



State Medical Board of Ohio

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September 9, 1998

Altaf Hussain, M.D.
277 Park Avenue, #2
Youngstown, OH 44504

Dear Doctor Hussain:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, 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, 1998, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas 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

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 840 070
RETURN RECEIPT REQUESTED

cc: Richard D. Goldberg, Esq.
CERTIFIED MAIL NO. Z 233 840 071
RETURN RECEIPT REQUESTED

Mailed 9/11/98

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 9, 1998, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Altaf Hussain, M.D., 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.



Anand G. Garg, M.D.
Secretary

(SEAL)

September 9, 1998
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ALTAF HUSSAIN, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on September 9, 1998.

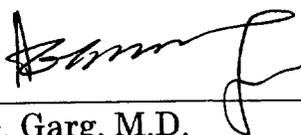
Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board 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:

The application of Altaf Hussain, M.D., for reinstatement of his certificate to practice medicine and surgery in Ohio is hereby DENIED.

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

(SEAL)



Anand G. Garg, M.D.
Secretary

September 9, 1998
Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF ALTAF HUSSAIN, M.D.**

The Matter of Altaf Hussain, M.D., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on July 14, 1998.

INTRODUCTION

I. Basis for Hearing

A. By letter dated April 8, 1998, the State Medical Board of Ohio [Board] notified Altaf Hussain, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's action was based on the following allegations:

1. On July 11, 1990, the Board entered a Findings, Order, and Journal Entry, revoking Dr. Hussain's license to practice medicine and surgery in Ohio based on findings that Dr. Hussain had been released on his own recognizance following his indictment for multiple felony counts and then failed to appear for trial, in violation of Section 4731.22(B)(10), to wit: Section 2937.29 and 2937.99, Ohio Revised Code.
2. On or about June 14, 1995, in the Cuyahoga County Court of Common Pleas, Dr. Hussain pleaded guilty to one felony count of theft, in violation of Section 2913.02, Ohio Revised Code; one felony count of filing false insurance claims, in violation of Section 3999.22, Ohio Revised Code; one felony count of forgery, in violation of Section 2913.31, Ohio Revised Code; and one felony count of uttering, in violation of Section 2913.31, Ohio Revised Code.
3. On or about July 31, 1996, Dr. Hussain submitted an application for reinstatement of his license to practice medicine and surgery in the state of Ohio.

The Board alleged that Dr. Hussain's conduct, as referenced in paragraph 1, constitutes "(c)ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Sections 2937.29 and 2937.99, Ohio Revised Code." In addition, the Board alleged that Dr. Hussain's pleas of guilty, as alleged in paragraph 2, constitute "(a) plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code."

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Accordingly, the Board advised Dr. Hussain of his right to request a hearing in this matter. (State's Exhibit 1).

- B. On April 17, 1998, Dr. Hussain submitted a written hearing request. (State's Exhibit 2).

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by James M. McGovern, Assistant Attorney General.
- B. On behalf of the Respondent: Richard D. Goldberg, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Presented by the Respondent

- A. Altaf Hussain, M.D.
B. Sap Adlaka
C. Basharat Munir Mirza
D. Muhammad I. Khan, M.D.
E. Mohammad Tufair
F. Mohammad Mahmood Khan
G. Abdul W. Saleemi

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1-6: Procedural exhibits.
2. State's Exhibit 7: Copy of the July 11, 1990, Findings, Order, and Journal Entry before the State Medical Board of Ohio. (4 pp.)
3. State's Exhibit 8: Certified copies of documents filed in *State of Ohio v. Altaf Hussain*, Case No. CR-220661, in the Cuyahoga County Court of Common Pleas. (5 pp.)
4. State's Exhibit 9: Copy of a June 7, 1997, letter to the Board from Dr. Hussain, with attachments. (70 pp.)

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B. Presented by the Respondent

1. Respondent's Exhibit A: Copies of various documents related to weight control and obesity, including articles and a cook book written by Dr. Hussain. (multiple pages).
2. Respondent's Exhibit B: Copies of medical records for Dr. Hussain maintained by Anil C. Nalluri, M.D. (14 pp.) (Note: Exhibit sealed to protect patient confidentiality).
3. Respondent's Exhibit C: July 13, 1998, notarized letter to the Board from Rosemary DiBlasio in support of Dr. Hussain. (2 pp.)
4. Respondent's Exhibit D: July 10, 1998, notarized letter to the Board from Mae Fares, in support of Dr. Hussain.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. Altaf Hussain, M.D., graduated from the King Edward Medical College in Pakistan in 1954. In 1963, Dr. Hussain emigrated to the United States. He testified that he completed a rotating internship in Chicago. Dr. Hussain further testified that he participated in a surgical residency program at St. Joseph Hospital in Milwaukee, Wisconsin. He later participated in a second surgical residency program at the Colorado State Hospital, in Pueblo, Colorado. Dr. Hussain stated that he could not find a position as chief resident, and never completed a surgical residency program. Subsequently, Dr. Hussain participated in pathology residency programs at the Jamaica Hospital in New York, and at the Southness Community Hospital, in Long Island, New York. Dr. Hussain did not complete either program. Thereafter, Dr. Hussain returned to Pakistan for two years of mandatory service. (Transcript [Tr.] at 21-22, 26; State's Exhibit [St. Ex.] 9 at 75).
2. The American Medical Association Physician Profile Service reported that Dr. Hussain completed one year of a surgical residency at St. Joseph Hospital from July 1964 through June 1965. The following year he participated in a residency program at Colorado State Hospital. From July 1966 through April 1967, Dr. Hussain participated in pathology residency program at the Jamaica Hospital; and from April 1967 through January 1968, Dr. Hussain participated in a pathology residency program at South Nassau Community Hospital. (St. Ex. 9 at 75).
3. Dr. Hussain testified that he returned to the United States from Pakistan in 1975. For five years, he practiced general medicine in McArthur, Ohio. In 1980, he relocated to New Castle,

