State Medical Board of Ohio

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

June 9, 1999

Ashwin H. Shah, M.D.
730 N. Macomb, Suite 419
Monroe, MI 48162

Dear Shah:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Daniel Roberts, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 9, 1999, 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 233 389 258
RETURN RECEIPT REQUESTED

cc: John S. Wasung, Esq.
CERTIFIED MAIL RECEIPT NO. Z 233 839 259
RETURN RECEIPT REQUESTED

Mailed 6-11-99

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Daniel Roberts, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 9, 1999, 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 Ashwin H. Shah, 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)

JUNE 9, 1999
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

ASHWIN H. SHAH, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on June 9, 1999.

Upon the Report and Recommendation of Daniel Roberts, 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 Ashwin H. Shah, M.D., be REPRIMANDED.

Anand G. Garg, M.D.
Secretary

(SEAL)

JUNE 9, 1999
Date

STATE MEDICAL BOARD
OF OHIO

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REPORT AND RECOMMENDATION
IN THE MATTER OF ASHWIN H. SHAH, M.D.

The Matter of Ashwin H. Shah, M.D., was heard by Daniel Roberts, Attorney Hearing Examiner for the State Medical Board of Ohio, on April 23, 1999.

INTRODUCTION

I. Basis for Hearing

A. By letter dated December 9, 1998, the State Medical Board of Ohio [Board] notified Ashwin H. Shah, M.D., that it had proposed to determine whether to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on the following allegations:

1. On or about July 17, 1997, the Disciplinary Subcommittee of the Michigan Board of Medicine [Michigan Board] issued a Consent Order and Stipulation dated June 25, 1997, which included placing Dr. Shah on a one year probation.

2. The Michigan Board found that on or about September 3, 1996, Dr. Shah had performed a Marshall-Marchetti procedure on a patient at Mercy Memorial Hospital in Monroe, Michigan. As a prank on an operating room nurse, Dr. Shah instructed the nurse to assist him by performing a bladder lift during placement of sutures on an anesthetized patient. The nurse performed a bladder lift for approximately ten minutes before he was informed that the bladder lift procedure had already been performed by a relief nurse. The patient was unaware of what had occurred.

The Board alleged that the Consent Order and Stipulation constitutes "'[t]he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees,' as that clause is used in Section 4731.22(B)(22), Ohio Revised Code."

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

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B. On January 4, 1999, John S. Wasung, Esq., submitted a written hearing request on behalf of Dr. Shah. (State's Exhibit 1B)

II. Appearances

A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Rebecca Albers, Assistant Attorney General.

B. On behalf of the Respondent: John S. Wasung, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Presented by Respondent.

Ashwin H. Shah, M.D.

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A-1L: Procedural exhibits.

2. State's Exhibit 2: Certified copies of documents from the State of Michigan, Department of Consumer & Industry Services, Office of Health Services, Board of Medicine, Disciplinary Subcommittee [Michigan Board] *In the Matter of Ashwin H. Shah, M.D.*, Docket No. 97-0255, Complaint No. 43-96-1594-00. [*In the Matter of Shah*]

B. Presented by the Respondent

1. Respondent's Exhibit A: Copy of January 28, 1997, Investigation Report of Alan M. Shulgon *In the Matter of Shah*.

2. Respondent's Exhibit B: Copy of August 19, 1998, Final Release to Ashwin H. Shah, M.D., *In the Matter of Shah.*

3. Respondent's Exhibit C: Copy of April 15, 1999, letter to the Board from Daniel S. Murtagh, M.D.

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4. Respondent's Exhibit D: Copy of April 13, 1999, letter to the Board from Gail F. McIntyre, M.D., J.D., Vice President, Medical Services for Mercy Memorial Hospital, Monroe, Michigan.

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. On or about July 17, 1997, the Disciplinary Subcommittee of the Michigan Board of Medicine [Michigan Board] issued a Consent Order and Stipulation dated June 25, 1997, which placed Ashwin Shah, M.D., on probation for one year. (State's Exhibit [Sts. Ex.] 2)

2. Alan M. Shulgon is an Investigator with the Michigan Board. Mr. Shulgon's Investigation Report was admitted to the hearing record at the request of Respondent. This document relates the results of Mr. Shulgon's investigation and is consistent with the findings of the Michigan Board. [Note: The State of Ohio had no opportunity to cross examine Mr. Shulgon.] (Respondent's Exhibit [Res. Ex.] A)

3. The Michigan Board found that on or about September 3, 1996, Ashwin H. Shah, M.D., had performed a Marshall-Marchetti procedure on a patient at Mercy Memorial Hospital in Monroe, Michigan. As a prank on an operating room nurse, Dr. Shah instructed the nurse to assist him by performing a bladder lift during placement of sutures on an anesthetized patient. The nurse performed a bladder lift for approximately ten minutes before he was informed that the bladder lift procedure had already been performed by a relief nurse. The patient was unaware of what had occurred. Mr. Shulgon's report adds that the nurse who performed the second bladder lift reported that the procedure itself did not differ from previous bladder lifts he had done. The nurse also reported the same tugging feeling and verbal interaction with the surgeon as on previous occasions. (Sts. Ex. 2; Res Ex. A)

