

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

IN THE MATTER
OF
AZIZ AHMAD, M.D.

CONSENT
ORDER

BPMC No. #09-71

Upon the application of (Respondent) AZIZ AHMAD, M.D. in the attached Consent Agreement and Order, which 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 transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 4-20-2009

Redacted Signature

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

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

IN THE MATTER
OF
AZIZ AHMAD, M.D.

CONSENT
AGREEMENT
AND
ORDER

AZIZ AHMAD, M.D., represents that all of the following statements are true:

That on or about August 24, 1999, I was licensed to practice as a physician in the State of New York, and issued License No. 215482 by the New York State Education Department.

My current home address is Redacted Address, my current office address is Staten Island University Hospital, 475 Seaview Ave., Staten Island, N.Y. 10305, and I will advise the Director of the Office of Professional Medical Conduct of any change in my addresses.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one specification 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 First Specification, Failing to Comply with a Signed Agreement To Practice Medicine in New York State in an Area Designated By the Commissioner of Education, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand. Pursuant to N.Y. Pub. Health Law § 230-a(9), I shall be placed on probation for a period of 60 months, subject to the terms

set forth in attached Exhibit "B". Pursuant to N.Y. Pub. Health Law §§ 230-a(7) and (9), I shall be subject to a fine in the amount of \$10,000, to be paid in full within 180 days of the effective date of this Consent Order.

Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1717
Albany, New York 12237

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall repay \$75,000 currently owed to The City University of New York City College/Sophie Davis School of Biomedical Education, in strict compliance with the debt repayment terms set forth in Exhibit "B", and shall submit written proof, on the first day of every sixth month, beginning upon the effective date of this order, to the Director of having done so. This condition shall take effect upon the effective date of this Consent Order, and shall continue until Respondent has satisfied that debt and provided proof, satisfactory to the Director, of having done so. This condition shall remain in full force and effect whether or not the period of probation tolls.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502, including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the effective

date of this Consent Order, and shall continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed.

Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and shall continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

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

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any

way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

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

DATE: 4-17-09

Redacted Signature

~~F. LUPHERBAIO, JR., ESQ.~~
Attorney for Respondent

DATE: April 17, 2009

Redacted Signature

~~MARCIA E. KAPLAN~~
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 4/20/09

Redacted Signature

~~KEITH W. SERVIS~~
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
AZIZ AHMAD, M.D.

STATEMENT
OF
CHARGES

AZIZ AHMAD, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 24, 1999, by the issuance of license number 215482 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or after graduation from medical school in 1995, Respondent failed to comply with the terms of the Agreement on Post-Graduation Service Commitment signed by him on or about May 13, 1990 to aid his medical education at The City University of New York City College/Sophie Davis School of Biomedical Education. The Agreement required Respondent, following completion of primary care training, to practice primary care medicine full-time for two years in a designated physician shortage area within New York State in accordance with a practice plan approved by the Dean of the CUNY Biomedical Program, or to repay the CUNY Biomedical Program the sum of \$75,000.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FAILING TO COMPLY WITH A SIGNED AGREEMENT
TO PRACTICE MEDICINE IN NYS IN AN AREA DESIGNATED
BY THE COMMISSIONER OF EDUCATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(42) by failing to comply with a signed agreement to practice medicine in New York state in an area designated by the commissioner of education as having a shortage of physician or refusing to repay medical education costs in lieu of such required service, or failing to comply with any provision of a written agreement with the state or any municipality within which the licensee has agreed to provide medical service, or refusing to repay funds in lieu of such service as consideration of awards made by the state or any municipality thereof for his or her professional education in medicine, or failing to comply with any agreement entered into to aid his or her medical education, as alleged in the facts of:

1. Paragraph A.

DATE: April 17, 2009
New York, New York

Redacted Signature

~~ROY NEMERSON~~
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State 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].
6. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
7. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
8. Respondent shall comply fully with the following terms regarding repayment of his debt to The City University of New York City College/Sophie Davis School of Biomedical Education ("CUNY/Sophie Davis"):
 - a. Respondent shall make an initial payment of \$7,500 no later than 30 days after the effective date of this Consent Order. Respondent shall provide proof to the Director of OPMC within 14 days of having made the \$7500 payment; such proof shall be in a manner acceptable to the Director.

- b. If a repayment agreement has been fully executed between CUNY/Sophie Davis and Respondent, Respondent shall provide OPMC with a copy of the agreement within 7 days thereafter, and shall, without fail, make all required payments in compliance with the agreement, until the debt is fully satisfied. Respondent shall provide proof of each such payment to the Director within 14 days of having made each payment; such proof shall be in a manner acceptable to the Director.
 - c. Until a repayment agreement is executed, or if no repayment agreement is executed, Respondent shall make monthly payments to CUNY/Sophie Davis in the amount of \$1,250 per month until the debt is fully satisfied. Respondent shall provide proof of each such payment to the Director within 14 days of having made each payment; such proof shall be in a manner acceptable to the Director.
 - d. If Respondent fails to comply with any of the terms set forth in any of the subparagraphs (a, b, or c above) of paragraph 8; i.e., fails to make any of the required payments or fails to provide proof of each such payment to the Director within 14 days of having done so, or fails to provide such proof in a manner acceptable to the Director, the Director of OPMC may, in his sole reasonable discretion, order Respondent to cease all practice of medicine in New York State, or in any other location in which Respondent's privilege to practice medicine is based on his New York license. Such an Order shall be a matter of public record, shall have the full force and effect of a license suspension pursuant to N.Y. Pub. Health Law §230-a(2), and shall remain in effect until Respondent has made all delinquent payments and has prepaid his next due payment.
9. Any medical practice by Respondent in violation of a Director's Order, as authorized in paragraph 8(d) above, shall be a violation of the terms of probation imposed by this Consent Order, and shall be a violation of a Condition imposed pursuant to N.Y. Pub. Health Law §230.
 10. Respondent shall enroll in and complete a continuing education program in the area of Medical Ethics. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first 90 days of the probation period.
 11. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.