

IN THE MATTER OF	*	BEFORE THE
MOHAMMAD A. SHAIKH, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D33935	*	Case Number: 2017-0230B
* * * * *	*	* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On January 10, 2017, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged **MOHAMMAD A. SHAIKH, M.D.**, License Number D33935 (the "Respondent"), with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol. and 2015 Supp.) and Md. Code Regs. ("COMAR") 10.32.01 *et seq.*

Specifically, Panel B charged the Respondent with violating the following provisions of the Act and COMAR:

Health Occ. II § 14-316. Term and renewal of licenses; notice of change of physician's address.

- (d) *Continuing education.* – (1) In addition to any other qualifications and requirements established by the Board, the Board may establish continuing education requirements as a condition to the renewal of licenses under this section.
- (5) The Board may impose a civil penalty of up to \$100 per continuing medical education credit in lieu of a sanction under § 14-404 of this title, for a first offense, for the failure of a licensee to obtain the continuing medical education credits required by the Board.

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, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
- (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine;
 - (11) Willfully makes or files a false report or record in the practice of medicine; [and]
 - (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

COMAR 10.32.01. General Licensure Regulations.

08. Renewals.

- G. A licensee applying for renewal shall complete the continuing medical education requirements for each renewal period as defined in Regulation .10 of this chapter.

10. Continuing Medical Education.

B. Requirements.

- (1) A physician applying for renewal or reinstatement shall earn at least 50 credit hours of Category I CME during the 2-year period immediately preceding the licensee's submission of the renewal or reinstatement application.
- C. On the application form for renewal or reinstatement, a physician shall attest to the fact that the physician has completed the continuing medical education requirement.

On March 22, 2017, the Respondent appeared by telephone before Panel B, sitting as a Disciplinary Committee for Case Resolution. As a result of negotiations occurring before Panel B, the Respondent agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

Panel B makes the following Findings of Fact:

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on July 14, 1986, under License Number D33935. The Respondent's license is currently active and is scheduled for renewal on September 30, 2017.
2. The Respondent is board-certified in thoracic surgery.
3. On or about July 13, 2015, the Respondent submitted an online renewal of licensure application (the "Application") to the Board. In the Application, the Respondent stated that he earned 50 credit hours of Category I continuing medical education ("CME") credits during the two years prior to this renewal.
4. At the conclusion of the Application, the Respondent certified that all of the information he provided was true and correct to the best of his knowledge and that any false information provided in the Application may be cause for the denial of the Application.
5. When the Respondent filed his Application, the Board notified him electronically that it selected him for a random audit to determine if he was in

compliance with the Board's CME regulations. The Board directed the Respondent to provide documentation that he earned at least 50 Category I CME credit hours for the two-year period preceding his license renewal on July 13, 2015. The Board instructed the Respondent to provide this information within 15 days after submission of his Application. The Respondent did not respond to the Board's directive.

6. By letter to the Respondent's address of record, dated June 23, 2016, sent by first class mail, the Board again notified the Respondent that it had selected him randomly for an audit to determine his compliance with its CME requirements for the two years immediately preceding his last renewal of licensure (*i.e.*, for the two year period ending July 13, 2015). The Board's letter, which was marked "SECOND REQUEST," instructed the Respondent to provide "documentation of at least 50 CME credit hours for the two years immediately preceding renewal of [his] license." The Board instructed the Respondent to provide documentation to the Board by July 25, 2016. The Board informed the Respondent that if he failed to provide the documentation to the Board, it would consider his failure to respond to be an act of "non-compliance," and that his case would be referred for possible disciplinary action. The Respondent did not respond to the Board's June 23, 2016, letter. The letter was not returned to the Board as undeliverable.

7. By letter to the Respondent's address of record, dated October 14, 2016, sent by first class mail, the Board again notified the Respondent that it had opened a case against him for failing to obtain 50 hours of Category I CME credits required for renewal of licensure, in violation of Health Occ. II § 14-316 and COMAR 10.32.01.08G and 10.32.01.10. The Board informed the Respondent that if he did not respond to its

letter, it would continue its investigation, which might result in its issuance of disciplinary charges against him. The Respondent did not respond to the Board's October 14, 2016, letter. The letter was not returned to the Board as undeliverable.

8. By letter to the Respondent's address of record, dated November 3, 2016, sent by first class mail, the Board requested that the Respondent respond to its October 14, 2016, letter. The Board notified the Respondent that if he did not respond to the Board on or before November 21, 2016, it would continue its investigation, which might result in disciplinary charges against him. The Respondent did not respond to the Board's November 3, 2016, letter. The letter was not returned to the Board as undeliverable.

9. By electronic mail message to the Respondent, dated December 6, 2016, at 4:22 p.m., a Board staff person instructed the Respondent to respond as soon as possible to discuss the Board's investigative concerns. The Respondent did not respond to this electronic mail message.

10. On January 10, 2017, Panel B issued disciplinary charges against the Respondent.

11. The Respondent subsequently contacted the Board and provided written verification that he obtained at least 50 Category I CMEs during the two years prior to his renewal of his medical license in 2015.

12. The Respondent also disclosed to the Board that he did not respond to the Board's letters and email that directed him to provide verification of CMEs due to his mistaken belief that once the Board renewed his license, he was no longer obligated to provide proof that he obtained the CMEs required for licensure renewal.

13. The Board's investigation determined that the Respondent was guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. II § 14-404(a)(3)(ii), in that he failed to substantiate in a timely manner that he earned at least 50 Category I CME credit hours for the two-year period preceding his license renewal on July 13, 2015.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent violated the following provision of the Act under Health Occ. II § 14-404(a): (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine.

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel B, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that within **SIX (6) MONTHS**, the Respondent shall pay a civil fine in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**, by money order or bank certified check, made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; and it is further

ORDERED that the Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel B; and it is further

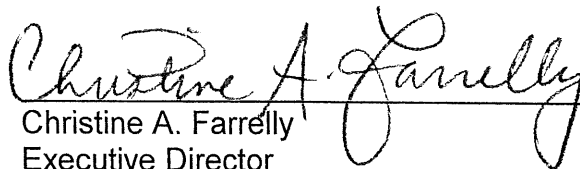
ORDERED that if the Board or Panel B determines, after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative Hearings if there is a genuine dispute as to a material fact or a show cause hearing before the Board or Panel B if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any term or condition of this

Consent Order, the Board or Panel B may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel B may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that the charges under Health Occ. II §§ 14-404(a)(11) and (36), and COMAR 10.32.01.08 and 10.32.01.10, are hereby **DISMISSED**; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

04/04/2017
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Mohammad A. Shaikh, N.D., acknowledge that I have been apprised of my right to counsel and have knowingly and voluntarily agreed to proceed without counsel before entering into this Consent Order. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact, Conclusions of Law and Order.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to

forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

3-29-17
Date

Mohammad A. Shaikh
Mohammad A. Shaikh, N.D.
Respondent

NOTARY

STATE OF Pennsylvania
CITY/COUNTY OF Plains/Luzerne

I HEREBY CERTIFY that on this 29th day of March, 2017, before me, a Notary Public of the foregoing State and City/County, did personally appear Mohammad A. Shaikh, N.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.

[Signature]
Notary Public
My commission expires on _____

Notarial Seal
Lori A. Duda, Notary Public
Plains Twp., Luzerne County
My Commission Expires April 2, 2017
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES