

State Medical Board of Ohio

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



Richard A. Whitehouse, Esq.
Executive Director

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September 9, 2009

Douglas Shaheen Moinuddin, M.D.
P. O. Box 451452
Westlake, OH 44145

RE: Case No. 09-CRF-021

Dear Doctor Moinuddin:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 9, 2009, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", is written over the printed name.

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3934 3690 8372
RETURN RECEIPT REQUESTED

Cc: Jeffrey J. Jurca, Esq.
CERTIFIED MAIL NO. 91 7108 2133 3934 3690 8389
RETURN RECEIPT REQUESTED

Mailed 10-14-09

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 9, 2009, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Douglas Shaheen Moinuddin, M.D., Case No. 09-CRF-0021, 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)

September 9, 2009

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NO. 09-CRF-021

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DOUGLAS SHAHEEN
MOINUDDIN, M.D.

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on September 9, 2009.

Upon the Report and Recommendation of Gretchen L. Petrucci, 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 modification, 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:

- A. **GRANT OF CERTIFICATE; SUSPENSION, STAYED; PROBATION:** The application of Douglas Shaheen Moinuddin, M.D., for a certificate to practice medicine and surgery in Ohio is GRANTED, provided that he successfully completes the Special Purpose Examination within one year of the date of this Order, and he otherwise meets all statutory and regulatory requirements. Dr. Moinuddin's certificate shall be immediately SUSPENDED for 30 days, which suspension is STAYED subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least one year:
1. **Obey the Law:** Dr. Moinuddin shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 2. **Declarations of Compliance:** Dr. Moinuddin shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent

quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances**: Dr. Moinuddin shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Professional Ethics Course(s)**: Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Moinuddin shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Moinuddin submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **Personal Ethics Course(s)**: Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Moinuddin shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Moinuddin submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

6. **Monitoring Physician:** Prior to Dr. Moinuddin's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Moinuddin shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Moinuddin and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Moinuddin and his medical practice, and shall review Dr. Moinuddin's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Moinuddin and his medical practice, and on the review of Dr. Moinuddin's patient charts. Dr. Moinuddin shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Moinuddin's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Moinuddin must immediately so notify the Board in writing. In addition, Dr. Moinuddin shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Moinuddin shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

7. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Moinuddin is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Moinuddin's certificate will be fully restored.

C. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING:**

1. **Required Reporting to Employers and Hospitals:** Within 30 days of the effective date of this Board Order, Dr. Moinuddin shall provide a copy of this Board Order to all employers or entities with which he is under contract to provide health care services (including but not

limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where he has privileges or appointments.

Further, Dr. Moinuddin shall promptly provide a copy of this Board Order to all employers or entities with which he contracts to provide health-care services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. In the event that Dr. Moinuddin provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within 30 days of the effective date of this Board Order, Dr. Moinuddin shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Dr. Moinuddin receives from the Board written notification of his successful completion of probation as set forth in paragraph B, above.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Board Order, Dr. Moinuddin shall provide a copy of this Board Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity through which he currently holds any license or certificate. Further, Dr. Moinuddin shall provide a copy of this Board Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license.

This requirement shall continue until Dr. Moinuddin receives from the Board written notification of his successful completion of probation as set forth in paragraph B, above.

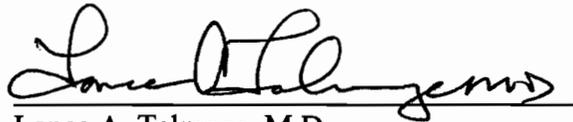
3. **Documentation that the Required Reporting Has Been Performed:** Dr. Moinuddin shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each notification required above: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Board Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Board Order to the person or entity to whom a copy of the Board Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Board Order to the person or entity to whom a copy of the Board Order was emailed.

In the matter of Douglas Shaheen Moinuddin, M.D.

Page 5

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

(SEAL)

A handwritten signature in black ink, appearing to read "Lance A. Talmage", written over a horizontal line.

Lance A. Talmage, M.D.
Secretary

September 9, 2009

Date

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BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

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Case No. 09-CRF-021

Douglas Shaheen Moinuddin, M.D.,

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Hearing Examiner Petrucci

Respondent.

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REPORT AND RECOMMENDATION

Basis for Hearing

By letter dated February 12, 2009, the State Medical Board of Ohio [Board] notified Douglas Shaheen Moinuddin, M.D., that it intends to determine whether to deny his application for a certificate to practice medicine and surgery in Ohio, or take disciplinary action. The Board's proposed action was based on the allegation that Dr. Moinuddin failed to correctly disclose and answer questions regarding his participation in a residency program in 2002 on: (a) his 2007 Ohio certificate application, (b) a Federation Credentials Verification Service [FCVS] application, and (c) a medical licensure application in the State of New York.

The Board alleged that Dr. Moinuddin's acts, conduct, and/or omissions individually and/or collectively constitute: "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery * * * or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as set forth in Section 4731.22(B)(5), Ohio Revised Code. The Board further alleged that Dr. Moinuddin's acts, conduct, and/or omissions individually and/or collectively constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of [Chapter 4731] or any rule promulgated by the board," as set forth in Section 4731.22(B)(20), Ohio Revised Code, to wit: a failure to furnish satisfactory proof of good moral character as required by Sections 4731.08 and 4731.29, Ohio Revised Code.

The Board notified Dr. Moinuddin of his right to request a hearing. On February 26, 2009, Dr. Moinuddin's requested a hearing. (State's Exhibit 1 at 1-3, 10)

Appearances at the Hearing

Richard Cordray, Attorney General, by Karen A. Unver, Assistant Attorney General, on behalf of the State of Ohio.

Jeffrey J. Jurca, Esq., on behalf of the Respondent

Hearing Dates: July 10 and 13, 2009

PROCEDURAL MATTERS

The hearing record was held open to allow for receipt of the parties' joint exhibit, digital versatile discs (DVDs) containing the testimony of one of the witnesses. (Tr. at 441) That exhibit was received, marked as Joint Exhibit 1, and admitted on July 22, 2009. The hearing record closed on that date.

SUMMARY OF THE EVIDENCE

All exhibits and the 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. Douglas Shaheen Moinuddin, M.D., was born in 1967. Dr. Moinuddin completed his undergraduate education at Cleveland State University in 1990.¹ He graduated from the University of Cincinnati Medical School in 1994. He took the following year off from school and training, and assisted his brother in the start-up of an insurance agency. (State's Exhibit [St. Ex.] 4 at 4, 25, 37-41, 49, 59, 64, 71-75, 82, 113, 116, 156-157; Hearing Transcript [Tr.] at 133-135, 218, 338)
2. In 1995 and 1996, Dr. Moinuddin completed one year in a psychiatry residency program at the University of California, Irvine. In mid-1996, Dr. Moinuddin returned to Ohio. He again assisted his brother in his brother's insurance business. (St. Ex. 4 at 12, 26, 51, 53, 60, 84, 86, 117-118; Tr. at 136-137, 139, 339)
3. In September 1996, he applied for an Ohio certificate. Additionally, he took the last step in his United States Medical Licensing Examination [USMLE] sequence (Step 3) in December 1996. However, Dr. Moinuddin did not pass that examination, and therefore he was not eligible for an Ohio certificate at that time. (St. Ex. 4 at 94-95, 97-121; Tr. at 214, 300-301)
4. Dr. Moinuddin continued to work in the insurance field with his brother's insurance business and eventually became a partner. In 2001, Dr. Moinuddin opened his own insurance company. In 2002, Dr. Moinuddin participated in the family-medicine residency program at University Hospitals of Cleveland [UHC] in Ohio, but he did not complete that residency program (discussed further below). Dr. Moinuddin does not practice medicine; he works in the insurance field. In 2006 and 2007, Dr. Moinuddin successfully retook Steps 1 and 2 of the USMLE and successfully passed Step 3. (Tr. at 137-138, 380-381, 385, 404; St. Ex. 4 at 55, 90)

¹Dr. Moinuddin also attended both Baldwin Wallace College and the University of Cincinnati, but ultimately earned a bachelor's degree from Cleveland State University in 1990. (St. Ex. 4 at 47, 80; Tr. at 130-134)