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Pennsylvania. Two years later, Dr. Hussain moved to Youngstown, Ohio, where he practiced until 1988. Dr. Hussain testified that he practiced general medicine until 1984, when he began specializing in bariatric medicine. He stated that he was certified by the American Board of Bariatric Medicine in 1985. (Tr. at 23-27).

4. In later documentation to the Board, Dr. Hussain reported that:
 - a. In 1980, he was convicted of fraud, a 4th degree felony. He was placed on probation for one year.
 - b. In 1980, he voluntarily surrendered his certificate to practice medicine and surgery in Ohio for one year.
 - c. In 1980 and 1981, he appeared before the Board "as terms and conditions."
 - d. In 1980, he was denied participation in Medicare and Medicaid. His privileges were reinstated two years later.
 - e. In 1983, his certificate to practice medicine and surgery in Pennsylvania was placed on probation for three months as a result of the 1980 felony conviction.

(St. Ex. 9 at 40, 63).

5. On December 8, 1988, the Board issued a notice of opportunity for hearing [notice] to Dr. Hussain, setting forth the following allegations:

On or about September 15, 1987, [Dr. Hussain was] indicted by the Grand Jury of Cuyahoga County, Ohio, on six felony counts of forgery and six felony counts of uttering, all in violation of Section 2913.31, Ohio Revised Code; one felony count of theft in violation of Section 2913.02, Ohio Revised Code; and one felony count of filing false insurance claims in violation of Section 3999.22, Ohio Revised Code. On or about October 9, 1987, [Dr. Hussain was] released on [his] own recognizance pending trial pursuant to Section 2937.29, Ohio Revised Code. Trial was scheduled for August 2, 1998. On August 2, 1998, [Dr. Hussain] failed to appear for trial as required by such recognizance.

(St. Ex. 7 at 3) (See also St. Ex. 8 at 5). The Board delivered the notice to the address which Dr. Hussain had provided to the Board. Nevertheless, the notice was returned as undeliverable. Subsequently, the Board published the notice in compliance with Section 119.07, Ohio Revised Code. Dr. Hussain responded with a request to surrender his certificate to practice medicine and surgery in Ohio. He did not request a hearing. The Board attempted

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to contact Dr. Hussain regarding his request to surrender his certificate but, again, the letter was returned as undeliverable. (St. Ex. 7 at 1).

Consequently, on or about July 11, 1990, the Board entered a Findings, Order, and Journal Entry [FOJE] in the Matter of Altaf Hussain, M.D., revoking Dr. Hussain's license to practice medicine and surgery in Ohio. The Board based its Order on findings that Dr. Hussain had been released on his own recognizance following his indictment for multiple felony counts and then failed to appear for trial, in violation of Section 4731.22(B)(10), to wit: Section 2937.29 and 2937.99, Ohio Revised Code. (St. Ex. 7).

6. Dr. Hussain testified that he returned to Pakistan in May 1988. He did not return to the United States until 1995. (Tr. at 64).
7. On or about June 14, 1995, in the Cuyahoga County Court of Common Pleas, Dr. Hussain pleaded guilty to one felony count of theft in violation of Section 2913.02, Ohio Revised Code; one felony count of filing false insurance claims in violation of Section 3999.22, Ohio Revised Code; one felony count of forgery in violation of Section 2913.31, Ohio Revised Code; and one felony count of uttering in violation of Section 2913.31, Ohio Revised Code. (St. Ex. 8 at 1).

On August 3, 1995, the Court sentenced Dr. Hussain to imprisonment at the Lorain Correctional Institution, one year for each count, the sentences to run consecutively. In addition, the Court ordered Dr. Hussain to pay restitution in the amount of \$250.00, extradition costs, and court costs. (St. Ex. 8 at 2).

