

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

med.ohio.gov

March 12, 2014

Abubakar Atiq Durrani, M.D.  
4800 Bethany Road  
Mason, OH 45045

RE: Case No. 13-CRF-110

Dear Doctor Durrani:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on March 12, 2014.

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 must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. 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.

Very truly yours,



J. Craig Strafford, M.D., M.P.H.  
Secretary

JCS:jam  
Enclosures

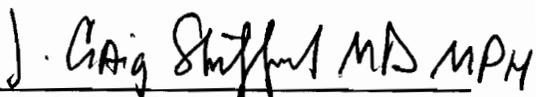
CERTIFIED MAIL RECEIPT NO. 91 7199 9991 7032 2938 6510  
RETURN RECEIPT REQUESTED

*Mailed 03-13-14*

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on March 12, 2014, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Abubakar Atiq Durrani, M.D., Case Number 13-CRF-110, as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.

  
\_\_\_\_\_  
J. Craig Strafford, M.D., M.P.H.  
Secretary

(SEAL)

March 12, 2014  
Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF :  
 :  
 : Case No. 13-CRF-110  
 ABUBAKAR ATIQ DURRANI, M.D. :

**FINDINGS, ORDER AND JOURNAL ENTRY**

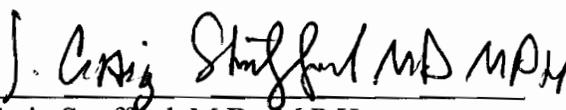
This matter came on for consideration before the State Medical Board of Ohio on March 12, 2014, pursuant to a Notice of Opportunity for Hearing issued to Abubakar Atiq Durrani, M.D., on November 13, 2013. No request for hearing having been received within the statutorily mandated time period, Hearing Examiner Siobhan R. Clovis, Esq., on behalf of the Board, reviewed and summarized evidence supporting the Notice, and prepared Proposed Findings and a Proposed Order.

WHEREFORE, having reviewed Ms. Clovis' Proposed Findings and Proposed Order, which is attached hereto and incorporated herein, the Board hereby adopts the Proposed Findings and Proposed Order.

Accordingly, it is hereby ORDERED that:

The certificate of Abubakar Atiq Durrani, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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

  
\_\_\_\_\_  
J. Craig Strafford, M.D., M.P.H.  
Secretary

(SEAL)

March 12, 2014  
\_\_\_\_\_  
Date

2014 FEB 19 AM 10: 03

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

\*

Case No. 13-CRF-110

Abubakar Atiq Durrani, M.D.,

\*

Hearing Examiner Clovis

Respondent.

\*

PROPOSED FINDINGS AND PROPOSED ORDER

Basis for Hearing

*Notice of Summary Suspension and Opportunity for Hearing ("Notice"):* By letter dated November 13, 2013, the State Medical Board of Ohio ("Board") notified Abubakar Atiq Durrani, M.D., that it had summarily suspended his certificate to practice medicine and surgery in Ohio. The Board stated that its action was based on clear and convincing evidence including the following: that, in advance of a trip to Pakistan, Dr. Durrani had pre-signed blank prescriptions so that his employees (who lacked lawful authority to issue prescriptions) could issue prescriptions for controlled substances to patients while he was unavailable; that these prescriptions were, in fact, unlawfully issued to certain patients; that he had denied these facts in his deposition by a Board attorney; and that, on or about October 21, 2013, the Kentucky Board of Medical Licensure had issued an Emergency Order of Suspension of Dr. Durrani's Kentucky medical license. The Board further stated that, based upon the foregoing, it had determined that Dr. Durrani's continued practice presents a danger of immediate and serious harm to the public. (Exhibit 1)

In addition, the Board notified Dr. Durrani that it intended to determine whether to limit, revoke, permanently revoke, suspend, refuse to register or reinstate his certificate, or to reprimand him or place him on probation due to allegations described above, which constitutes alleged violations of Sections 4731.22(B)(10); 4731.22(B)(22); and 4731.22(B)(34), Ohio Revised Code . The Board advised Dr. Durrani of his right to a hearing if requested in writing within 30 days of the Notice's mailing. (Exhibit 1)

