



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

December 13, 2006

Shaji Jaffrey Kazi, M.D.
8622 East Wood Drive
Scottsdale, AZ 85260

Dear Doctor Kazi:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 13, 2006, 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 must be taken to the Franklin County Court of Common Pleas.

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

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4330 2023
RETURN RECEIPT REQUESTED

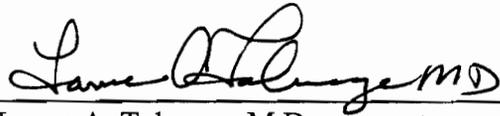
Cc: Kevin P. Byers, Esq.
CERTIFIED MAIL NO. 7003 0500 0002 4330 1996
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Mailed 12-15-06

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 13, 2006, 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 Shaji Jaffrey Kazi, 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

December 13, 2006
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

SHAJI JAFFREY KAZI, M.D.

*

ENTRY OF ORDER

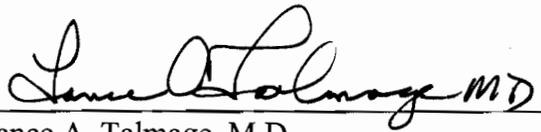
This matter came on for consideration before the State Medical Board of Ohio on December 13, 2006.

Upon the Report and Recommendation of Patricia A. Davidson, 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 no further action shall be taken in the Matter of Shaji Jaffrey Kazi, M.D.

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

(SEAL)



Lance A. Talmage, M.D.
Secretary

December 13, 2006

Date

**REPORT AND RECOMMENDATION
IN THE MATTER OF SHAJI JAFFREY KAZI, M.D.**

2006 NOV 13 A 11: 16

The Matter of Shaji Jaffrey Kazi, M.D., was heard by Patricia A. Davidson, Hearing Examiner for the State Medical Board of Ohio, on October 2, 2006.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated April 12, 2006, the State Medical Board of Ohio [Board] notified Shaji Jaffrey Kazi, M.D., of proposed disciplinary action against his certificate to practice allopathic medicine and surgery in Ohio. The Board's action was based on an allegation that the Illinois Division of Professional Regulation had issued an order that indefinitely suspended Dr. Kazi's Illinois medical license due to his failure to respond to a notice that he was required to submit a report regarding a malpractice settlement.

The Board further alleged that the Illinois administrative action constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery * * * in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in R.C. 4731.22(B)(22). (State's [St.] Exhibit [Ex.]1A)

- B. On April 19, 2006, Dr. Kazi submitted a hearing request. (St. Ex. 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Damion M. Clifford, Assistant Attorney General.
- B. On behalf of the Respondent: Kevin P. Byers, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Shaji Jaffrey Kazi, M.D.

II. Exhibits Examined

A. State's Exhibits

1. State's Exhibits 1A through 1L: Procedural Exhibits.

2. State's Exhibit 2: Documents maintained by the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation [DFPR], in *DFPR v. Kazi*, Case No. 2004-1731.
 3. State's Exhibit 3: Certified statement regarding Dr. Kazi's Ohio certificate to practice medicine and surgery.
- B. Respondent's Exhibits
1. Respondent's Exhibit A: Curriculum vitae of Dr. Kazi.
 2. Respondent's Exhibit B (Substitute): Certified copy of the final Consent Order entered on October 25, 2006, in the Illinois administrative action, *DFPR v. Kazi*, Case No. 2004-1731.
 3. Respondent's Exhibit C: August 21, 2006, letter to Dr. Kazi from the Arizona Medical Board.
 4. [Respondent's Exhibit D was excluded.]
 5. Respondent's Exhibit E: Copies of the Board's decision in *Matter of Howard-McGrady, M.D.* (January 2005), with Board minutes showing discussion.
- C. Board Exhibit 1: An additional procedural exhibit, consisting of a post-hearing motion.