On November 20, 1995, the Court granted Dr. Hussain "shock" probation and released him from prison. The Court further ordered that Dr. Hussain be placed on probation for three years, pay costs, and perform 100 hours of community service. (Tr. at 30; St. Ex. 8 at 3). On May 5, 1997, the Court determined that Dr. Hussain was a probation violator, and released him from the terms of his probation. (St. Ex. 8 at 4).

8. The parties stipulated that the August 2, 1998, indictment charging that Dr. Hussain had failed to appear at trial as required by his recognizance, was ultimately dismissed. (Tr. at 12-13, 17-18; St. Ex. 8 at 5).
9. In July 1992, Dr. Hussain applied for reactivation of his license to practice medicine and surgery in Pennsylvania. As a result of those proceedings, in July 1993, the Commonwealth of Pennsylvania, State Board of Medicine, [Pennsylvania Board] accepted the voluntary permanent surrender of Dr. Hussain's certificate to practice medicine and surgery in that state. The Pennsylvania Board action was based, in part, on its conclusion that Dr. Hussain had made false and misleading statements in his application for reactivation, was "guilty of unprofessional conduct, and no longer [met] the qualifications for licensure in Pennsylvania." (St. Ex. 9 at 14-15) (See also St. Ex. 9 at 16-21).

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10. On or about June 28, 1996, Dr. Hussain submitted an application for reinstatement of his license to practice medicine and surgery in the State of Ohio. (St. Ex. 9).
11. At hearing, Dr. Hussain testified that the conduct which had resulted in his felony convictions was based on inappropriate billing in his practice. Dr. Hussain further testified that his inappropriate billing practices directly resulted from his untreated psychiatric conditions. (Tr. at 40-42). Dr. Hussain stated that he had been suffering from depression and bipolar disorder since the 1970s. He further testified that the bipolar disorder affected his judgment, and that he made many mistakes which were beyond his control. (Tr. at 31-32).

Dr. Hussain testified that, in 1975, another physician suggested that Dr. Hussain seek professional help, but Dr. Hussain ignored his advice. (Tr. at 52-53). Dr. Hussain added that, in October 1987, he became very depressed and realized that he needed help; he contacted Anil Nalluri, M.D., a board certified psychiatrist. Dr. Nalluri provided both medication and psychotherapy. Dr. Nalluri prescribed Desyrel for the bipolar disorder, and Ativan for anxiety, tension and sleep. However, in 1988, Dr. Hussain stopped taking Desyrel due to its side effects. Dr. Hussain testified that he is currently taking Ativan and Depakote. (Tr. at 33-34, 58-62; Respondent's Exhibit [Resp. Ex.] B).

Dr. Hussain testified that he saw a number of psychiatrists while he was in Pakistan. (Tr. at 34). Dr. Hussain further testified that he currently sees Dr. Nalluri "as needed." He stated that he does not see Dr. Nalluri for psychotherapy at this time, and he occasionally receives his psychiatric medications from other physicians. Dr. Hussain testified that the last time he received psychotherapy was May 28, 1998. (Tr. at 67-71).

Dr. Hussain testified that he made mistakes in the past because he was sick. He asked the Board for forgiveness and stated that he would not make similar mistakes in the future. Dr. Hussain stated that before his disease was controlled by medication, he had a tendency to act on impulse. Dr. Hussain stated that he is more calm now, and feels that he is in control of his actions. (Tr. at 36-37, 77).

12. Muhammad I. Khan, M.D., testified at hearing on behalf of Dr. Hussain. Dr. Khan testified that he practices psychiatry in Youngstown, Ohio. He is certified by the American Board of Psychiatry. (Tr. at 93-94).

Dr. Khan testified that he has known Dr. Hussain as a personal friend for approximately 14 years. Dr. Khan was not Dr. Hussain's treating psychiatrist. Dr. Khan further testified that, in approximately 1987, he noticed that Dr. Hussain had been demonstrating inappropriate behavior in the community. He described Dr. Hussain's behavior as expansive, grandiose, and irrational. Dr. Khan suggested to Dr. Hussain that he should seek psychiatric help. (Tr. at 95-98, 105-106).

Dr. Khan testified that he had reviewed Dr. Nalluri's medical records for Dr. Hussain. Dr. Khan noted that Dr. Hussain first saw Dr. Nalluri in October 1987. Dr. Nalluri diagnosed major depressive disorder, dysthymic disorder, and obsessive compulsive disorder. Dr. Nalluri ordered psychotherapy and prescribed Desyrel, an anti-depressive medication. Dr. Nalluri also prescribed Ativan for anxiety. Dr. Hussain saw Dr. Nalluri four additional times through March 1988. (Tr. at 98-99, 110-115, 119; Resp. Ex. B).

Because Dr. Hussain had left the country, he did not see Dr. Nalluri between March 1988 and December 1995. Dr. Hussain next presented to Dr. Nalluri's office on December 6, 1995. Dr. Nalluri prescribed a six month supply of Depakote to treat the bipolar disorder. Dr. Nalluri did not order blood levels and did not see Dr. Hussain again until June 1996. Subsequently, Dr. Nalluri only saw Dr. Hussain once in April 1998 and once in May 1998. (Tr. at 118-120; Resp. Ex. B).

