

Public



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299



January 20, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Douglas Moinuddin, M.D.

REDACTED

Richard J. Zahnleuter, Esq.
NYS Department of Health
ESP - Corning Tower - Room 2512
Albany, New York 12237

RE: In the Matter of Douglas Moinuddin, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 11-14) 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.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

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,

REDACTED

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah
Enclosure

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

IN THE MATTER
OF
DOUGLAS MOINUDDIN, M.D.

DETERMINATION
AND
ORDER

BPMC #11-14

COPY

A hearing was held on December 15, 2010, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated October 8, 2010, were served upon the Respondent, **DOUGLAS MOINUDDIN, M.D.**

Pursuant to Section 230(10)(e) of the Public Health Law, **Lyon M. Greenberg, M.D., Chair, William A. Tedesco, M.D.** and, **Thomas W. King, Jr. MPA., PE.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by **Thomas G. Conway, Esq.**, General Counsel, by **Richard J. Zahnleuter, Esq.**, of Counsel. The Respondent, **DOUGLAS MOINUDDIN, M.D.**, did appear, *pro se*. 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 when 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 State 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 §6530(9)(b) and Education Law §6530(9)(d). Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Douglas Moinuddin, M.D.

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.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when 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 State 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 §6530(9)(b) and Education Law §6530(9)(d). Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:	None
For the Respondent:	Douglas Moinuddin, M.D.

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. Douglas Moinuddin, M.D., the Respondent, did appear at the hearing, *pro se*. A copy of an e-mail from the Respondent's Ohio attorney acknowledged service of process. (Petitioner's Exhibit 2.)
2. Douglas Moinuddin, M.D., the Respondent, was authorized to practice medicine in New York State on August 15, 2006, by the issuance of license number 241531 by the New York State Education Department (Petitioner's Ex. 3).
3. On or about September 9, 2009, the State Medical Board of Ohio (hereinafter "Ohio Board"), issued an Order that granted Respondent's certificate to practice medicine and surgery in Ohio, but suspended it immediately for thirty (30) days, stayed, subject to "probationary terms, conditions, and limitations for a period of at least one year," including ethics courses and monitoring, based on findings that Respondent made "false, fraudulent, deceptive, or misleading statements" and lacked "good moral character," in that, in applications submitted to Ohio, New York, and the Federation Credentials Verification Service, Respondent failed to disclose that he participated in a certain residency program, failed to disclose that formal corrective action and a suspension had been imposed on him during that residency program, and failed to disclose that he had resigned from that residency program. (Petitioner's Ex. 6). A copy of this Ohio Order is attached hereto as Appendix 2.

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized 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 Respondent...."

VOTE: Sustained (3-0)

SECOND SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(d) by having his license suspended by the State Medical Board of Ohio 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)

HEARING COMMITTEE DETERMINATION

The Respondent did appear at the hearing *pro se*. The Administrative Law Judge, after considering the documentary evidence, which included a copy of an e-mail from the Respondent's Ohio attorney acknowledging acceptance of service (Petitioner's Exhibit 2), ruled that the Petitioner had met the requirements of law for service of process, that

jurisdiction had been established over the Respondent, and that the hearing could proceed. The Respondent testified that he had not authorized his attorney to accept process. (T. 9) Taking notice of this irregularity, the Administrative Law Judge advised the Respondent that this matter could be adjourned so that formal and proper service of process could be made.

The Respondent indicated that he wished to go forward at this time with the hearing and did not request an additional adjournment and not raise any jurisdictional objections.

There was a protracted discussion of jurisdiction (T. 7 -23) and it was noted that the Respondent had actual notice of the hearing and was actually present and the hearing proceeded with the Respondent accepting service and not raising an objection to jurisdiction. (T. 23).

The Respondent, in his testimony, tried to refute the underlying charges and he claimed that he was wrongfully charged with misconduct and contended that some members of the Ohio board agreed with this argument and contended that there was dispute on the medical board with the findings of the initial hearing examiner.

The record shows that the Ohio State Medical Board did not concur fully with the initial hearing examiner's conclusion that the Respondent should be permanently denied. The Ohio State Board was less harsh than the initial examiner, but this does not, by any means, mean that they exonerated the Respondent as he contends.