PROCEDURAL MATTERS

1. At hearing, the Respondent presented a copy of a non-final Consent Order in the Illinois administrative action, which was signed by a member of the Illinois Medical Disciplinary Board, by an attorney for the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation [DFPR], and by Dr. Kazi. However, the Consent Order had not yet been approved by the Director of the DFPR, whose signature was necessary for the order to have final, binding effect. At hearing, the Hearing Examiner held the record open to receive the fully executed order. On November 2, 2006, the Respondent filed a certified copy of the final Consent Order. On November 3, 2006, the Hearing Examiner admitted the final Consent Order as Respondent's Exhibit B (Substitute). The record closed at that time. The exhibit is referred to herein simply as "Resp. Ex. B."
2. On November 2, 2006, the Respondent also filed a Motion for Administrative Notice of Public Records requesting the Hearing Examiner to take notice of information regarding Dr. Kazi's licensure status on the DFPR website (*www.idfpr.com*). On November 9, 2006, the Respondent withdrew the motion by telephone upon learning that the website had contained a clerical error that has since been corrected. The motion is, therefore, deemed withdrawn. The Hearing Examiner re-opened the record to admit the motion as an additional procedural exhibit, Board Exhibit 1, and the record then closed on November 9, 2006.

PROFFERED MATERIAL

The Hearing Examiner excluded from the record Respondent's Exhibit D, a letter written by Dr. Kazi's attorney in the Arizona administrative proceedings to his attorney in the Ohio proceedings. At Respondent's request, the letter was held as a proffer.

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.

Background

1. Shaji Jaffrey Kazi, M.D., testified that he graduated from Dow Medical School in Karachi, Pakistan, in 1988, after which he came to the United States. In 1992, he completed a three-year residency in internal medicine at the University of Illinois at Chicago. From 1992 to 1993, Dr. Kazi worked as an assistant professor at the University of Chicago and was an attending physician in internal medicine at West Side Veteran's Administration Hospital in Chicago. (Resp. Ex. A; Hearing Transcript [Tr.] at 8-9)

From 1993 to 1995, Dr. Kazi completed a fellowship in gastroenterology at Lutheran General Hospital in Park Ridge, Illinois, affiliated with the University of Chicago. In 1995, he began private practice in Chicago. In early 2003, Dr. Kazi was considering employment offers in Ohio and Arizona, and he obtained an Ohio certificate at that time. In December 2003, Dr. Kazi moved to Arizona, where he began private practice in gastroenterology in January 2004. Dr. Kazi is board-certified in both internal medicine and gastroenterology. His Ohio certificate expired in October 2004, and his Illinois license expired in 2005, but his Arizona license remains active. (Tr. at 8-12; Resp. Ex. A; St. Ex. 3).

Administrative Proceedings in Illinois

2. On March 25, 2004, the Illinois Medical Disciplinary Board [Illinois Board] of the Illinois Division of Professional Regulation, Department of Financial and Professional Regulation [DFPR] sent a notice to Dr. Kazi informing him that he was required to submit a mandatory report regarding a malpractice settlement that had been reported to the DFPR from another source, and the DFPR directed him to respond within 60 days. (St. Ex. 2)
3. Dr. Kazi failed to respond to this notice. At hearing, he explained that the notice had been mailed to his former address in Chicago and had not been forwarded to Arizona, where he was then living. Dr. Kazi testified that, at that time, he had not known of his duty to inform the Illinois Board of his new address in Arizona. He further testified that he had never had a malpractice case before and was not aware that the DFPR would send him a notice about the settlement that would require a response. (Tr. at 14-17, 25; St. Ex. 2)
4. In January 2005, the DFPR filed an administrative complaint against Dr. Kazi, *DFPR v. Kazi*, Case No. 2004-1731. The DFPR sent the complaint and a notice of preliminary hearing to

Dr. Kazi at his last known addresses in Illinois, directing him to file an answer in 20 days and to appear in April 2005 to set a hearing date. (St. Ex. 2)

