



New York State Board for Professional Medical Conduct

Coming Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

Charles J. Vacanti, M.D.
Chair

November 20, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Gowhar Makhdoomi, M.D.
9635 The Maples
Clarence, New York 14031

RE: License No. 141710

Dear Dr. Makhdoomi:

EFFECTIVE DATE NOVEMBER 27, 1996

Enclosed please find Order #BPMC 96-276 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Terrence Connors, Esq.
Connors & Vilaro
1020 Liberty Building
420 Main Street
Buffalo, New York 14202

Kevin Donovan, Esq.

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

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IN THE MATTER :
OF : ORDER
GOWHAR MAKHDOOMI, M.D. : BPMC #96-276

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Upon the Application of GOWHAR MAKHDOOMI, M.D., to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

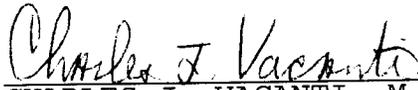
ORDERED, that the Application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 15 November 1996



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER

APPLICATION TO SURRENDER
LICENSE TO PRACTICE
MEDICINE

OF

GOWHAR MAKHDOOMI, M.D.

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:

GOWHAR MAKHDOOMI, M.D., being duly sworn, deposes and
says:

On or about April 4, 1980, I was licensed to practice
medicine as a physician in the State of New York, having been
issued License No. 141710 by the New York State Education
Department.

My current registration with the New York State
Education Department expired on or about October 31, 1996 and I
do not intend to renew my registration because I am disabled from
the practice of medicine as a consequence of coronary artery
disease, angina, diabetes mellitus, spinal stenosis and severe
depression.

I understand that I have been charged with professional
misconduct as set forth in the Statement of Charges, annexed
hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional
Medical Conduct for permission to surrender my license as a
physician in New York State on the grounds that I admit
Specifications 1-9 contained in the Statement of Charges.

I further agree that I be fined Ten Thousand (\$10,000) Dollars with the imposition of the fine to be stayed unless and until I ever obtain another license to practice medicine in the State of New York.

I hereby agree to surrender my license to practice medicine in New York State rather than proceed to hearing.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence; and such denial by the State Board for Professional Medical conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

Any surrender of my medical license pursuant to this application is without prejudice to any legal rights, if any, to seek reinstatement of the license in the future.

I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Gowhar Makhdoomi
GOWHAR MAKHDOOMI, M.D.

Sworn to before me this
11th day of November, 1996.

Mark R. Uba
Notary Public

MARK R. UBA
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Oct. 10, 1997

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

IN THE MATTER

APPLICATION TO SURRENDER
LICENSE TO PRACTICE
MEDICINE

OF

GOWHAR MAKHDOOMI, M.D.

The undersigned agree to the attached application of
the Respondent to surrender his license.

Date: November 11, 1996

Gowhar Makhdoomi
GOWHAR MAKHDOOMI, M.D.
Respondent

Date: November 12, 1996

Terrence M. Connors
TERRENCE M. CONNORS, ESQ.
Attorney for Respondent

Date: November 12, 1996

Kevin P. Donovan
KEVIN P. DONOVAN
Associate Counsel
Board for Professional
Medical Conduct

Date: November 12, 1996

Anne F. Saile
ANNE F. SAILE
~~Acting~~ Director
Office of Professional
Medical Conduct

Date: 15 November, 1996

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
Chairperson, State Board
for Professional
Medical Conduct

Exhibit A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
GOWHAR MAKHDOOMI, M.D. : CHARGES

-----X

GOWHAR MAKHDOOMI, M.D., the Respondent, was authorized to practice medicine in New York State on April 4, 1980, by the issuance of license number 141710 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On August 25, 1995, in the U.S. District Court for the Western District of New York, Respondent admitted guilt of felony mail fraud based on the following facts:

1. Respondent knowingly aided and abetted a scheme to defraud and obtain money from hospital indemnity and disability insurance companies through false and fraudulent pretenses and representations, by hospitalizing patients who had hospital insurance policies which paid indemnity benefits of about \$160 per day while confined to the hospital.
2. In about December 1993, approximately one month after giving Patient A (patients are identified in Appendix A) a clean bill of health, Respondent hospitalized Patient A for a four day stay knowing that Patient A had no condition requiring in-patient hospitalization. Patient A paid Respondent \$400 prior to admission and \$200 after admission to stay in the hospital even after test results were negative.
3. Respondent fraudulently billed Patient A's health insurance carrier for the December 1993 hospital stay, knowing that Patient A had no medical complaint requiring in-patient hospitalization.
4. On or about January 19, 1994, Respondent signed four hospital indemnity forms from different insurance

companies verifying Patient A's December 1993 hospitalization and indicating a diagnosis, knowing that there was no basis for Patient A's in-patient hospitalization. Patient A paid Respondent \$200 for completing the forms.