*No Request for Hearing:* On November 14, 2013, Stacey Tuerck, a Board Enforcement Investigator, personally delivered the Notice to Dr. Durrani. At the time of delivery, Dr. Durrani signed an "Acknowledgment of Receipt" of the Notice which includes the statement that "I further understand that if I choose to request a hearing, the hearing request is to be received and date stamped in the Medical Board offices before 5:00 p.m. on Monday, December 16, 2013." (Exhibit 1)

The Board also mailed the Notice by certified mail, return receipt requested, to Michael F. Lyon, Attorney at Law, Lindhorst & Dreidame Co., L.P.A., 312 Walnut Street, Suite 3100, Cincinnati, OH 45202-4048. Mr. Lyon was listed as counsel for Dr. Durrani in the Certificate of Service of the October 31, 2013, Emergency Order of Suspension of Dr. Durrani's Kentucky medical license. Mr.

Lyon had also represented Dr. Durrani during the Board investigation. The Notice sent to Mr. Lyon was delivered to his address by the United States Postal Service on November 18, 2013. (Exhibits 1, 4B)

The Board's Senior Executive Staff Attorney attested in a sworn affidavit dated December 17, 2013, that, as of the date of the affidavit, the Board had not received a hearing request from Dr. Durrani. (Exhibit 3)

*Request for Proposed Findings and Proposed Order:* In a memorandum dated December 18, 2013, the Board's Senior Executive Staff Attorney requested that a Hearing Examiner review the evidence as provided, and prepare a report of Proposed Findings and Proposed Order. (Exhibit 5)

Evidence Examined:

Exhibit 1: Certified copy of the November 13, 2013, Notice issued to Dr. Durrani, with documentation of service and a Patient Key. **The Patient Key shall be sealed.**

Exhibit 2: December 17, 2013 Affidavit of Kay L. Rieve, the Board's Administrative Officer, attesting to Dr. Durrani's last known address of record.

Exhibit 3: December 17, 2013 Affidavit of Barbara A. Jacobs, the Board's Senior Executive Staff Attorney, regarding the Board's service of the Notice upon Dr. Durrani and attesting that, as of December 17, 2013, the Board had not received a hearing request from Dr. Durrani.

Exhibit 4: December 18, 2013, Affidavit of Rebecca J. Marshall, the Board's Chief Enforcement Attorney, attesting to the collection of evidence presented by the Board for this case.

Exhibit 4A: Excerpt from a September 4, 2013, deposition of Dr. Durrani by Dennis C. Tenison, Board Enforcement Attorney.

Exhibit 4B: Certified copy of Dr. Durrani's passport, issued by the Islamic Republic of Pakistan on July 26, 2011; and a CD containing a recording of an October 3, 2013, Board investigative office conference. **The CD recording shall be sealed.**

Exhibit 4C: CD containing medical records of Patients 1 through 10 and 12 through 15. **Exhibit 4C shall be sealed.**

Exhibit 4D: CD containing prescriptions written to Patients 1 through 15 between April 28, 2013, and May 18, 2013. **Exhibit 4D shall be sealed.**

Exhibit 4E: November 12, 2013, Affidavit of Dennis C. Tenison, Board Enforcement Attorney, with attached copies of prescriptions to Patient 1. **Exhibit 4E shall be sealed.**

Exhibit 4F: Original blank prescriptions signed by Dr. Durrani.

Exhibit 4G: Excerpt from a copy of a November 4, 2013, deposition of Alyssa Meinzer, a former medical assistant to Dr. Durrani, by Dennis C. Tenison, Board Enforcement Attorney.

Exhibit 4H: Certified copy of the October 31, 2013, Emergency Order of Suspension issued by the Kentucky Board of Licensure, which suspended Dr. Durrani's license to practice medicine in Kentucky.

Exhibit 5: December 18, 2013 Memorandum from Ms. Jacobs requesting a report of Proposed Findings and Proposed Order.

#### PROCEDURAL MATTER

The Hearing Examiner placed Exhibits 1 and 4B through 4E under seal because the exhibits contain patient-identifying information.

#### PROPOSED FINDINGS

1. On September 17, 2004, Abubakar Atiq Durrani, M.D. was granted a certificate to practice medicine and surgery in Ohio. Dr. Durrani has also been licensed to practice medicine in Kentucky. His medical specialty is orthopedic surgery.