5. Dr. Kazi failed to answer or otherwise respond to the complaint, and he did not appear in person or through counsel at the preliminary hearing in April 2005. He testified that he had remained unaware of the Illinois action at that time, as the complaint and notice had not been forwarded to him in Arizona. (St. Ex. 2; Tr. at 13-14, 16)
6. In April 2005, an Illinois administrative law judge ordered Dr. Kazi to file an answer in 30 days or be held in default. Again, Dr. Kazi failed to respond. (The documents do not state the address to which this order was sent.) (St. Ex. 2)
7. On August 17, 2005, the Illinois Board issued its Findings of Fact, Conclusions of Law and Recommendation in Case No. 2004-1731, finding violations of Sections 60/22(A)(13) and 60/23(E) of the Illinois Compiled Statutes, Chapter 225.¹ The Illinois Board recommended that the DFPR suspend Dr. Kazi's license indefinitely. (St. Ex. 2)
8. On December 28, 2005, the DFPR issued an order in Case No. 2004-1731, indefinitely suspending Dr. Kazi's Illinois medical license. (St. Ex. 2)

Restoration of the Illinois License

9. Dr. Kazi testified that he first learned of the Illinois action when the Arizona Board sent him a letter in February 2006, asking him to provide an explanation regarding the events in Illinois. Dr. Kazi stated that he immediately contacted the Illinois Board, learned what had happened, and promptly provided the Illinois Board with the report that had been required. In addition, Dr. Kazi filed a request to have his Illinois license restored to good standing. (Tr. at 13-19; Resp. Ex. B)

In June 2006, Dr. Kazi met with staff members of the Illinois DFPR regarding the restoration of his license, and, in August 2006, Dr. Kazi signed a Consent Order under which his Illinois license would be restored and he would pay a fine of \$1,000. It was Dr. Kazi's understanding that he was no longer deemed to be in violation of Illinois law for failure to file the mandatory report and that the fine was imposed due to his delay in filing the report. (Tr. at 17, 25, 27, 29-30)

10. On October 25, 2006, the Director of the DFPR signed the Consent Order in *DFPR v. Kazi*, Case No. 2004-1731, which became effective as of that date. In this Consent Order—which was entered under the same case number as the prior suspension order and, therefore, appears to constitute the final order in Case No. 2004-1731—the DFPR set forth no violation of Illinois law by Dr. Kazi. (Resp. Ex. B)

¹ Chapter 225 of the Illinois Compiled Statutes sets forth the Illinois Medical Practice Act. Section 60/23(E) provides, among other things, that, when the Illinois Board receives a report regarding one of its licensees, such as a report of a malpractice settlement, the Illinois Board notifies the licensee, and the licensee must submit a responsive report and any relevant medical records. The Illinois Board reviews the matter and makes a determination as to whether there are sufficient facts to warrant further investigation or action. Section 60/22(A)(13) provides that the DFPR may discipline a licensee who has violated any provision of the Medical Practice Act.

The Illinois DFPR set forth the following stipulated facts in the Consent Order: that Dr. Kazi's license had been suspended in December 2005; that he had petitioned for its restoration; that Dr. Kazi had "presented evidence that the failure to respond to the mandatory report of a malpractice settlement, which is the lapse resulting in the Suspension, was inadvertent and was due to moving out of state without providing the Department with his change of address," and that Dr. Kazi "has since provided a detailed response to the mandatory report"; that Dr. Kazi "presented evidence that he is sufficiently rehabilitated to warrant the public trust"; and that restoration of his license to practice medicine was "within the public interest." (Resp. Ex. B)

Administrative Proceedings in Arizona

11. Dr. Kazi testified that, when the Arizona Medical Board contacted him in February 2006, he responded promptly, explaining what had happened in Illinois as a result of his failure to provide his current address to the Illinois Board. (Tr. at 19-20)

On August 21, 2006, the Arizona Medical Board notified Dr. Kazi that, after investigating the case, it found no violation of the Arizona Medical Practice Act and dismissed its case. (Resp. Ex. C; Tr. 19-20)

