

APR 22 2022

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1905

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY IJAZ MAHMOOD, M.D., LICENSE NO. 31150, 3906 DUPONT CIRCLE, SUITE E, LOUISVILLE, KENTUCKY 40207

ORDER OF REVOCATION

Pursuant to KRS 311.591(7) and KRS 13B.120, at its meeting on April 21, 2022, the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Hearing Panel A, took up this matter for final action. Hearing Panel A considered the Amended Complaint, filed December 16, 2021; the Hearing Officer’s Findings of Fact, Conclusions of Law and Recommended Order, dated March 7, 2022; and the licensee’s duly filed exceptions, filed March 21, 2022.

Having considered all the information available and being sufficiently advised, Hearing Panel A ACCEPTS AND ADOPTS the Hearing Officer’s Findings of Fact and Conclusions of Law and INCORPORATES them BY REFERENCE into this Order. (Attachment) Hearing Panel A FURTHER ACCEPTS AND ADOPTS the Hearing Officer’s recommended order.

Having considered all statutorily available sanctions and the nature of the violations in this case, the Hearing Panel has determined that revocation is the appropriate sanction.

Accordingly, Hearing Panel A **ORDERS**:

1. The license to practice medicine held by Ijaz Mahmood, M.D., is hereby REVOKED and he shall not perform any act which constitutes the “practice of medicine,” as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities – in the Commonwealth of Kentucky;

2. The provisions of KRS 311.607 SHALL apply to any petition for reinstatement filed by the licensee and prior to filing any petition for reinstatement of his license to practice medicine, the licensee SHALL:
 - a. Satisfy and be released from all terms and conditions of the Plea Agreement he entered August 21, 2021, in *USA v. Mahmood*, U.S. District Court (Western District of Kentucky), Case No. 3:19-CR-00059;
 - b. Complete a board-approved clinical skills assessment at either the Center for Personalized Education for Professionals ("CPEP") (720 South Colorado Boulevard, Suite 1100-N, Denver Colorado 80246, Tel. (303) 577-3232) or LifeGuard (400 Winding Creek Boulevard, Mechanicsburg, Pennsylvania, 17050, Tel. (717) 909-2590); and
 - c. Pursuant to KRS 311.565(1)(v), the licensee SHALL REIMBURSE the costs of the proceedings in the amount of \$1,031.25;
3. If the licensee's license to practice medicine in the Commonwealth of Kentucky should ever become reinstated, that reinstatement SHALL be contingent upon the licensee entering into an Agreed Order of Indefinite Restriction pursuant to which the licensee SHALL be indefinitely and permanently banned from prescribing or dispensing controlled substances in accordance with the legislative intent set forth in KRS 218A.205(3)(f) and 201 KAR 9:081 and any other terms and conditions deemed appropriate by the Panel at that time.

SO ORDERED on this 22nd day of April, 2022.




WAQAR A. SALEEM, M.D.
CHAIR, HEARING PANEL A

CERTIFICATE OF SERVICE

I certify that the original of the foregoing Order of Revocation was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed, first-class postage prepaid, to Thomas J. Hellmann, Esq., Hearing Officer, 810 Hickman Hill Road, Frankfort, Kentucky 40601; and copies were mailed, certified return-receipt requested, to the licensee, Ijaz Mahmood, M.D., License No. 31150, 222 East Witherspoon Street,

#2000, Louisville, Kentucky 40202, and his counsel, Andrew L. Sparks, Esq., Dickinson & Wright, 300 West Vine Street, Suite 1700, Lexington, Kentucky 40507, on this 22nd day of April, 2022.



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

EFFECTIVE DATE AND APPEAL RIGHTS

Pursuant to KRS 311.593(1) and 13B.120, the effective date of this Order will be thirty (30) days after this Order of Revocation is received by the licensee or the licensee's attorney, whichever shall occur first.