*This proposed finding is supported by the following evidence:* State of Ohio eLicense Center at <https://license.ohio.gov/lookup>, accessed on February 14, 2014; Exhibit 4H.

2. Dr. Durrani was in Pakistan from April 27, 2013, through May 18, 2013.

*This proposed finding is supported by the following evidence:* Exhibit 4B.

3. Before leaving for Pakistan, Dr. Durrani pre-signed blank prescriptions so that his employees, who were not licensed to prescribe, would be able to issue prescriptions for controlled substances to his patients while he was absent from his practice.

*This proposed finding is supported by the following evidence:* Exhibits 4B, 4D, 4E, 4F, and 4G.

4. On September 4, 2013, Dr. Durrani was deposed by Dennis C. Tenison, a Board Enforcement Attorney. During the deposition, Dr. Durrani denied pre-signing blank prescriptions for his employees to use to issue prescriptions while Dr. Durrani was away from his Ohio medical practice.

*This proposed finding is supported by the following evidence:* Exhibit 4A.

5. In the routine course of his practice, Dr. Durrani cared for Patients 1 through 10, and Patients 12 through 15.

*This proposed finding is supported by the following evidence:* Exhibits 1, 4C.

6. During the period of April 27, 2013 through May 18, 2013, while Dr. Durrani was in Pakistan, his employees used blank prescription forms, pre-signed by Durrani before he left the country, to issue prescriptions to Patients 1 through 15 for controlled substances and/or dangerous drugs; to wit: oxycodone, Dilaudid, Percocet, and morphine.

*This proposed finding is supported by the following evidence:* Exhibits 4B, 4D, 4E, and 4G.

7. On October 31, 2013, the Kentucky Board of Medical Licensure issued an Emergency Order of Suspension (“Kentucky Order”) suspending Dr. Durrani’s license to practice medicine in Kentucky. The Kentucky Order was based upon an October 16, 2013, Superseding Indictment filed against Dr. Durrani in the United States District Court, Southern District of Ohio, which alleged multiple felony offenses, including the knowing and intentional distribution of oxycodone, a Schedule II controlled substance, outside the scope of professional practice, in violation of 21 U.S.C. Sections 841(a)(1) and 841(b)(1)(C).

*This proposed finding is supported by the following evidence:* Exhibit 4H.

8. The acts, conduct, and/or omissions of Dr. Durrani as described in Finding of Fact 4, individually and/or collectively, constitutes “[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories,” as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

9. The acts, conduct, and/or omissions of Dr. Durrani as described in Findings of Fact 3 and 6, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Trafficking in Drugs, Section 2925.03, Ohio Revised Code.

10. The acts, conduct, and/or omissions of Dr. Durrani as described in Findings of Fact 3 and 6, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Illegal Processing of Drug Documents, Section 2925.23, Ohio Revised Code.

11. The Kentucky Order described in Finding of Fact 7 constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or 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.

**Comments on the Proposed Order**

Dr. Durrani, an orthopedic surgeon, gave his employees blank, pre-signed prescriptions before he left the country for a period of three weeks, without regard to the law or to the safety and well-being of his patients. While he was in Pakistan, Dr. Durrani's employees issued prescriptions for oxycodone, Dilaudid, Percocet, and morphine. In other words, Dr. Durrani illegally trafficked in controlled substances. These actions are unacceptable for any physician licensed in the State of Ohio. Further, Dr. Durrani lied during a Board deposition by denying his illegal activity. Given the seriousness of his transgressions, and his willingness to lie to the Board about them, public safety compels a permanent revocation of his license. Dr. Durrani cannot be trusted to provide lawful and safe medical care.

**PROPOSED ORDER**

It is hereby ORDERED that:

The certificate of Abubakar Atiq Durrani, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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



Siobhan R. Clovis  
Hearing Examiner

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



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## Memorandum

TO: BOARD MEMBERS  
FROM: Siobhan R. Clovis, Hearing Examiner  
RE: Abubakar Atiq Durrani, M.D.  
Case No. 13-CRF-110  
DATE: February 19, 2014

SC/DB

Please find enclosed copies of the exhibits and the Proposed Findings and Proposed Order concerning the review of the above-referenced matter by Hearing Examiner Clovis.