5. Dr. Moinuddin held a training certificate in Ohio, but it expired. He has an active medical license in New York. (St. Ex. 4 at 13; St. Ex. 5 at 169; St. Ex. 9 at 2; Respondent's Exhibit [Resp. Ex.] K at 3; Tr. at 211-212, 294)

Dr. Moinuddin's Residency at University Hospitals of Cleveland in 2002

6. In July 2002, Dr. Moinuddin entered the family-medicine residency program at UHC. Michael P. Rowane, D.O., was the Director of that program at that time.² Dr. Moinuddin participated in that residency program for five months, from July to November 2002. (St. Ex. 4 at 60; St. Ex. 7 at 1; Tr. at 8, 15, 47)
7. In July and August 2002, Dr. Moinuddin participated in and completed the regular family-medicine residency program activities. He worked in the internal medicine area, the Heart Failure Unit, the Medical Intensive Care Unit, and the family-practice clinic. (St. Ex. 5 at 6, 68-71, 99; Tr. at 29, 60-61, 87, 340)
8. In September 2002, Dr. Moinuddin participated in and completed the regular family-medicine residency program activities. In that month, he was involved in a special family-medicine rotation that included didactics, the family-practice clinic, pediatric advanced life support, and neonatal advanced life support. (St. Ex. 5 at 72; Tr. at 61, 87, 346-347)
9. Also in September 2002, Dr. Rowane spoke with Dr. Moinuddin about his performance thus far. Dr. Rowane stated that, because Dr. Moinuddin's performance had been found to be "significantly below" that of his peers, it was decided that Dr. Moinuddin would be removed from the regular family-medicine residency program activities in October 2002, and Dr. Moinuddin: (a) would spend a month in the Ambulatory Family Practice area, (b) would "shadow" other physicians, and (c) would be assigned didactics. Dr. Rowane stated that the purpose of the new schedule in October 2002 was not only to allow Dr. Moinuddin to gain more knowledge, but also to increase his comfort with patient management because Dr. Moinuddin was not meeting the expectations. (St. Ex. 5 at 74, 113; St. Ex. 7 at 1; Tr. at 18-19, 32-34, 86-87, 99)
10. Dr. Rowane confirmed that discussion and decision in a memorandum dated October 10, 2002, which included the following statements:

I would like to review our recent meeting in which we discussed your performance in the residency, thus far and the need to establish an ambulatory/reading elective for October 2002. We discussed concerns over several items. There was concern on your performance during your medicine rotation by one of the medicine chief residents to our chief resident around the issue of clinical management and social interaction.

* * *

²Dr. Rowane's background and training are set forth in the transcript. (Tr. at 8-9)

I have also expressed concern over your delay in obtaining [the] physical exam and required urine toxicology screen.

* * *

The goal of the ambulatory/reading elective in October 2002, is twofold. During our discussion, we realized that you needed to gain a greater fund of knowledge and increased comfort managing patients, especially in an outpatient setting. Primary care training as a medical discipline, requires exposure to common problems in seeing patients within the Family Practice Center. This exposure to patients should be supplemented by reading on those common conditions. You will have a schedule that will permit you to see patients independently several half days per week along with several half days a week shadowing senior residents and attending physicians to work with them one-on-one to increase your comfort in this setting. It is also important to enhance your medical knowledge with supplemental reading. * * * It is important to strengthen your ambulatory skills as this is a core requirement for all family physicians. I have asked several faculty to assist in your learning plan with supplemental readings and the opportunity to go through these with you. The goal of this month is to have you better prepared for your subsequent rotations and our being comfortable in our Family Practice Inpatient center. I have the greatest faith that your performance will improve throughout the residency by taking measures now to improve your fund of knowledge and increase your comfort with patient management.

(St. Ex. 5 at 112-113; St. Ex. 7 at 4-5) Dr. Rowane acknowledged that his October 10 memorandum does not state that October 2002 was a remedial month for Dr. Moinuddin; however, he stated that “anyone who’s removed from rotation [and] get[s] a special rotation set up to enhance medical knowledge is seen as a remedial experience.” He further explained that he had used the term “elective” in referring to the remedial month in October because, if a resident requires remedial experience, the resident has to use one of the electives available in the subsequent years of residency. (Tr. at 101, 102)

11. Dr. Rowane testified that Dr. Moinuddin did not satisfactorily complete the remedial activities in October 2002. (Tr. at 98)
12. On October 31, 2002, Dr. Moinuddin received a notice from Dr. Rowane that corrective action was being taken by the residency program “due to concerns raised on [his] academic performance and behaviors necessitating immediate evaluation by the Employee Assistance Program and concomitant suspension.” (St. Ex. 5 at 18, 138; St. Ex. 7 at 1, 7; Tr. at 35-37) In addition, Dr. Rowane stated in the notice:

I have discussed your present level of performance with the faculty who acknowledge some improvement, but have considerable concerns on your

ability to carry out your duties in an independent manner. The consensus from the faculty is that there is still a significant content deficit. You seem to have difficulty with processing information and [an] inability to prioritize more concerning medical conditions. You have difficulty demonstrating initiative to find data. There is a perception that you lack interest to pursue all needed measures to find information, and in this you seem to do the minimum required, as you find going below the surface of a problem a challenge.

* * * Since you have entered the program there have been a series of events that demonstrate non-performance, noncompliance, resistant behavior and periods of atypical behavior. There are specific examples of behavior that has [sic] caused concern by hospital administration. You failed to show up for the required UHC orientation day³ and did not have the required state training license completed prior to entering the program. You did not take the mandatory entrance physical and accompanying drug screening until doing so under immediate demand by the hospital administration and even then your drug screen was delayed an additional week. In September you took off two days for medical care and have yet to submit your required excuse from your health care provider. In addition, faculty members have a sincere concern on elements of your behavior, which they feel, are impacting your performance.

* * * Due to the multitude of concerns, you are required to immediately report for an evaluation with the Employee Assistance Program, which will involve appropriate testing. The Employee Assistance Program will inform the department when you are fit for duty. At that time we must address your ability to continue in the residency, especially in light of your disclosure that you must repeat all three parts of the boards.

(St. Ex. 5 at 18; St. Ex. 7 at 7) The following day, UHC notified Dr. Moinuddin that, as of October 31, 2002, he had been placed on paid leave, pending the Fitness for Duty evaluation and review thereof. (St. Ex. 5 at 19, 75-76)

13. Dr. Rowane explained at hearing that, as of October 31, 2002, Dr. Moinuddin was still part of the residency program and was paid, but he was “no longer allowed to be involved in patient care contact nor participate in the educational activities of the program until [he was] permitted to return to duty.” (Tr. at 40; see also Tr. at 404)
14. The Fitness for Duty evaluation was originally scheduled for early November. However, the evaluation was slightly delayed. Dr. Moinuddin was evaluated by James Pallas, M.D., in

³Although this memorandum states that Dr. Moinuddin did not attend the required orientation “day,” the record reflects that orientation took place over several days. Dr. Moinuddin testified that he attended all orientation days. However, Dr. Rowane testified that Dr. Moinuddin did not attend one of the orientation days. (Tr. at 15, 155, 368, 390; St. Ex. 5 at 168)

mid-November, who found him to be fit for duty and able to return to his duties on December 1, 2002. (St. Ex. 5 at 133; St. Ex. 6 at 4; Tr. at 169, 171, 235)

15. Thereafter, UHC decided that, upon Dr. Moinuddin's return to duty, he would be placed on probation and a performance improvement plan (modified educational plan) would be implemented. (St. Ex. 5 at 12-13, 119-120; St. Ex. 7 at 9-10; Tr. at 43-44) Neither of those took place because, on November 30, 2002, Dr. Moinuddin submitted a letter of resignation, stating in pertinent part the following:

After much review, I have decided that there have been too many false accusations & character assaults for me to remain in your employ.
Therefore, effective 12/1/02, I resign my post as PGY1. Many thanks for giving me an opportunity.

