

FILED OF RECORD

MAR 10 2021

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
KBML CASE NO. 1906
ADMINISTRATIVE ACTION NO. 19-KBML-0083

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY MOHAMMED A.H. MAZUMDER, M.D., LICENSE NO. 43704, 92 PICKETT LANE, PRESTONSBURG, KENTUCKY 41653

AMENDED AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Hearing Panel A, and MOHAMMED A.H. MAZUMDER, M.D., (hereafter "the licensee"), and, based upon their mutual desire to allow the licensee to resume the practice of medicine, hereby ENTER INTO the following **AMENDED AGREED ORDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Amended Agreed Order:

1. At all relevant times, Mohammed A.H. Mazumder, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is family medicine.
3. On or about April 11, 2019, the licensee was indicted on one (1) count of conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349; four (4) counts of health care fraud, in violation of 18 U.S.C. §§ 1347 and 2; one (1) count of conspiracy to distribute controlled substances, in violation of 21 U.S.C. § 846; and four (4) counts of unlawful distribution and dispensing of a controlled substance, in violation of 21 U.S.C. § 841(a)(1).
4. According to the indictment, the manner and means by which the licensee sought to accomplish the objects and the purpose of the alleged violations included, in part, that

- The licensee formed, owned and operated a clinic through which he employed and directed non-practitioner staff to evaluate patients;
 - With the licensee's knowledge and consent, non-practitioner staff prescribed and/or dispensed controlled substances to patients while falsely presenting to others that the licensee had made the medical decision to prescribe/dispense the controlled substances;
 - He ordered and directed staff to submit claims to Medicare and Medicaid for purportedly providing beneficiaries and members with office visits by licensed medical professionals, when in reality, beneficiaries and members did not see licensed medical professionals; and
 - The licensee knowingly and intentionally conspired, confederated and agreed with at least four (4) co-conspirators to distribute and dispense, outside the scope of professional practice and not for a legitimate medical purpose, quantities of oxycodone and hydrocodone (Schedule II controlled substances), Tylenol 3 (a Schedule III controlled substance), clonazepam (a Schedule IV controlled substance) and other controlled substances.
5. On or about April 19, 2019, an Emergency Order of Suspension was issued against the licensee's license to practice medicine in the Commonwealth of Kentucky.
6. On or about May 16, 2019, the Inquiry Panel learned that the Board had opened an investigation on the licensee's practices following a grievance from the Office of Inspector General ("OIG") and that a consultant review of patient charts had identified violations of the Medical Practice Act in the licensee's practices that constitute a danger to patients and/or the public.
7. According to the OIG, a KASPER review revealed that the licensee's patient, Patient A was receiving a combination of four different controlled substances, two of which were short-acting pain relievers. A review of the licensee's prescribing patterns revealed several concerns, including:
- age of patients;
 - prescribing of two short-acting pain relievers during the same period of time;
 - use of addictive drug combinations; and
 - failure to run KASPER reports every three months

The OIG identified fifteen (15) patient charts illustrative of these concerns for further review.

8. On or around February 21, 2019, the Federal Office of Inspector General and several other agencies executed a search warrant upon the licensee's clinic and ten (10) of the identified fifteen (15) charts were taken for review by the Board; the other five (5) charts were seized by and remain in custody of other law enforcement.
9. On or about April 16, 2019, a Board consultant completed a review of the ten (10) patient charts and found that the licensee deviated from acceptable and prevailing medical practices in every case and demonstrated a pattern of gross negligence, gross ignorance and/or gross incompetence.
10. The Board consultant also opined that the licensee's practice constitutes a threat to the health, safety and wellbeing of patients and the public.
11. On or about May 22, 2019, a Complaint and Amended Emergency Order of Suspension were issued against the licensee's license to practice medicine in the Commonwealth of Kentucky.
12. On or about October 17, 2019, the licensee entered into a plea agreement whereby he pled guilty to Count 6 of the Indictment, charging a violation of 21 U.S.C. § 846, specifically Conspiracy to Unlawfully Distribute Controlled Substances.
13. In support of the plea agreement, the licensee admitted certain facts, including the following:
 - On at least two occasions, between July 2015 and March 2016, the licensee was not present at the clinic when it was open and operating due to travel abroad. Specifically, the licensee traveled abroad from July 12, 2015 through July 28, 2015, and from February 29, 2016 through March 14, 2015 (collectively, the "Trips Abroad").