Additional Testimony by Dr. Kazi

12. Dr. Kazi noted that the Illinois Board did not pursue any action based on the malpractice case, and that the basis of the administrative action against him was based solely on his failure to respond to the notice informing him of the mandatory report. (Tr. 15-17)

Dr. Kazi fully acknowledged that he had an obligation to notify the Illinois DFPR within a certain time period after he changed his address, but he testified that he had not realized this obligation at the time and that his error was a "totally inadvertent mistake." He testified that, due to his omission, the Illinois regulatory agency's March 2004 notice and subsequent pleadings were served upon Dr. Kazi at Illinois addresses in its records. He further testified that, to the best of his knowledge, none of the materials were forwarded to him at any address in Arizona. (Tr. 14, 17-18, 29; St. Ex. 2)

FINDINGS OF FACT

1. On December 28, 2005, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation [DFPR] issued an order in Case No. 2004-1731, indefinitely suspending the certificate of Shaji J. Kazi, M.D., to practice as a physician in Illinois. The reason for the suspension was Dr. Kazi's failure to respond to a notice from the Illinois Medical Disciplinary Board in March 2004 that he must submit an explanation and medical records regarding a malpractice settlement.
2. Although the DFPR served Dr. Kazi at his last known address or addresses in Illinois, Dr. Kazi did not receive the notice from the Illinois DFPR, nor the other mailings regarding the

administrative proceedings in Illinois, because he had failed to notify the DFPR of his new address when he moved to Arizona in December 2003.

3. In April 2006, the State Medical Board of Ohio notified Dr. Kazi of proposed disciplinary action against his certificate to practice medicine in Ohio, based on the December 2005 suspension imposed by the Illinois DFPR in Case No. 2005-1731. Subsequently, on October 25, 2006, the DFPR issued a Consent Order in Case No. 2004-1731, in which it set forth stipulations including the following: that the DFPR had suspended Dr. Kazi's license in December 2005 due to his violation of the Illinois Medical Practice Act; that he had petitioned for its restoration; that Dr. Kazi had "presented evidence that the failure to respond to the mandatory report of a malpractice settlement, which is the lapse resulting in the Suspension, was inadvertent and was due to moving out of state without providing the Department with his change of address"; that Dr. Kazi had "since provided a detailed response to the mandatory report" as required by the DFPR; that he had "presented evidence that he is sufficiently rehabilitated to warrant the public trust"; and that restoration of his license to practice medicine in Illinois was "within the public interest." In addition, the DFPR imposed a fine of \$1,000.00.

CONCLUSIONS OF LAW

The administrative action by the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, as set forth above in Finding of Fact 1, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery * * * in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in R.C. 4731.22(B)(22).

* * * * *

The heart of this matter was Dr. Kazi's failure to provide his new address to the Illinois DFPR when he moved from Illinois to Arizona in December 2003, which the DFPR recognized in its final order. Dr. Kazi worked diligently to correct the problem and promptly provided the required information when he learned of the mandatory report. In addition, there is no evidence to suggest that the DFPR pursued any action with respect to the underlying malpractice settlement.

The Illinois Consent Order in October 2006 did not rescind or supersede the prior Illinois order of suspension. Thus, the suspension ended but was not vacated or voided. Rather, the Illinois DFPR indicated acceptance of Dr. Kazi's evidence that his violation had been inadvertent, and it granted restoration of his license in good standing.

Dr. Kazi has been extensively penalized for his failure to notify the DFPR of his new address: the DFPR suspended his Illinois license; he lost substantial time and money to retain legal counsel, travel to Illinois, and negotiate an agreement to restore his Illinois license to good standing (even though it had expired the year before); he was ordered to pay a \$1,000 fine; he was required to explain himself to the Arizona Board regarding the events in Illinois; and he was obliged to defend himself at a

hearing in Ohio. It is extremely unlikely that he will ever again fail to inform a medical board of his current address.