(St. Ex. 5 at 9; St. Ex. 7 at 2, 14-17)

Dr. Moinuddin's 2005 New York Certificate Application

16. In March 2005, Dr. Moinuddin filed an application for a medical license with the New York State Education Department, Office of Professions, Division of Professional Licensing Services [NY Board]. Dr. Moinuddin testified that he had read the application prior to answering the questions, and he had affirmed that his statements were true, complete and correct. (Tr. at 193-194, 211; St. Ex. 9) He answered "No" to Question 14 of that application, which states:

Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such measures?

(St. Ex. 9 at 2; Tr. at 191, 198)

17. Dr. Moinuddin also listed the following as all his activities since he graduated from professional school to the then-present:

From	To	Type of Activity
6/94	6/95	Insurance agent – ABC Auto Insurance Agency, 1981 E. 55 th , Cleveland, OH 44103
6/95	6/96	Internship in psychiatry residency, University of California, Irvine
6/96	11/01	Insurance agent – ABC Auto Insurance Agency
11/01	Present [March 2005]	Insurance agent (owner) – A+ Insurance Agency Inc., P.O. Box 451452, Westlake, OH 44145

(St. Ex. 9 at 5)

18. Dr. Moinuddin was granted a medical license from the NY Board in August 2006. (St. Ex. 4 at 13; St. Ex. 9 at 2; Resp. Ex. K at 3)

Dr. Moinuddin’s First FCVS Application in 2007

19. Thereafter, Dr. Moinuddin decided to apply again for an Ohio certificate. As part of the application process, Dr. Moinuddin was required to utilize the services of FCVS. FCVS is a credential service available to physicians in order to verify their core credentials. FCVS submit those verifications to medical boards for purposes of obtaining state licensure. (Tr. at 250, 297; St. Ex. 2 at 2)
20. The FCVS process requires completion of an application. FCVS first received an application from Dr. Moinuddin on August 9, 2007. As part of that FCVS application, Dr. Moinuddin verified that the information contained in the FCVS application was true. He further acknowledged that he had read the instructions for the FCVS application and answered all questions completely and truthfully. (St. Ex. 4 at 33; Tr. at 231, 259, 275-276)
21. Dr. Moinuddin completed the “Explanation of Other Activities During Medical Education” section of the FCVS application. The instructions stated “[p]lease provide a complete, specific explanation regarding any other training or breaks between the beginning of your medical education and the final year of your postgraduate training.” Dr. Moinuddin answered as follows:

Approximate Date	Activity/Employer
07/1994 – 06/1995	Worked in Family Business – property/casualty insurance agency
07/1996 – 07/2007	Worked in Family Business – property/casualty insurance agency

(St. Ex. 4 at 29) With regard to postgraduate training, Dr. Moinuddin disclosed only his residency training at the University of California, Irvine. (St. Ex. 4 at 53; Tr. at 261, 283)

Dr. Moinuddin’s 2007 Ohio Certificate Application

22. Dr. Moinuddin applied with the Board for an Ohio certificate on August 17, 2007. In so doing, he completed portions entitled “Common Licensure Application Form” and “Ohio Addendum to Application.” Dr. Moinuddin noted that he personally had completed the application and signed it. As part of the application, Dr. Moinuddin verified that the information contained in his certificate application was true. (St. Ex. 3; St. Ex. 4 at 3-93; Tr. at 225-227, 303-304)

23. Dr. Moinuddin answered “No” to Question 4 in the Additional Information section of the application,⁴ which asks:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

(St. Ex. 4 at 5)

24. In the Ohio application’s Chronology of Activities section, Dr. Moinuddin reflected the following as his activities between 1994 and 2007:

Approximate Date	Position	Employer and Location
July 1994 – June 1995	Agent	Family business – insurance agency in Cleveland, Ohio
July 1995 – June 1996	Intern	University of California, Irvine, Residency Program in Orange, California
July 1996 – July 2007	Agent	Family business – insurance agency in Cleveland, Ohio

(St. Ex. 4 at 17)

25. The Board sent notice to Dr. Moinuddin in August 2008 that his application was incomplete and that several items were needed. The record reflects that the notice was not successfully delivered by the post office, but it is not clear if the Board ever resent that notice. Dr. Moinuddin testified that he did not get the August 2008 notice and, in mid-December 2008, he contacted the Board to check on the status of his pending certificate application. (Tr. at 324-325, 375, 406; St. Ex. 4 at 1, 20-21)
26. Dr. Moinuddin explained that, in mid-December, he learned that his Board application was incomplete and that the Board was awaiting a profile report from the American Medical Association [AMA]. (Tr. at 241, 375)

Dr. Moinuddin stated that he then requested a profile report from the AMA. The report, which he obtained on December 21, 2008, reflected that he had participated in the UHC residency in 2002. Dr. Moinuddin testified that, at that time, he realized that UHC had reported his participation in the residency and that he had not reported his participation in either his first FCVS application or the Ohio Board application. (Tr. at 241, 375-376; Resp. Ex. K)

⁴For ease of reference, Question 4 in the Additional Information section of the Ohio Addendum to Application shall be simply referred to as “Question 4” throughout the remainder of this Report and Recommendation.

27. In January 2008, Dr. Moinuddin submitted an addendum to his Board application, in which he stated:

In November 2002, I voluntarily vacated a PGY1 residency position in family practice at University Hospital in Cleveland, Ohio after being informed by the Ohio Medical Board that I was ineligible to test for USMLE step III. The 7 year deadline for Ohio had expired and now I faced the challenging task of retaking USMLE step I and II to obtain licensure.

I have devoted the last 2 ½ years of my life to intensive self-study and in-depth review of the basic sciences and clinical medicine. The result – I passed USMLE step I, II and III in 2006 and 2007 and now plan to re-enter a psychiatry residency as PGY2.

(St. Ex. 4 at 91; Tr. at 240, 300, 317)

Dr. Moinuddin's Second FCVS Application in 2007

28. On December 18, 2007, FCVS received a second application request from Dr. Moinuddin, asking that an additional verification be conducted and that the report be mailed to the Ohio Board.⁵ In that December 2007 application, Dr. Moinuddin provided information to FCVS about the UHC residency. He stated that there were no unusual circumstances, including no leaves of absence or interruptions, no negative reports, and no limitations. (St. Ex. 4 at 88; Resp. Ex. A) Additionally, he wrote:

In November 2002, I voluntarily vacated my PGY1 residency position after being informed by the Ohio Medical Board that I was ineligible to test for USMLE step III. The 7 year deadline had expired and now I faced the challenging task of retaking USMLE step I and II to obtain licensure. It took over 2 ½ years of self-study and devotion for me to finally pass USMLE step I, II and III in 2006 and 2007.

(Resp. Ex. A at 2)

29. As part of the verification process, FCVS contacted UHC, who verified that Dr. Moinuddin had participated in its family-medicine residency in 2002. University Hospitals also reflected that Dr. Moinuddin had taken a leave of absence or break from his training, that negative reports for behavioral reasons were filed by instructors, and that limitations or special requirements

⁵Later, Dr. Moinuddin modified his request to ask that FCVS send its second profile report only to him. FCVS accidentally sent the second profile report to the Board instead of sending it to Dr. Moinuddin. (St. Ex. 4 at 88; Tr. at 234, 260-262, 275, 404-406, 417-418; Resp. Ex. E at 5-6, 11, 15; Resp. Ex. F) In May 2009, FCVS supplemented the second profile report to the Board. (Tr. at 278-280, 283-285; Resp. Ex. A)

were placed on Dr. Moinuddin because of questions of academic incompetence, disciplinary problems or any other reason.⁶ (St. Ex. 4 at 87; Tr. at 274-275)

In addition, University Hospitals stated:

Dr. Moinuddin had academic difficulties as well as interpersonal/communication problems noted in early rotations – his program was initially modified without substantial improvement. Additionally, noted “resistant behavior and periods of atypical behavior” prompted medical leave for Fitness of Duty evaluation and Employee Assistance Plan referral early November 2002. On November 30 he resigned from the program.