The licensee may appeal from this Order, pursuant to KRS 311.593 and 13B.140-.150, by filing a Petition for Judicial Review in Jefferson Circuit Court within thirty (30) days after this Order is mailed or delivered by personal service. Copies of the petition shall be served by the licensee upon the Board and its General Counsel or Assistant General Counsel. The Petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested, along with a copy of this Order.

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COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1905

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY IJAZ MAHMOOD, M.D., LICENSE NO. 31150, 3906 DUPONT CIRCLE, SUITE E, LOUISVILLE, KENTUCKY 40207

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND RECOMMENDED ORDER**

The Kentucky Board of Medical Licensure (hereinafter, "the Board") brought this action against the license of Ijaz Mahmood, M.D., charging him with several violations of the statutes governing the practice of medicine in Kentucky. The case is before the hearing officer on the *Motion for Summary Disposition* filed by the Board to which Dr. Mahmood has not filed a response. *Order Cancelling Administrative Hearing*. Therefore, Dr. Mahmood is in default under KRS 13B.080(6), which allows the hearing officer to accept as true the allegations in the *Complaint*, but in his *Answer to Amended Complaint* Dr. Mahmood has also explicitly admitted to the truth of the substance of the Board's allegations against him. Therefore, the hearing officer grants the motion for summary disposition, and he recommends the Board find Dr. Mahmood guilty of violating the Board's statutes governing the practice of medicine as set forth in the *Amended Complaint* and take any appropriate action against his license for those violations. In support of that recommendation the hearing officer submits the following findings of fact, conclusions of law, and recommended order.

FINDINGS OF FACT

1. On December 16, 2021, the Board issued the *Amended Complaint* charging Dr. Mahmood with violating KRS 311.595(4), (9), as illustrated by KRS

311.597(4), and KRS 311.595(12) as a result of Dr. Mahmood being indicted and pleading guilty to the charge of conspiracy to commit health care fraud and wire fraud, in violation of 18 U.S.C. §§ 1347 and 2, and of conspiracy to illegally use the DEA registration number issued to another person, in violation of 21 U.S.C. §§ 843(a)(2) and 846. *Amended Complaint*, Paragraphs 7 and 9, pages 2-3; and Attachment 1 to the *Motion for Summary Disposition*.

2. Dr. Mahmood admitted to the truth of the Boards factual allegations against him and to his violations of KRS 311.595(4), (9), as illustrated by KRS 311.597(4), and KRS 311.595(12). *Answer to Amended Complaint*, Paragraphs 1 to 9, page 1.

3. Dr. Mahmood admitted that the factual basis for his guilty plea to the federal charges included his defrauding various health care benefit programs and obtaining money and property from the programs by submitting false and fraudulent claims resulting in payment to him of \$117,209. *Amended Complaint*, Paragraph 8, page 3; *Answer to Amended Complaint*, Paragraph 8, page 1.

4. In addition, Dr. Mahmood admitted that the factual basis for his guilty plea also included his using the DEA registration number belonging to another person in the course of dispensing and distributing Schedule II, III, and IV controlled substances, and by pre-signing controlled substance prescriptions for his office staff to use while he was away from his medical practice. *Id.*

5. Dr. Mahmood specifically admitted that by conduct he violated KRS 311.595(4), (9), as illustrated by KRS 311.597(4), and KRS 311.595(12). *Amended Complaint*, Paragraph 9; *Answer to Amended Complaint*, Paragraph 9, page 1.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this action pursuant to KRS 311.591 and KRS 311.595.
2. The administrative hearing was conducted in accordance with the provisions of KRS Chapter 13B and KRS 311.565(1)(g) and KRS 311.591.
3. Pursuant to KRS 13B.090(2), the hearing officer may submit a recommended order without conducting an evidentiary hearing “if the hearing officer determines there are no genuine issues of material fact in dispute and judgment is appropriate as a matter of law.”
4. There are no genuine issues of material fact in dispute in this action, and judgement is appropriate as a matter of law.
5. Under KRS 13B.090(7), the Board had the burden to prove by a preponderance of the evidence the allegations against Dr. Mahmood.
6. The Board has met its burden to prove Dr. Mahmood violated KRS 311.595(4), (9), as illustrated by KRS 311.597(4), and KRS 311.595(12).
7. Pursuant to KRS 311.595(4), a licensee is subject to discipline if he has entered a guilty plea to a crime as defined in KRS 335B.010”
8. Under KRS 335.010, the term “conviction of a crime” is defined as “convictions of felonies or misdemeanors.”
9. Dr. Mahmood has been convicted of the crimes set forth in 18 U.S.C. §§ 1347 and 2 and 21 U.S.C. §§ 843(a)(2) and 846, and therefore, he is subject to discipline by the Board under KRS 311.595(4).