Regarding Dr. Nalluri's treatment of Dr. Hussain, Dr. Khan testified that Dr. Hussain has not seen Dr. Nalluri frequently enough to assure that Dr. Hussain is stable, is receiving appropriate treatment, and is taking the proper dose of medication. Dr. Khan testified that, when first prescribing Depakote, the psychiatrist should monitor blood levels every two or three months to make sure that the patient has been taking the medication properly and to stabilize blood levels. Dr. Khan noted that Dr. Nalluri prescribed Dr. Hussain a six month supply of Depakote, but not see him for seven months. In addition, Dr. Khan testified that that Dr. Hussain should have been receiving psychotherapy more frequently. (Tr. at 122-125). Nevertheless, Dr. Khan speculated that, based on Dr. Hussain's behavior in the community, Dr. Hussain is being successfully treated for his psychiatric disorders. (Tr. at 101-104).

Dr. Khan further testified that, in 1995, Dr. Nalluri added a diagnosis of bipolar disorder. Dr. Khan testified that, from his review of Dr. Nalluri's records, it appeared that Dr. Hussain only went to see Dr. Nalluri when Dr. Hussain was in the depressive phase of his bipolar disorder. Nevertheless, Dr. Khan noted that the manic phase of a bipolar disorder might cause a physician to have problems in his practice. He explained that, in the hyper manic phase, the physician would be expansive and grandiose. He might feel that he can do no wrong. (Tr. at 98-101, 115; Resp. Ex. B).

13. At hearing, Dr. Hussain testified that at no time between 1963 and 1988, had he "ever been subjected to a license suspension, revocation or any licensure proceeding before any state medical board." (Tr. at 27).

Nevertheless, in his 1993 Consent Agreement with the Pennsylvania Board, Dr. Hussain admitted that he had been convicted of forgery in 1980, and of the illegal selling of Schedule II drugs in 1981. In addition, Dr. Hussain admitted that, in 1981, he had surrendered his Ohio certificate for one year. Dr. Hussain also admitted that, in 1983, the Pennsylvania Board had suspended his certificate to practice, stayed the suspension, and placed Dr. Hussain on probation. Moreover, Dr. Hussain admitted that, in 1981, his Medicare

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provider privileges had been suspended and, in 1982, his Medicaid provider privileges had been suspended. Finally, in the 1993 Pennsylvania Consent Agreement, Dr. Hussain also admitted that he had:

[F]alsely indicated on his reactivation questionnaire dated July 20, 1992, to the Pennsylvania State Board of Medicine that he has never been convicted of a crime, that he never possessed a license to practice medicine and surgery that was revoked or suspended, and that he never had provider privileges restricted by a medical assistance agency.

(St. Ex. 9 at 18).

14. Sap Adlaka, Basharat Munir Mirza, Ph.D., Mohammad Tufair, and Abdul W. Saleemi testified at hearing on behalf of Dr. Hussain. Mr. Adlaka testified that he has noticed a significant change in Dr. Hussain over the past few years, in that Dr. Hussain is more honest, sincere, and trustworthy. (Tr. at 79-84). Dr. Mirza testified that Dr. Hussain is a good and trustworthy man. However, Dr. Mirza acknowledged that he had not been aware that Dr. Hussain had pleaded guilty to four felonies. (Tr. at 84-93). Mr. Tufair testified that has known Dr. Hussain since 1968. He further testified that Dr. Hussain was well respected as a physician in the Nelsonville community. Mr. Tufair added that he has always thought Dr. Hussain to be a good person, but feels that Dr. Hussain is now more humble than he had been before. (Tr. at 130-134). Mr. Saleemi testified that Dr. Hussain was his personal physician in the early 1970s. He stated that Dr. Hussain was a professional physician who was loved by the people. Mr. Saleemi has also noticed a change in Dr. Hussain, in that Dr. Hussain is now more humble and "down to earth." (Tr. at 138-141).

In addition, Dr. Hussain presented two letters from former patients that were written in his support. (Tr. at 37-39; Resp. Exs. C, D).

FINDINGS OF FACT

1. On July 11, 1990, the Board entered a Findings, Order, and Journal Entry, revoking the license of Altaf Hussain, M.D., to practice medicine and surgery in Ohio. The Board's action was based on findings that Dr. Hussain had been released on his own recognizance following his indictment for multiple felony counts, but failed to appear for trial, in violation of Section 4731.22(B)(10), to wit: Section 2937.29 and 2937.99, Ohio Revised Code.
2. On or about June 14, 1995, in the Cuyahoga County Court of Common Pleas, Dr. Hussain pleaded guilty to one felony count of theft, in violation of Section 2913.02, Ohio Revised Code; one felony count of filing false insurance claims, in violation of Section 3999.22, Ohio Revised Code; one felony count of forgery, in violation of Section 2913.31, Ohio Revised Code; and one felony count of uttering, in violation of Section 2913.31, Ohio Revised Code.

