

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1537

APR 22 2014

K.B.M.L.

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

ORDER OF REVOCATION

On April 17, 2014, the Kentucky Board of Medical Licensure ("the Board"), acting by and through its Hearing Panel A, took up this case for final action. The members of Panel A reviewed the Complaint; a WCPO news report, titled "Mason spine surgeon Dr. Atiq Durrani flees the U.S., warrant issued for his arrest," dated December 13, 2013; the Hearing Officer's Recommended Order Granting Second Motion for Default Ruling, filed February 20, 2014; and a memorandum from the Board's counsel, dated March 28, 2014. The licensee, Abubakar Atiq Durrani, M.D., did not appear before the Panel.

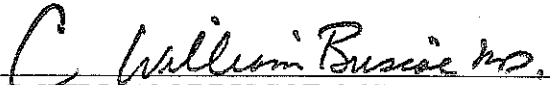
Having considered all the information available and being sufficiently advised, Hearing Panel A ACCEPTS the hearing officer's recommended findings and ADOPTS those findings and INCORPORATES them BY REFERENCE into this Order; Hearing Panel A FURTHER ACCEPTS AND ADOPTS the hearing officer's Recommended Order. (Attachment) Having considered all of the sanctions available under KRS 311.595 and the nature of the violations in this case, Hearing Panel A has determined that revocation is the appropriate sanction. Accordingly, Hearing Panel A **ORDERS**:

1. The license to practice medicine held by Abubakar Atiq Durrani, M.D., is hereby REVOKED and he may 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;

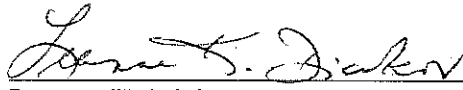
2. The provisions of KRS 311.607 SHALL apply to any petition for reinstatement filed by the licensee; and
3. The licensee SHALL REIMBURSE the costs of these proceedings in the amount of \$562.50, prior to filing any petition for reinstatement of his license to practice medicine in the Commonwealth of Kentucky.

SO ORDERED, this 22nd day of April, 2014.


C. WILLIAM BRISCOE, 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; and a copy was mailed, first-class postage prepaid, to Thomas J. Hellmann, Esq., Hearing Officer, 415 West Main Street, P.O. Box 676, Frankfort, Kentucky 40602-0676; and via certified mail return-receipt requested to the licensee, Abubakar Atiq Durrani, M.D., 6905-B Burlington Pike, Florence, Kentucky 41042, and his counsel, Mike Lyon, 312 Walnut Street, Suite 3100, Cincinnati, Ohio 45202, on this 22nd day of April, 2014.


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, this Order will be effective immediately on filing. It is the Panel's opinion that based upon sufficient reasonable cause, the health, welfare, and safety of Dr. Durrani's patients or the general public would be endangered by delay.

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 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.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1537

FILED OF RECORD

FEB 20 2014

K.B.M.L.

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

RECOMMENDED ORDER GRANTING
SECOND MOTION FOR DEFAULT RULING

This action is before the hearing officer on the *Second Motion for Default Ruling* (hereinafter *Second Motion*) filed by the Kentucky Board of Medical Licensure. Finding substantial merit to the motion, the hearing officer grants the motion and recommends the Board issue a Final Order finding Dr. Durrani in default. In support of that recommendation, the hearing officer states the following:

On December 3, 2013, the Board issued the *Complaint* against Dr. Durrani charging him with violating KRS 311.595(4) and (9), as illustrated by KRS 311.597(4), and KRS 311.595(10) and (12). The Board's charges were issued as a result of a federal criminal indictment that had been issued against Dr. Durrani. Among other allegations, the Board asserted that Dr. Durrani convinced a number of patients to undergo medically unnecessary spinal surgeries; improperly billed private and public healthcare benefit programs for medical services; and made false statements to patients, colleagues, and hospitals relating to the patients' medical conditions, the success of his surgeries, and the status of his hospital privileges. The criminal indictment and the

Complaint also alleged that Dr. Durrani allowed others to issue prescriptions for oxycodone using his pre-signed blank prescription pads. *Complaint*, pages 2-5.