There is no evidence that Dr. Kazi's practice of medicine poses any risk of harm to the public. Moreover, his Ohio certificate has now been expired for more than two years; therefore, if he ever wants to practice medicine in Ohio, he will have to file a restoration application, with full review by the Board before he could be granted a certificate to practice in Ohio. Under the circumstances, no further action is necessary.

PROPOSED ORDER

It is hereby ORDERED that no further action shall be taken in the Matter of Shaji Jaffrey Kazi, M.D.

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



Patricia A. Davidson
Hearing Examiner



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 13, 2006

REPORTS AND RECOMMENDATIONS

Dr. Robbins announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Ravi Chandra Ashwath, M.D.; Alexander M. Beylinson, M.D.; Harry Michael Condoleon, D.O.; Shaji Jaffrey Kazi, M.D.; Tera Jean Martin, M.T.; Lalsingh P. Rohira, M.D.; Robert Franklin Short, M.D.; and Gretel Case Stephens, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins 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. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye

Dr. Steinbergh - aye
Dr. Robbins - aye

Dr. Robbins noted that, 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. They may, however, participate in the matter of Dr. Beylinson, as that case is not disciplinary in nature and concerns only the doctor's qualifications for licensure. . In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

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

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SHAJI JAFFREY KAZI, M.D.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. DAVIDSON'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF SHAJI JAFFREY KAZI, M.D. DR. KUMAR SECONDED THE MOTION.

.....

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

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Robbins	- aye

The motion carried.



State Medical Board of Ohio

April 12, 2006

Shaji Jaffrey Kazi, M.D.
70 West Huron #1902
Chicago, Illinois 60610

Dear Doctor Kazi:

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

- (1) On or about December 28, 2005, the Division of Professional Regulation, State of Illinois Department of Financial and Professional Regulation, issued an order indefinitely suspending your Certificate of Registration to practice as a Physician and Surgeon in the State of Illinois [Illinois Order]. The conduct underlying the suspension was your failure to timely respond to the Illinois Medical Disciplinary Board's notification of a mandatory report of a \$130,000 malpractice settlement.

Copies of the Illinois Order and related Complaint; Notice of Preliminary Hearing; Findings of Fact, Conclusions of Law, and Recommendation to the Director; 20 Day Notice; and Notices accompanying the Order are attached hereto and incorporated herein.

The Illinois Order as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), 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 days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted

Mailed 4-13-06

Shaji Jaffrey Kazi, M.D.

Page 2

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 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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/jjv
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4330 8346
RETURN RECEIPT REQUESTED

Duplicate Mailing: 8761 East Bell Road, Suite 105
Scottsdale, Arizona 85260-1305

CERTIFIED MAIL # 7003 0500 0002 4330 8339
RETURN RECEIPT REQUESTED

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION)
of the State of Illinois Complainant)
v.) No. 2004017311
SHAJI J. KAZI Respondent)
License No. 036083417)

20 DAY NOTICE

TO: Shaji J. Kazi University of Illinois
70 West Huron Department of Graduate Medical Education
Apt.# 1902 Attn: Shaji J. Kazi
Chicago, Illinois 60610 840 S. Wood Street
Chicago, Illinois 60612

PLEASE TAKE NOTICE that the Medical Disciplinary Board of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois, after hearing and considering evidence presented in the above case, has recommended Indefinite Suspension of your license to practice as a Physician and Surgeon in the State of Illinois. A copy of the Medical Disciplinary Board's Findings of Fact, Conclusions of Law and Recommendation is attached hereto.

YOU ARE HEREBY NOTIFIED that you have 20 days from the date this Notice is mailed to present to this Department your written Motion for a Rehearing. Said Motion shall specify the particular grounds for a Rehearing.