- From at least as early as July 2015, and continuing through at least March 2016, at the request of a co-conspirator, the licensee signed blank prescriptions to be used by the clinic when the licensee was not present at the clinic, including during his trips abroad. The licensee knew these pre-signed, blank prescriptions would be subsequently completed by other employees of the clinic, including APRNs and controlled substances would be provided to patients, including Schedule II controlled substances, in quantities in excess of seventy-two hour supplies.
 - As federal law requires prescriptions for Schedule II controlled substances to be signed by licensed medical professionals with active DEA Registration Numbers on the day prescriptions are actually issued, and only upon proper medical evaluations by the issuing medical professional, the licensee and other clinic employees unlawfully distributed fraudulent prescriptions for Schedule II controlled substances outside the scope of professional practice and not for a legitimate medical purpose. The licensee knew the prescriptions were issued outside the scope of professional practice and not for a legitimate medical purpose, or was aware of a high probability that the prescriptions were issued outside the scope of professional practice and not for a legitimate medical purpose and deliberately ignored that fact.
 - In total, as a result of the fraudulent prescriptions, the licensee conspired to unlawfully distribute approximately 3,260 milligrams, or 3.26 grams, of oxycodone (actual).
14. In or around February 2020, the licensee was sentenced to three (3) years of supervised release, including six months of home incarceration followed by home confinement with permission to work, pursuant to a Judgment in a Criminal Case entered in *USA v. Mazumder*, Case No. 3:19-CR-00023-GFVT-EBA (U.S. District Court of Kentucky, Central Division).
15. In or around February 2020, the licensee entered into an Agreed Order with this Board, pursuant to which he was restricted from the practice of medicine and indefinitely and permanently restricted from prescribing or dispensing controlled substances if allowed to resume practice in the future.
16. In or around February 2021, the Board agreed to allow the licensee to resume the practice of medicine pursuant to the terms and conditions set forth in this Amended Agreed Order.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Amended Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(4), (9) – as illustrated by KRS 311.597(3) and (4) – and KRS 311.595(12). Accordingly, there are legal grounds for the parties to enter into this Amended Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this matter by entering into an informal resolution such as this Amended Agreed Order.

AMENDED AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to allow the licensee to resume the practice of medicine, the parties hereby ENTER INTO the following **AMENDED AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky held by Mohammed A.H. Mazumder, M.D., is **RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME**, effective immediately upon the filing of this Amended Agreed Order;
2. During the effective period of this Amended Agreed Order, the licensee's Kentucky medical license **SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION** until further order of the Board:
 - a. The licensee **SHALL NOT** perform any act which would constitute the "practice of medicine or osteopathy," as that term is defined in 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 – unless and until the Panel or its Chair has approved, in writing, the practice location at which he will practice medicine. The decision whether to approve a particular practice location lies in the sole discretion of the Panel or its Chair. In determining whether to approve a particular practice location, the Panel

such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Amended Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Amended Agreed Order.

4. The licensee understands and agrees that any violation of the terms of this Amended Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13), and may provide a legal basis for criminal prosecution.

SO AGREED on this 23 day of Feb, 2021.

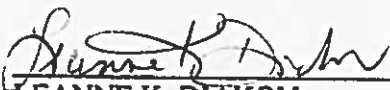
FOR THE LICENSEE:

Mohammed Mazumder M.D.
MOHAMMED A H MAZUMDER, M.D.


TRICIA A. SHACKELFORD, ESQ.
COUNSEL FOR THE LICENSEE

FOR THE BOARD:

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


LEANNE K. DIAKOV
General Counsel
Kentucky Board of Medical Licensure
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(502) 429-7150

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BOARD OF MEDICAL LICENSURE
KBML CASE NO. 1906
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KENTUCKY HELD BY MOHAMMED A.H. MAZUMDER, M.D., LICENSE NO.
43704, 92 PICKETT LANE, PRESTONSBURG, KENTUCKY 41653

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Hearing Panel A, and MOHAMMED A.H. MAZUMDER, M.D., (hereafter "the licensee"), and, based upon their mutual desire to fully and finally resolve this pending Complaint without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order

1. At all relevant times, Mohammed A.H. Mazumder, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is family medicine
3. On or about April 11, 2019, the licensee was indicted on one (1) count of conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349; four (4) counts of health care fraud, in violation of 18 U.S.C. §§ 1347 and 2; one (1) count of conspiracy to distribute controlled substances, in violation of 21 U.S.C. § 846; and four (4) counts of unlawful distribution and dispensing of a controlled substance, in violation of 21 U.S.C. § 841(a)(1).
4. According to the indictment, the manner and means by which the licensee sought to accomplish the objects and the purpose of the alleged violations included, in part, that

- The licensee formed, owned and operated a clinic through which he employed and directed non-practitioner staff to evaluate patients,
 - With the licensee's knowledge and consent, non-practitioner staff prescribed and/or dispensed controlled substances to patients while falsely presenting to others that the licensee had made the medical decision to prescribe/dispense the controlled substances,
 - He ordered and directed staff to submit claims to Medicare and Medicaid for purportedly providing beneficiaries and members with office visits by licensed medical professionals, when in reality, beneficiaries and members did not see licensed medical professionals; and
 - The licensee knowingly and intentionally conspired, confederated and agreed with at least four (4) co-conspirators to distribute and dispense, outside the scope of professional practice and not for a legitimate medical purpose, quantities of oxycodone and hydrocodone (Schedule II controlled substances), Tylenol 3 (a Schedule III controlled substance), clonazepam (a Schedule IV controlled substance) and other controlled substances
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6. On or about May 16, 2019, the Inquiry Panel learned that the Board had opened an investigation on the licensee's practices following a grievance from the Office of Inspector General ("OIG") and that a consultant review of patient charts had identified violations of the Medical Practice Act in the licensee's practices that constitute a danger to patients and/or the public.
7. According to the OIG, a KASPER review revealed that the licensee's patient, Patient A was receiving a combination of four different controlled substances, two of which were short-acting pain relievers. A review of the licensee's prescribing patterns revealed several concerns, including:
- age of patients;
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 - use of addictive drug combinations; and
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The OIG identified fifteen (15) patient charts illustrative of these concerns for further review.

8. On or around February 21, 2019, the Federal Office of Inspector General and several other agencies executed a search warrant upon the licensee's clinic and ten (10) of the identified fifteen (15) charts were taken for review by the Board, the other five (5) charts were seized by and remain in custody of other law enforcement.
9. On or about April 16, 2019, a Board consultant completed a review of the ten (10) patient charts and found that the licensee deviated from acceptable and prevailing medical practices in every case and demonstrated a pattern of gross negligence, gross ignorance and/or gross incompetence.
10. The Board consultant also opined that the licensee's practice constitutes a threat to the health, safety and wellbeing of patients and the public.
11. On or about May 22, 2019, a Complaint and Amended Emergency Order of Suspension were issued against the licensee's license to practice medicine in the Commonwealth of Kentucky.
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13. In support of the plea agreement, the licensee admitted certain facts, including the following:
 - On at least two occasions, between July 2015 and March 2016, the licensee was not present at the clinic when it was open and operating due to travel abroad. Specifically, the licensee traveled abroad from July 12, 2015 through July 28, 2015, and from February 29, 2016 through March 14, 2016 (collectively, the "Trips Abroad").

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- In total, as a result of the fraudulent prescriptions, the licensee conspired to unlawfully distribute approximately 3,260 milligrams, or 3.26 grams, of oxycodone (actual).

14. The licensee is scheduled to be sentenced and a Judgment in a Criminal Case to be entered in or around February 2020, in *USA v. Mazumder*, Case No. 3:19-CR-00023-GFVT-EBA (U.S. District Court of Kentucky, Central Division)

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(4), (9) – as illustrated by KRS 311.597(3) and (4) – and

KRS 311.595(12). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.