In the *Order Denying Motion for Default Ruling* dated January 23, 2014, the hearing officer ruled that there was insufficient evidence in the record to support the conclusion that Dr. Abubakar Atiq Durrani was served with the *Complaint* in accordance with KRS 311.591(4). That statute requires "a complaint to be served on the charged physician by personal delivery or by certified mail to the physician's last address of which the board has record."

Attachment 1 to the *Second Motion* is a copy of the U.S. Postal Service's certified mail receipt for the *Complaint*. The document was mailed to Abubakar Atiq Durrani, M.D., at 6905-B Burlington Pike, Florence, KY 41042, but the *Complaint* was returned as "not deliverable as addressed, unable to forward." The Board received the return receipt on December 13, 2013. *Second Motion*, Attachment 1. The hearing officer notes that his order denying the Board's original motion to dismiss was mailed by first-class mail to Dr. Durrani at that same address, but the order was also returned as undeliverable and could not be forwarded. For that reason, this order has not been sent Dr. Durrani's address of record.

The Board represents that the address to which the *Complaint* was mailed is Dr. Durrani's address of record with the Board, which a physician is required to maintain pursuant to KRS 311.586(1). Under Section 2 of that same statute, a physician who "moves his office to a new address shall immediately notify the board of the change."

Since the *Complaint* was mailed to Dr. Durrani's address of record, the hearing officer finds that the Board properly served Dr. Durrani with the *Complaint* in accordance with KRS 311.591(4).

As further proof that Dr. Durrani has abandoned his medical practice and can't be located, the Board attached to its motion a newspaper article that indicates he is subject to an arrest warrant due to his having fled the country sometime before December 13, 2013, to escape the pending federal criminal charges. *Second Motion, Attachment 3*. The article asserts he is also facing over 160 civil lawsuits and an action before the Ohio medical board. That information supports the conclusion that Dr. Durrani is not subject to personal service of the *Complaint* and that he's failed to provide the Board with his current address in a willful effort to avoid service.

Based upon the return receipt dated December 13, 2013, and in accordance with KRS 311.591(4), Dr. Durrani was required to file a response to the *Complaint* by January 13, 2014. He has not done so and is in default. Pursuant to KRS 311.591(4), a licensee's "failure to submit a timely response or willful avoidance of service may be taken by the board as an admission of the charges."

Since Dr. Durrani is in default, the administrative hearing scheduled for May 12-13, 2014, is canceled. The hearing officer has sent a courtesy copy of this recommended order to Dr. Durrani's former counsel.

RECOMMENDED ORDER

Based upon Dr. Durrani's failure to respond to the charges in the *Complaint*, the hearing officer recommends that the Board find Dr. Durrani in default, find that he has admitted to the charges in the *Complaint*, and find that he has violated the provisions of KRS 311.595 and KRS 311.597 as set forth in the *Complaint*. The hearing officer further recommends that the Board take any appropriate action against the license of Dr. Durrani to practice medicine for his violations of the Board's statutes.

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.

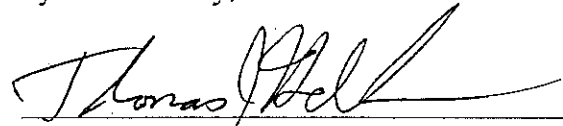
A party also has a right to appeal the Final Order of the agency pursuant to KRS 13B.140(1) which states:

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 17th day of February, 2014.



THOMAS J. HELLMANN
HEARING OFFICER
415 WEST MAIN ST.
P.O. BOX 676
FRANKFORT, KY 40602-0676
(502) 227-2271
thellmann@hazelcox.com

CERTIFICATE OF SERVICE

I hereby certify that the original of this RECOMMENDED ORDER was mailed this 7th day of February, 2014, 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
ASSISTANT GENERAL COUNSEL
KY BOARD OF MEDICAL LICENSURE
HURSTBOURNE OFFICE PARK STE 1B
310 WHITTINGTON PKWY
LOUISVILLE KY 40222

MIKE LYONS
ATTORNEY AT LAW
312 WALNUT ST STE 3100
CINCINNATI OH 45202


THOMAS J. HELLMANN

1537FC

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1537

DEC 03 2013

K.B.M.L.