This matter is scheduled for consideration at the March 12, 2014 Board meeting.

The allegations contained in the Board's notice of opportunity for hearing concern the following issues: Failure to cooperate in a Board investigation, acts constituting a felony (drug trafficking and illegal processing of drug documents), other state's action.

The following sections of the Disciplinary Guidelines were considered in drafting the Proposed Order in this matter. Please note, however, that the Disciplinary Guidelines do not limit any sanction that the Board may impose, and that the range of sanctions available in this matter extends from dismissal to permanent revocation.

- V: Limitation, revocation, suspension, acceptance of license surrender, denial of license, refusal to renew or reinstate a license, imposition of probation, or censure or other reprimand, by another jurisdiction; action against clinical privileges by Department of Defense or Veterans Administration; or termination or suspension from Medicare or Medicaid.
- The minimum penalty for Category V corresponds to the minimum penalty in Ohio for the type of violation committed.
  - The maximum penalty for Category V corresponds to the maximum penalty in Ohio for the type of violation committed.
- VIII.C: Commission of act constituting a felony in this state, regardless of where committed, if related to practice, except where the underlying criminal conduct was directly related to a substance-related impairment of the respondent and was committed to obtain substance(s) solely for self-use.
- The minimum penalty for section VIII.C is: Permanent revocation of certificate or permanent denial of application.
  - The maximum penalty for section VIII.C is: Permanent revocation of certificate or

permanent denial of application.

XI.D: Failure to cooperate in an investigation conducted by the Board.

- The minimum penalty for section XI.D is: Reprimand, as long as respondent has fully cooperated in the underlying investigation.
- The maximum penalty for section XI.D is: Indefinite suspension of license with conditions for reinstatement to include, at a minimum, full cooperation in the underlying investigation.

The Proposed Order is within the penalties delineated for each of the Disciplinary Guidelines noted above.

enclosures

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

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November 13, 2013

Case number: 13-CRF- 110

Abubakar Atiq Durrani, M.D.  
4555 Lake Forest Drive  
Suite 150  
Cincinnati, OH 45242-3781

Dear Doctor Durrani:

Enclosed please find certified copies of the Entry of Order, the Notice of Summary Suspension and Opportunity for Hearing, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on November 13, 2013, including a Motion adopting the Order of Summary Suspension and issuing the Notice of Summary Suspension and Opportunity for Hearing.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the matters set forth in the Notice of Summary Suspension and Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Summary Suspension and Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO

  
\_\_\_\_\_  
J. Craig Stafford, M.D., M.P.H.  
Secretary

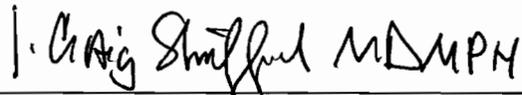
JCS/DCT/pev  
Enclosures

*mailed 11-14-13*

**CERTIFICATION**

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on November 13, 2013, to Adopt the Order of Summary Suspension and to Issue the Notice of Summary Suspension and Opportunity for Hearing, constitute true and complete copies of the Motion and Order in the Matter of Abubakar A. Durrani, M.D., Case number: 13-CRF-110 as they appear in the Journal of the State Medical Board of Ohio.

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



J. Craig Strafford, M.D., M.P.H., Secretary

(SEAL)

November 13, 2013

Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF :  
 :  
ABUBAKAR ATIQ DURRANI, M.D. :  
 :  
CASE NUMBER: 13-CRF-110 :

**ENTRY OF ORDER**

This matter came on for consideration before the State Medical Board of Ohio the 13th day of November 2013.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of J. Craig Strafford, M.D., M.P.H., Secretary, and Mark A. Bechtel, M.D., Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that there is clear and convincing evidence that Dr. Durrani, has violated Sections 4731.22(B)(10), 4731.22(B)(22), and 4731.22(B)(34), Ohio Revised Code, as alleged in the Notice of Summary Suspension and Opportunity for Hearing that is enclosed herewith and fully incorporated herein; and,

Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that Dr. Durrani's continued practice presents a danger of immediate and serious harm to the public;

The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 13th day of November 2013:

It is hereby ORDERED that the certificate of Abubakar Atiq Durrani, M.D., to practice medicine and surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Dr. Durrani, shall immediately cease the practice of medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.

