

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

IMAD M. AL-BASHA, M.D.

Holder of License No. 16896
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-07-0468A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Imad M. Al-Basha, M.D. ("Respondent"), the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other
2 pending or future investigation, action or proceeding. The acceptance of this Consent
3 Agreement does not preclude any other agency, subdivision or officer of this State from
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof) to
13 the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will
21 be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) (“[v]iolating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter”) and 32-1451.

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7 IMAD M. AL-BASHA, M.D.

DATED: 08/10/09

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9 **FINDINGS OF FACT**

10 1. The Board is the duly constituted authority for the regulation and control of
11 the practice of allopathic medicine in the State of Arizona.

12 2. Respondent is the holder of license number 16896 for the practice of
13 allopathic medicine in the State of Arizona.

14 3. The Board initiated case number MD-07-0468A after receiving notification
15 that Respondent was charged in Illinois for allegedly filing false tax returns. Subsequently,
16 Staff obtained information indicating that the Illinois Department of Professional Regulation
17 (Illinois Board) issued Respondent a reprimand in 1998.

18 4. Respondent was charged by the U.S. Attorney's Office with filing false tax
19 returns from 2008 through 2003. On April 8, 2009, Respondent entered into a plea
20 agreement with the U.S. Attorney's Office admitting to filing a materially false tax return.
21 On July 23, 2009, Respondent was sentenced to five years probation.

22 5. On April 15, 1998, the Illinois Board issued a reprimand and fine after finding
23 Respondent failed to properly document services provided to a patient in the hospital and
24 billed for services not rendered. Respondent corrected the billing error after he was
25 notified and paid the fine. The Illinois order is incorporated as referenced.

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(d) (“[c]ommitting a felony, whether or not
6 involving moral turpitude, or a misdemeanor involving moral turpitude. In either case,
7 conviction by any court of competent jurisdiction or a plea of no contest is conclusive
8 evidence of the commission.”) and A.R.S. § 32-1401 (27)(o) (“[a]ction that is taken against
9 a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor’s
10 mental or physical inability to engage safely in the practice of medicine, the doctor’s
11 medical incompetence or for unprofessional conduct as defined by that jurisdiction and
12 that corresponds directly or indirectly to an act of unprofessional conduct prescribed by
13 this paragraph. The action taken may include refusing, denying, revoking or suspending a
14 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
15 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
16 probation by that jurisdiction.”).

17 ORDER

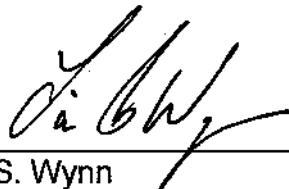
18 IT IS HEREBY ORDERED THAT:

- 19 1. Respondent is issued a Letter of Reprimand.
20 2. This Order is the final disposition of case number MD-07-0468A.

21 DATED AND EFFECTIVE this 7th day of October, 2009.



ARIZONA MEDICAL BOARD

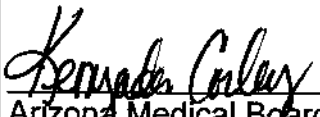
24 By 
25 Lisa S. Wynn
Executive Director

1 ORIGINAL of the foregoing filed
2 this 7 day of October, 2009 with:

3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed
7 this 7 day of October, 2009 to:

8 Imad M. Al-Basha, M.D.
9 Address of Record

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11 _____
12 Arizona Medical Board Staff

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STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)	
of the State of Illinois, Complainant)	
v.)	No. 96-12531-LEG
IMAD M. AL-BASHA, M.D.)	
License No. 036-079335, Respondent)	

CONSENT ORDER

The Department of Professional Regulation by Susan J. Link, one of its attorneys, and Imad M. Al-Basha, M.D., Respondent, hereby agree to the following:

STIPULATIONS

Imad M. Al-Basha, M.D. is licensed as a Physician and Surgeon in the State of Illinois, holding license No. 036-079335. At all times material to the matter set forth in this Consent Order, the Department of Professional Regulation of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the attention of the Department that Respondent failed to properly document services actually rendered to a patient and erroneously sent a bill which listed services for a date upon which no services were provided. However, Respondent corrected that error when he became aware of it.

The allegation(s) as set forth herein, if proven to be true would constitute grounds for suspending or revoking Respondent's license as a Physician and Surgeon, on the authority of 225 Illinois Compiled Statutes (1994), paragraph(s) 60/22A 5.

As a result of the foregoing allegation(s), the Department held an Informal Conference at the offices of the Department, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601 on October 10, 1997. Respondent appeared in person on that date, represented by Patricia J. Foltz. P.S.B. Sarma, M.D. appeared as a member of the Medical Disciplinary Board of the State of Illinois and Susan J. Link appeared as an attorney for the Department.

Respondent asserts, with respect to the documentation issue, that the by-laws of the hospital in which the patient was seen, only require psychiatrists to make progress notes every three (3) days and it is Respondent's custom and practice to make notes every third day in accord with those by-laws.

Respondent asserts, with respect to the bill issued for a date on which services were not performed, that this was a clerical error caused by the fact that the patient left the hospital against medical advice. Respondent corrected the bill as soon as the error was brought to his attention by the patient. Respondent further asserts that the patient issued a Complaint only after she was asked to pay on her bill.

Respondent has been advised of the right to have the pending allegation(s) reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order.

Respondent and the Department have agreed, in order to resolve this matter, that Imad M. Al-Basha, M.D. be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Susan J. Link, its attorney, and Imad M. Al-Basha and his attorney, Patricia J. Foltz, agree:

- A. The Physician and Surgeon license of Imad M. Al-Basha, M.D. shall be Reprimanded and a fine of One Thousand (\$1,000.00) Dollars shall be imposed.
- B. Respondent shall submit a check for One Thousand (\$1,000.00) Dollars made out to the Illinois Department of Professional Regulation with Respondent's return of this Consent Order, and the Department shall hold the check for deposit or return to the Respondent until such time as the Director reviews this Consent Order.
- C. Any violation by Respondent of the terms and conditions of this Consent Order shall be grounds for the Department to immediately file a Complaint to revoke the Respondent's license to practice as a Physician and Surgeon in the State of Illinois.

D. This Consent Order shall become effective ten (10) days after it is approved by the Director of the Department.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

3/6/98
DATE

Susan J. Link
Susan J. Link
Attorney for the Department

3/6/98
DATE

Imad M. Al-Basha
Imad M. Al-Basha
Respondent

3/6/98
DATE

Patricia J. Foltz
Patricia J. Foltz
Attorney for the Respondent

April 1, 1998
DATE

P. B. Johnson
Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 15th day of April, 1998.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

Nikki M. Zollar
NIKKI M. ZOLLAR
DIRECTOR

NMZ:SJL:reu

REF: License No. 036-079335
Case No. 96-12531-LEG