

IN THE MATTER OF

SYED SAMIULLAH KAZMI, M.D.

APPLICANT

*

BEFORE THE

*

MARYLAND STATE

*

BOARD OF PHYSICIANS

*

Case Number: 2017-0112 B

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FINAL ORDER

Based on information received by the Maryland State Board of Physicians (the "Board"), the Board issued to **Syed Samiullah Kazmi, M.D. (the "Applicant")**, a Notice of Intent to Deny Application for Initial Medical Licensure (the "Application") pursuant to the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol. and 2016 Supp.).

The Board bases its denial on the following provisions of the Act:

Health Occ. II § 14-307. Qualifications of applicants.

(b) *Moral character.* – The applicant shall be of good moral character.

Health Occ. II § 14-205. Miscellaneous powers and duties.

(a) *Powers.* –

(1) In addition to the powers set forth elsewhere in this title, the Board may:

(iii) Subject to the Administrative Procedure Act, deny a license to an applicant or refuse to renew or reinstate an applicant's license for any of the reasons that are grounds under § 14-404 of this title.

Grounds for action under Health Occ. II § 14-404 include the following:

Health Occ. II § 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

- (a) *In General.* -- Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section[.]

The Board states that the Applicant's conduct as described below, for which he was "disciplined by a licensing or disciplinary authority ... of any state or country," constitutes "an act that would be grounds for disciplinary action" in Maryland under the following provisions of the Act:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (3) Is guilty of:
 - ...
 - (ii) Unprofessional conduct in the practice of medicine[.]

On December 21, 2016, the Board's Notice of Intent to Deny Application for Initial Licensure was issued. The Board notified the Applicant in the Notice that this Final Order would be executed thirty (30) days from the issuance of the Notice unless the Applicant requested a hearing. The Applicant's written request was due on January 20, 2017. On January 20, 2017, the Board received a written request from the Applicant asking to withdraw his application. On January 25, 2017, the Board denied the request to withdraw application. The Board did not receive a written request for a hearing on or before January 20, 2017.

FINDING OF FACT

The Board makes the following findings of fact:

I. Background of Medical Training and Licensure

1. The Applicant is not, and never has been, licensed to practice medicine in Maryland.

2. In February 2000, the Applicant graduated from medical school. From July 2000 to June 2001, the Applicant was in a general surgery internship. From July 2001 to August 2001, the Applicant was in an anesthesiology residency. In June 2004, the Applicant completed one year of an internship in Family Medicine. In August 2007, the Applicant completed three years of an internship/residency in Family Medicine.

3. Between July 2000 and July 2014, the Applicant has, at various times, been licensed to practice medicine in various states, as specified in paragraph 11 below. The Applicant has not held an unrestricted license to practice medicine in any state since September 2011.

4. The Applicant has not practiced medicine in any state since May 2011.¹

5. The Applicant currently resides in Texas.

II. Maryland Application for Licensure

6. In or about December 12, 2015, the Applicant prepared his Application, which was received by the Board on March 2, 2016.

7. On page nine (9) of the Application, in the section entitled, "Character and Fitness Questions," the Applicant provided "YES" answers to Questions 17 (a), (b), (c) (f) and (o), which state the following:

(a) Has a state licensing or disciplinary board (including Maryland), or a comparable body in the armed services, denied your application for licensure, reinstatement, or renewal?

¹ The Applicant submitted with his application, correspondence from a hospital in another country where the Applicant reportedly covered their out-patient emergency case and the intensive care unit from September 2014 to December 2014.

- (b) Has a state licensing or disciplinary board (including Maryland), or a comparable body in the armed services, taken action against your license? Such actions include, but are not limited to, limitations of practice, required education, admonishment, reprimand, suspension, or revocation.
- (c) Has any licensing or disciplinary board in any jurisdiction (including Maryland), or a comparable body in the armed services, filed any complaints or charges against you or investigated you for any reason?
- (f) Has a hospital, related health care facility, HMO, or alternative health care system denied your application for, or failed to renew your privileges; or limited, restricted, suspended, or revoked your privileges in any way?
- (o) Has your employment by any hospital, HMO, other health care facility or institution, or military entity been terminated for disciplinary reasons?

