



State Medical Board of Ohio

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

February 9, 2000

Mahmoud N. Musa, M.D.
2405 Cheyenne, #125
Toledo, Ohio 43614

Dear Doctor Musa:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 9, 2000, 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 233 896 695
RETURN RECEIPT REQUESTED

SECOND MAILING:

P. O. BOX 458

CERTIFIED RECEIPT NO. Z 281 981 305
RETURN RECEIPT REQUESTED

cc: Thomas J. Addesa, Esq.
CERTIFIED MAIL RECEIPT NO. Z 233 896 696
RETURN RECEIPT REQUESTED

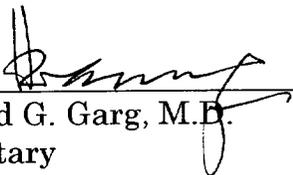
*Mailed 2/11/00
Second Mailing 3/29/00*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of R. Gregory Porter, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 9, 2000, 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 Mahmoud N. Musa, 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.

(SEAL)



Anand G. Garg, M.D.
Secretary

FEBRUARY 9, 2000
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

MAHMOUD N. MUSA, M.D.

*

ENTRY OF ORDER

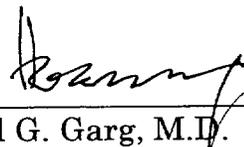
This matter came on for consideration before the State Medical Board of Ohio on February 9, 2000.

Upon the Report and Recommendation of R. Gregory Porter, 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 certificate of Mahmoud N. Musa, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED.

This Order shall become effective thirty days from the date of mailing of notification of approval by the Board. In the thirty day interim, Dr. Musa shall not undertake the care of any patient not already under his care.

(SEAL)



Anand G. Garg, M.D.
Secretary

FEBRUARY 9, 2000
Date

REPORT AND RECOMMENDATION 2000 JAN -5 P 2: 05
IN THE MATTER OF MAHMOUD N. MUSA, M.D.

The Matter of Mahmoud N. Musa, M.D., was heard by R. Gregory Porter, Attorney Hearing Examiner for the State Medical Board of Ohio, on December 6, 1999.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated May 12, 1999, the State Medical Board of Ohio [Board] notified Mahmoud N. Musa, 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:

On or about December 16, 1998, the Illinois Department of Professional Regulation [Illinois Department] issued an Order which adopted the Findings of Fact, Conclusions of Law and Recommendations of the Illinois Medical Disciplinary Board revoking [Dr. Musa's] Certificate of Registration to practice as a Physician and Surgeon in Illinois.

The revocation of [Dr. Musa's] certificate was based upon the Illinois Department's finding that [his] eligibility to participate in the Illinois Medical Assistance Program was terminated on July 9, 1997, due to [Dr. Musa's] overcharging the Illinois Department of Public Aid the sum of \$98,044.56.

The Board alleged that the Illinois Department Order constituted "[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 (as in effect prior to March 9, 1999)."

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

- B. On June 11, 1999, Kevin P. Byers, Esq., submitted a written hearing request on behalf of Dr. Musa. (State's Exhibit 1B)

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II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Rebecca J. Albers, Assistant Attorney General.
- B. On behalf of the Respondent: Thomas J. Addesa, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

No testimony was presented

II. Exhibits Examined

A. Presented by the State

- 1. State's Exhibits 1A through 1S: Procedural exhibits.
- 2. State's Exhibit 2: Certified copies of documents from the State of Illinois Department of Public Aid concerning Dr. Musa.
- 3. State's Exhibit 3: Certified copies of documents from the Illinois Department of Professional Regulation concerning Dr. Musa.

B. Presented by the Respondent

- 1. Respondent's Exhibit A: Copy of a Notice of Motion for Default, and attached Motion to Default, filed on or about June 16, 1997, in the case captioned, *In the Matter of Mahmoud Musa, M.D.*, before the Illinois Department of Public Aid.
- 2. Respondent's Exhibit B: Copy of Dr. Musa's Ohio Driver License, issued September 11, 1997.

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 June 23, 1997, an Administrative Law Judge for the Illinois Department of Public Aid [IDPA] issued a Recommended Decision [Recommendation] in the matter of

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Mahmoud Musa, M.D. The Administrative Law Judge recommended that the IDPA
"should terminate the eligibility of [Dr. Musa] to participate as a vendor in the Medical
Assistance Program, and the [IDPA's] decision to recover \$98,044.56 should be upheld."
Subsequently, by letter dated July 9, 1997, the Director of the IDPA informed Dr. Musa
that the Director had adopted the recommendation of the Administrative Law Judge.
(State's Exhibit [St. Ex.] 2)

In the Recommendation, the Administrative Law Judge noted that Dr. Musa's eligibility to
participate in the Medical Assistance Program had been previously terminated in 1987.
The Recommendation does not state when, or if, Dr. Musa was reinstated as a provider
under that program. (St. Ex. 2)

The Recommendation does not indicate what underlying conduct had been committed by
Dr. Musa that gave rise to the IDPA's 1997 action. (St. Ex. 2)

2. The Illinois Department of Professional Regulation filed a Complaint against Dr. Musa
and mailed it "by certified and regular mail on August 10, 1998, to [Dr. Musa's] last
known address as registered with the Department at: 115 S. Plymouth Court, Apt. 102,
Chicago, Illinois 60605." The certified receipt was returned unsigned. Thereafter,
Dr. Musa failed to appear for a preliminary hearing on September 14, 1998, and a status
hearing on October 19, 1998. On October 19, 1998, an Administrative Law Judge
"ordered that [Dr. Musa] was in default for failing to answer and that the case be sent to
the [Illinois] Board on the pleadings." (St. Ex. 3) [Note: Administrative notice is taken
that the Illinois Administrative Code provides, in part: "It is the responsibility of each
licensee to notify the Department of any change of address. * * *" (68 Illinois
Administrative Code, Chapter VII, Section 1285.120(b))]

On or about November 4, 1998, the Medical Disciplinary Board of the State of Illinois
[Illinois Board] entered its Findings of Fact, Conclusions of Law and Recommendation to
the Director. The Illinois Board found that Dr. Musa's "eligibility to participate in the
Illinois Medical Assistance Program was terminated on July 9, 1997, due to [Dr. Musa]
overcharging the Illinois Department of Public Aid in the sum of \$98,044.56." Moreover,
the Illinois Board recommended that Dr. Musa's Illinois certificate be revoked, and further
recommended that Dr. Musa satisfy a number of conditions prior to filing a Petition for
Restoration. These conditions included requirements that Dr. Musa provide "evidence of
knowledge of current practice in the profession including continuing education or remedial
education"; that he pass the SPEX within three years of filing the petition; and that he make
restitution to the IDPA in the amount of \$98,044.56. (St. Ex. 3)

On or about December 16, 1998, the Director of the Illinois Department of Professional
Regulation adopted the Findings of Fact, Conclusions of Law, and Recommendation of the
Illinois Board. (St. Ex. 3)

3. Dr. Musa's Ohio Driver License, which was issued on September 11, 1997, indicates that Dr. Musa lives at an address in Toledo, Ohio. Moreover, the Notice of Motion for Default filed against Dr. Musa by the IDPA on or about June 6, 1997, had been served on Dr. Musa at his Toledo address, in addition to being sent to Dr. Musa at addresses in Chicago and Maywood, Illinois. (Respondent's Exhibits [Resp. Exs.] A and B)

LEGAL ISSUES

The Respondent made a number of arguments at hearing through his counsel, each of which is separately addressed below:

- First, the Respondent argued that it was a violation of Dr. Musa's right to due process for the Illinois Department of Professional Regulation [Illinois Department] to fail to send a copy of its Complaint to Dr. Musa's address in Toledo, in light of the fact that another Illinois agency, the IDPA, had previously been aware of Dr. Musa's Toledo address. The Respondent further argued that there is no evidence that the Illinois Department had published notice to Dr. Musa after its Complaint was returned unsigned. Moreover, the Respondent argued that such publication of notice would have been required under Chapter 119, Ohio Revised Code, for an Ohio action. Accordingly, the Respondent argued, the Illinois Department action was inconsistent with Ohio's notions of due process and should not be used as a foundation for an Ohio action.

This argument is unpersuasive. Dr. Musa was obliged under Illinois law to provide the Illinois Department with an accurate address, which he apparently had failed to do. Moreover, Section 4731.22(B)(22), Ohio Revised Code, does not impose upon this Board any requirement that it find that another state authority had followed the Ohio Administrative Procedures Act. There is no evidence contained in the record that the Order of the Illinois Department was an unlawful order, or that the Illinois Department violated any Illinois procedural requirements. The Illinois Department was under no obligation to follow Ohio law in the administration of its duties. Further, if Dr. Musa believes that his due process rights had been violated by the Illinois Department, then the proper forum to address that issue would be in Illinois, not the State Medical Board of Ohio.

- Second, the Respondent argued that the Illinois Department acted outside of the requirements of Ohio case law concerning the sufficiency of Board procedure when a Respondent does not receive notice or appear for a hearing. The Respondent argued that, under *Goldman v. State Medical Board of Ohio*,¹ Ohio law does not permit a summary or default action such as occurred in Illinois concerning Dr. Musa. The Respondent further argued that, because such an action would not be permitted in Ohio, the Illinois Department Order can not be used by the Board as the basis for its action.

¹ *Goldman v. State Med. Bd. of Ohio* (1996), 110 Ohio App.3d 124, 673 N.E.2d 677.

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This argument is not persuasive. The *Goldman* case, as it concerned the sufficiency of Board procedure in instances where a Respondent did not timely request a hearing, had been based on earlier language contained in Section 4731.22(B), Ohio Revised Code. The earlier language, which required that Board discipline be imposed pursuant to an adjudicatory hearing, has since been deleted from the statute.² Hence, *Goldman* is no longer good law concerning this issue. Moreover, it was never binding with regard to actions of out-of-state agencies.

- Third, the Respondent made a rather complicated argument based on another case, *Urella v. State Medical Board*.³ The Hearing Examiner understands the Respondent's argument to be as follows: Pursuant to the *Urella* decision, the Board is required under Section 4731.22(B)(22), Ohio Revised Code, to find that the Illinois Department action had been based on conduct by Dr. Musa that would also have violated the Ohio Medical Practices Act. Further, because the Illinois Department action had concerned Dr. Musa's overcharging and being terminated from a medical assistance program, the section of the Ohio Medical Practices Act relevant to the underlying conduct would be Section 4731.22(B)(25), Ohio Revised Code. In turn, Section 4731.22(B)(25) would require a finding that Dr. Musa had also violated either Section 4731.22(B)(2), (3), (6), (8), or (19), Ohio Revised Code. Accordingly, since the Illinois Department made no finding that would support the Ohio Board finding an underlying violation of any of these sections, the Ohio Board can not find that the Illinois Order constituted a violation of Section 4731.22(B)(22), Ohio Revised Code.

The Respondent's argument is not persuasive. In *Urella*, the New York Board had accepted Dr. Urella's surrender of his New York license and made no findings of fact or conclusions of law that its allegations concerning Dr. Urella's alleged misconduct had been true. This is distinguishable from the Illinois action against Dr. Musa, in which the Illinois Department found that Dr. Musa had been terminated from the Illinois Medical Assistance Program due to his overcharging the Illinois Department of Public Aid the sum of \$98,044.56. Moreover, the *Urella* decision had been based on earlier language contained in Section 4731.22(B)(22), Ohio Revised Code. The earlier language had required that, prior to the Board finding that another state's action had constituted a violation of Section 4731.22(B)(22), the Board first find that the conduct underlying the other state's action would have violated the Ohio Medical Practices Act. However, this language has since been amended, and the requirement that the Board find an underlying violation of Ohio law has been eliminated from Section 4731.22(B)(22).⁴

- Finally, the Respondent argued that nothing in the Illinois Department of Public Aid documents had specified the basis for that agency's allegations against Dr. Musa, nor did

² See Am.Sub.S.B. No. 259 (121st General Assembly).

³ *Urella v. State Med. Bd.* (1997), 118 Ohio App.3d 555, 693 N.E.2d 846.

⁴ See Am.Sub.S.B. No. 143 (121st General Assembly).

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the Illinois Department of Professional Regulation make any specific findings concerning the conduct of Dr. Musa that gave rise to that agency's action. Although these characterizations of the evidence are correct, this argument must fail, because Section 4731.22(B)(22), Ohio Revised Code, does not require such findings to have been made. The Board need only show that Dr. Musa's Illinois certificate was disciplined by the proper Illinois authority in one of several specified ways. Nevertheless, the lack of specific information concerning Dr. Musa's conduct, although not relevant to the determination of whether a violation occurred, would have been helpful to the Board in considering an disposition of this matter.

FINDINGS OF FACT

On or about December 16, 1998, the Illinois Department of Professional Regulation issued an Order which adopted the Findings of Fact, Conclusions of Law, and Recommendation of the Illinois Medical Disciplinary Board revoking the certificate of Mahmoud N. Musa, M.D., to practice as a physician in Illinois, and requiring that Dr. Musa satisfy certain conditions prior to filing a Petition for Restoration.

The revocation of Dr. Musa's certificate was based upon the finding of the Illinois Department of Professional Regulation that Dr. Musa's eligibility to participate in the Illinois Medical Assistance Program had been terminated on July 9, 1997, due to Dr. Musa's overcharging the Illinois Department of Public Aid in the amount of \$98,044.56.

CONCLUSIONS OF LAW

The Order of the Illinois Department, as set forth in the Findings of Fact, 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 (as in effect prior to March 9, 1999).