5. On or about March 16, 1994, Respondent again admitted Patient A to the hospital for 7 days in return for \$1,000 cash despite there being no medical complaint that required in-patient hospitalization.
6. During the March 1994 hospitalization, Patient A paid Respondent an additional \$1,000 to extend his stay until March 22, 1994.
7. During the March 1994 hospitalization, Respondent submitted claims to Blue Cross/Blue Shield for hospital visits, knowing that Patient A had no medical complaint that required in-patient hospitalization.
8. On or about May 18, 1994, Respondent completed and mailed medical records to an insurance company supporting a claim that Patient A was totally disabled due to an alleged automobile accident, knowing that Patient A was not disabled due to the alleged automobile accident. Respondent received \$1,000 from Patient A for completing and mailing the forms and records.
9. On or about August 25, 1994, Respondent signed several disability claim forms that would permit Patient A to continue receiving total disability payments from an insurer. Respondent accepted a payment of \$1,000 from Patient A for completing the forms.

B. Respondent treated Patient B, a 35 year old male, during admissions to Sisters Hospital and Buffalo General Hospital beginning on or about August 27, 1992, April 8, 1993, October 6, 1993, and April 4, 1994.

1. Respondent fraudulently hospitalized Patient B at Sisters Hospital on August 27, 1992, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
2. Respondent fraudulently hospitalized Patient B at Buffalo General Hospital on April 8, 1993, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
3. Respondent fraudulently hospitalized Patient B at

Buffalo General Hospital on October 6, 1993, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.

4. Respondent fraudulently completed forms for and provided records to insurance companies relating to hospitalization of the patient, knowing that there was no adequate medical indication for in-patient hospitalization or for the length of hospitalization.

C. Respondent treated Patient C, a 22 year old male, during an admission to Sisters of Charity Hospital, 2157 Main Street, Buffalo, New York, (hereinafter referred to as Sisters Hospital) beginning on or about February 5, 1993.

1. Respondent fraudulently hospitalized Patient C without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
2. Respondent fraudulently completed forms for and provided records to insurance companies relating to hospitalization of the patient, knowing that there was no adequate medical indication for in-patient hospitalization or for the length of hospitalization.

D. Respondent treated Patient D, a 17 year old male, during admissions to Buffalo General Hospital, 100 High Street, Buffalo, New York, (hereinafter referred to as Buffalo General Hospital) beginning on or about March 8, 1993, October 27, 1993, and May 27, 1994.

1. Respondent fraudulently hospitalized Patient D on March 8, 1993, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
2. Respondent fraudulently hospitalized Patient D on October 27, 1993, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
3. Respondent fraudulently hospitalized Patient D on May 27, 1994, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.

4. Respondent fraudulently completed forms for and provided records to insurance companies relating to hospitalization of the patient, knowing that there was no adequate medical indication for the in-patient hospitalization or for the length of hospitalization.

E. The Respondent treated Patient E, a 34 year old male, during admissions to Buffalo General Hospital beginning on or about July 5, 1993, March 31, 1994, and November 16, 1994.

1. Respondent fraudulently hospitalized Patient E on July 5, 1993, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
2. Respondent fraudulently hospitalized Patient E on March 31, 1994, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
3. Respondent fraudulently hospitalized Patient E on November 16, 1994, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
4. Respondent fraudulently completed forms for and provided records to insurance companies relating to hospitalization of the patient, knowing that there was no adequate medical indication for in-patient hospitalization or for the length of hospitalization.

F. Respondent treated Patient F, a 41 year old male, during admissions to Buffalo General Hospital, beginning on or about January 7, 1993, November 8, 1993, and October 20, 1994.

1. Respondent fraudulently hospitalized Patient F on January 7, 1993, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
2. Respondent fraudulently hospitalized Patient F on November 8, 1993, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
3. Respondent fraudulently hospitalized Patient F on October 20, 1994, without adequate indication or fraudulently continued such hospitalization after it

was no longer indicated.

4. Respondent fraudulently completed forms for and provided records to insurance companies relating to hospitalization of the patient, knowing that there was no adequate medical indication for in-patient hospitalization or for the length of hospitalization.

G. Respondent treated Patient G, a 31 year old male, during admissions to Sisters Hospital and Buffalo General Hospital, beginning on or about January 13, 1993, and March 30, 1994.

1. Respondent fraudulently hospitalized Patient G at Sisters Hospital on January 13, 1993, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
2. Respondent fraudulently hospitalized Patient G at Sisters Hospital on March 30, 1994, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
3. Respondent fraudulently hospitalized Patient G at Buffalo General Hospital on June 1, 1994, without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
4. Respondent fraudulently completed forms for and provided records to insurance companies relating to hospitalization of the patient, knowing that there was no adequate medical indication for in-patient hospitalization or for the length of hospitalization.