The Director of this Department may grant oral argument on this Motion if he deems it necessary for a clearer understanding of the issues presented.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois

DIVISION OF PROFESSIONAL REGULATION

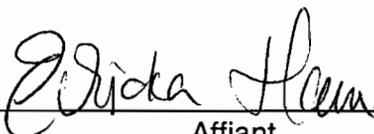
BY: David K. Igasaki
David K. Igasaki
Attorney for the Department

David K. Igasaki
Attorney for the Department
of Financial and Professional Regulation
of the State of Illinois
Division of Professional Regulation
100 West Randolph Street
Suite 9-300
Chicago, Illinois 60601
312/814-2737

RECEIVED
DEPARTMENT OF
PROFESSIONAL REGULATION
OCT 4 - 4 PM 12:48

State of Illinois)
)
County of Cook) ss:

UNDER PENALTY of perjury, as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused the attached NOTICE, FINDINGS OF FACT, CONCLUSIONS OF LAW, and RECOMMENDATION TO THE ACTING DIRECTOR to be deposited in the United States mailbox located at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601 and by mailing same by certified mail at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601 before 5:00p.m. with proper postage prepaid on the 5th day of October, 2005 to all parties at the addresses listed on the attached documents.



Affiant

7004 2890 0004 2871 8662
CERTIFIED MAIL RECEIPT NO. 8679
" " " "

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION Of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	No. 2004-01731-1
)	
SHAJI J. KAZI)	
License No. 36-083417)	
Respondent.)	

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

Now comes the Medical Disciplinary Board of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois and, after reviewing the pleadings in this matter, a majority of its members hereby renders the following Findings of Fact, Conclusions of Law and Recommendation to the Director:

FINDINGS OF FACT

1. THAT Shaji J. Kazi, Respondent, is a duly registered Physician and Surgeon in the State of Illinois, having been issued a Certificate of Registration, License No. 36-083417. Said license is presently in active status.
2. THAT the Department/Division of Professional Regulation filed a Complaint against the Respondent and sent notice of said Complaint by certified and regular mail to Respondent's last known address.
3. THAT Respondent failed to appear, either in person or by counsel, for a Preliminary Hearing.
4. THAT on April 11, 2005, Administrative Law Judge Michael J. Lyons ordered that Respondent file an Answer to the Department/Division of Professional Regulation's Complaint or be held in Default on or before May 11, 2005.
5. THAT the time has now passed and no Answer has been filed by or on behalf of the Respondent.
6. THAT on June 13, 2005, Administrative Law Judge James Jeffrey Canavan transferred this matter to the Medical Disciplinary Board for its deliberation based on the pleadings.
7. THAT on March 25, 2004, the Medical Disciplinary Board mailed notification to Respondent of a mandatory report of a \$130,000 malpractice settlement in Case No. 00L 11162 in the Circuit Court of Cook County, Illinois and directed him to send them a response within sixty (60) days.

8. THAT Respondent failed to respond to the mandatory report within sixty (60) days.
9. THAT the foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to 225 Illinois Compiled Statutes (2000), Sections 60/22(A)(13) and 60/23(E).

CONCLUSIONS OF LAW

1. THAT the Medical Disciplinary Board of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois has jurisdiction over the subject matter and of the parties in this case.
2. THAT the Respondent violated 225 Illinois Compiled Statutes (2000), Section 60/22(A)(13), as charged in the Department's Complaint.
3. THAT the Respondent violated 225 Illinois Compiled Statutes (2000), Section 60/23(E), as charged in the Department's Complaint.

RECOMMENDATION

The Medical Disciplinary Board of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois, after making the above Findings of Fact and Conclusions of Law, recommends that the Certificate of Registration, License No. 36-083417 of Shaji J. Kazi be Indefinitely Suspended. Respondent Shaji J. Kazi is placed on notice that, should he violate any provision of the Medical Practice Act while suspended, the Department may initiate additional action or use such information in objection to any Petition for Restoration.

DATED THIS 17th DAY OF August, 2005.

Douglas P. Webster
CHAIRMAN, Douglas P. Webster, D.O.