(St. Ex. 4 at 87)

Dr. Moinuddin’s Testimony Regarding the UHC Residency

30. Dr. Moinuddin describes the events at UHC very differently:

- Dr. Moinuddin testified that, by August 2002, he had received only one written evaluation, which ranked him adequate overall, and no one had any concerns with his performance or gave negative reports verbally. (Tr. at 236-238, 341-342; St. Ex. 5 at 98)
- Dr. Moinuddin disagreed that UHC implemented a remedial rotation in October 2002 due to poor performance; he stated that he had been performing fine at that time and the elective was established so that he could excel in the clinics. (Tr. at 157-160, 163-165, 177, 347-349, 364, 407-408)
- He testified that his activities in October were not remedial, stating “I saw clinics in the morning and afternoon, and either in the morning I either shadowed another attending, in other words, basically followed them around, kind of see what they did, and then in the afternoon I would see my own patients and then present them to the attendings like usual. So just shadowing and independent works on my own.” (Tr. at 177, see also Tr. at 349-350)
- Dr. Moinuddin stated that the October 10 memorandum was not written by Dr. Rowane because it contains several misspellings, it was not on UHC letterhead, it was not signed by Dr. Rowane, and Dr. Rowane could not recall if it had been sent to Dr. Moinuddin. Dr. Moinuddin asserted that he never received the October 10 memorandum; he considers that memorandum to have been “planted” in his file. (Tr. at 161-163)

⁶Dr. Rowane did not complete the FCVS verification form on behalf of UHC. However, Dr. Rowane confirmed that “unusual circumstances” had occurred while Dr. Moinuddin participated in the UHC residency. Dr. Rowane stated that, in particular, UHC’s actions in creating the remedial month in October constituted a limitation or special requirement, and the paid leave with Fitness for Duty evaluation in November 2002 constituted a leave of absence placed on Dr. Moinuddin. (St. Ex. 4 at 87; Tr. at 96, 97, 100)

- Dr. Moinuddin disagrees that several events that are cited by UHC are examples of non-performance, noncompliance, resistant behavior and periods of atypical behavior.⁷ (Tr. at Tr. at 177-178, 364-365, 398-400)

31. In addition, Dr. Moinuddin criticized UHC:

- Dr. Moinuddin testified that he had signed the documents when UHC had provided them to him, but it was UHC who had “dropped the ball” on providing the forms. (Tr. at 392-393)
- Dr. Moinuddin presented evidence that, based on the date stamps on the written evaluations, UHC did not have written evaluations by October 2002 that demonstrated that his performance had been substandard or warranted a remedial rotation.⁸ (Tr. at 67-68, 90-91)
- Dr. Moinuddin stated that the September 2002 evaluation, which gave him low rankings, was completed by a physician with whom he had not worked at all. He further testified that he believes this evaluation was fabricated or tampered with. (Tr. at 236, 343-346, 374)
- Dr. Moinuddin also testified that UHC personnel wrongly had told him in October that he had not ever had a training certificate in 2002 and had practiced medicine illegally. He admitted that he did not contact the Board in 2002 to confirm such statements; he simply believed the statements.⁹ (Tr. 187-188, 202-203, 207-210, 212, 370-371, 393-394, 410-412, 414-415)

32. With regard to his decision to resign from the UHC residency program, Dr. Moinuddin stated that he had felt compelled to resign from the residency program for several different reasons:

- He had thought that he had practiced medicine without a training certificate. (Tr. at 370-371)
- Dr. Moinuddin stated that, when he had contacted the Board in mid-October 2002 to schedule the USMLE Step 3 examination, he had learned that he would not qualify to take Step 3 because it had been more than seven years since he had passed Steps 1 and 2. As a result, Dr. Moinuddin thought he would have to retake Steps 1 and 2, and then take Step 3 in order to move on to the second year of the family-medicine residency. Dr. Moinuddin testified that Dr. Rowane had offered to provide him with an intensive review course to allow Dr. Moinuddin to study for the USMLE. Dr. Moinuddin stated that, although he had not mentioned the USMLE in his resignation letter, “I still knew I couldn’t do it. That’s

⁷Despite Dr. Moinuddin’s disagreement with UHC on this point, the evidence reflects that Dr. Moinuddin completed several documents and requirements much later than required by UHC. Dr. Moinuddin did not execute the orientation sign-off sheet until August 2002, did not execute the residency contract until late September 2002, and, despite repeated requests, did not obtain his physical examination and drug screening until late September 2002. (Tr. at 153, 154, 172, 392; St. Ex. 5 at 7, 26, 42, 142-144)

⁸During his five months at UHC, eleven written evaluations were completed regarding Dr. Moinuddin’s performance. Four of those nine evaluations ranked his overall performance as unacceptable or weak, two ranked the overall performance as acceptable, and three did not select an overall ranking. The remaining two evaluators stated that they had not worked at all or sufficiently with Dr. Moinuddin in order to complete an evaluation. (St. Ex. 5 at 85-99)

⁹Dr. Moinuddin was issued an Ohio training certificate in September 2002. (Tr. at 155-156; see also Ohio E-License Center, State of Ohio, July 31, 2009, <<https://license.ohio.gov/lookup/>>)

- why I wrote the letter on November 30th to leave.” (Tr. at 181-183, 239-240, 353-357, 372, 396-398, 412-415)
- Dr. Moinuddin stated that UHC sought to remove him from the residency because he could not qualify to take Step 3 of the USMLE under the then-current licensure rules and because of events with a patient for whom he had provided care. (Tr. at 161-162, 359-362)
33. Dr. Moinuddin stated that, in early December 2002, he briefly had consulted an attorney because of the events at UHC, including his belief he had not had a training certificate. He testified that he had been advised by the attorney that his time in the residency “would not count” and there would be no employment history for him. (Tr. at 185, 187, 189-190, 374-375, 379-380, 410)

Dr. Moinuddin’s Testimony Regarding his Answers on the NY Board Application, the FCVS Applications and the Ohio Certificate Application

34. Dr. Moinuddin testified that he did not intend to deceive the Board, the NY Board, or FCVS. (Tr. at 382)
35. Moreover, he disagreed that his applications were untruthful. With regard to the NY Board application, Dr. Moinuddin testified that his answers to Question 14 and the chronology section were truthful because, at the time that he had completed that application, he had believed that he had not had a training certificate and that the UHC residency did not count. Dr. Moinuddin elaborated that, when he had written the letter of resignation on November 30, he had considered his action to be a voluntary resignation. However, after consulting with an attorney in December 2002, he had concluded that the UHC residency had not happened and, for that reason, answered the questions negatively. He further stated that, because he now knows that he had been granted a training certificate by the Board (which he admitted was issued late), he would answer the questions differently. (Tr. at 200-203, 207, 402)
36. With regard to the second FCVS application, Dr. Moinuddin explained that he had disclosed the UHC residency because, “after speaking with the American Medical Association, I discovered that [the UHC] residency was, indeed, documented for the four months I was there. I thought it prudent to be proactive and resubmit my application with the amended answers.” He acknowledged that, in that second FCVS application, he had answered all of the unusual circumstances questions negatively. Dr. Moinuddin testified that, “[t]he way I answered them is exactly the way I feel about it even to this day.” In addition, he pointed out that, at the time, he did not have the same documentation that UHC had had. In Dr. Moinuddin’s view, he had been given no negative reports verbally and he did not consider UHC’s actions to be limitations or special requirements. (Tr. at 232-233, 236-239) The following exchange provides Dr. Moinuddin’s explanation as to why he had stated that there was no leave of absence during the UHC residency:

Q. Was the time period in which you were not working in November a break in your residency training?

A. I didn't -- Again, I viewed it as waiting for a psychiatric evaluation.

Q. Was it a break in your residency training?

A. I don't call it that. I don't call it that. I just call it waiting for a psychiatric evaluation. No one ever said to leave.

Q. But you had no training from the program during that month?

A. Right. But I just looked at it as a psychiatric evaluation that I was waiting for. Like I said, it was supposed to only take a few days. What took a few days took a month because of scheduling.