3. Pursuant to KRS 311.591(6) and 201 KAR 9.082, the parties may fully and finally resolve this pending Complaint without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending Complaint without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky held by Mohammed A.H. Mazumder, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Order.
2. During the effective period of this Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION until further order of the Board:
 - a. The licensee SHALL NOT perform any act which would constitute the "practice of medicine," as that term is defined in 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 - unless and until approved to do so by the Panel; and
 - b. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. The licensee expressly understands and agrees that the Panel shall not consider a request by the licensee to resume the practice of medicine unless and until the following conditions have been satisfied and verification provided:


- a. The licensee is released from prison, if sentenced to a term of confinement in *USA v. Mazumder*, Case No. 3:19-CR-00023-GFVT-EBA (U.S. District Court of Kentucky, Central Division).
 - b. The licensee has reimbursed the Board's costs of the proceedings in the amount of \$5,287.50; and
 - c. If two (2) or more years have passed since April 19, 2019 (the date the licensee became suspended from practice), the licensee has completed a clinical skills assessment from either Center for Personalized Education for Professionals ("CPEP"), 720 South Colorado Boulevard, Suite 1100-N, Denver, Colorado 80246, Tel. (303) 577-3232 Fax: (303) 577-3241 or LifeGuard, 777 East Park Drive, Harrisburg, Pennsylvania, 17111, Tel. (717) 909-2590 and submitted an assessment report to the Panel for consideration with his request to resume practice.
4. The licensee expressly understands and agrees that if the Panel should allow him to resume the practice of medicine in the future, it SHALL be contingent upon him entering into an Amended Agreed Order pursuant to which he shall be indefinitely and permanently restricted from prescribing or dispensing controlled substances, in keeping with the legislative intent manifested in KRS 218A.205 and 201 KAR 9.081, along with any other terms or conditions deemed appropriate at that time by the Panel.
 5. The licensee expressly agrees that if he should violate any term or condition of the Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that she has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree that the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.
 6. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13) and may provide a legal basis for criminal prosecution for practicing medicine without a license.

SO AGREED on this 27 day of January 2020

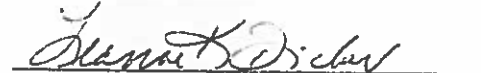
FOR THE LICENSEE:

Mohammed Mazumder M.D.
MOHAMMED A.H. MAZUMDER, M.D.

FOR THE BOARD:


TRICIA A. SHACKELFORD, ESQ.
COUNSEL FOR THE LICENSEE


KENNETH J. PAYNE, M.D.
CHAIR, HEARING PANEL A

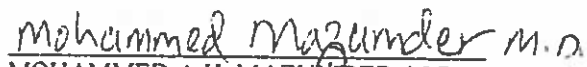

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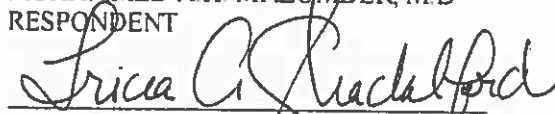
WAIVER OF RIGHTS

I, Mohammed A.H. Mazumder, M.D., am presently the Respondent in Kentucky Board of Medical Licensure Case No. 1906. I understand that, under 201 KAR 9.082, I must waive certain rights if I wish to resolve this matter by informal dispensation. Accordingly, I WAIVE my right to raise any constitutional, statutory or common law objection(s) I may have to the Hearing Panel rejecting the proposed informal dispensation or to the curtailment of such a settlement by the Board's General Counsel or Assistant General Counsel.

Furthermore, if the Hearing Panel accepts the proposed Agreed Order as submitted, I WAIVE my right to demand an evidentiary hearing or to raise additional constitutional or statutory objections in this matter. However, if the Hearing Panel should reject the proposed Agreed Order, I understand that further proceedings will be conducted in accordance with KRS 311.530 *et seq.*, and I will have the right to raise any objections normally available in such proceedings.

Executed this 27 day of January, ~~2019~~ 2020


MOHAMMED A.H. MAZUMDER, M.D.
RESPONDENT


TRICIA A. SHACKELFORD, ESQ.
COUNSEL FOR THE RESPONDENT

FILED OF RECORD

MAY 22 2019

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1906

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY MOHAMMED A.H. MAZUMDER, M.D., LICENSE NO.
43704, 92 PICKETT LANE, PRESTONSBURG, KENTUCKY 41653

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, Mohammed A.H. Mazumder, M.D., as follows:

1. At all relevant times, Mohammed A.H. Mazumder, M.D. ("the licensee"), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is family medicine.
3. On or about April 11, 2019, the licensee was indicted on one (1) count of conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349; four (4) counts of health care fraud, in violation of 18 U.S.C. §§ 1347 and 2; one (1) count of conspiracy to distribute controlled substances, in violation of 21 U.S.C. § 846; and four (4) counts of unlawful distribution and dispensing of a controlled substance, in violation of 21 U.S.C. § 841(a)(1).
4. According to the indictment, the manner and means by which the licensee sought to accomplish the objects and the purpose of the alleged violations included, in part, that
 - The licensee formed, owned and operated a clinic through which he employed and directed non-practitioner staff to evaluate patients;
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 - age of patients;
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 - use of addictive drug combinations; and
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The OIG identified fifteen (15) patient charts illustrative of these concerns for further review.