   Before the Michigan Board, Dr. Shah did not admit the allegations made by the Michigan Board but did agree to treat the allegations as true for purposes of imposing discipline. Dr. Shah was found to have violated a section of the Michigan Public Health Code by "negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results." The Michigan Board dismissed the second count of the original complaint which had alleged a "departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession". (Sts. Ex. 2)

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The Michigan Board placed Dr. Shah on probation. The terms and conditions of Dr. Shah's probation included completing 26 hours of course work, 13 hours of which had to be in medical ethics. This course work was in addition to the continuing medical education that is required for Dr. Shah's license renewal in Michigan. Further, Dr. Shah was assessed a fine of $1,000. (Sts. Ex. 2)

4. In the present matter, Dr. Shah testified that he is licensed in the states of Michigan and Ohio and has been in the practice of urology in both states for fifteen years. Dr. Shah testified that his primary practice is located in Monroe, Michigan, but about 30 percent of his patients are from Ohio and they are usually treated at Toledo. Dr. Shah further testified that the current matter is the only civil or administrative complaint ever filed against him. Dr. Shah also testified that he brought the Michigan matter to the attention of the Board when he completed his most recent application for re-registration. (Transcript [Tr.] at 23-24, 28)

   Dr. Shah testified on his own behalf at hearing. Dr. Shah testified that the allegations contained in State's Exhibit 2 were substantially correct, but somewhat confusing. Dr. Shah emphasized that no departure from standard operating procedure and no unnecessary contact with the patient had occurred. Dr. Shah explained that the second bladder lift had been necessary. Dr. Shah stated that the "practical joke" had been in falsely stating to the nurse involved that the procedure had been unnecessary when in fact it had been necessary. (Tr. 24-27, 29-30, 32-33)

   Dr. Shah testified that as part of his probation he and the nurses involved had developed an ongoing educational program for Mercy Memorial Hospital on patient dignity and professionalism. Dr. Shah also testified that he has completed all of the requirements of his Michigan consent order and has been released from probation. (Tr. 27-28, 30-31; Res. Ex. B)

5. Daniel S. Murtagh, M.D., submitted a letter of support on behalf of Dr. Shah. Dr. Murtagh is Chief of Surgery at The Toledo Hospital. Dr. Murtagh noted that he has known Dr. Shah in a business capacity for over ten years and has had the opportunity to observe Dr. Shah's clinical practice. Dr. Murtagh opined that Dr. Shah has dealt with this single error of judgment gracefully and with genuine remorse. Dr. Murtagh further opined that, with the exception of the single incident at issue here, Dr. Shah has always shown excellent clinical judgment and skill. [Note: The State of Ohio had no opportunity to cross examine Dr. Murtagh.] (Res. Ex. C)

6. Gail F. McIntyre, M.D., J.D., submitted a letter of support on behalf of Dr. Shah. Dr. McIntyre is Vice President, Medical Services for Mercy Memorial Hospital. Dr. McIntyre is listed on the Michigan Board Investigation Report as the complainant in the matter before the Michigan Board. Dr. McIntyre noted that Dr. Shah was disciplined

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by the medical staff of the hospital for the practical joke and reported to the Michigan Board. Dr. McIntyre reported that Dr. Shah was subjected to a period of monitoring and other requirements and that he cooperated completely. Dr. McIntyre also noted that Dr. Shah is currently a member in good standing of the Mercy Memorial Hospital Staff with full surgical privileges. [Note: The State of Ohio had no opportunity to cross examine Dr. McIntyre.] (Res. Ex. B and D)

FINDINGS OF FACT

1. On or about July 17, 1997, the Disciplinary Subcommittee of the Michigan Board of Medicine [Michigan Board] issued a Consent Order and Stipulation dated June 25, 1997, which placed Ashwin H. Shah, M.D., on probation for one year.

2. The Michigan Board found that on or about September 3, 1996, Dr. Shah had performed a Marshall-Marchetti procedure on a patient at Mercy Memorial Hospital in Monroe, Michigan. As a prank on an operating room nurse, Dr. Shah instructed the nurse to assist him by performing a bladder lift during placement of sutures on an anesthetized patient. The nurse performed a bladder lift for approximately ten minutes before he was informed that the bladder lift procedure had already been performed by a relief nurse. The patient was unaware of what had occurred.