(Tr. at 416-417; see also Tr. at 235)

37. With regard to the Ohio certificate application, Dr. Moinuddin acknowledged that he had not notified the Board initially of the UHC residency. He explained that, just as with the NY Board application, he had believed that he had not had a training certificate and that the UHC residency did not count. (Tr. at 230-231, 379-380)

In addition, he stated that his answers to Question 4 and the chronology section were not inaccurate because he later disclosed that he had resigned from the UHC residency program. Dr. Moinuddin explained that he had supplemented his Ohio application with information regarding the UHC residency for the same reason he had submitted a second FCVS application, namely, he had discovered that the UHC residency was included in his AMA profile. (Tr. at 228-232, 241-242, 375-376; Resp. Ex. K)

Other Information

38. Dr. Moinuddin testified that he had continued to work at his insurance agency while he participated in the UHC residency. He stated, "I owned it, so I had to do some managerial. I had -- On the weekends if I had the day off, I would write a policy. On a Saturday if I had a day off, I would write a policy." Dr. Moinuddin also described his insurance agency as a hobby, "something going on the side." (Tr. at 141, 143-144, 386-389) He also stated that he had found it easy to manage both the UHC residency program and his insurance agency:

My agency was located literally four minutes down the road on Euclid Avenue, same as University on the same side. So after work I'd sometimes go down there for, you know, 20 minutes, make sure everything went okay and go back home.

So like I said, on the weekends instead of going -- going to the movies, I'd go write policies. So it was something that I enjoyed to do.

* * *

I had a full-time employee working for me. It's not much. There's no products you have to juggle. You're shuffling paper. So all I have to do is sign it, they put it in the file and you're done. There's no inventory.

Out of all the businesses, it's a pretty simple business to run because you don't have to order any products or any inventory.

(Tr. at 144-145)

39. Dr. Moinuddin testified that, if granted an Ohio certificate, he would like to focus on one area of medicine and that would be psychiatry. (Tr. at 382-383)

FINDINGS OF FACT

1. On August 16, 2007, Douglas Shaheen Moinuddin, M.D., submitted to the Board an Application for Physician Licensure, which is comprised of both an electronic Common Licensure Application Form [CLAF] and a paper Ohio Addendum to Application [Addendum], including an Affidavit and Authorization for Release of Information [Affidavit]. By signing said Affidavit, Dr. Moinuddin certified under oath that the information provided in his license application was true, and that he had answered all questions truthfully and completely. Dr. Moinuddin's application remains pending with the Board.
2. In the Chronology of Activities section of the CLAF, Dr. Moinuddin indicated that from July 1996 to July 2007, he only worked as an "agent" in the "family business – insurance agency." In fact, Dr. Moinuddin failed to disclose that, from July 2002 to November 2002, he had participated in a family-medicine resident training program at University Hospitals of Cleveland, Ohio [UHC Residency].
3. In the Addendum section of his license application, Dr. Moinuddin answered "No" to question number 4, which asks the following:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

In fact, on October 31, 2002, Dr. Moinuddin was notified that formal corrective action was being taken against him by the UHC Residency due to concerns raised regarding his academic performance and behaviors necessitating immediate evaluation by UHC's employee assistance program and suspension. The behaviors warranting a fitness-for-duty evaluation by the UHC employee assistance program included a series of events demonstrating non-performance, noncompliance, resistant behavior and periods of atypical behavior. Under

- UHC's policies for residents and fellows, corrective actions must be taken where there is a lack of professional competence, insufficient medical knowledge and/or technical skills needed to carry out duties and responsibilities. Following the fitness-for-duty evaluation, on November 30, 2002, Dr. Moinuddin resigned from the UHC Residency.
4. As part of the Board application process, Dr. Moinuddin caused to be submitted a Federation Credentials Verification Service Application [FCVS Application] in August 2007, including an affidavit in which he certified under oath that the information provided therein was true in every aspect, and that he had answered all questions truthfully and completely.
 - a. In his August 2007 FCVS Application, he was asked to provide a complete, specific explanation regarding any other training or breaks between the beginning of his medical education and the final year of his postgraduate training. Dr. Moinuddin stated that, from July 1996 to July 2007, he "worked in family business – property/casualty insurance agency." In fact, Dr. Moinuddin failed to state that, from July 2002 to November 2002, he had participated in the UHC residency.
 - b. Further, in his August 2007 FCVS Application, Dr. Moinuddin was asked to provide a description of all post-graduate medical education. While he disclosed his participation in an internship from July 1995 to June 1996 at the University of California, Irvine, he failed to disclose his participation in the UHC Residency.
 - c. Dr. Moinuddin did not update his FCVS application until he was asked by FCVS to respond to the fact that he had participated in the UHC Residency. However, Dr. Moinuddin submitted a second FCVS application in December 2007, in which he disclosed his participation in the UHC Residency, but he failed to note any "Unusual Circumstances" while at the UHC Residency, such as those designated by the program director, including, taking a leave of absence or break in his training; that negative reports for behavioral reasons were filed by his instructors; and that limitations or special requirements were placed upon him because of questions of academic incompetence, disciplinary problems or any other reason.
 5. On March 29, 2005, Dr. Moinuddin caused to be submitted to the Division of Professional Licensing Services of the New York State Education Department an Application for Licensure and First Registration [NY Application]. Dr. Moinuddin declared and affirmed that the statements made by him in the NY Application were true, complete and correct.
 - a. Dr. Moinuddin answered "NO" to question number 14, which asks the following:

Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have

you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such measures?

In fact, Dr. Moinuddin had formal corrective action and suspension (in the form of paid leave) imposed by the UHC Residency for reasons described above. Further, following the fitness-for-duty evaluation, on November 30, 2002, Dr. Moinuddin resigned from the UHC Residency.

- b. Dr. Moinuddin falsely answered question number 21, which required him to “[p]rovide a chronological list of all activities since graduation from professional school to the present,” by indicating he was employed from “11/01” to the “present” as an “insurance agent (owner) – A+ Insurance Agency, Inc., P.O. Box 451452, Westlake, OH 44145.”

In fact, from July 2002 to November 2002, Dr. Moinuddin participated in the UHC Residency.

CONCLUSIONS OF LAW

1. Dr. Moinuddin’s acts, conduct, and/or omissions, as set forth in Findings of Fact 1 through 5, individually and/or collectively constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as set forth in Section 4731.22(B)(5), Ohio Revised Code.

Dr. Moinuddin’s acts, conduct, and/or omissions, as set forth in Findings of Fact 1 through 5, individually and/or collectively constitute “false, fraudulent, deceptive, or misleading statement[s]” because they were “misrepresentation[s] of fact,” “likely to mislead or deceive because of a failure to disclose material facts,” “intended or [] likely to create false or unjustified expectations of favorable results,” or include “representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived,” as set forth in Section 4731.22(B)(5), Ohio Revised Code.

2. The evidence establishes that Dr. Moinuddin failed to disclose the 2002 residency and disciplinary actions taken by the UHC Residency in response to the direct instructions and questions contained on the Ohio application, the FCVS applications, and the NY applications. The surrounding circumstances support a conclusion that Dr. Moinuddin intended to mislead or deceive the two medical boards and the FCVS when he falsely answered.
3. Section 4731.29, Ohio Revised Code, states in pertinent part that, when a person licensed to practice medicine and surgery in another state seeks to practice medicine and surgery in Ohio, the person shall file an application and submit “evidence satisfactory to the board of meeting

the same age, moral character, and educational requirements individuals must meet under sections 4731.08 * * *.” Section 4731.08, Ohio Revised Code provides in pertinent part:

* * * [E]ach person who desires to practice medicine and surgery * * * in this state shall file with the secretary of the state medical board a written application for admission to the examination conducted by the board under section 4731.13 of the Revised Code. The applicant shall file the application under oath on a form prescribed by the board. The application shall furnish evidence satisfactory to the board that the application is more than eighteen years of age and of good moral character.

4. Dr. Moinuddin’s acts, conduct, and/or omissions, as set forth in Findings of Fact 1 through 5, individually and/or collectively constitute a failure to furnish satisfactory proof of good moral character as required by Sections 4731.08 and 4731.29, Ohio Revised Code.

Rationale for the Proposed Order

Dr. Moinuddin chose not to admit or explain his participation in the UHC residency when first asked in a very direct, straightforward manner in three different applications. He stated that it was only after he became aware that his AMA profile reflected that he had participated in the UHC residency that he provided an explanation to the Board on January 2, 2008 and to FCVS on December 18, 2007. He had a duty to answer all application questions honestly, and he did not do that.