Linda R. Zyzanski
MEMBER

Sandra J. Olson
MEMBER

Marie Lopez
MEMBER

MEMBER

[Signature]
MEMBER

MEMBER

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
v.) No. 2004-01731-1
SHAJI J. KAZI Respondent)
License No. 036-083417)

NOTICE OF PRELIMINARY HEARING

TO: Shaji J. Kazi Shaji J. Kazi
70 W. Huron Department of Graduate Medical Education
APT.# 1902 840 S. Wood Street
Chicago, Illinois 60610 Chicago, Illinois 60612

PLEASE TAKE NOTICE that on April 11, 2005, at 10:30 a.m., you are directed to appear before the Medical Disciplinary Board of the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation, located at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601, at which time a hearing date will be set. You are requested to then and there present any and all routine motions you may wish to have heard regarding the charges contained in the attached Complaint. Any motions presented on the above date should be served on the Adjudicative Services Unit of the Division of Professional Regulation, at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601, at least three (3) business days in advance of the scheduled meeting.

Your appearance on the scheduled date is mandatory and failure to so appear may result in the selection of a hearing date in your absence, unless a continuance has been secured in advance of the meeting. Your appearance may be made personally or through counsel.

It is required that you file a VERIFIED ANSWER to the attached Complaint with the Department of Financial and Professional Regulation within twenty (20) days after service of the Complaint upon you.

RULES OF PRACTICE IN ADMINISTRATIVE HEARINGS IN THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION AND BEFORE COMMITTEES OR BOARDS OF SAID DEPARTMENT, AS WELL AS PRACTICE ACTS AND RULES MAY BE REQUESTED BY CALLING THE FORMS UNIT AT 312/814-1695.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois
DIVISION OF PROFESSIONAL REGULATION

BY: David K. Igasaki
David K. Igasaki
Attorney for the Department

David K. Igasaki
Attorney for the Department
of Financial and Professional Regulation
of the State of Illinois
Division of Professional Regulation
100 West Randolph Street, Suite 9-300
Chicago, Illinois 60601
312/814-2737

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PROFESSIONAL REGULATION
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State of Illinois)
)
County of Cook) ss:

UNDER PENALTY of perjury, as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused the attached NOTICE and COMPLAINT to be deposited in the United States mailbox located at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601 and by mailing same by certified mail at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601 before 5:00p.m. with proper postage prepaid on the 31st day of January, 2005 to all parties at the addresses listed on the attached documents.

David R. Szarab
Affiant

Certified Mail # 7000-0520-0012-7669-6537
Certified Mail # 7000-0520-0012-7669-6544

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION)
of the State of Illinois)
Complainant)
v.) No. 2004-01731-1
SHAJI J. KAZI)
Respondent)
License No. 036-083417)

COMPLAINT

Now comes the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by its Chief of Medical Prosecutions, Michael J. Lyons, and as its COMPLAINT against Shaji J. Kazi, complains as follows:

1. Shaji J. Kazi is presently the holder of a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License No. 036-083417, issued by the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois. Said license is presently in Active status.
2. On March 25, 2004, the Medical Disciplinary Board mailed notification to Shaji J. Kazi of a mandatory report of a \$130,000.00 malpractice settlement in Case No. 00L 11162 in the Circuit Court of Cook County, Illinois and directed him to send them a response within sixty (60) days.

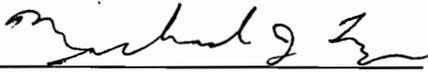
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3. Shaji J. Kazi failed to respond to the mandatory report within (60) days and, in fact, his response was not received as of the filing of this Complaint.
4. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to Illinois Compiled Statutes (2000), Chapter 225, paragraph(s) 60/22 (A) (13) and 60/23 (E).