* * * * *

The evidence indicated that Dr. Musa overcharged the Illinois Department of Public Aid the sum of \$98,044.56, that his eligibility to participate in the Illinois Medical Assistance Program was terminated, and that he was disciplined by the Illinois Department of Professional Regulation as a result. This Board has in the past determined that such conduct, if involving fraud, is deserving of permanent revocation. In this case, because of the lack of specific information concerning

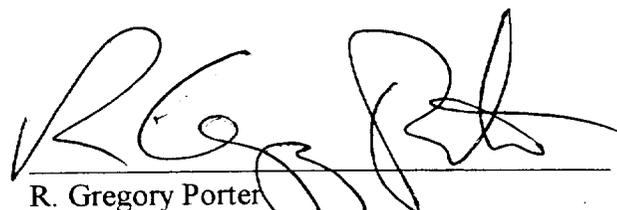
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Dr. Musa's underlying conduct, the Board may wish to give Dr. Musa an opportunity to demonstrate at some time in the future that he is worthy of Ohio licensure.

PROPOSED ORDER

It is hereby ORDERED that the certificate of Mahmoud N. Musa, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED.

This Order shall become effective thirty days from the date of mailing of notification of approval by the Board. In the thirty day interim, Dr. Musa shall not undertake the care of any patient not already under his care.



R. Gregory Porter
Attorney Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 9, 2000

REPORTS AND RECOMMENDATIONS

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

Dr. Egner 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 Lawrence R. Bailey, Jr., M.D.; Rajesh Batish, M.D.; Nael L. Dayoub, M.D.; John H. Fancher, M.D.; Anil K. Sharma, M.D.; and Mahmoud N. Musa, M.D. A roll call was taken:

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

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

Dr. Egner noted that Dr. Musa has requested and been granted a postponement of the deliberation of his case until 4:00 p.m. today.

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

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MAHMOUD N. MUSA, M.D.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF MAHMOUD N. MUSA, M.D. DR. SOMANI SECONDED THE MOTION.

.....

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

VOTE:	Mr. Albert	- abstain
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-9315 • 614/ 466-3934 • Website: www.state.oh.us/med/

May 12, 1999

Mahmoud N. Musa, M.D.
2405 Cheyenne, #125
Toledo, OH 43614

Dear Doctor Musa:

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 December 16, 1998, the Illinois Department of Professional Regulation (hereinafter the "Illinois Department") issued an Order which adopted the Findings of Fact, Conclusions of Law and Recommendations of the Illinois Medical Disciplinary Board revoking your Certificate of Registration to practice as a Physician and Surgeon in Illinois.

The revocation of your certificate was based upon the Illinois Department's finding that your eligibility to participate in the Illinois Medical Assistance Program was terminated on July 9, 1997, due to your overcharging the Illinois Department of Public Aid the sum of \$98,044.56. Copies of the Illinois Department Order and the Findings of Fact, Conclusions of Law and Recommendation of the Illinois Medical Disciplinary Board are attached hereto and fully incorporated herein.

The Illinois Department Order 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 (as in effect prior to March 9, 1999).

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.

Mailed 5/13/99

Mahmoud N. Musa, M.D.

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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,

A handwritten signature in black ink, appearing to read "Anand G. Garg".

Anand G. Garg, M.D.
Secretary

AGG/jag

Enclosures

CERTIFIED MAIL # Z 233 896 389
RETURN RECEIPT REQUESTED

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
v.)
MAHMOUD MINIR MUSA)
License No. 36-060791, Respondent)

No. 199706310-1

ORDER

This matter having come before the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois, and the Medical Disciplinary Board, having made certain Findings of Fact, Conclusions of Law and a Recommendation to the Director of the Department; and the Department having complied with all required notices; and the time allowed for filing of a Motion for Rehearing before the Director of the Department having now passed;

NOW, THEREFORE, I, NIKKI M. ZOLLAR, DIRECTOR OF THE DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, do hereby adopt the Findings of Fact, Conclusions of Law and Recommendation of the Medical Disciplinary Board in this matter.

IT IS THEREFORE ORDERED that the Certificate of Registration, License No. 36-060791, heretofore issued to Mahmoud Minir Musa to practice as a Physician and Surgeon in the State of Illinois is Revoked.

Prior to filing a Petition of Restoration, Respondent must show that he has been sufficiently rehabilitated to warrant the public trust and does not pose a threat to the public. Elements which Respondent will be required to show at the time of the

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L. J. S. 1001
D. J. S. 1001

Petition include, but are not limited to, evidence of knowledge of current practice in the profession, including continuing education or remedial education, and evidence that Respondent has passed the Special Purpose Examination (SPEX) within three (3) years of filing any Petition of Restoration.