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3. The conduct which resulted in Dr. Hussain's felony convictions involved inappropriate billing in his medical practice
4. On or about June 28, 1996, Dr. Hussain submitted an application for reinstatement of his license to practice medicine and surgery in the State of Ohio.

CONCLUSIONS OF LAW

1. The conduct of Altaf Hussain, M.D., as referenced in Findings of Fact 1, constitutes "(c)ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Sections 2937.29 and 2937.99, Ohio Revised Code.
2. The guilty pleas entered by Dr. Hussain, as referenced in Findings of Fact 2, constitute "(a) plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

* * * * *

Altaf Hussain, M.D., has asked the Board to reinstate his certificate to practice medicine and surgery in this state, despite the fact that his certificate was revoked based on his convictions for four felonies related to the practice of medicine. In making this request, Dr. Hussain advised the Board that, at the time of his conduct which resulted in the felony convictions, he had been suffering with an undiagnosed bipolar disorder. Dr. Hussain further testified that, since 1987, he has been receiving treatment for this disorder, and believes that he is currently in control of his actions.

The evidence, however, indicates that Dr. Hussain has been seeing his treating psychiatrist only sporadically. In fact, Dr. Hussain has seen the psychiatrist only four times since returning to this country in 1995. Moreover, although the psychiatrist has prescribed medications to treat Dr. Hussain's conditions, there is no indication that the psychiatrist has been sufficiently monitoring Dr. Hussain's response to the medication.

Furthermore, Dr. Hussain testified that he does not see his psychiatrist on a regular basis, but only when Dr. Hussain determines that there is an need. In light of this relationship, it is significant that Dr. Hussain visits the psychiatrist only when he is experiencing a depressive phase. The medical records indicate that Dr. Hussain does not seek help when he experiences the manic phase of his illness, despite the fact that he is more likely to experience difficulties in his practice during the manic phase.

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Finally, Dr. Hussain's repeated uttering of false and misleading statements, as late as 1992 in his application to reactivate his Pennsylvania license, renders his testimony unreliable regarding his compliance with recommended treatment.

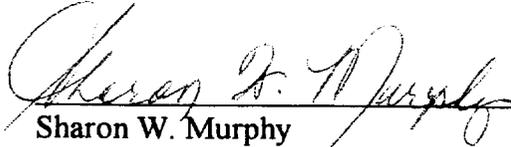
Accordingly, although the Board encourages and supports Dr. Hussain's continued recovery, the Board's obligation to the public precludes the reinstatement of his certificate to practice medicine and surgery in Ohio.

PROPOSED ORDER

It is hereby ORDERED that:

The application of Altaf Hussain, M.D., for reinstatement of his certificate to practice medicine and surgery in Ohio is hereby DENIED.

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


Sharon W. Murphy
Attorney Hearing Examiner



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/466-3934 • Website: www.state.oh.us/med/

EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 9, 1998

REPORTS AND RECOMMENDATIONS

Dr. Buchan announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Buchan asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Advanced Heart & Lung Surgeons, Inc.; William J. Booth, P.A.; Ira N. Chaiffetz, M.D.; Fernando G. Chaves, M.D.; Richard M. Donnini, D.O.; Altaf Hussain, M.D.; Jeffrey C. Lapeyrolerie, M.D.; Anthony D. Martin, M.D.; Hil Rizvi, M.D.; and Julia K. Saluke, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

Dr. Buchan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye

Dr. Buchan - aye

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Dr. Buchan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

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ALTAF HUSSAIN, M.D.

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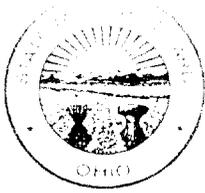
DR. HEIDT MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ALTAF HUSSAIN, M.D. DR. AGRESTA SECONDED THE MOTION.

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A vote was taken on Dr. Heidt's motion to approve and confirm:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43260-0315 • (614) 462-3234

April 8, 1998

Altaf Hussain
P.O. Box 294
Youngstown, Ohio 44501

Dear Mr. Hussain:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about July 31, 1996, you submitted an application for reinstatement of your license to practice medicine and surgery in the state of Ohio. Your application was deemed complete on November 20, 1996. That application is still pending.
- (2) On July 11, 1990, the State Medical Board of Ohio entered its Findings, Order, and Journal Entry, which revoked your license to practice medicine and surgery for violation of Section 4731.22(B)(10), to wit: Sections 2937.29 and 2937.99, Ohio Revised Code, failure to appear as required by recognizance. The Board revoked your license based on findings that you had been released on your own recognizance following your indictment for multiple felony counts and then failed to appear for trial as required. A copy of the Findings, Order, and Journal Entry is attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions underlying the Findings, Order, and Journal Entry, as alleged in the above paragraph (2), constitute "[c]ommission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Sections 2937.29 and 2937.99, Ohio Revised Code, failure to appear as required by recognizance.