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

COMPLAINT

Comes now the Complainant, Randel C. Gibson, D.O., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel B, and on behalf of the Panel which met on November 21, 2013, states for its Complaint against the licensee, Abubakar Atiq Durrani, M.D., as follows:

1. At all relevant times, Abubakar Atiq Durrani, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is orthopaedic surgery.
3. On or about August 7, 2013, the licensee was indicted on five (5) counts of knowingly and willfully executing and attempting to execute a scheme and artifice to defraud, obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs as defined in Title 18, United States Code, Section 24 (b), in connection with the delivery of, billing, and payment for health care benefits, items, and services for Patients 1, 2, 3, 4 and 5, all in violation of Title 18, United States Code, Section 1347.
4. Pursuant to the Indictment, the licensee was also indicted on five (5) counts of knowingly and willfully making materially false, fictitious, and fraudulent statements, representations and writings in connection with the delivery of health care benefits,

items and services involving a health care benefit program as defined in 18 U.S.C. § 24(b), all in violation of Title 18, United States Code, Section 1035.

5. On or about October 16, 2013, a Superseding Indictment was issued against the licensee, by which he was indicted on twelve (12) counts of knowingly and willfully executing and attempting to execute a scheme and artifice to defraud, obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs as defined in Title 18, United States Code, Section 24 (b), in connection with the delivery of, billing, and payment for health care benefits, items, and services for Patients 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 13, all in violation of Title 18, United States Code, Sections 1347 and 2.
6. Pursuant to the Superseding Indictment, the licensee was also indicted on eleven (11) counts of knowingly and willfully making materially false, fictitious, and fraudulent statements, representations and writings in connection with the delivery of health care benefits, items and services involving a health care benefit program as defined in 18 U.S.C. § 24(b), all in violation of Title 18, United States Code, Section 1035.
7. Pursuant to the Superseding Indictment, the licensee was also indicted on one (1) count of devising a scheme to defraud healthcare benefit programs and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, all in violation of Title 18, United States Code, Sections 1341 and 2.
8. Pursuant to the Superseding Indictment the licensee was also indicted on twelve (12) counts of knowingly and intentionally distributing quantities of a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled

substance, outside the scope of professional practice; to wit, the licensee presigned blank prescription pads and instructed others to write prescriptions for these Schedule II drugs while the licensee was out of the country:

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

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

9. In general, according to the Indictment and Superseding Indictment, beginning in approximately 2008 or 2009 and continuing through August 2013, the licensee derived significant profit by convincing patients to undergo medically unnecessary spinal surgeries and by billing private and public healthcare benefit programs for those fraudulent services; in some instances, the licensee's scheme to defraud resulted in serious bodily injury (especially in regard to Patients 5 and 10) and many patients were left in a worse position; the licensee made false statements to colleagues about the success of his surgical practices; the licensee made false statements to patients

about why a surgery could not be performed at a certain hospital or why he was no longer practicing at certain hospitals; the licensee made false statements to hospitals as part of his applications to obtain, renew or reinstate his credentials or privileges at the hospitals and knowingly used private commercial interstate carriers to deliver and execute those false statements; the licensee falsely told a patient that her surgery could not be performed at West Chester Hospital because the patient's insurance could not be accepted there in order to conceal the fact that his privileges at West Chester Hospital were suspended; the licensee billed Medicare for performance of a surgery which he did not, in fact, perform; and the scheme and artifice to defraud that the licensee devised, executed and attempted to execute including the following patterns and practices at times:

- The licensee would persuade the patient that surgery was the only option, when in fact the patient did not need surgery;
- The licensee would tell the patient the medical situation was urgent and that surgery was needed right away. He would also falsely tell the patient that he/she was at risk of grave injuries without surgery;
- For cervical spine patients, the licensee would often tell a patient that there was a risk of paralysis or the head would fall off if the patient was in a car accident because there was almost nothing attaching the head to the patient's body;
- The licensee often did not read or ignored the radiology reports written by the radiologists for imaging studies that the licensee ordered;
- The licensee would provide his own exaggerated and dire reading of the patient's imaging that was inconsistent with or plainly contradicted by the report written from the radiologist and at times, the licensee, provided a false reading of the imaging;
- The licensee would dictate that he had performed certain physical examinations and procedures on patients that he did not actually perform;
- The licensee would order a pain injection for a level of the spine that was inconsistent with the pain stated by the patient or the imaging. The licensee

scheduled patients for surgeries without learning or waiting for the results of certain pain injections or related therapies;

- The licensee often dictated his operative reports or other patient records months after the actual treatment;
- The licensee's operative reports and treatment records contained false statements about the diagnosis for the patient, the procedure performed, and the instrumentation used in the procedure;
- When a patient experienced complications resulting from the surgery, the licensee at times failed to inform the patient of or misrepresented the nature of the complications; and
- The licensee made false statements to colleagues about the success of his surgical practices. He specifically told an EDS conference that he only had one complication – a broken screw found in a routine follow-up appointment and the patient did not realize that the screw was broken. Those statements were false.

