., M.P.A., P.E.**, 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. **STEPHEN L. FRY, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on November 17, 2005, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent appeared in person and by **LEONARD GERSTEIN, ESQ.**

Evidence was received 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 that would amount to professional misconduct, if committed in New York. 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, the Respondent is charged with professional misconduct pursuant to Education Law Sections 6530(9)(b) and (d), based upon actions constituting violations of subdivisions (9)(a)(iii), (9)(b), and (9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix 1.

### WITNESSES

For the Petitioner:

None

For the Respondent:

Dr. Ahmad Shahida  
Respondent

### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex.". These citations refer to 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. All Hearing Committee findings were unanimous.

1. MOHAMMAD S. BAIG, M.B.B.S., the Respondent, was authorized to practice medicine in New York State on March 5, 1984, by the issuance of license number 157452 by the New York State Education Department. (Ex. 4)
2. On May 21, 2003, in the United States District Court for the Northern District of Illinois, Respondent was convicted, by guilty plea, of one count of Conspiracy to Defraud the Internal Revenue System, a felony. As a result of the conviction, Respondent was sentenced to 3 years of probation, with the first six months in home confinement with electronic monitoring, and fines and an assessment totaling \$20,100.00. (Ex. 5)
3. On June 15, 2004, the Director of the State of Illinois Department of Professional Regulation approved a Consent Order agreed to by Respondent and the Department wherein Respondent was placed on probation of two years and two months and required to successfully complete his criminal probation before he could be relieved of the administrative probation. The Illinois proceeding was predicated upon Respondent's criminal conviction. (Ex. 6)

### HEARING COMMITTEE CONCLUSIONS

The hearing Committee concludes that the conduct resulting in the Respondent's conviction of a crime and the Illinois Board's disciplinary actions against him constitutes misconduct under the laws of New York State, pursuant to New York Education Law §6530(9)(a)(ii), (b) and (d). The Illinois Board's findings and disciplinary action constitute misconduct because the criminal conviction underlying them would have

constituted misconduct in New York, had it occurred here, under New York Education Law §6530(9)(a)(ii) (conviction of a crime under Federal law)<sup>1</sup>.

## VOTE OF THE HEARING COMMITTEE

### 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.

**VOTE: SUSTAINED (3-0)**

#### SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State.

**VOTE: SUSTAINED (3-0)**

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<sup>1</sup> In the statement of charges, the Department erroneously cited this regulation on two occasions as subdivision (9)(a)(iii). This erroneous citation was not objected to by Respondent, who was, in fact, fully prepared to defend the case, despite this error.

## HEARING COMMITTEE DETERMINATION

The record in this case establishes that Respondent was convicted of Conspiracy to Defraud the Internal Revenue service, resulting in the penalties described above, and agreed to probation in the State of Illinois based upon this conviction. Since both the conviction and the Illinois disciplinary action constitute bases for findings of misconduct in New York State, the only issue remaining to be decided in this proceeding, pursuant to Public Health Law §230(10)(p), is the nature of the penalty to be imposed for this misconduct.

The Hearing Committee drew several conclusions from the evidence presented that bears on the severity of the penalty to be imposed. First, the criminal conviction and resulting Illinois disciplinary action, although serious matters, did not result from any activity related to the practice of medicine. The only evidence bearing on the nature of the activity was Respondent's testimony, and the representations of his attorney, that it involved the claiming of invalid federal income tax deductions, and that it resulted from bad advice from Respondent's tax advisor that Respondent took, even though he had reason to believe that the deductions were invalid. The relative degrees of culpability between Respondent and the advisor can be gleaned from the sanctions imposed against them (probation and a fine for Respondent, versus 27 months imprisonment for the advisor).

Furthermore, it is clear from Respondent's testimony that he has great remorse for his actions, that he has accepted full responsibility for them, that he has suffered considerable embarrassment as a result of the criminal conviction, and that he has suffered severe financial consequences as well (in addition to paying \$169,320.00 in back taxes, Respondent was required to pay penalties of \$126,990.00 and interest totaling \$107,702.00; see Ex. D).

The Hearing Committee was also impressed by the glowing recommendations regarding Respondent's practice of emergency medicine (testimony of Dr. Ahmad Shahida; Ex.'s B, C and G). The Hearing Committee was also impressed by the fact that Respondent was signed to a new contract by the emergency medical group that took over his hospital's emergency room after the criminal conviction, despite the conviction, and that the head of the group was the physician who signed the State of Illinois' disciplinary order (representation of Respondent's attorney; Ex. F).