H. Respondent treated Patient H, a 19 year old male, during admissions to Sisters Hospital beginning on or about February 2, 1994.

1. Respondent fraudulently hospitalized Patient H without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
2. Respondent fraudulently completed forms for and provided records to insurance companies relating to hospitalization of the patient, knowing that there was no adequate medical indication for in-patient hospitalization or for the length of hospitalization.

I. Respondent treated Patient I, a 41 year old male, during an admission to Buffalo General Hospital, beginning on or about November 4, 1992.

1. Respondent fraudulently hospitalized Patient I without adequate indication or fraudulently continued such hospitalization after it was no longer indicated.
2. Respondent fraudulently completed forms for and provided records to insurance companies relating to hospitalization of the patient, knowing that there was no adequate medical indication for in-patient hospitalization or for the length of hospitalization.

SPECIFICATION OF CHARGES

FIRST THROUGH THIRTY-FIFTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

The Respondent is charged with practicing the profession fraudulently within the meaning of N.Y. Educ. Law § 6530(2) (McKinney Supp. 1996), in that Petitioner charges:

1. The facts of paragraphs A and A.1.
2. The facts of paragraphs A and A.2.
3. The facts of paragraphs A and A.3.
4. The facts of paragraphs A and A.4.
5. The facts of paragraphs A and A.5.
6. The facts of paragraphs A and A.6.
7. The facts of paragraphs A and A.7.
8. The facts of paragraphs A and A.8.
9. The facts of paragraphs A and A.9.
10. The facts of paragraphs B and B.1.
11. The facts of paragraphs B and B.2.
12. The facts of paragraphs B and B.3.

13. The facts of paragraphs B and B.4.
14. The facts of paragraphs C and C.1.
15. The facts of paragraphs C and C.2.
16. The facts of paragraphs D and D.1.
17. The facts of paragraphs D and D.2.
18. The facts of paragraphs D and D.3.
19. The facts of paragraphs D and D.4.
20. The facts of paragraphs E and E.1.
21. The facts of paragraphs E and E.2.
22. The facts of paragraphs E and E.3.
23. The facts of paragraphs E and E.4.
24. The facts of paragraphs F and F.1.
25. The facts of paragraphs F and F.2.
26. The facts of paragraphs F and F.3.
27. The facts of paragraphs F and F.4.
28. The facts of paragraphs G and G.1.
29. The facts of paragraphs G and G.2.
30. The facts of paragraphs G and G.3.
31. The facts of paragraphs G and G.4.
32. The facts of paragraphs H and H.1.
33. The facts of paragraphs H and H.2.
34. The facts of paragraphs I and I.1.
35. The facts of paragraphs I and I.2.

THIRTY-SIXTH THROUGH SEVENTIETH SPECIFICATIONS

CONDUCT IN THE PRACTICE

WHICH EVIDENCES MORAL UNFITNESS

The Respondent is charged with conduct in the practice of

medicine which evidences moral unfitness to practice medicine within the meaning of N.Y. Educ. Law § 6530(20) (McKinney Supp. 1996), in that Petitioner charges:

36. The facts of paragraphs A and A.1.
37. The facts of paragraphs A and A.2.
38. The facts of paragraphs A and A.3.
39. The facts of paragraphs A and A.4.
40. The facts of paragraphs A and A.5.
41. The facts of paragraphs A and A.6.
42. The facts of paragraphs A and A.7.
43. The facts of paragraphs A and A.8.
44. The facts of paragraphs A and A.9.
45. The facts of paragraphs B and B.1.
46. The facts of paragraphs B and B.2.
47. The facts of paragraphs B and B.3.
48. The facts of paragraphs B and B.4.
49. The facts of paragraphs C and C.1.
50. The facts of paragraphs C and C.2.
51. The facts of paragraphs D and D.1.
52. The facts of paragraphs D and D.2.
53. The facts of paragraphs D and D.3.
54. The facts of paragraphs D and D.4.
55. The facts of paragraphs E and E.1.
56. The facts of paragraphs E and E.2.
57. The facts of paragraphs E and E.3.
58. The facts of paragraphs E and E.4.
59. The facts of paragraphs F and F.1.
60. The facts of paragraphs F and F.2.

61. The facts of paragraphs F and F.3.
62. The facts of paragraphs F and F.4.
63. The facts of paragraphs G and G.1.
64. The facts of paragraphs G and G.2.
65. The facts of paragraphs G and G.3.
66. The facts of paragraphs G and G.4.
67. The facts of paragraphs H and H.1.
68. The facts of paragraphs H and H.2.
69. The facts of paragraphs I and I.1.
70. The facts of paragraphs I and I.2.

DATED: *August 16*, 1996
Albany, New York


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