10. On October 31, 2013, based on the above information and pursuant to 201 KAR 9:240 §§ 1 and 3, the Inquiry Panel B Chair found probable cause to believe that the licensee's practices constitute a danger to the health, welfare and safety of his patients or the general public and, as a result, the licensee was suspended from the practice of medicine in the Commonwealth of Kentucky pursuant to an Emergency Order of Suspension, pending resolution of the federal criminal charges and this Complaint.

11. By his conduct, the licensee has violated KRS 311.595(4) and (9), as illustrated by KRS 311.597(4), and KRS 311.595(10) and (12). Accordingly, legal grounds exist for disciplinary action against his Kentucky medical license.

12. 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.

13. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for May 12 & 13, 2014, 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 continuance of the trial on the federal criminal charges or other showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine held by Abubakar Atiq Durrani, M.D.


This 3rd day of December, 2013.



RANDEL C. GIBSON, D.O.
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 Thomas J. Hellmann, Esq., Hearing Officer, 415 West Main Street, P.O. Box 676, Frankfort, Kentucky 40602-0676; and copies were mailed via certified mail return-receipt requested to the licensee, Abubakar Atiq Durrani, M.D., 6905-B Burlington Pike, Florence, Kentucky 41042, and his counsel, Mike Lyon, 312 Walnut Street, Suite 3100, Cincinnati, Ohio 45202, on this 3rd day of December, 2013.



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

FILED OF RECORD

OCT 31 2013

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1537

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

EMERGENCY ORDER OF SUSPENSION

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

FINDINGS OF FACT

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

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

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

4. Pursuant to the Indictment, the licensee was also indicted on five (5) counts of knowingly and willfully making materially false, fictitious, and fraudulent statements, representations and writings in connection with the delivery of health care benefits, items and services involving a health care benefit program as defined in 18 U.S.C. § 24(b), all in violation of Title 18, United States Code, Section 1035.
5. On or about October 16, 2013, a Superseding Indictment was issued against the licensee, by which he was indicted on twelve (12) counts of knowingly and willfully executing and attempting to execute a scheme and artifice to defraud, obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of health care benefit programs as defined in Title 18, United States Code, Section 24 (b), in connection with the delivery of, billing, and payment for health care benefits, items, and services for Patients 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 13, all in violation of Title 18, United States Code, Sections 1347 and 2.
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8. Pursuant to the Superseding Indictment the licensee was also indicted on twelve (12) counts of knowingly and intentionally distributing quantities of a mixture and substance containing a detectable amount of oxycodone, a Schedule II controlled substance, outside the scope of professional practice; to wit, the licensee presigned blank prescription pads and instructed others to write prescriptions for these Schedule II drugs while the licensee was out of the country:

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

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

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

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- For cervical spine patients, the licensee would often tell a patient that there was a risk of paralysis or the head would fall off if the patient was in a car accident because there was almost nothing attaching the head to the patient's body;
- The licensee often did not read or ignored the radiology reports written by the radiologists for imaging studies that the licensee ordered;

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

CONCLUSIONS OF LAW

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

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

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

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


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

EMERGENCY ORDER OF SUSPENSION

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

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

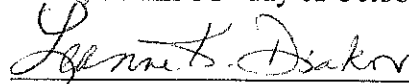
SO ORDERED this 31st day of October, 2013.



RANDEL C. GIBSON, D.O.
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; a copy was mailed via certified mail return-receipt requested to the licensee, Abubakar Atiq Durrani, M.D., 6905-B Burlington Pike, Florence, Kentucky 41042, and his counsel, Mike Lyon, 312 Walnut Street, Suite 3100, Cincinnati, Ohio 45202, on this 31st day of October, 2013.



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