- (3) On or about June 14, 1995, in the Court of Common Pleas, State of Ohio, Cuyahoga County, you pleaded guilty to one felony count of theft, in violation of Section 2913.02, Ohio Revised Code; one felony count of filing false insurance claims, in violation of Section 3999.22, Ohio Revised Code; one felony count of forgery, in violation of Section 2913.31, Ohio Revised Code; and one felony count of uttering, in violation of Section 2913.31, Ohio Revised Code.

[Handwritten signature]

Your pleas of guilty, as alleged in paragraph (3) above, individually and/or collectively, constitute “[a] plea of guilty to, or a judicial finding of guilt of, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

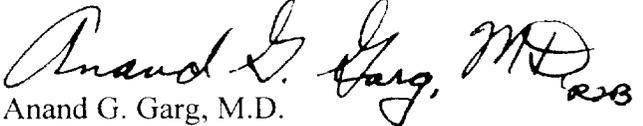
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,


Anand G. Garg, M.D.
Secretary

AGG/cjm
Enclosures

CERTIFIED MAIL #Z 395 591 323
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS, OHIO 43215

July 13, 1990

Altaf Hussain, M.D.
3055 Belmont Avenue
Youngstown, Ohio 44560

Dear Doctor Hussain:

Please find enclosed a certified copy of the Findings, Order, and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on July 11, 1990.

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

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

Very truly yours,


Henry G. Cramblett, M.D.
Secretary

HGC:em
Enclosures

CERTIFIED MAIL NO. P 055 325 313
RETURN RECEIPT REQUESTED

Mailed 7/17/90

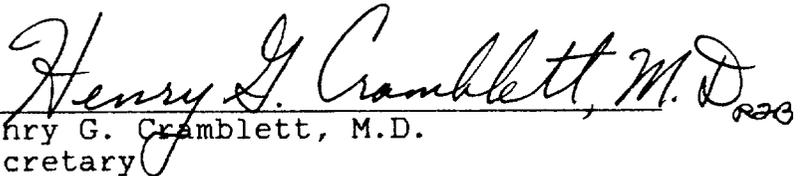
STATE MEDICAL BOARD OF OHIO

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order, and Journal Entry, approved by the State Medical Board, meeting in regular session on July 11, 1990, constitutes a true and complete copy of the Findings, Order, and Journal Entry in the matter of Altaf Hussain, M.D., as it appears in the Journal of the State Medical Board of Ohio.

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

(SEAL)


Henry G. Cramblett, M.D.
Secretary

Date July 17, 1990

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ALTAF HUSSAIN, M.D.

*

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came on for consideration after a citation letter was issued to Altaf Hussain, M.D. by the State Medical Board of Ohio on December 8, 1988.

On December 8, 1988, notice was given to Dr. Hussain that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.09, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the last known address of Dr. Hussain, that being 3055 Belmont Ave., Youngstown, Ohio 44560. Said address has been verified as being the last known address of record, as attested to in the affidavit of the responsible custodian of records, which is attached hereto and incorporated herein. Said notice was returned to the State Medical Board due to inability to deliver.

Subsequently, in compliance with Section 119.07, Ohio Revised Code, said notice was published once a week for three consecutive weeks in a newspaper of general circulation in Youngstown, Ohio, the last date of such publication being April 22, 1989. A copy of the newspaper notice has been sent to Dr. Hussain at 3055 Belmont Ave., Youngstown, Ohio 44560.

By letter received in the Board offices on May 19, 1989, Dr. Hussain indicated that he wished to surrender his license to practice medicine and surgery in Ohio. He did not request a hearing.

By letter from Ray Q. Bumgarner, Executive Director, State Medical Board of Ohio, dated November 20, 1989 and mailed to the address listed on Dr. Hussain's May 19, 1989 Letter, that being Lane No. 7, Gulistan Colony, Islamabad, Pakistan, Dr. Hussain was provided with a copy of the December 8, 1988 citation letter and was advised that he would need to complete an enclosed Voluntary Surrender form before the Board could consider his request to surrender his Ohio license. Dr. Hussain was further advised that if his request was not approved, or if the executed form was not returned by February 1, 1990, the Board might proceed to a Final Order. Said letter was returned due to inability to deliver.

In the Matter of Altaf Hussain, M.D.

To date, no request for hearing has been received and thirty (30) days have elapsed since the last date of publication.

WHEREFORE, it is hereby ORDERED that for the reasons outlined in the December 8, 1988 letter of notice which is attached hereto and incorporated herein, accordingly, the license of Altaf Hussain, M.D. to practice medicine and surgery in Ohio be REVOKED.

This ORDER shall become effective July 11, 1990.