10. Pursuant to KRS 311.595(9), as illustrated by KRS 311.597(4), a physician is subject to discipline for engaging in dishonorable, unethical, or unprofessional conduct that is “calculated or has the effect of bringing the medical profession into disrepute, including but not limited to any departure from, or failure to conform to the standards of acceptable and prevailing medical practice”

11. Dr. Mahmood is subject to discipline under those statutes based upon his convictions of federal criminal offenses related to health care fraud and misuse of another’s DEA license, which conduct brings the medical profession into disrepute.

12. Under KRS 311.595(12), a licensee is subject to discipline if he has violated “any provision or term of any medical practice act . . . or any other valid regulation of the board.”

13. Dr. Mahmood is subject to discipline under that statute due to his failure to comply with the provisions of 201 KAR 9:260 by prescribing controlled substances without appropriate patient evaluations and without making clinically sound decisions prior to issuing the prescriptions.

RECOMMENDED ORDER

Based upon the foregoing findings of fact and conclusions of law, the hearing officer recommends the Board find Dr. Ijaz Mahmood in violation of KRS 311.595(4), (9), as illustrated by KRS 311.597(4), and KRS 311.595(12) and take any appropriate action against his license for those violations.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110(4) a party has the right to file exceptions to this recommended decision:

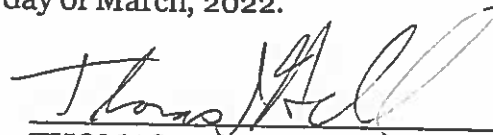
A copy of the hearing officer's recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head.

A party also has a right to appeal the Final Order of the agency pursuant to KRS 13B.140(1) which states:

All final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the circuit court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served upon filing an appeal in circuit court.

SO RECOMMENDED this 4th day of March, 2022.



THOMAS J. HELLMANN
HEARING OFFICER
810 HICKMAN HILL RD
FRANKFORT KY 40601
(502) 330-7338
thellmann@mac.com

CERTIFICATE OF SERVICE

4th I hereby certify that the original of this RECOMMENDATION was mailed this day of March, 2022, by first-class mail, postage prepaid, to:

JILL LUN
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK STE 1B
310 WHITTINGTON PKWY
LOUISVILLE KY 40222

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

LEANNE K DIAKOV
GENERAL COUNSEL
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK STE 1B
310 WHITTINGTON PKWY
LOUISVILLE KY 40222

ANDREW L SPARKS
DICKINSON WRIGHT PLLC
300 WEST VINE STREET SUITE 1700
LEXINGTON KY 40507



THOMAS J. HELLMANN

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FILED OF RECORD

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K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1905

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY IJAZ MAHMOOD, M.D., LICENSE NO. 31150, 3906
DUPONT CIRCLE, SUITE E, LOUISVILLE, KENTUCKY 40207

AMENDED COMPLAINT

Comes now the Complainant Dale E. Toney, M.D., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel B, and on behalf of the Panel states for its Amended Complaint against the licensee, Ijaz Mahmood, M.D., as follows:

1. At all relevant times, Ijaz Mahmood, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is hematology/oncology
3. On or about April 3, 2019, the licensee was indicted on one (1) count of conspiracy to commit health care fraud and wire fraud, in violation of 18 U.S.C. § 1349, and four (4) counts of health care fraud, in violation of 18 U.S.C. §§ 1347 and 2. According to the indictment, the manner and means by which the licensee sought to accomplish the objects and the purpose of the conspiracy and fraud included, in part, that
 - The licensee directed individuals not licensed to practice medicine to perform medical services on patients, including infusions;
 - The licensee directed staff to perform medical services on patients when he was not present and when he was not in a position to supervise the services; and
 - He allowed unlicensed staff to provide prescriptions for controlled substances to patients when the licensee was away from his medical practice, using pre-signed blank prescription forms.
4. In addition, on or about April 3, 2019, the licensee was indicted on one (1) count of conspiracy to illegal use DEA registration number issued to another, in violation of 21 U.S.C. §§ 843(a)(2) and 846. According to the indictment, the licensee knowingly and

intentionally combined, conspired, confederated and agreed with other persons to use a registration number belonging to another person in the course of dispensing and distributing Schedule II, III and IV controlled substances, specifically by pre-signing controlled substance prescriptions for his office staff, who did not have DEA registration numbers assigned to them, to use while the licensee was away from his medical practice.

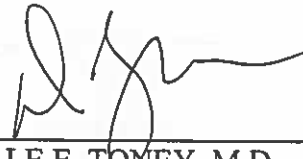
5. On or about April 18, 2019, an Emergency Order of Suspension was issued against the licensee's license to practice medicine.
6. On or about February 23, 2021, a superseding indictment was rendered additionally charging the licensee with:
 - one (1) count of conspiracy – unlawful distribution and dispensing of controlled substances, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), (b)(1)(E)(i), (b)(2) and 846. According to the indictment, the licensee knowingly and intentionally combined, conspired, confederated and agreed with other persons to distribute and dispense Schedule II, III and IV controlled substances to patients, without a legitimate medical purpose and outside the usual course of professional medical practice; and
 - five (5) counts of unlawful distribution and dispensing of Schedule II controlled substances, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2. According to the indictment, the licensee knowingly and intentionally combined, conspired, confederated and agreed with other persons to distribute and dispense Schedule II, III and IV controlled substances to patients, without a legitimate medical purpose and outside the usual course of professional medical practice.
7. On or about August 26, 2021, the licensee entered a plea of guilty to the charges of conspiracy to commit health care fraud and wire fraud, in violation of 18 U.S.C. §§ 1347 and 2 and of conspiracy to illegal use of a DEA registration number issued to another, in violation of 21 U.S.C. §§ 843(a)(2) and 846.
8. In his plea agreement, the licensee stipulated the following facts as the basis for his plea:

- Beginning on or about September 9, 2016 and continuing through on or about March 30, 2018, the licensee, aided and abetted by others, known and unknown, in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program affecting commerce (i.e. Medicare, TRICARE, Medicaid, Anthem and other commercial health care benefit programs), and to obtain by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit program, to wit: the licensee and others sought to unlawfully enrich themselves by, among other things: (a) submitting and causing the submission of false and fraudulent claims to Medicare, TRICARE, Medicaid, Anthem, and other commercial health care benefit programs, for services that were medically unnecessary, not eligible for reimbursement, and never provided; (b) concealing the submission of false and fraudulent claims to Medicare, TRICARE, Medicaid, Anthem and other commercial health care benefit programs; and (c) diverting fraud proceeds for their personal use and benefit, the use and benefit of others, and that as a result of these false and fraudulent claims, the licensee was paid \$117,209 by Medicare, TRICARE, Medicaid, Anthem, and other commercial health care benefit programs; and
 - Beginning on or about June 1, 2015 and continuing through on or about February 28, 2019, the licensee did knowingly and intentionally combine, conspire, confederate and agree with other persons, known and unknown, to use a registration number belonging to another person in the course of dispensing and distributing Schedule II, III, and IV controlled substances, to wit: the licensee pre-signed controlled substance prescriptions for his office staff, who did not have DEA registrations numbers assigned to them, to use while he was away from his medical practice.
9. By his conduct, the licensee has violated KRS 311.595(4), (9), as illustrated by KRS 311.597(4), and KRS 311.595(12). Accordingly, legal grounds exist for disciplinary action against his license to practice medicine in the Commonwealth of Kentucky.
10. The licensee is directed to respond to the allegations delineated in the Amended Complaint within thirty (30) days of service thereof and is further given notice that:
- (a) His failure to respond may be taken as an admission of the charges;
 - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
11. NOTICE IS HEREBY GIVEN that a hearing on this Amended Complaint is scheduled for March 2, 2022, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of

Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine in the Commonwealth of Kentucky held by Ijaz Mahmood, M.D.

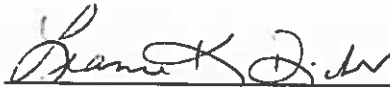
This 16th day of December, 2021.



DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Amended Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Thomas J. Hellmann, Hearing Officer, 810 Hickman Hill Road, Frankfort, Kentucky 40601; and a copy was mailed via certified mail return-receipt requested to the licensee's counsel of record, Andrew L. Sparks, Esq., Dickinson & Wright, 300 West Vine Street, Suite 1700, Lexington, Kentucky 40507, on this 16th day of December, 2021.



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

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1905

FILED OF RECORD

MAY 20 2019

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY IJAZ MAHMOOD, M.D., LICENSE NO. 31150, 3906
DUPONT CIRCLE, SUITE E, LOUISVILLE, KENTUCKY 40207

COMPLAINT

Comes now the Complainant Sandra R. Shuffett, M.D., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel B, and on behalf of the Panel which met on May 16, 2019, states for its Complaint against the licensee, Ijaz Mahmood, M.D., as follows:

1. At all relevant times, Ijaz Mahmood, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is hematology/oncology
3. On or about April 3, 2019, the licensee was indicted on one (1) count of conspiracy to commit health care fraud and wire fraud, in violation of 18 U.S.C. § 1349, and four (4) counts of health care fraud, in violation of 18 U.S.C. §§ 1347 and 2. According to the indictment, the manner and means by which the licensee sought to accomplish the objects and the purpose of the conspiracy and fraud included, in part, that
 - The licensee directed individuals not licensed to practice medicine to perform medical services on patients, including infusions;
 - The licensee directed staff to perform medical services on patients when he was not present and when he was not in a position to supervise the services; and
 - He allowed unlicensed staff to provide prescriptions for controlled substances to patients when the licensee was away from his medical practice, using pre-signed blank prescription forms.
4. In addition, on or about April 3, 2019, the licensee was indicted on one (1) count of conspiracy to illegal use DEA registration number issued to another, in violation of 21 U.S.C. §§ 843(a)(2) and 846. According to the indictment, the licensee knowingly and

intentionally combined, conspired, confederated and agreed with other persons to use a registration number belonging to another person in the course of dispensing and distributing Schedule II, III and IV controlled substances, specifically by pre-signing controlled substance prescriptions for his office staff, who did not have DEA registration numbers assigned to them, to use while the licensee was away from his medical practice.

5. On or about April 18, 2019, an Emergency Order of Suspension was issued against the licensee's license to practice medicine
6. By his conduct, the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(12). Accordingly, legal grounds exist for disciplinary action against his license to practice medicine in the Commonwealth of Kentucky.
7. The licensee is directed to respond to the allegations delineated in the Complaint within thirty (30) days of service thereof and is further given notice that:
 - (a) His failure to respond may be taken as an admission of the charges;
 - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
8. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for October 1, 2019, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine in the Commonwealth of Kentucky held by Ijaz Mahmood, M.D.

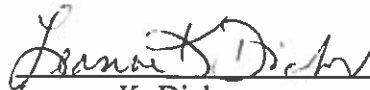
This 20th day of May, 2019.