CONCLUSIONS OF LAW

The Consent Order and Stipulation issued by the Disciplinary Subcommittee of the Michigan Board of Medicine *In the matter of Ashwin H. Shah, M.D.,* as referenced in the Findings Of Fact, constitutes "[t]he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

* * * * *

The testimony of Ashwin H. Shah, M.D., at hearing was credible. In that testimony he stressed that the second bladder lift was medically necessary. The statement of the nurse, who was the target of the practical joke, supports Dr. Shah's assertion that the procedure was necessary and performed.

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The discipline imposed by the Disciplinary Subcommittee of the Michigan Board of Medicine and Dr. Shah's compliance with the terms of that action suggests that all necessary remedial action has been taken. Therefore it is appropriate to limit the action by the State Medical Board of Ohio to a record of reprimand.

PROPOSED ORDER

It is hereby ORDERED that Ashwin H. Shah, M.D., be REPRIMANDED

Daniel Roberts
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 JUNE 9, 1999

REPORTS AND RECOMMENDATIONS

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

Dr. Steinbergh 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 Brian W. Davies, M.D.; Phyllis L. Gresham, M.D.; Ashwin H. Shah, M.D.; Richard S. Simon, M.D.; Leonard K. Smith, M.D.; Karl E. Steinberg, M.D.; and Nicholas J. Triana, D.P.M. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Browning	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Dr. Buchan	- aye
	Dr. Steinbergh	- aye

Ms. Noble stated that she did not review the hearing record in the matter of Richard S. Simon, M.D.

Dr. Steinbergh 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. Talmage	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Browning	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Dr. Buchan	- aye

Dr. Steinbergh - aye

In accordance with the provision in Section 4731.22(F)(2), 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. Steinbergh 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.

.....

ASHWIN H. SHAH, M.D.

.....

DR. BHATI MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF ASHWIN H. SHAH, M.D. MS. NOBLE SECONDED THE MOTION.

.....

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

ROLL CALL:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Egner	- nay
	Mr. Browning	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- abstain
	Dr. Buchan	- aye
	Dr. Steinbergh	- abstain

The motion carried.

State Medical Board of Ohio

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December 9, 1998

Ashwin H. Shah, M.D.
730 N. Macomb, Suite 419
Monroe, MI 48162

Dear Doctor Shah:

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 17, 1997, the Disciplinary Subcommittee of the Michigan Board of Medicine (hereinafter the Michigan Board) issued a Consent Order and Stipulation dated June 25, 1997, which included placing your license on a one (1) year probation.

The Michigan Board found that on or about September 3, 1996, you performed a Marshall-Marchetti procedure on a patient at Mercy Memorial Hospital in Monroe, Michigan. As a prank on an operating room nurse, you instructed the nurse to assist you by performing a bladder lift during placement of sutures on an anesthetized patient. The nurse performed a bladder lift for approximately ten minutes before he was informed that the bladder lift procedure had already been performed by a relief nurse. The patient was unaware of what had occurred.

The terms and conditions of your probation include completing 26 hours of course work, 13 hours of which must be course work in medical ethics. This course work is in addition to the continuing medical education that is required for your licensure renewal in Michigan. Further, you were assessed a fine of $1,000. A copy of the Michigan Board Consent Order and Stipulation is attached hereto and fully incorporated herein.

The Consent Order and Stipulation as alleged in paragraph (1) above, constitutes "[t]he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Mailed date 12/10/98

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/jag
Enclosures

CERTIFIED MAIL # Z 233 895 023
RETURN RECEIPT REQUESTED

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
OFFICE OF HEALTH SERVICES
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

98 SEP 18 P12:13

In the Matter of

ASHWIN H. SHAH, M.D.
_____/

Docket No. 97-0255
Complaint No. 43-96-1594-00
CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on February 12, 1997 charging Ashwin H. Shah, M.D. (Respondent), with having violated section 16221(a) and (b)(i) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq*; MSA 14.15(1101) *et seq*.

By stipulation contained in this document, Respondent does not contest the allegations of fact and law contained in the complaint pertaining to violation of section 16221(a) of the Public Health Code. Respondent understands that by pleading no contest he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint. Respondent agrees that the Disciplinary Subcommittee may enter an order treating the allegations as true.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Health Services.

By stipulation contained in this document the parties agree that the Disciplinary Subcommittee shall dismiss Count II of the complaint indicating a violation of section 16221(b)(i) of the Public Health Code.

The Disciplinary Subcommittee has reviewed this stipulation and agrees that the public interest is best served by resolution of the outstanding complaint.

Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and constitute violation of section 16221(a) of the Public Health Code.

Accordingly,

IT IS ORDERED that for the aforesaid violation, Respondent is placed on PROBATION for a period of one year commencing on the effective date of this order. The terms and conditions of the probation are as follows:

A. Respondent shall successfully complete 26 credit hours of course work, 13 hours of which shall consist of medical ethics course work. The course work shall be pre-approved by the Disciplinary Subcommittee. Documentation of successful completion shall be submitted prior to the end of the probationary period. The aforesaid 26 credit hours shall not apply in computing Respondent's current continuing education requirements for license renewal.