The Ohio State Board, moreover, found that the Respondent did misrepresent his educational history and did not report his dismissal from the residency program at University Hospital Cleveland and for that reason the Ohio Board determined that there was misconduct and that he should be suspended for this misrepresentation. (See T. 101 and Ex. # 4, p. 6)

If the Respondent disagreed with that finding he could have appealed it. Instead, the Respondent choose to attempt to argue the underlying charges here in New York, a

tactic the ALJ would not countenance. Furthermore, the panel did not accept this line of argumentation and the Respondent was reminded that the evidence in a Direct Referral proceeding is limited to the nature and severity of the penalty to be imposed and if the Appellant wished to attack the underlying Ohio Order he would have to do so in Ohio as New York would not undo what has been done in Ohio and New York will give full faith and credit to the actions of its sister state.

The Respondent argued that the Initial Report and Recommendation from the hearing officer in Ohio had recommended that he be permanently denied an Ohio license to practice Medicine (Ex. # 4 p. 18) and the Final Order of the Ohio Board modified this penalty downward to an Order that granted Respondent's certificate to practice medicine and surgery in Ohio, but suspended it immediately for thirty (30) days, stayed, subject to "probationary terms, conditions, and limitations for a period of at least one year," including ethics courses and monitoring. (Exhibit # 6). (See Appendix 2 for the Ohio Order)

In fashioning its own penalty, the panel took into account the fact of the subsequent modification of the penalty in Ohio and recognized that the modification downward from a permanent ban to a suspension is not tantamount to an exoneration and saw that there was a significant penalty imposed for the misconduct which included a misrepresentation of his education and a failure to report a dismissal from a residency program.

The panel also took into account that this was not just an Ohio matter and the record shows that the Respondent failed to disclose the same residency dismissal on his New York application. (See T. 103 and Ex. 7) The panel weighed all the evidence and testimony and appreciated the seriousness of the misconduct in this case. The panel determined that the final punishment imposed in Ohio was an adequate penalty to protect the people of the State of New York and saw no need to impose a more severe penalty. In determining an appropriate punishment the panel concluded, unanimously, that the Ohio

penalty will suffice and determined that the Respondent's license to practice medicine in New York State should be suspended until such time as the Respondent's license to practice medicine in the State of Ohio is fully reinstated and the suspension in that jurisdiction is lifted.

ORDER

IT IS HEREBY ORDERED THAT:

1. The license of the Respondent to practice medicine in New York State is suspended until such time as the Respondent's license to practice medicine in the State of Ohio is fully reinstated and the suspension in that jurisdiction is lifted.
2. The license of the Respondent to practice medicine in New York State is suspended until such time as the Respondent's license to practice medicine in the State of Ohio is fully reinstated and the Respondent, upon application, satisfies the Director of the New York OPMC as to his current competency to practice medicine.
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Albany, New York
January 12, 2011

REDACTED

Lyon M. Greenberg, M.D., Chair

William A. Tedesco, M.D.
Thomas W. King, Jr. MPA., PE.,

To:

Douglas Moinuddin, M.D.,
Respondent

REDACTED

Richard J. Zahnleuter, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Albany, New York 12237

APPENDIX I

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



IN THE MATTER

OF

DOUGLAS MOINUDDIN, M.D.
CO-09-11-7069-A

NOTICE OF
REFERRAL
PROCEEDING

TO: DOUGLAS MOINUDDIN, M.D.
REDACTED

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§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 18th day of November, 2010, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5th Floor, Troy, NY 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. 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 who shall be an attorney admitted to practice in New York state. You may produce evidence and/or sworn testimony on your behalf. Such evidence and/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, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten (10) days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten (10) days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such 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 written brief and affidavits with the Committee. Six (6) copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen (14) days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney, indicated below. Pursuant to §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. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner demands, hereby, disclosure of the evidence that Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence, and a description of physical and/or other evidence that cannot be photocopied.

YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE (5) BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here _____

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 (5) 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

October 8, 2010

REDACTED

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

Inquiries should be addressed to:

Richard J. Zahnleuter
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282

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

IN THE MATTER
OF
DOUGLAS MOINUDDIN, M.D.
CO-09-11-7069-A

STATEMENT
OF
CHARGES

DOUGLAS MOINUDDIN, M.D., Respondent, was authorized to practice medicine in New York state on August 15, 2006, by the issuance of license number 241531 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 9, 20⁰⁹10, the State Medical Board of Ohio (hereinafter "Ohio Board"), issued an Order that granted Respondent's certificate to practice medicine and surgery in Ohio, but suspended it immediately for thirty (30) days, stayed, subject to "probationary terms, conditions, and limitations for a period of at least one year," including ethics courses and monitoring, based on findings that Respondent made "false, fraudulent, deceptive, or misleading statements" and lacked "good moral character," in that, in applications submitted to Ohio, New York, and Federation Credentials Verification Service, Respondent failed to disclose that he participated in a certain residency program, failed to disclose that formal corrective action and a suspension had been imposed on him during that residency program, and failed to disclose that he had resigned from that residency program.