SANDRA R. SHUFFETT, M.D.
CHAIR, INQUIRY PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Daphne Criscillis, Docket Clerk, Administrative Hearings Branch, Office of the Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601; and copies were mailed via certified mail return-receipt requested to the licensee, Ijaz Mahmood, M.D., License No. 31150, 3906 DuPont Circle, Suite E, Louisville, Kentucky 40207 and 2200 East Witherspoon Street, #2000, Louisville, Kentucky 40202, on this 20th day of May, 2019.



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

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
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IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY IJAZ MAHMOOD, M.D., LICENSE NO. 31150, 3906 DUPONT CIRCLE, SUITE E, LOUISVILLE, KENTUCKY 40207

EMERGENCY ORDER OF SUSPENSION

The Kentucky Board of Medical Licensure (“the Board”), acting by and through the Chair of its Inquiry Panel B, considered an Indictment, filed April 3, 2019, in the United States District Court, Western District of Kentucky, Case No. 3:19-CR-59-CHB, and having considered this information and being sufficiently advised, the Chair of Inquiry Panel B enters the following EMERGENCY ORDER OF SUSPENSION in accordance with KRS 311.592(1) and 13B.125(1):

FINDINGS OF FACT

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

1. At all relevant times, Ijaz Mahmood, M.D. (“the licensee”), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee’s medical specialty is hematology/oncology
3. On or about April 3, 2019, the licensee was indicted on one (1) count of conspiracy to commit health care fraud and wire fraud, in violation of 18 U.S.C. § 1349, and four (4) counts of health care fraud, in violation of 18 U.S.C. §§ 1347 and 2. According to the indictment, the manner and means by which the licensee sought to accomplish the objects and the purpose of the conspiracy and fraud included, in part, that

- The licensee directed individuals not licensed to practice medicine to perform medical services on patients, including infusions;
 - The licensee directed staff to perform medical services on patients when he was not present and when he was not in a position to supervise the services; and
 - He allowed unlicensed staff to provide prescriptions for controlled substances to patients when the licensee was away from his medical practice, using pre-signed blank prescription forms.
4. In addition, on or about April 3, 2019, the licensee was indicted on one (1) count of conspiracy to illegal use DEA registration number issued to another, in violation of 21 U.S.C. §§ 843(a)(2) and 846. According to the indictment, the licensee knowingly and intentionally combined, conspired, confederated and agreed with other persons to use a registration number belonging to another person in the course of dispensing and distributing Schedule II, III and IV controlled substances, specifically by pre-signing controlled substance prescriptions for his office staff, who did not have DEA registration numbers assigned to them, to use while the licensee was away from his medical practice.

CONCLUSIONS OF LAW

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

1. The licensee's Kentucky medical license is subject to regulation and discipline by this Board.
2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on

probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.

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

the Board may infer that the licensee will similarly violate the Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a licensee's practice presents representative proof of the nature of that licensee's practice in general. Accordingly, probable cause to believe that the licensee has committed certain violations in the recent past presents probable cause to believe that the licensee will commit similar violations in the near future, during the course of the licensee's osteopathic practice.

8. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780 (1988) and Gilbert v. Homar, 520 U.S. 924 (1997), 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).

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

EMERGENCY ORDER OF SUSPENSION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel B hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by Ijaz Mahmood, M.D., is SUSPENDED and Dr.

Mahmood is prohibited from performing any act which constitutes the “practice of medicine or osteopathy,” as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities - until the Board’s hearing panel has finally resolved the Complaint after receipt of the court documents resolving the criminal charges in the indictment discussed in this pleading or until such further Order of the Board.

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

SO ORDERED this 18th day of April, 2019.



SANDRA R. SHUFFETT, M.D.
CHAIR, INQUIRY PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Emergency Order of Suspension was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; and a copy was mailed via certified mail return-receipt requested to the licensee, Ijaz Mahmood, M.D., License No. 31150, 3906 DuPont Circle, Suite E, Louisville, Kentucky 40207, on this 18th day of April, 2019.



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