The evidence demonstrates that during the five months in which Dr. Moinuddin participated in the UHC residency program, he received negative reports (September 2002 evaluation and Dr. Rowane’s criticism of Dr. Moinuddin’s involvement with a patient in early October 2002). Moreover, Dr. Moinuddin was informed in writing by October 31 of the negative reports. The evidence establishes that Dr. Moinuddin was placed on leave during November 2002, and he was notified of it orally and in writing. In addition, the October 31 memorandum establishes that performance problems existed and that the residency program had placed special requirements on Dr. Moinuddin in October 2002 in order to help resolve them.

The Hearing Examiner did not find Dr. Moinuddin’s testimony to be believable; rather, he seemed to be “rewriting history” selectively in order to justify his false statements. In particular, Dr. Moinuddin testified more than once that he had updated his Ohio application and submitted the second FCVS application *after* he had learned that the UHC residency had been reported in his AMA profile. However, other evidence dispels the veracity of Dr. Moinuddin’s statements. Uncontested evidence reflects that Dr. Moinuddin submitted his second FCVS application on December 18, 2002, and his AMA profile states that the AMA files were checked on December 21, 2002. In addition, the Hearing Examiner did not find credible Dr. Moinuddin’s claim that he did not need to report the UHC residency because he had believed the UHC residency was a nullity. He received four months of training from UHC, and was paid for five months at UHC. There are many records of his participation in that residency. It is questionable that, after a very brief consultation with Dr. Moinuddin, an employment attorney would definitely state that the UHC residency was null and

void. Moreover, it makes little sense that Dr. Moinuddin would simply accept that he never had received a training certificate from the Board without looking into the situation himself, and yet continue to accept a paycheck from UHC. Many of his explanations lacked credibility. Upon consideration, the evidence demonstrates an intent to deceive and a violation of Section 4731.22(B)(5), Ohio Revised Code. Furthermore, the Hearing Examiner finds that Dr. Moinuddin's false, fraudulent, deceptive, or misleading statements on his NY Board application constitute a violation of Section 47831.22(B)(5), Ohio Revised Code, because they occurred in seeking licensure from the NY Board, which is "in relation to the practice of medicine and surgery."

Sections 4731.08 and 4731.29, Ohio Revised Code, mandate that an applicant furnish evidence of good moral character in order to receive an Ohio certificate. The Hearing Examiner is not convinced that Dr. Moinuddin has presented satisfactory proof of the good moral character required for licensure in Ohio.

PROPOSED ORDER

It is hereby ORDERED that:

The application for a certificate of Douglas Shaheen Moinuddin, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY DENIED.

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



Gretchen L. Petrucci
Hearing Examiner

State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 9, 2009

REPORTS AND RECOMMENDATIONS

Dr. Madia announced that the Board would now consider the Reports and Recommendations appearing on its agenda.

Dr. Madia asked whether each member of the Board had received, read and considered the hearing record; the Findings of Fact, Conclusions and Proposed Orders; and any objections filed in the matters of: Atta J. Asef, D.P.M.; Daryl E. Cavin; Mohan S. Chandran, M.D.; Syed Kazmi, M.D.; Jack Mark Levine, D.O.; Douglas S. Moinuddin, M.D.; Alaa M. Nadour, M.D.; and Julie A. Taylor, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

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

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye

Dr. Madia - aye

Dr. Madia 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. Nadour, 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.

Dr. Madia reminded all parties that no oral motions may be made during these proceedings.

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

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DOUGLAS S. MOINUDDIN, M.D.

Dr. Madia directed the Board's attention to the matter of Douglas S. Moinuddin, M.D. He advised that objections were filed to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to Board members.

At this time, Mr. Jurca indicated that Dr. Moinuddin intended to address the Board. He stated that he believed that he had made his request to address, and apologized if he had not.

Dr. Madia advised that Dr. Moinuddin would be allowed five minutes to address the Board.

Dr. Moinuddin thanked the members of the Board, its staff, the Attorney General's Office, the Hearing Examiner and his own attorney for all their efforts. He stated that he even thanked Dr. Rowane and shook hands with him during his deposition. Dr. Moinuddin stated that he understands Dr. Rowane's motives for wanting him out of the program. Dr. Rowane was the residency director, and he (Dr. Moinuddin) was a resident who was unable to proceed to year 2. In addition, he tried to steer liability for a critically ill patient away from his colleague and his employer, the University of Family Medicine Foundation, towards him and his employer, University Hospitals of Cleveland. Dr. Moinuddin stated that these were two separate and distinct entities. Mr. Moinuddin noted that there was also a threatening, intimidating meeting under the guise of employee assistance, in which he was denied representation that was filled with mistruths and accusations. Dr. Moinuddin stated that at that meeting Dr. Rowane failed to produce even one written document or one witness to corroborate any of his allegations. There were never any concerns regarding Dr. Moinuddin's prior performance or behavior. All of his work was co-signed, and, thus, agreed to by all the various attendings with whom he worked.

Dr. Moinuddin stated that he has submitted to the Board various objective evidence of his multiple dictated

discharge summaries that show that he was a competent intern. In addition, his attending in the Heart Failure Unit confirmed the merits of his performance and behavior in his July 2002 evaluation.

Dr. Moinuddin stated that every single evaluation secured by Dr. Rowane was written and submitted after his criticism of Dr. Moinuddin's performance and after he was already out of the program and never discussed with him. Dr. Moinuddin stated that one evaluation was written by someone who never observed him. The evidence shows that it was pre-dated and submitted, conveniently, one day after he asked Dr. Rowane if he had any documentation. Dr. Moinuddin stated that, to him, that is manufacturing evidence. Five years later, there appeared a remedial memo in his personnel file, yet the file contains no record of any remedial activities. Dr. Rowane admitted in his testimony that he does not recall if he even wrote it, does not recall if it was even sent to Dr. Moinuddin, and Dr. Rowane stated that he never signed it. To this day, the memo in his file remains unsigned and they don't know who wrote it. Yet, it was placed in his file. Dr. Moinuddin stated that he can only surmise that that's record tampering.

Dr. Moinuddin stated that Dr. Rowane falsely told the Board in his affidavit that he had to undergo educational interventions during his first two months. He stated that there is no record in the file of such interventions, and he couldn't recall any in his deposition, when asked. Dr. Moinuddin continued that Dr. Rowane also falsely stated in his affidavit that his work was substandard; yet, in his e-mail to the Internal Medicine Director in late November 2002, Dr. Rowane admitted that he was unsure of Dr. Moinuddin's performance.

Dr. Moinuddin stated that Dr. Rowane's motives during a few short months cannot overcome a lifetime of his achievements and conduct. He stated that he doesn't use illicit drugs, doesn't abuse alcohol, doesn't have any legal trouble, never needed any psychiatric care, has an excellent credit rating, still has all of his childhood friends, and has a great family and wonderful parents who are still together and who taught him to always be respectful, honest and kind toward others. Dr. Moinuddin stated that he graduated magna cum laude from his undergraduate program, ranked in the top third of his medical school, and was given a recommendation of "excellent" by the dean. He completed an internship at the University of California, Irvine, without incident. He has owned successful businesses and is currently responsible for four employees.

Dr. Moinuddin stated that the same traits carried him upon entering his internship at University Hospital and in everything he does. He never lost his compassion for patients, his hard work ethic, or his desire to excel. Dr. Moinuddin stated that he's fully cooperated with the Board during these last two years. He heeded advice and hired an attorney, even though he thought it was unwarranted. He answered all the interrogatories submitted by the Board, he complied with the Board and underwent formal psychiatric evaluation and psychological testing in November 2008. He gave permission to the Board to obtain results from his previous psychiatric evaluation from November 2002 when it asked him. He cooperated in answering all the questions presented to him at the hearing.

Dr. Madia advised Dr. Moinuddin that he has one more minute to complete his address.