8. On or around February 21, 2019, the Federal Office of Inspector General and several other agencies executed a search warrant upon the licensee's clinic and ten (10) of the identified fifteen (15) charts were taken for review by the Board; the other five (5) charts were seized by and remain in custody of other law enforcement.

9. On or about April 16, 2019, a Board consultant completed a review of the ten (10) patient charts and found that the licensee deviated from acceptable and prevailing medical practices in every case and demonstrated a pattern of gross negligence, gross ignorance and/or gross incompetence.
10. The Board consultant also opined that the licensee's practice constitutes a threat to the health, safety and wellbeing of patients and the public.
11. Although given an opportunity, the licensee declined to respond to the Board consultant review during the investigation.
12. The Inquiry Panel issued an Amended Emergency Order of Suspension against the licensee's license to practice medicine in the Commonwealth of Kentucky.
13. By his conduct, the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(3) and (4), and KRS 311.595(12). Accordingly, legal grounds exist for disciplinary action against his license to practice medicine in the Commonwealth of Kentucky.
14. 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.
15. 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 Mohammed A.H. Mazumder, M.D.

This 22nd 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, Mohammed A.H. Mazumder, M.D., License No. 43704, 3173 Hemmingway Lane, Lexington, Kentucky 40513, and his counsel, Tricia A. Shackelford, Esq., Shackelford Law Office, PLLC, 3151 Beaumont Centre Circle, Suite 375, Lexington, Kentucky 40513, on this 22nd 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
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AMENDED EMERGENCY ORDER OF SUSPENSION

The Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel B, considered an Indictment, filed April 11, 2019, in the United States District Court, Eastern District of Kentucky, Case No. 3:19-CR-23-GFVT; an Emergency Order issued April 19, 2019; a report of an investigation including concerns from the OIG and an April 2019 Board consultant report. The licensee and his counsel appeared before the Panel and were heard on May 16, 2019. Having considered this information and being sufficiently advised, Inquiry Panel B enters the following AMENDED 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, Inquiry Panel B concludes there is probable cause to make the following Findings of Fact, which support this Amended Emergency Order of Suspension:

1. At all relevant times, Mohammed A.H. Mazumder, M.D. (“the licensee”), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee’s medical specialty is family medicine.
3. On or about April 11, 2019, the licensee was indicted on one (1) count of conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349; four (4) counts of health care fraud, in violation of 18 U.S.C. §§ 1347 and 2; one (1) count of conspiracy to

distribute controlled substances, in violation of 21 U.S.C. § 846; and four (4) counts of unlawful distribution and dispensing of a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

4. According to the indictment, the manner and means by which the licensee sought to accomplish the objects and the purpose of the alleged violations included, in part, that
 - The licensee formed, owned and operated a clinic through which he employed and directed non-practitioner staff to evaluate patients;
 - With the licensee's knowledge and consent, non-practitioner staff prescribed and/or dispensed controlled substances to patients while falsely presenting to others that the licensee had made the medical decision to prescribe/dispense the controlled substances;
 - He ordered and directed staff to submit claims to Medicare and Medicaid for purportedly providing beneficiaries and members with office visits by licensed medical professionals, when in reality, beneficiaries and members did not see licensed medical professionals; and
 - The licensee knowingly and intentionally conspired, confederated and agreed with at least four (4) co-conspirators to distribute and dispense, outside the scope of professional practice and not for a legitimate medical purpose, quantities of oxycodone and hydrocodone (Schedule II controlled substances), Tylenol 3 (a Schedule III controlled substance), clonazepam (a Schedule IV controlled substance) and other controlled substances.
5. On or about April 19, 2019, an Emergency Order of Suspension was issued against the licensee's license to practice medicine in the Commonwealth of Kentucky.
6. On or about May 16, 2019, the Inquiry Panel learned that the Board had opened an investigation on the licensee's practices following a grievance from the Office of Inspector General ("OIG") and that a consultant review of patient charts had identified violations of the Medical Practice Act in the licensee's practices that constitute a danger to patients and/or the public.
7. According to the OIG, a KASPER review revealed that the licensee's patient, Patient A was receiving a combination of four different controlled substances, two

of which were short-acting pain relievers. A review of the licensee's prescribing patterns revealed several concerns, including:

- age of patients;
- prescribing of two short-acting pain relievers during the same period of time;
- use of addictive drug combinations; and
- failure to run KASPER reports every three months

The OIG identified fifteen (15) patient charts illustrative of these concerns for further review.

8. On or around February 21, 2019, the Federal Office of Inspector General and several other agencies executed a search warrant upon the licensee's clinic and ten (10) of the identified fifteen (15) charts were taken for review by the Board; the other five (5) charts were seized by and remain in custody of other law enforcement.
9. On or about April 16, 2019, a Board consultant completed a review of the ten (10) patient charts and found that the licensee deviated from acceptable and prevailing medical practices in every case and demonstrated a pattern of gross negligence, gross ignorance and/or gross incompetence.
10. The Board consultant also opined that the licensee's practice constitutes a threat to the health, safety and wellbeing of patients and the public.
11. Although given an opportunity, the licensee declined to respond to the Board consultant review during the investigation.

CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available, Inquiry Panel B finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Amended 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(3) and (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 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.

AMENDED EMERGENCY ORDER OF SUSPENSION

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

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

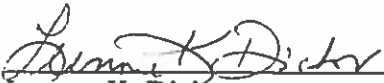
SO ORDERED this 22nd day of May, 2019.



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

CERTIFICATE OF SERVICE

I certify that the original of this Amended 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 copies were mailed via certified mail return-receipt requested to the licensee, Mohammed A.H. Mazumder, M.D., License No. 43704, 3173 Hemmingway Lane, Lexington, Kentucky 40513, and to his counsel Tricia Shackelford, Esq., Shackelford Law Office PLLC, 3151 Beaumont Centre Circle, Suite 375, Lexington, Kentucky 40513 on this 29th 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
CASE NO. 1906

FILED OF RECORD

APR 19 2019

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY MOHAMMED A.H. MAZUMDER, M.D., LICENSE NO. 43704, 92 PICKETT LANE, PRESTONSBURG, KENTUCKY 41653

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 11, 2019, in the United States District Court, Eastern District of Kentucky, Case No. 3:19-CR-23-GFVT, 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, Mohammed A.H. Mazumder, M.D. (“the licensee”), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee’s medical specialty is family medicine.
3. On or about April 11, 2019, the licensee was indicted on one (1) count of conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349; four (4) counts of health care fraud, in violation of 18 U.S.C. §§ 1347 and 2; one (1) count of conspiracy to distribute controlled substances, in violation of 21 U.S.C. § 846; and four (4) counts of

unlawful distribution and dispensing of a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

4. According to the indictment, the manner and means by which the licensee sought to accomplish the objects and the purpose of the alleged violations included, in part, that
 - The licensee formed, owned and operated a clinic through which he employed and directed non-practitioner staff to evaluate patients;
 - With the licensee's knowledge and consent, non-practitioner staff prescribed and/or dispensed controlled substances to patients while falsely presenting to others that the licensee had made the medical decision to prescribe/dispense the controlled substances;
 - He ordered and directed staff to submit claims to Medicare and Medicaid for purportedly providing beneficiaries and members with office visits by licensed medical professionals, when in reality, beneficiaries and members did not see licensed medical professionals; and
 - The licensee knowingly and intentionally conspired, confederated and agreed with at least four (4) co-conspirators to distribute and dispense, outside the scope of professional practice and not for a legitimate medical purpose, quantities of oxycodone and hydrocodone (Schedule II controlled substances), Tylenol 3 (a Schedule III controlled substance), clonazepam (a Schedule IV controlled substance) and other controlled substances.

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 Mohammed A.H. Mazumder, M.D., is SUSPENDED and Dr. Mazumder 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 19th 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, Mohammed A.H. Mazumder, M.D., License No. 43704, 92 Pickett Lane, Prestonsburg, Kentucky 41653, on this 19th day of April, 2019.



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