This order is hereby entered upon the Journal of the State Medical Board of Ohio for the 11th day of July, 1990 and the original thereof shall be kept with said Journal.

(SEAL)

Henry G. Cramblett, M.D.
Henry G. Cramblett, M.D.
Secretary

July 17, 1990
Date

STATE OF OHIO
THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS OH 43215

December 8, 1988

Altaf Hussain, M.D.
3055 Belmont Avenue
Youngstown, OH 44506

Dear Doctor Hussain:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about September 15, 1987 you were indicted by the Grand Jury of Cuyahoga County, Ohio, on six felony counts of forgery and six felony counts of uttering, all in violation of Section 2913.31, Ohio Revised Code; one felony count of theft, in violation of Section 2913.02, Ohio Revised Code; and one felony count of filing false insurance claims in violation of Section 3999.22, Ohio Revised Code. On or about October 9, 1987 you were released on your own recognizance pending trial pursuant to Section 2937.29, Ohio Revised Code. Trial was scheduled for August 2, 1988. On August 2, 1988 you failed to appear for trial as required by such recognizance.

Such failure to appear as alleged in the above paragraph (1), constituted "commission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: failure to appear as required by recognizance, in violation of Sections 2937.29 and 2937.99, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

Altaf Hussain, M.D.

Page Two

December 8, 1988

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Encls.

CERTIFIED MAIL #P 746 510 231
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS, OHIO 43266-0315
(614) 466-3934

AFFIDAVIT

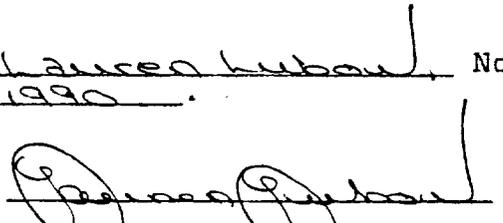
I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and say:

- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board");
- 2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;
- 3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) That I have this day carefully examined the records of the Board pertaining to Altaf Hussain, M.D.;
- 5) That based on such examination, I have found the last known address of record as of 710/90, of Altaf Hussain, M.D. to be:

3055 Belmont Ave.
Youngstown, Ohio 44560

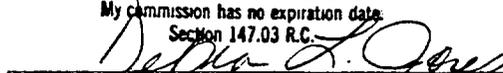
6) Further, Affiant Sayeth Naught.

Sworn to and signed before me, Lauren Lubow Notary Public, this 10th day of July, 1990.



LAUREN LUBOW, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO

My commission has no expiration date.
Section 147.03 R.C.



DEBRA L. JONES
CHIEF, CONTINUING MEDICAL
EDUCATION, RECORDS, AND
RENEWAL

(SEAL)

Columbus

CONSENT AGREEMENT
BY AND BETWEEN
ALTAF HUSSAIN, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

1981 AUG 13 PM 12 29

OHIO STATE
MEDICAL BOARD

THIS CONSENT AGREEMENT is entered into by and between ALTAF HUSSAIN, M.D., hereinafter referred to as DR. HUSSAIN, party of the first part, and THE STATE MEDICAL BOARD OF OHIO, hereinafter referred to as BOARD, party of the second part.

WHEREAS, DR. HUSSAIN is a physician licensed to practice medicine or surgery in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of medicine.

WHEREAS, the BOARD is a state agency charged with enforcing the Medical Practice Act, Revised Code Chapter 4731., which requires that physicians licensed thereunder conform to standards of conduct set forth with particularity therein.

WHEREAS, on March 11, 1981, the BOARD issued a letter of citation to DR. HUSSAIN alleging certain violations of Section 4731.22 of the Revised Code and advising DR. HUSSAIN of his right to request a formal adjudication hearing in the matter.

WHEREAS, DR. HUSSAIN, through his counsel, did request a formal adjudication hearing, said hearing being scheduled and conducted by the BOARD pursuant to Chapter 119 of the Revised Code.

WHEREAS, in lieu of resolution of the formal adjudication hearing by way of an adjudication order issued by the BOARD, DR. HUSSAIN and the BOARD have agreed to enter into this Consent Agreement which the parties have resolved to be in their mutual best interests.

WHEREAS, the BOARD has also agreed to dismiss all charges, actual or potential, resulting from acts allegedly committed by DR. HUSSAIN in the course of his treatment of Elizabeth Gregory prior to the effective date of this agreement.

WHEREAS, DR. HUSSAIN accepts and agrees to the terms and conditions of this Consent Agreement. DR. HUSSAIN enters into this Consent Agreement voluntarily and after consultation with counsel recognizing that he is waiving his right to a formal adjudication hearing under Chapter 119 of the Revised Code and all other substantive procedural protection provided by law.

WHEREFORE, DR. HUSSAIN HEREBY CONSENTS AND AGREES to the following terms and conditions:

1. DR. HUSSAIN shall surrender his certificate to practice medicine or surgery in Ohio to the State Medical Board of Ohio for a period of one (1) year, said year to run from July 13, 1981 to July 13, 1982. The BOARD agrees to return the certificate to DR. HUSSAIN on July 13, 1982.