Dr. Moinuddin stated that Dr. Rowane and his staff purposely misrepresented the status of his license on October 31, 2002, orally and in writing, in an effort to discredit him at a time when he had just contacted the Board and found out that he needed to retake all three steps of the USMLE. They disclosed this fact, even though they knew that it was their failure to secure his training license in a timely manner that actually caused him to work for three months unlicensed. He advised that Dr. Rowane continued to conceal the fact that he had a temporary license in late November 2002 when he invited Dr. Moinuddin to rejoin the program during a telephone conversation. This information directly impacted his views following his departure from University Hospitals and for the next five years. He stated that he spent two and a half years of hard work and dedication to retake and pass all three steps of the USMLE. During this time, he could only be found at home, in the book store, or studying in the library. He never went out. Dr. Moinuddin stated that he would have never devoted that much time, energy, commitment and sacrifice if he thought these allegations would resurface. He would have addressed the allegations before he attempted to resume his medical career to clear his name. When the new information did come to light in December 2007, he immediately and proactively amended his Ohio and FCVS applications in writing before his applications were complete, in accordance with the Board's instructions and he continues to maintain their accuracy.

Dr. Moinuddin stated that at this point in his life, his only goal is to help people in the field that he truly admires and loves. He asked the Board members to grant him that opportunity.

Dr. Madia asked whether the Assistant Attorney General wished to respond.

Ms. Unver stated that Dr. Moinuddin was in a residency program at University Hospitals (UH) from July 2002 until he resigned from it at the end of November 2002, when he knew that he was about to be placed on academic probation. Rather than acknowledging this debacle in his medical training history, he intentionally chose to hide it, thinking that no one would ever find out about it if he never disclosed it on application materials.

Ms. Unver stated that the facts in this case establish that, first, Dr. Moinuddin did not disclose his UH residency training from 2002 on his Common Licensure Application Form (CLAF). Instead, he only wrote that he was working as an agent for a family business, an insurance agency, during the time of the UH residency program. Second, in the addendum section of the Ohio license application, Dr. Moinuddin answered, "no," to question four, which asks:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

Ms. Unver stated that, in fact, Dr. Moinuddin had been warned about his poor performance in the UH residency program as early as September, based upon his non-performance, non-compliance, resistant

behavior and atypical behavior. He had to be placed in a remedial training rotation and undertake a "fitness for duty" evaluation. Dr. Moinuddin left the program rather than go on academic probation.

Ms. Unver stated that, third, Dr. Moinuddin did not disclose the UH residency training on his FCVS application. Instead, he only indicated that he was working in the family business, an insurance agency.

Ms. Unver stated that, finally, Dr. Moinuddin did not disclose the UH residency training in his 2005 application for a medical license with the New York State Education Dept. Instead, Dr. Moinuddin wrote in his application that he was the agent/owner of an insurance agency.

Ms. Unver stated that Dr. Moinuddin was able to get away with hiding this UH residency for a while. He got his New York license without disclosing it. He was trying to get an Ohio license without disclosing it. The problem is that he got caught, and now all Dr. Moinuddin could do was to admit the lies or to create some wild story to hide them. Dr. Moinuddin chose to hide them. In doing so, he paints a picture of conspiracy in his version of the facts. Dr. Moinuddin wants the Board to believe that the folks running the residency program at UH had it out for him. His conspiracy theory includes tales of a fabricated letter, a specially designed elective for Dr. Moinuddin, rather than the usual rotation for the other residents that they had to take, and a failure on the school's part to obtain a training certificate. His theory contains a free consultation with an unknown attorney, who supposedly advised him that he was unlicensed when working at UH and, therefore, just to pretend it never happened. Ms. Unver stated that Dr. Moinuddin's conspiracy theory is so far-fetched that it only serves to emphasize the truth and the facts of this case: that Dr. Moinuddin engaged in making false, fraudulent, deceiving or misleading statements in an attempt to get a license. Ms. Unver stated that the facts in this case illustrate that this is not a simple matter of failing to disclose something. Dr. Moinuddin engaged in an ongoing intentional pattern to deceive the Board and other licensing agencies, which shows a failure on his part to show good moral character.

Ms. Unver continued that she wants to spend a moment talking about the prior Board case and the effect of precedent. She noted that Dr. Moinuddin has pointed out four cases in his objections, that he thinks are similar to his situation, where the Board just gave a reprimand or a short suspension period. Ms. Unver stated that these were just four cases, and there are as many or more that show a permanent denial of a license. Ms. Unver listed the names of five of those cases. She stated that precedent is a helpful marker, but it is important to remember that each case needs to be decided on the facts and the circumstances of that particular case. Perhaps the most compelling aspect of this case, which makes it different from any other case that has been cited, is that Dr. Moinuddin has a continuous and an intentional refusal to admit what truly happened here. He writes that he submitted a full and accurate application for a license and that there were false statements made by his residency program director.

Ms. Unver stated that the extremes to which Dr. Moinuddin will go to hide information and cover lies is what makes this case so serious. It is the extremes to which Dr. Moinuddin will go that can and would place the public at danger, if he is licensed. She asked to what degree he would hide information from a patient, change records or deny fault. She asked whether this is the type of character trait that the Board wants Ohio's physicians to possess. She stated that the State strongly agrees with the Report and

Recommendation, as written, that Dr. Moinuddin's application to practice medicine and surgery in the State of Ohio be permanently denied.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF DOUGLAS S. MOINUDDIN, M.D. MR. HAIRSTON SECONDED THE MOTION.

Dr. Madia stated that he would now entertain discussion in the above matter.

Dr. Mahajan stated that in looking at this case, it is bothersome that Dr. Moinuddin finished his medical school in 1994 and has never practiced medicine. With all the inconsistencies and everything, he doesn't think that the Board should grant Dr. Moinuddin a license. Dr. Mahajan stated that he doesn't feel that Dr. Rowane was going out of his way to punish Dr. Moinuddin for whatever reason. Dr. Mahajan stated that he doesn't feel that Dr. Rowane was out there to get Dr. Moinuddin.

Dr. Stephens stated that she looked at this case differently. She thinks that all Board members have seen residents that for some reason or other can get persecuted or pigeonholed, or for some reason they end up in a bad place, for no particular lack of knowledge or anything else. It can be because someone doesn't like them, or doesn't like their past history, or doesn't like that they were in business, or doesn't like this, that or the other. Dr. Stephens stated that she really doesn't see his side of things as a wild story. She thinks that it's not a conspiracy theory, and she doesn't think that his arguments are far-fetched. Dr. Stephens stated that she thinks that a permanent denial of the application is too harsh. Dr. Stephens stated that she thinks that Dr. Moinuddin's side of the story is just as credible as the A.G.'s side of the story.

Dr. Stephens stated that she would like to amend the Proposed Order. She doesn't believe that Dr. Moinuddin's application should be permanently denied. She suggested a stayed suspension, and then require him to do certain things in order to get a license.

Ms. Debolt suggested that the Board table the matter to allow Dr. Stephens time to work with a staff member in drawing up a new Proposed Order.

Dr. Amato stated that he agrees that the Proposed Order is too drastic. He suggested granting a license, a 30-day suspension, probation for two years. He stated that the Board also needs to assess whether he's seen any patients during the past two years.

Dr. Mahajan stated that Dr. Moinuddin hasn't practiced since 2002. He needs to take the SPEX or something. It was indicated that Dr. Moinuddin passed Step 3 of the USMLE in 2005 or 2006.

Mr. Ogg agreed with Ms. Debolt's suggestion to table the matter.

Dr. Suppan suggested that the Board require Dr. Moinuddin to have a physician sponsor or mentor instead

of placing him on probation.

MR. HAIRSTON MOVED TO TABLE THE REPORT AND RECOMMENDATION IN THE MATTER OF DR. MOINUDDIN TO DRAFT AN AMENDED ORDER. DR. AMATO SECONDED THE MOTION. Dr. Steinbergh abstained, all other members voted aye. The motion carried.

At the end of the meeting, Dr. Madia removed the matter from the table. Dr. Amato had earlier left the meeting.