Respondent must further prove that he has successfully complied with any sanctions by the Illinois Department of Public Aid, including repaying the amount he overcharged in the amount of Ninety Eight Thousand Forty Four Dollars and Fifty Six Cents (\$98,044.56).

Respondent Musa is hereby put on notice that, if he violates any provisions of "The Medical Practice Act" while disciplined, such information may be presented by the Department during any hearing on the Petition for Restoration of his license, Certificate No. 36-060791.

IT IS FURTHER ORDERED that Mahmoud Minir Musa immediately surrender said Certificate of Registration and all other indicia of licensure to the Department of Professional Regulation of the State of Illinois. Upon failure to do so, the Department shall seize said Certificate of Registration.

DATED THIS 16th DAY OF December, 1998.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

Nikki M. Zollar
NIKKI M. ZOLLAR
DIRECTOR

NMZ:reu

REF: License No. 36-060791
Case No. 199706310-1

STATE OF ILLINOIS
DEPARTMENT OF PROFESSIONAL REGULATION

15000
10/15/98

DEPARTMENT OF PROFESSIONAL REGULATION)	
of the State of Illinois, Complainant,)	
)	
v.)	No. 97-06310-LEG
)	
MAHMOUD MINIR MUSA,)	
License No. 036-060791,)	
Respondent)	

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDATION TO THE DIRECTOR

Now comes the Medical, Disciplinary Board of the State of Illinois and, after reviewing the pleadings in this matter, hereby makes the following Findings of Fact, Conclusions of Law and Recommendation to the Director:

FINDINGS OF FACT

1. Mahmoud Nimir Musa is the holder of a Certificate of Registration as a physician and surgeon in the State of Illinois, License No. 036-060791, issued by the Illinois Department of Professional Regulation. Respondent's license is presently in active status.
2. The Department filed a Complaint against the Respondent and sent notice of said Complaint to the Respondent by certified and regular mail on August 10, 1998 to Respondent's last known address as registered with the Department at: 115 S. Plymouth Court, Apt. 102, Chicago, Illinois 60605. Said certified receipt of Notice and Complaint was returned unsigned.
3. Respondent failed to appear, either in person or by counsel, for a Preliminary Hearing on September 14, 1998 or at a

[Handwritten notes and stamps]

subsequent Status Hearing on October 19, 1998. Mr. Norman J. Lasko appeared for the Department.

4. On September 14, 1998, Administrative Law Judge Philip S. Howe ordered that Respondent file an Answer to the Department's Complaint on or before October 14, 1998, and sent notice thereof.

5. Time has now passed and no Answer has been filed by or on behalf of the Respondent.

6. On October 19, 1998 Administrative Law Judge Philip S. Howe ordered that the Respondent was in default for failing to answer and that the case be sent to the Board on the pleadings.

7. Respondent's eligibility to participate in the Illinois Medical Assistance Program was terminated on July 9, 1997 due to Respondent overcharging the Illinois Department of Public Aid in the sum of \$98,044.56.

CONCLUSIONS OF LAW

- 1. The Illinois Medical Disciplinary Board has jurisdiction over the subject matter and of the parties in this case.
- 2. Respondent is in violation of Illinois Compiled Statutes, Chapter 225 (1992), Act 60, Section 22, Paragraph A-34 and A-36.

RECOMMENDATION

The Illinois Medical Disciplinary Board, after making the above Findings of Fact and Conclusions of Law, recommends to Nikki M. Zollar, the Director of the Department of Professional Regulation, that Mahmoud Minir Musa's medical license, Certificate No. 036-060791 be revoked.

Prior to filing a Petition of Restoration, Respondent must

show that he has been sufficiently rehabilitated to warrant the public trust and does not pose a threat to the public. Elements which Respondent will be required to show at the time of the Petition include, but are not limited to, evidence of knowledge of current practice in the profession, including continuing education or remedial education, and evidence that Respondent has passed the Special Purpose Examination (SPEX) within three years of filing any Petition of Restoration.

Respondent must further prove that he has successfully complied with any sanctions by the Illinois Department of Public Aid, including repaying the amount he overcharged in the amount of \$98,044.56.

Respondent Musa is hereby put on notice that, if he violates any provisions of "The Medical Practice Act" while disciplined, such information may be presented by the Department during any hearing on the Petition for Restoration of his license, Certificate No. 036-0060791.

Dated this 4th day of November, 1998.

Chairman

Herb J. Handeler
Jay H. Cook
Allan C. Bennett

Georgia D. Kubber
M. J. Whisly