8. On December 10, 2015, the Applicant attached to his Application written explanations for his "YES" responses in which he stated in pertinent part that:

- a. During his surgical internship in Grand Rapids, Michigan², he was placed on academic probation due to medical illness which required him to be off from work and his failure of his mid rotation examination in surgery. Also during the surgery internship, he missed hospital pages until it was determined that there was a physician in a medicine internship with the same last name as his and a paging number that was the same as his except for the last digit. On the last day of his surgical internship he left early since there were no cases listed on which he was needed to assist.
- b. He was accepted into an anesthesiology residency in Pennsylvania. He was terminated from the program when the program learned that he did not received credit for his PGY 1 year in Michigan. The Applicant appealed to the residency program but physicians from Michigan informed the review committee that he was denied credit for his work (in Michigan) from July 1, 2000 to June 30, 2001.
- c. He was accepted into a family practice program in Evansville, Indiana. He did not inform the program of his participation in training programs in

² The explanation was in the form of a chronological narrative but did not provide dates for most of these events. In his Application, the Applicant provided the exact dates that he participated in the various residencies. Also, the Board obtained verification of the dates of training.

Michigan and Pennsylvania. The family practice program placed him on academic probation and suspension with pay. He did not learn until 2008, when he was applying elsewhere, that he had received six months credit for his work in Indiana.

In addition, while in Indiana, he was placed on the Medicare Exclusion List for failure to pay his undergraduate student loans. He paid the loan and was removed from the list.

- d. He was accepted into an internship and residency in family practice in Chicago, Illinois. He did not reveal about his internship in Michigan and Indiana, or his few months of residency in Pennsylvania.
- e. During his last year in the family practice program, he was offered a position as an emergency room physician in Ohio. He submitted an application for licensure in Ohio, in which he revealed his training in Pennsylvania, but did not reveal his training in Michigan and Indiana. During the investigation, he revealed all that transpired from 2000 to 2007.
- f. He started working as an emergency room physician at several hospitals in southern Illinois. He attended an administrative hearing in Ohio but did not inform the hospitals in Illinois where he was employed of the issues pertaining to his licensure application in Ohio. He was terminated from these positions.
- g. In 2009, Ohio denied his application for licensure and informed the Illinois Board of its action.
- h. He worked as a primary care physician/hospitalist and rural health director in Metropolis, Illinois. He "revealed" to the hospital director, members of the hospital board, and the emergency room physician "all the problems, issues, concerning my medical training and medical licensure with the state of Ohio."
- i. In 2010, the Illinois Board filed an action based on the action in Ohio. After administrative hearings, appeals, and administrative reviews, and an appeal by the State, the Illinois Board revoked his Illinois license. After three years, he applied for reinstatement which was denied.
- j. He acknowledged that the issue of his "not disclosing my troubled trainings early in the course of my medical career."
- k. He did not discuss, in the narrative, the action taken by the Pennsylvania Board; however, he did indicate on the Application in regard to "licensing history" that his license in Pennsylvania was surrendered/suspended.

III. Investigation

9. On or about March 2, 2016, the Licensure Unit of the Board opened the case for investigation.

10. The Board obtained the following pertinent information from the Federation of Credentials Verification Service ("FCVS") regarding the Applicant's Graduate Medical Education:

- a. Grand Rapids Medical - Michigan State University, Grand Rapids, Michigan, 07/01/2000 to 6/30/2001. Level 1. Internship. Surgery-general. Did not complete successfully. Took a leave of absence. Placed on probation, disciplined, received negative report, and had limitations placed on his practice based on his "clinical performance, work ethic, and violation of program guidelines."
- b. Thomas Jefferson University Hospital, Philadelphia, Pennsylvania, Level 2 anesthesiology residency. Did not complete successfully. Start of training delayed by failure to obtain PA medical training license by scheduled start date of 7/1/2001. He was terminated on 8/31/2001 when it was discovered that he did not receive training credit for PG Y1 year. No probation, discipline, negative reports or limitations.
- c. Deaconess Family Medicine Residency, Evanston, Indiana, residency, family medicine, 7/1/03 to 6/30/04. Did not complete successfully. Placed on probation and disciplined because he was "blacklisted" by Medicare for previous violations. He was placed on probation, disciplined, received negative reports, and limitations placed on his practice due to academic progress probations. His contract was not renewed after first year. Completed 12 months. Rotation credit given for 6 months.
- d. Jackson Park Hospital, Chicago, Illinois. Residency. Family Medicine 8/3/04 to 8/24/07. Completed successfully PGY 1, 2, 3. No probation, discipline, negative reports or limitations.

11. The Board obtained medical licensing information from the following states, listed in chronological order:

- a. Michigan - 7/01/00 to 6/30/01, no disciplinary action, lapsed
- b. Pennsylvania - 8/28/01 to 8/27/02, no disciplinary action, inactive
- c. Indiana - 5/30/03 to 6/30/04, no disciplinary action, expired
- d. Illinois - 7/13/07 to 9/8/11 revoked; appealed and then on 8/17/12

indefinitely suspended may not petition for three years; appealed and then on 10/5/12 indefinitely suspended and may not petition for reinstatement for at least one year and seven months; 12/20/12 indefinitely suspended and may not petition for at least nine months; 2/23/15 Petition for Restoration of License is dismissed

- e. Ohio – Application permanently denied, 9/09/09
- f. Kansas - 3/17/09 to 6/30/11, no disciplinary action, failed to renew
- g. New York - 4/08/09 to 3/31/11, no disciplinary action, failed to renew
- h. Louisiana - 4/21/09 to 9/30/11, no disciplinary action, inactive
- i. Pennsylvania -12/29/09 to 12/31/10, by consent, indefinitely suspended on 8/24/14

12. The Board obtained final orders of disciplinary actions taken in Illinois, Ohio, and Pennsylvania which included the following information:

a. Ohio License

In August 2007, the Applicant applied for a medical license with the State Medical Board of Ohio (the "Ohio Board"). On October 8, 2008, the Ohio Board notified the Applicant that it proposed to deny the application based on numerous false statements about his medical education and training history. On October 22, 2008, the Applicant requested a hearing. At the hearing on April 24, 2009, the Applicant admitted to making many false statements between 2001 and 2008 and admitted that the false statements "are not evidence of good moral character." The hearing examiner concluded that the Applicant's actions constituted "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of a advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine in securing or attempting to secure any certificate to practice or certificate of registration issued by the board, in violation of Section 4731.22(B)(5), Ohio Revised Code." On September 9, 2009, the Ohio Board incorporated the Report and Recommendation of the hearing examiner and permanently denied the Applicant's application for a certificate to practice medicine and surgery in Ohio.

b. Illinois License

On September 8, 2011, the Illinois Board revoked the Applicant's Illinois license.³

On August 17, 2012, the Illinois Board, on remand from the circuit court, indefinitely suspended the Applicant's license and the Applicant was not permitted to petition for restoration for three years. The Order stated that

³ The Order of September 8, 2011 did not contain facts upon which the Order was based.

the Illinois Board had disciplined the Applicant for committing fraud or misrepresentation when applying for Illinois licensure and by being disciplined in a sister state.

On October 5, 2012, the Illinois Board, on remand from the circuit court, indefinitely suspended the Applicant's license and the Applicant was not permitted to petition for restoration for at least one year and seven months.

On December 20, 2012, the Illinois Board, on remand from the circuit court, indefinitely suspended the Applicant's license and the Applicant was not permitted to petition for restoration for at least nine months.