DR. STEPHENS MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF DOUGLAS S. MOINUDDIN, M.D., BY SUBSTITUTING THE FOLLOWING:

It is hereby ORDERED that:

- A. **GRANT OF CERTIFICATE; SUSPENSION, STAYED; PROBATION:** The application of Douglas Shaheen Moinuddin, M.D., for a certificate to practice medicine and surgery in Ohio is GRANTED, provided that he successfully completes the Special Purpose Examination within one year of the date of this Order, and he otherwise meets all statutory and regulatory requirements. Dr. Moinuddin's certificate shall be immediately SUSPENDED for 30 days, which suspension is STAYED subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least one year:
1. **Obey the Law:** Dr. Moinuddin shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
 2. **Declarations of Compliance:** Dr. Moinuddin shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Moinuddin shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

4. **Professional Ethics Course(s)**: Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Moinuddin shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Moinuddin submits the documentation of successful completion of the course or courses dealing with professional ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. **Personal Ethics Course(s)**: Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Moinuddin shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Moinuddin submits the documentation of successful completion of the course or courses dealing with personal ethics, he shall also submit to the Board a written report describing the course, setting forth what he learned from the course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

6. **Monitoring Physician**: Prior to Dr. Moinuddin's commencement of practice in Ohio, or as otherwise determined by the Board, Dr. Moinuddin shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Moinuddin and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Moinuddin and his medical practice, and shall review Dr. Moinuddin's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Moinuddin and his medical practice, and on the review of Dr. Moinuddin's patient charts. Dr. Moinuddin shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Moinuddin's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Moinuddin must immediately so notify the Board in writing. In addition, Dr. Moinuddin shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Moinuddin shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

7. **Noncompliance Will Not Reduce Probationary Period:** In the event Dr. Moinuddin is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Moinuddin's certificate will be fully restored.

C. **REQUIRED REPORTING AND DOCUMENTATION OF REPORTING:**

1. **Required Reporting to Employers and Hospitals:** Within 30 days of the effective date of this Board Order, Dr. Moinuddin shall provide a copy of this Board Order to all employers or entities with which he is under contract to provide health care services (including but not limited to third-party payors) or is receiving training, and the Chief of Staff at each hospital or health-care center where he has privileges or appointments.

Further, Dr. Moinuddin shall promptly provide a copy of this Board Order to all employers or entities with which he contracts to provide health-care services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or health-care center where he applies for or obtains privileges or appointments. In the event that Dr. Moinuddin provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within 30 days of the effective date of this Board Order, Dr. Moinuddin shall provide a copy

of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Dr. Moinuddin receives from the Board written notification of his successful completion of probation as set forth in paragraph B, above.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Board Order, Dr. Moinuddin shall provide a copy of this Board Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity through which he currently holds any license or certificate. Further, Dr. Moinuddin shall provide a copy of this Board Order at the time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license.

This requirement shall continue until Dr. Moinuddin receives from the Board written notification of his successful completion of probation as set forth in paragraph B, above.

3. **Documentation that the Required Reporting Has Been Performed:** Dr. Moinuddin shall provide the Board with **one** of the following documents as proof of each required notification within 30 days of the date of each notification required above: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Board Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Board Order to the person or entity to whom a copy of the Board Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Board Order to the person or entity to whom a copy of the Board Order was emailed.

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

DR. MAHAJAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye

Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- abstain
Dr. Madia	- aye

The motion carried.

DR. STEPHENS MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF DOUGLAS S. MOINUDDIN, M.D. DR. SUPPAN SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- abstain
	Dr. Madia	- aye

The motion carried.

State Medical Board of Ohio

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

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

February 12, 2009

Case number: 09-CRF-021

Douglas Shaheen Moinuddin, M.D.
P.O. Box 451452
Westlake, Ohio 44145

Dear Doctor Moinuddin:

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 August 16, 2007, you caused to be submitted to the Board an Application for Physician Licensure [License Application], which is comprised of both an electronic Common Licensure Application Form [CLAF] and a paper Ohio Addendum to Application [Addendum], including an Affidavit and Authorization for Release of Information [Affidavit]. By signing said Affidavit, you certified under oath that the information provided in your License Application was true, and that you had answered all questions truthfully and completely. Your License Application remains pending.
- (2) In the Chronology of Activities section of the CLAF, you were asked to provide the following:

List ALL activities (medical and non-medical, including postgraduate training) in chronological order beginning with medical school graduation to the PRESENT date, using MONTH and YEAR. For any non-working time, you MUST state on the form exactly what your activities were, such as "vacation" or "seeking employment," as well as your permanent address.

You indicated that from July 1996 to July 2007, you only worked as an "agent" in the "family business – insurance agency." In fact, you failed to disclose that from in or about July 2002 to in or about November 2002, you participated in a family medicine resident training program at University Hospitals of Cleveland, Ohio [UHC Residency].

Mailed 2-12-09

- (3) In the Addendum section of your License Application, you answered “NO” to question number 4, which asks the following:

Have you ever resigned from, withdrawn from, or have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from, a medical school, clinical clerkship, externship, preceptorship, residency, or graduate medical education program?

In fact, on or about October 31, 2002, you were notified that formal corrective action was being taken against you by the UHC Residency due to concerns raised regarding your academic performance and behaviors necessitating immediate evaluation by UHC’s employee assistance program and concomitant suspension. Said behaviors warranting a fitness for duty evaluation before the UHC’s employee assistance program included a series of events demonstrating non-performance, noncompliance, resistant behavior and periods of atypical behavior. Under UHC’s policies for residents and fellows, corrective actions must be taken where there is a lack of professional competence, insufficient medical knowledge and/or technical skills needed to carry out duties and responsibilities. Following the fitness for duty evaluation, on or about November 30, 2002, you resigned from the UHC Residency.

- (4) As part of the application process, you caused to be submitted to the Board a Federation Credentials Verification Service Application [FCVS Application], including an affidavit in which you certified under oath that the information provided therein was true in every aspect, and that you had answered all questions truthfully and completely.

- (a) In your FCVS Application you were asked to provide a complete, specific explanation regarding any other training or breaks between the beginning of your medical education and the final year of your post graduate training. You indicated that from July 1996 to July 2007, you “worked in family business – property / casualty insurance agency.” In fact, you failed to indicate that between in or about July 2002 to in or about November 2002, you participated in the UHC Residency.
- (b) Further, in your FCVS Application you were asked to provide a description of all post-graduate medical education. While you disclosed your participation in an internship from July 1995 to June 1996 at the University of California, Irvine, you failed to disclose your participation in the UHC Residency. You updated your FCVS Application only after you were asked by FCVS to respond to the fact that you participated in the UHC Residency, whereupon you then failed to note any “Unusual Circumstances” while at the UHC Residency, such as those designated by the program director, including, taking a leave of absence or break in your training; that negative reports for behavioral reasons were filed by your instructors; and that limitations or special requirements were placed upon you because of questions of academic incompetence, disciplinary problems or any other reason.

(5) On or about March 29, 2005, you caused to be submitted to the Division of Professional Licensing Services of the New York State Education Department an Application for Licensure and First Registration [New York Application]. You declared and affirmed that the statements made by you in the New York Application were true, complete and correct.

(a) You answered "NO" to question number 14, which asks the following:

Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such measures?

In fact, you had formal corrective action and concomitant suspension taken against you by the UHC Residency for reasons described above. Further, following the fitness for duty evaluation, on or about November 30, 2002, you resigned from the UHC Residency.

(b) You falsely answered question number 21, which required you to "[p]rovide a chronological list of all activities since graduation from professional school to the present," by indicating you were employed from "11/01" to "present" as an "insurance agent (owner) – A+ Insurance Agency Inc., P.O. Box 451452, Westlake, OH 44145."

In fact, from in or about July 2002 to in or about November 2002, you participated in the UHC Residency.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (5) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (5) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, 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.

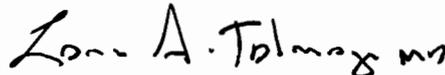
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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/DSZ/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3066 6900
RETURN RECEIPT REQUESTED

cc: Scott Lavelle, Esq., Jeff Jurca, Esq.
Lavelle Jurca & Lashuk, LLC
6797 N. High St., Ste. 314
Worthington, Ohio 43085

CERTIFIED MAIL #91 7108 2133 3936 3066 6894
RETURN RECEIPT REQUESTED