The Hearing Committee concludes that Respondent's misconduct calls for a penalty above and beyond those already imposed upon Respondent by the court and the Illinois board, but that his license should not be revoked or suspended. The primary basis for this conclusion is that severe sanctions are not necessary to protect the residents of New York State, due to what the Hearing Committee concludes is the extremely low likelihood of a repeat of any conduct of the sort that led to Respondent's criminal conviction. Respondent has been practicing in the same hospital emergency room for almost 20 years, and his contract (Ex. F) requires him to maintain an unrestricted license to practice in all jurisdictions where he is licensed. The Hearing Committee fully believes Respondent's testimony that he intends to satisfy this provision of his contract by avoiding any future difficulties.

For these reasons, it is concluded that a fine of \$5,000.00 is the appropriate penalty for Respondent's misconduct. The Hearing Committee would also have been inclined to impose a period of probation against Respondent, but the record establishes that Respondent has already been on probation in Illinois for a considerable time, and that his strict adherence to the terms of probation led to its early termination. The Hearing

Committee believes that no purpose would be served by the imposition of additional probation in New York State.

ORDER

IT IS HEREBY ORDERED THAT:

1. A FINE OF \$5,000.00 is imposed against Respondent. Payment of the fine shall be due within 60 days of the effective date of this Order. The Respondent shall make payment to the Bureau of Accounts Management, New York State Department of Health, Erastus Corning Tower Building, Room 1258, Empire State Plaza, Albany, New York, 12237. Any fine not paid by the prescribed date shall be subject to all provisions of law relating to debt collection by the State of New York. This includes, but is not limited to, the imposition of interest; late payment charges and collection fees; referral to the New York Department of Taxation and Finance for collection; and non-renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32).

This ORDER shall be effective upon service on the Respondent pursuant to Public Health Law section 230(10)(h).

DATED: Morganville, New Jersey

01/12/\_\_\_\_, 2005

  
MICHAEL R. GOLDING, M.D.  
Chairperson

JAMES D. HAYES, M.D.  
THOMAS W. KING, JR., M.P.A., P.E.

# APPENDIX 1

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

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IN THE MATTER  
OF  
MOHAMMAD S. BAIG, M.B.B.S.  
CO-04-09-4678-A

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NOTICE OF  
REFERRAL  
PROCEEDING

TO: MOHAMMAD S. BAIG, M.B.B.S.  
16955 Blue Heron Drive  
Orlando Park, IL 60467-5496

**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 Sections 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 the 16<sup>th</sup> day of February 2005, at 10:00 in the forenoon of that day at the Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. 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 that 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, Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, ATTENTION: HON. SEAN O' BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before February 7, 2005.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer 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. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before February 7, 2005, 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

*December 30*, 2004



PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
New York State Department of Health  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

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

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IN THE MATTER  
OF  
MOHAMMAD S. BAIG, M.B.B.S.  
CO-04-09-4678-A

---

STATEMENT  
OF  
CHARGES

MOHAMMAD S. BAIG, M.B.B.S., the Respondent, was authorized to practice medicine in New York state on March 15, 1984, by the issuance of license number 157452 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 21, 2003, in the United States District Court, Northern District of Illinois, Respondent was found guilty, based on a plea of guilty of Conspiracy to defraud the Internal Revenue Service of the United States, in violation of 18 United States Code §371, a felony, and was sentenced to three (3) years probation, the first six (6) months in home confinement with electric monitoring, a \$20,000.00 fine, and a \$100.00 assessment.

B. On or about June 15, 2004, the State of Illinois, Department of Professional Regulation (hereinafter "Illinois Board") by a Consent Order (hereinafter "Illinois Order"), placed Respondent's license to practice medicine on probation for two (2) years and two (2) months, based on the conviction set forth in Paragraph A above.

C. The conduct resulting in the Illinois 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(9)(a)(iii) (being convicted of committing an act constituting a crime under federal law).

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

**SECOND 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:

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

**THIRD SPECIFICATIONS**

Respondent violated New York State Education Law §6530 (9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

3. The facts in Paragraphs A, B, and/or C.

DATED: *Dec. 30*, 2004  
Albany, New York

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