B. The hours Respondent has spent or will spend developing a program in the areas of patient dignity and sensitivity for Mercy Memorial Hospital in Monroe, Michigan, may be credited toward the aforementioned 13 hours of medical ethics course work.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Health Services.

IT IS FURTHER ORDERED that Respondent shall be automatically discharged from probation at the end of one year PROVIDED Respondent has complied with the terms of this order and has not violated the Public Health Code.

IT IS FURTHER ORDERED that any violation of the Public Health Code by Respondent during the probation period shall be deemed a violation of probation and constitute grounds for further disciplinary action.

IT IS FURTHER ORDERED that for the aforesaid violation Respondent is assessed a FINE in the total amount of one thousand dollars ($1,000.00), to be paid to the State of Michigan not later than 60 days from the effective date of this order.

The timely payment of the fine shall be the responsibility of Respondent. If Respondent fails to pay the fine within the time period provided, the Disciplinary Subcommittee may determine that Respondent has violated its order and 1996 MR 7, R 338.1632, and proceed pursuant to section 16221(g) of the Public Health Code.

The payment of the fine shall be mailed to the Compliance Section, Legal Resources Division, Department of Consumer and Industry Services, P. O. Box 30185, Lansing, Michigan 48909.

IT IS FURTHER ORDERED that should Respondent violate any term or condition set forth here, it may be determined that he has violated an order of the Disciplinary Subcommittee as provided by 1996 MR 7, R 338.1632, and section 16221(g) of the Public Health Code.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Health Services.

Count II of the administrative complaint, which alleged a violation of section 16221(b)(i) of the Public Health Code, is hereby DISMISSED.

IT IS FURTHER ORDERED that this order shall be effective 30 days from the date signed by the Disciplinary Subcommittee or authorized representative, as set forth below.

Signed this 17TH day of July, 1997.

MICHIGAN BOARD OF MEDICINE

By _____
Chairperson, Disciplinary Subcommittee
Augustin Martinez

STIPULATION

The parties stipulate and agree as follows:

1. Respondent does not contest the allegations of fact and law contained in the February 12, 1997 administrative complaint pertaining to violation of section 16221(a) of the Public Health Code, and agrees that the Disciplinary Subcommittee may treat the allegations of fact and law as true, which finding shall have the same force and effect for purposes of this consent order as if evidence and argument were presented in support of the allegations. Further, Respondent understands and intends that by so stating he is not admitting the truth of the allegations, but is

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Health Services.

agreeing that the Disciplinary Subcommittee may enter its order treating the allegations as true for purpose of resolution of the complaint.

2. Count II of the administrative complaint, which alleged a violation of section 16221(b)(i) of the Public Health Code, shall be dismissed.

3. Respondent understands and intends that by signing this stipulation he is waiving the right pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq*; MSA 3.560(101) *et seq*, to require the People to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative.

4. The Board's conferee in this matter, Douglas Mack, M.D., may participate freely in any deliberations of the Disciplinary Subcommittee regarding acceptance of this proposed consent order and stipulation, and may relate to the Disciplinary Subcommittee any knowledge and views of the case acquired by the conferee.

5. Respondent has authorized the undersigned assistant attorney general to speak with the appropriate representative board member to discuss this case. The board member may participate freely in any deliberations of the Disciplinary Subcommittee regarding acceptance of this proposed consent order and stipulation, and may relate to the Disciplinary Subcommittee any knowledge and views of the case acquired by the board member.

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Health Services.

6. The foregoing consent order is approved by the respective parties and may be entered as the final order of the Disciplinary Subcommittee in this cause.

7. The foregoing proposal is conditioned upon its acceptance by the Disciplinary Subcommittee, the parties expressly reserving the right to further proceedings without prejudice should the consent order be rejected.

AGREED TO BY:

Amy M. Ronayne (P41113)
Assistant Attorney General
Attorney for the People
Dated: 6/25/97

AGREED TO BY:

Ashwin H. Shah, M.D.
Respondent

On the 19th day of June, 1997, before me, a Notary Public in and for said county, appeared Ashwin H. Shah, M.D., who, upon oath, stated that he/she has read the foregoing consent order and stipulation by him/her subscribed, that he/she knows the contents thereof to be true and that the signing of same is his/her free act and deed.

Kathleen R. Amrante

Notary Public, Ingham County
State of Michigan
My commission expires: 7-9-01

I have reviewed and approved the foregoing document both as to form and substance.

Marcia Malouin (P51982)
Attorney for Respondent
mlp.cases.amr97.Shah.P.COS

STATE OF MICHIGAN — INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Consumer and Industry Services, Office of Health Services.