  
\_\_\_\_\_  
J. Craig Strafford, M.D., M.P.H.  
Secretary

(SEAL)

November 13, 2013  
Date

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

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EXCERPT FROM THE DRAFT MINUTES OF NOVEMBER 13, 2013

CITATIONS, PROPOSED DENIALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF IMMEDIATE SUSPENSION

ABUBAKAR ATIQ DURRANI, M.D. – NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

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At this time the Board read and considered the proposed Notice of Summary Suspension and Opportunity for Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**Dr. Ramprasad moved to enter an Order of Summary Suspension in the matter of Abubakar Atiq Durrani, M.D., in accordance with Section 4731.22(G), Ohio Revised Code, and to issue the Notice of Summary Suspension and Opportunity for Hearing. Dr. Soin seconded the motion. A vote was taken:**

ROLL CALL:

Dr. Stafford	- abstain
Dr. Bechtel	- abstain
Dr. Saferin	- aye
Dr. Soin	- aye
Dr. Ramprasad	- aye
Dr. Steinbergh	- aye
Dr. Sethi	- aye
Dr. Talmage	- abstain
Mr. Kenney	- aye
Mr. Giacalone	- aye

The motion carried.

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

(614) 466-3934

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## NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

November 13, 2013

Case number: 13-CRF-

Abubakar Atiq Durrani, M.D.  
4555 Lake Forest Drive  
Suite 150  
Cincinnati, OH 45242-3781

Dear Doctor Durrani:

The Secretary and the Supervising Member of the State Medical Board of Ohio [Board] have determined that there is clear and convincing evidence that you have violated Sections 4731.22(B)(10), 4731.22(B)(22), and 4731.22(B)(34), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (3), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of J. Craig Strafford, M.D., M.P.H., Secretary, and Mark A. Bechtel, M.D., Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate to practice medicine and surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice medicine and surgery in Ohio.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the 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) You were outside the United States from April 27, 2013, through May 18, 2013, when you traveled to Pakistan. On or about September 4, 2013, you were deposed by a representative of the Board. When questioned, you denied that you had pre-signed blank prescriptions for your employees to use while you away from your medical practice. In fact, you pre-signed blank prescriptions to facilitate your employees, who were not legally authorized to prescribe, to issue prescriptions for dangerous drugs and controlled substances to patients during your absence.

- (2) In the routine course of your practice, you undertook the care of Patients 1 through 15 as identified on the attached Patient Key. (The Patient Key is confidential and to be withheld from public disclosure.) Blank prescriptions that you pre-signed were subsequently used by your employees, who were not legally authorized to prescribe, to issue dangerous drugs and/or controlled substances to Patients 1 through 15 while you were outside of the United States from April 27, 2013, through May 18, 2013.
- (3) On or about October 31, 2013, the Kentucky Board of Medical Licensure issued an Emergency Order of Suspension [Kentucky Order], a copy of which is attached hereto and incorporated herein, suspending your license to practice in that state. The Kentucky Order was based upon an October 16, 2013 Superseding Indictment filed against you in the United States District Court, Southern District of Ohio, alleging multiple felony offenses, including that you knowingly and intentionally distributed oxycodone, a Schedule II controlled substance, outside the scope of professional practice, in violation of 21 U.S.C. Sections 841(a)(1) and 841(b)(1)(c).

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute “[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories,” as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Trafficking in Drugs, Section 2925.03, Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed,” as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Illegal Processing of Drug Documents, Section 2925.23, Ohio Revised Code.