WHEREFORE, based on the foregoing allegations, the DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, by Michael J. Lyons, its Chief of Medical Prosecutions., prays that the Physician and Surgeon license of Shaji J. Kazi be suspended, revoked, or otherwise disciplined.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois

Division of Professional Regulation

BY: 
MICHAEL J. LYONS
CHIEF OF MEDICAL PROSECUTIONS

David K. Igasaki
Attorney for the Department
of Financial and Professional Regulation
of the State of Illinois
100 West Randolph Street
Suite 9-300
Chicago, Illinois 60601
312/814-2737

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION)
of the State of Illinois)
) Complainant
v.)
SHAJI J. KAZI) Respondent
License No. 036083417)
) No. 2004017311

ORDER

This matter having come before the Medical Disciplinary Board of the Division of Professional Regulation of the Department of Financial and 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, DANIEL E. BLUTHARDT, ACTING DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION OF THE DEPARTMENT OF FINANCIAL AND 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. 036083417, heretofore issued to Shaji J. Kazi to practice as a Physician and Surgeon in the State of Illinois is Indefinitely Suspended.

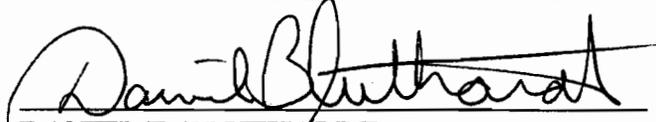
Respondent Shaji J. Kazi is placed on notice that, should he violate any provision of the Medical Practice Act while suspended, the Department may initiate additional action or use such information in objection to any Petition for Restoration.

IT IS FURTHER ORDERED that Shaji J. Kazi immediately surrender said Certificate of Registration and all other indicia of licensure to the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois. Upon failure to do so, the Department shall seize said Certificate of Registration.

DATED THIS 28th DAY OF December, 2005.

DEPARTMENT OF FINANCIAL
AND PROFESSIONAL REGULATION
of the State of Illinois
DEAN MARTINEZ, ACTING SECRETARY

DIVISION OF PROFESSIONAL REGULATION


DANIEL E. BLUTHARDT
ACTING DIRECTOR

REF: License No. 036083417
Case No. 2004017311

STATE OF ILLINOIS
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
v.) 2004-01731-1
SHAJI J. KAZI Respondent)

NOTICE

TO: SHAJI J. KAZI
70 W. HURON
APT. #1902
CHICAGO, IL 60610

PLEASE TAKE NOTICE that the Director of the Department of Professional Regulation did sign the attached Order.

YOU ARE FURTHER NOTIFIED that you have a right to judicial review of all final administrative decisions of this Department, pursuant to the provisions of the "ADMINISTRATIVE REVIEW ACT," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

The order of the Director of the Department of Professional Regulation will be implemented as of the date of the Order unless the Order states otherwise.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

BY: 
Clerk for the Department

All inquiries should
be directed to:
Chicago Office - 312-814-4504
Springfield Office - 217-785-0820

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) ss:

UNDER PENALTY of perjury, as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused copies of the attached NOTICE AND ORDER, to be deposited in the United States mail, by CERTIFIED mail at 320 W. Washington, Springfield, Illinois 62786, before 5:00 p.m. with proper postage prepaid on the 28th day of December, 2005 to all parties at the addresses listed on the attached documents.

Tina S. Ordey

AFFIANT

STATE OF ILLINOIS
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)

v.)

) 2004-01731-1
)

SHAJI J. KAZI Respondent

NOTICE

TO: SHAJI J. KAZI
UNIVERSITY OF IL, DEPT. OF GRAD. MED. EDUC.
840 S. WOOD ST.
CHICAGO, IL 60612

PLEASE TAKE NOTICE that the Director of the Department of Professional Regulation did sign the attached Order.

YOU ARE FURTHER NOTIFIED that you have a right to judicial review of all final administrative decisions of this Department, pursuant to the provisions of the "ADMINISTRATIVE REVIEW ACT," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

The order of the Director of the Department of Professional Regulation will be implemented as of the date of the Order unless the Order states otherwise.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

BY: *Traci S. Ordey*
Clerk for the Department

All inquiries should
be directed to:
Chicago Office - 312-814-4504
Springfield Office - 217-785-0820