On July 2, 2014, the Applicant filed for Restoration of his license.

On February 10, 2015, the Applicant's Illinois license was revoked for discipline by other jurisdictions and fraud or misrepresentation in applying for his Illinois license. The date of revocation of his license was retroactive from September 8, 2011.⁴

On February 23, 2015, the Illinois Board dismissed the Applicant's Petition for Restoration of Illinois License.

c. Pennsylvania License

In June 24, 2014, the Applicant entered a Consent Agreement and Order with the State Board of Medicine in Pennsylvania (the Pennsylvania Board") whereby his Pennsylvania license was indefinitely suspended based on the Applicant's failure to report to Pennsylvania that actions had been taken against his Ohio license by the State Medical Board of Ohio and by the Medical Disciplinary Board of Illinois Department of Financial and Professional Regulation. He failed to report Adverse Actions against him within 60 days in accordance with laws/rules of the Pennsylvania Board.

13. The Board also obtained the following additional information from the National Practitioner Data Bank ("NPDB"):

- a. On March 18, 2014, the Department of Health and Human Services ("DHHS") Office of Inspector General placed the Applicant on exclusion from Medicare, Medicaid and all other federal health care programs due to failure to repay a loan.

⁴ This action is based on information that the Board obtained from the NPDB. The Board was unable to obtain a copy of the Order of February 10, 2015 from the State of Illinois.

- b. On April 23, 2104, the DHHS reinstated the Applicant's participation in Medicare, Medicaid and all other federal health care programs.

14. On or about August 18, 2016, the Board notified the Applicant that his Application was referred to the Board's Compliance Unit and was opened as Case Number 2017-0112.

IV. Summary of Grounds for Denial of Licensure

15. Pursuant to Health Occ. II § 14-205(a)(1)(iii), the Board may deny a license to an applicant for any of the reasons that are grounds under Health Occ. II § 14-404. The Board denies the Applicant's Application based on the following facts:

- a. His application for licensure in Ohio was denied for making false, fraudulent, and misleading statements on his application for licensure in Ohio;
- b. He was disciplined in Illinois in a reciprocal action for having been denied a license in Ohio base on falsification of his licensure application;
- c. He was disciplined in Pennsylvania for failure to report the adverse actions taken by the Ohio Board and the Illinois Board; and
- d. He was excluded by the federal government from participation in Medicare, Medicaid, and other federal health care programs.

16. These acts, if they occurred in Maryland would be grounds for disciplinary action under Health Occ. II § 14-404(a)(21)(disciplined in another state or country) with the underlying violations of Health Occ. II § 14-404(a)(1)(fraudulently or deceptively attempts to obtain a license) and Health Occ. II § 14-404(a)(3)(ii) (unprofessional conduct in the practice of medicine).

17. Fraudulently or deceptively attempting to obtain a license to practice medicine, regardless of the state in which it occurs, failure to report adverse actions, and failure to timely repay educational loans, demonstrates that the Applicant does not

possess good moral character, as required for licensure in Maryland under Health Occ. II § 14-307(b).

CONCLUSIONS OF LAW

The Board issues its denial of the Applicant's Application based on the foregoing Findings of Fact. The Board concludes as a matter of law that the Applicant has violated Health Occ. §§ 14-404 (a)(1)(fraudulently attempts to obtain license), (3)(ii)(unprofessional conduct) and (21)(discipline by another state) and has failed to demonstrate good moral character as required by Health Occ. § 14-307.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by an affirmative vote of the majority of a quorum of the Board, hereby

ORDERED that the Applicant's Application for Initial Licensure is **DENIED**; and it is further

ORDERED that this is a Final Order of the Board and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 5-101 *et seq.*

01/26/2017
Date

Christine A. Farrelly
Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408(a), Dr. Syed Samiullah Kazmi has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this Final Decision and Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Syed Samiullah Kazmi files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians
Christine A. Farrelly, Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Noreen M. Rubin
Assistant Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**