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

1. New York Education Law 6530(1) (obtaining the license fraudulently);
2. New York Education Law 6530(2) (practicing the profession fraudulently); and/or
3. New York Education Law §6530(21) (willfully making or filing a false report required by law or by the Department of Health or the Education Department).

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 had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the 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: *October 8*, 2010
Albany, New York

REDACTED

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

APPENDIX II

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

September 9, 2009

Douglas Shaheen Moinuddin, M.D.

REDACTED

RE: Case No. 09-CRF-021

Dear Doctor Moinuddin:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 9, 2009, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

REDACTED

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3934 3690 8372
RETURN RECEIPT REQUESTED

Cc: Jeffrey J. Jurca, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3934 3690 8389
RETURN RECEIPT REQUESTED

RECEIVED OCT 15 2009

Mailed 10-14-09

To protect and enhance the health and safety of the public through effective medical regulation



CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 9, 2009, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Douglas Shaheen Moinuddin, M.D., Case No. 09-CRF-0021, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

REDACTED

Lance A. Talmage, M.D.
Secretary

(SEAL)

September 9, 2009
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

CASE NO. 09-CRF-021

*

DOUGLAS SHAHEEN
MOINUDDIN, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on September 9, 2009.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

- A. **GRANT OF CERTIFICATE; SUSPENSION, STAYED; PROBATION:** The application of Douglas Shaheen Moinuddin, M.D., for a certificate to practice medicine and surgery in Ohio is GRANTED, provided that he successfully completes the Special Purpose Examination within one year of the date of this Order, and he otherwise meets all statutory and regulatory requirements. Dr. Moinuddin's certificate shall be immediately SUSPENDED for 30 days, which suspension is STAYED subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least one year:
1. **Obey the Law:** Dr. Moinuddin shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 2. **Declarations of Compliance:** Dr. Moinuddin shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent

quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances:** Dr. Moinuddin shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Professional Ethics Course(s):** Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Moinuddin shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Moinuddin submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **Personal Ethics Course(s):** Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Moinuddin shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Moinuddin submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

6. **Monitoring Physician:** Prior to Dr. Moinuddin's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Moinuddin shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Moinuddin and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Moinuddin and his medical practice, and shall review Dr. Moinuddin's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Moinuddin and his medical practice, and on the review of Dr. Moinuddin's patient charts. Dr. Moinuddin shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Moinuddin's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Moinuddin must immediately so notify the Board in writing. In addition, Dr. Moinuddin shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Moinuddin shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

7. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Moinuddin is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Moinuddin's certificate will be fully restored.
- C. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING:**
1. **Required Reporting to Employers and Hospitals:** Within 30 days of the effective date of this Board Order, Dr. Moinuddin shall provide a copy of this Board Order to all employers or entities with which he is under contract to provide health care services (including but not

limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where he has privileges or appointments.

Further, Dr. Moinuddin shall promptly provide a copy of this Board Order to all employers or entities with which he contracts to provide health-care services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. In the event that Dr. Moinuddin provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within 30 days of the effective date of this Board Order, Dr. Moinuddin shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Dr. Moinuddin receives from the Board written notification of his successful completion of probation as set forth in paragraph B, above.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Board Order, Dr. Moinuddin shall provide a copy of this Board Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity through which he currently holds any license or certificate. Further, Dr. Moinuddin shall provide a copy of this Board Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license.

This requirement shall continue until Dr. Moinuddin receives from the Board written notification of his successful completion of probation as set forth in paragraph B, above.

3. **Documentation that the Required Reporting Has Been Performed:** Dr. Moinuddin shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each notification required above: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Board Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Board Order to the person or entity to whom a copy of the Board Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Board Order to the person or entity to whom a copy of the Board Order was emailed.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

(SEAL)

REDACTED

Lance A. Talmage, M.D.
Secretary

September 9, 2009
Date