Further, the Kentucky Order, as alleged in paragraph (3) above, constitutes “[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or 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, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning these matters. 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 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,



J. Craig Strafford, M.D., M.P.H.  
Secretary

JCS/DCT/pev  
Enclosures

CERTIFIED MAIL #91 7199 9991 7032 2898 7787  
RETURN RECEIPT REQUESTED

Michael F. Lyon, Attorney at Law  
Lindhorst & Dreidame Co., L.P.A.  
312 Walnut Street, Suite 3100  
Cincinnati, OH 45202-4048

CERTIFIED MAIL #91 7199 9991 7032 2898 7770  
RETURN RECEIPT REQUESTED

cc: BY PERSONAL DELIVERY

Steven L. Beshear  
Governor



Preston P. Nunnelley, M.D.  
President

## KENTUCKY BOARD OF MEDICAL LICENSURE

Hurstbourne Office Park  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
Telephone (502) 429-7150  
www.kbml.ky.gov

Date: November 7, 2013  
From: Bertha L. Wallen, Open Records Custodian  
Sent: United Parcel Service Next Day Air  
Re: **Abubakar Atiq Durrani, M.D.**

This record is [ X ] certified [ ] not certified

Please find attached the document(s) you requested pursuant to the Kentucky Open Records Act. The Kentucky Board of Medical Licensure is a State agency, which is responsible for maintaining the records concerning medical licensure pursuant to KRS 311.530.

Thank you for allowing us to be of assistance. If you require additional information, please do not hesitate to call our office.

### CERTIFICATION

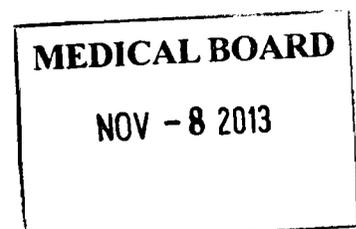
I, Bertha L. Wallen, custodian of the records for the Kentucky Board of Medical Licensure, hereby certify that the attached are true and exact copies of the documents on file with this office.

A handwritten signature in cursive script that reads "Bertha L. Wallen".

Bertha L. Wallen, Open Records Custodian

TO: Peri Vest  
State Medical Board of Ohio  
30 E. High St., 3rd Floor  
Columbus, OH 43215-6127

BOARD SEAL



COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1537

FILED OF RECORD

OCT 31 2013

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY ABUBAKAR ATIQ DURRANI, M.D., LICENSE NO.  
39372, 6905-B BURLINGTON PIKE, FLORENCE, KENTUCKY 41042

**EMERGENCY ORDER OF SUSPENSION**

The Kentucky Board of Medical Licensure ("the Board"), acting by and through the Chair of its Inquiry Panel B, considered a Superseding Indictment, filed October 16, 2013, in the United States District Court, Southern District of Ohio, Case No. 1:13-CR-084, having considered this information and being sufficiently advised, the Chair of Inquiry Panel B ENTERS the following EMERGENCY ORDER OF SUSPENSION, in accordance with KRS 311.592(1) and 13B.125(1):

**FINDINGS OF FACT**

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel B concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Suspension:

1. At all relevant times, Abubakar Atiq Durrani, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is orthopaedic surgery.
3. On or about August 7, 2013, the licensee was indicted on five (5) counts of knowingly and willfully executing and attempting to execute a scheme and artifice to defraud, obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs as defined in Title 18, United States Code, Section 24 (b), in connection with the delivery of, billing, and payment for health care

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benefits, items, and services for Patients 1, 2, 3, 4 and 5, all in violation of Title 18, United States Code, Section 1347.

4. Pursuant to the Indictment, the licensee was also indicted on five (5) counts of knowingly and willfully making materially false, fictitious, and fraudulent statements, representations and writings in connection with the delivery of health care benefits, items and services involving a health care benefit program as defined in 18 U.S.C. § 24(b), all in violation of Title 18, United States Code, Section 1035.
5. On or about October 16, 2013, a Superseding Indictment was issued against the licensee, by which he was indicted on twelve (12) counts of knowingly and willfully executing and attempting to execute a scheme and artifice to defraud, obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs as defined in Title 18, United States Code, Section 24 (b), in connection with the delivery of, billing, and payment for health care benefits, items, and services for Patients 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 13, all in violation of Title 18, United States Code, Sections 1347 and 2.
6. Pursuant to the Superseding Indictment, the licensee was also indicted on eleven (11) counts of knowingly and willfully making materially false, fictitious, and fraudulent statements, representations and writings in connection with the delivery of health care benefits, items and services involving a health care benefit program as defined in 18 U.S.C. § 24(b), all in violation of Title 18, United States Code, Section 1035.
7. Pursuant to the Superseding Indictment, the licensee was also indicted on one (1) count of devising a scheme to defraud healthcare benefit programs and to obtain money and property by means of materially false and fraudulent pretenses,

representations and promises, all in violation of Title 18, United States Code, Sections 1341 and 2.