2. Beginning on July 13, 1982, DR. HUSSAIN shall be on probation, the conditions of the probation being as follows:
- A. DR. HUSSAIN shall obey all federal, state, and local laws, including all laws and rules governing the practice of medicine in Ohio;
 - B. DR. HUSSAIN shall cooperate fully with the BOARD, its agents and employees, and, when requested, shall make his place(s) of practice and patient records available for inspection;
 - C. DR. HUSSAIN shall appear before THE STATE MEDICAL BOARD OF OHIO every three (3) months after the reinstatement of his license for a period of one (1) year, and at such times thereafter as the BOARD may prescribe.

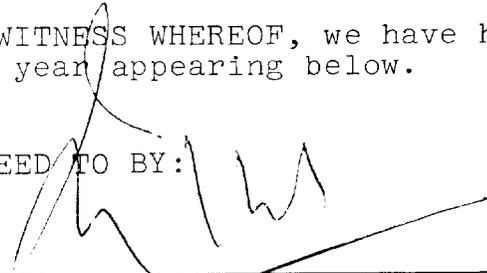
IT IS FURTHER AGREED by and between the parties that if, in the discretion of the BOARD, DR. HUSSAIN appears to have breached this Consent Agreement and/or violated any provision of the Medical Practice Act, the BOARD reserves the right, to impose any other additional sanction it deems appropriate.

IT IS FURTHER UNDERSTOOD by and between the parties that this Consent Agreement shall be considered a public record as that term is used in Section 149.43 of the Revised Code.

Upon the consent of both parties in writing, this agreement may be altered, modified, or terminated.

IN WITNESS WHEREOF, we have hereunto set our hands on the day and year appearing below.

AGREED TO BY:



ALTAF HUSSAIN, M.D.
Party of the First Part

7. 21 81
DATE



WILLIAM H. BLUTH, ESQ.
Counsel for Altaf Hussain, M.D.

7/21/81
Date

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
55 South Front Street
Columbus, Ohio 43215

March 11, 1981

Altaf Hussain, M.D.
712 South Yearling Road
Columbus, OH 43213

Dear Doctor Hussain:

In accordance with Chapter 119, Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine, under the provisions of Section 4731.22, Revised Code, whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery for one or more of the following reasons:

1. On or about October 23, 1980, in the Common Pleas Court of Franklin County, State of Ohio, having been charged with a violation of Section 2913.31(A)(2), Ohio Revised Code, you were, in case number 80CR-08-2347, convicted of a felony.

Pursuant to Sections 4731.22(B)(10) and 4731.22(B)(11), Revised Code, conviction of a felony is grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery.

You are advised that you are entitled to a hearing in this matter if you request such hearing within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing, you may present evidence and examine witnesses appearing for or against you.

In the event there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board, upon consideration of this matter and in your absence, may limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery.

Altaf Hussain, M.D.

-2-

March 11, 1981

A copy of the Medical Practice Act is enclosed for your examination.

Very truly yours,

[Handwritten Signature]
 Anthony Ruppertsberg, Jr., M.D.
 Secretary

AR:jmb

CERTIFIED MAIL #P18 0121325
RETURN RECEIPT REQUESTED

PS Form 3800, Apr. 1976

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

The following service is requested (check one):

- Show to whom and date delivered
- Show to whom, date and address of delivery
- RESTRICTED DELIVERY
- Show to whom and date delivered
- RESTRICTED DELIVERY
- Show to whom, date, and address of delivery

(CONSULT POSTMASTER FOR FEES)

ARTICLE ADDRESSED TO:
 Altaf Hussain, M.D.
 712 South Veerling Road
 Columbus, Ohio 43213

ARTICLE DESCRIPTION:
 REGISTERED NO. P18
 CERTIFIED NO. 0181325
 INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE: *[Handwritten Signature]*

DATE OF DELIVERY: 3-16-81

ADDRESS (Complete only):

UNABLE TO DELIVER REASON: _____

CLERK'S INITIALS: _____

EM

P18 0121325

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED - NOT FOR INTERNATIONAL MAIL (See Reverse)

SENT TO: Altaf Hussain, M.D.

STREET AND NO.: 712 South Veerling Road

P.S., STATE AND ZIP CODE: Columbus, Ohio 43213

POSTAGE	\$
CERTIFIED FEE	\$
SPECIAL DELIVERY	\$
RESTRICTED DELIVERY	\$
OPTIONAL SERVICES	
RETURN RECEIPT SERVICE	\$
SHOW TO WHOM AND DATE DELIVERED	\$
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	\$
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	\$
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	\$
TOTAL POSTAGE AND FEES	\$ 1.60

POSTMARK OR DATE: MAR 12 1981

PS Form 3800, Apr. 1976