8. Pursuant to the Superseding Indictment the licensee was also indicted on twelve (12) counts of knowingly and intentionally distributing quantities of a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, outside the scope of professional practice; to wit, the licensee presigned blank prescription pads and instructed others to write prescriptions for these Schedule II drugs while the licensee was out of the country:

- 90 pills of 5mg oxycodone for Patient 14;
- 90 pills of 5mg oxycodone for Patient 15;
- 90 pills of 5mg oxycodone for Patient 16;
- 60 pills of 5mg oxycodone for Patient 17;
- 180 pills of 10mg oxycodone for Patient 18;
- 120 pills of 10mg oxycodone for Patient 19;
- 90 pills of 5mg oxycodone for Patient 20;
- 120 pills of 5mg oxycodone for Patient 21;
- 120 pills of 5mg oxycodone for Patient 22;
- 90 pills of 10mg oxycodone for Patient 23;
- 120 pills of 15mg oxycodone for Patient 24; and
- 120 pills of 10mg oxycodone for Patient 25,

all in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

9. In general, according to the Indictment and Superseding Indictment, beginning in approximately 2008 or 2009 and continuing through August 2013, the licensee derived significant profit by convincing patients to undergo medically unnecessary

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spinal surgeries and by billing private and public healthcare benefit programs for those fraudulent services; in some instances, the licensee's scheme to defraud resulted in serious bodily injury (especially in regard to Patients 5 and 10) and many patients were left in a worse position; the licensee made false statements to colleagues about the success of his surgical practices; the licensee made false statements to patients about why a surgery could not be performed at a certain hospital or why he was no longer practicing at certain hospitals; the licensee made false statements to hospitals as part of his applications to obtain, renew or reinstate his credentials or privileges at the hospitals and knowingly used private commercial interstate carriers to deliver and execute those false statements; the licensee falsely told a patient that her surgery could not be performed at West Chester Hospital because the patient's insurance could not be accepted there in order to conceal the fact that his privileges at West Chester Hospital were suspended; the licensee billed Medicare for performance of a surgery which he did not, in fact, perform; and the scheme and artifice to defraud that the licensee devised, executed and attempted to execute including the following patterns and practices at times:

- The licensee would persuade the patient that surgery was the only option, when in fact the patient did not need surgery;
- The licensee would tell the patient the medical situation was urgent and that surgery was needed right away. He would also falsely tell the patient that he/she was at risk of grave injuries without surgery;
- For cervical spine patients, the licensee would often tell a patient that there was a risk of paralysis or the head would fall off if the patient was in a car accident because there was almost nothing attaching the head to the patient's body;
- The licensee often did not read or ignored the radiology reports written by the radiologists for imaging studies that the licensee ordered;

- The licensee would provide his own exaggerated and dire reading of the patient's imaging that was inconsistent with or plainly contradicted by the report written from the radiologist and at times, the licensee, provided a false reading of the imaging;
- The licensee would dictate that he had performed certain physical examinations and procedures on patients that he did not actually perform;
- The licensee would order a pain injection for a level of the spine that was inconsistent with the pain stated by the patient or the imaging. The licensee scheduled patients for surgeries without learning or waiting for the results of certain pain injections or related therapies;
- The licensee often dictated his operative reports or other patient records months after the actual treatment;
- The licensee's operative reports and treatment records contained false statements about the diagnosis for the patient, the procedure performed, and the instrumentation used in the procedure;
- When a patient experienced complications resulting from the surgery, the licensee at times failed to inform the patient of or misrepresented the nature of the complications; and
- The licensee made false statements to colleagues about the success of his surgical practices. He specifically told an EDS conference that he only had one complication – a broken screw found in a routine follow-up appointment and the patient did not realize that the screw was broken. Those statements were false.

### CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to him, The Chair of Inquiry Panel B finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Emergency Order of Suspension:

1. The licensee's Kentucky medical license is subject to regulation and discipline by this Board.

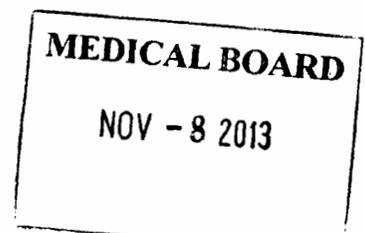
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2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
3. There is probable cause to believe that the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(10) and (12).
4. 201 KAR 9:240 §1 provides,
  - (1) An inquiry panel or the panel's chair, acting on behalf of the inquiry panel, may issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky in accordance with KRS 311.592 and 13B.125.
  - (2) ...
  - (3) (a) An inquiry panel's chair may act on behalf of the inquiry panel and issue an emergency order restricting or suspending a physician's license to practice medicine or osteopathy within the Commonwealth of Kentucky if the panel chair determines that a basis for an emergency order as established in subsection (1) of this section exists and the circumstances of the specific case warrant emergency action prior to the next regularly scheduled meeting of the inquiry panel.
5. 201 KAR 9:240 §3 provides
  - (1) If a licensee is indicted in any state for a crime classified as a felony in that state and the conduct charged relates to a controlled substance, that licensee's practice shall be considered an immediate danger to the public health, safety or welfare, pursuant to KRS 311.592 and 13B.125.
  - (2) If the Board receives verifiable information that a licensee has been indicted in any state for a crime classified as a felony in the state of indictment and the conduct charged relates to a controlled substance, the inquiry panel or panel chair, acting on behalf of the inquiry panel, shall immediately issue an emergency order suspending or restricting that licensee's Kentucky license....
6. The Inquiry Panel Chair concludes there is probable cause to believe this licensee's practice constitutes a danger to the health, welfare and safety of his patients or the general public.

7. The Board may draw logical and reasonable inferences about a licensee's practice by considering certain facts about a licensee's practice. If there is proof that a licensee has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the licensee will similarly violate the Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a licensee's practice presents representative proof of the nature of that licensee's practice in general. Accordingly, probable cause to believe that the licensee has committed certain violations in the recent past presents probable cause to believe that the licensee will commit similar violations in the near future, during the course of the licensee's medical practice.
8. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780 (1988) and Gilbert v. Homar, 520 U.S. 924 (1997), 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).

KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.



**EMERGENCY ORDER OF SUSPENSION**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel B hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by Abubakar Atiq Durrani, M.D., is SUSPENDED and Dr. Durrani is prohibited from performing any act which constitutes the "practice of medicine or osteopathy," as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities - until the Board's hearing panel has finally resolved the Complaint after receipt of the court documents resolving the criminal charges in the indictment discussed in this pleading or until such further Order of the Board.

The Chair of Inquiry Panel B further declares that this is an EMERGENCY ORDER, effective upon receipt by the licensee.

SO ORDERED this 31<sup>st</sup> day of October, 2013.

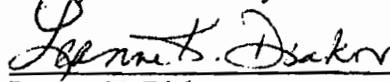
  
RANDEL C. GIBSON, D.O.  
CHAIR, INQUIRY PANEL B

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**CERTIFICATE OF SERVICE**

I certify that the original of this Emergency Order of Suspension was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed via certified mail return-receipt requested to the licensee, Abubakar Atiq Durrani, M.D., 6905-B Burlington Pike, Florence, Kentucky 41042, and his counsel, Mike Lyon, 312 Walnut Street, Suite 3100, Cincinnati, Ohio 45202, on this 31<sup>st</sup> day of October, 2013.



\_\_\_\_\_  
Leanne K. Diakov  
Assistant General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
(502) 429-7150

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**IN THE MATTER OF  
ABUBAKAR ATIQ  
DURRANI, M.D.**

**13-CRF-110**

**NOVEMBER 13, 2013, NOTICE OF  
OPPORTUNITY FOR HEARING -  
PATIENT KEY**

**SEALED TO  
PROTECT PATIENT  
CONFIDENTIALITY AND  
MAINTAINED IN CASE  
RECORD FILE.**