

IN THE MATTER OF * BEFORE THE BOARD OF PHYSICIAN
MANOUCHEHR SADRI, M.D. * QUALITY ASSURANCE OF MARYLAND
LICENSE # D30549 * CASE # 97-0266

* * * * *

FINAL ORDER

This case arose from information received by the Board of Physician Quality Assurance (the "Board") that Manouchehr Sadri, M.D. (the "Respondent"), License Number D30549, pled guilty to one (1) count of felony Medicaid Fraud in violation of Article 27, Section 230B and C of the Annotated Code of Maryland.

On December 31, 1996, the Office of the Attorney General filed with the Board a Petition to Revoke Respondent's Medical License, pursuant to Md. Code Ann., Health Occ. ("H.O.") §14-404(b)(2). H.O. §14-404(b) provides:

(1) On the filing of certified docket entries with the Board by the Office of the Attorney General, the Board shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

(2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, the Board shall order the revocation of a license on the certification by the Office of the Attorney General.

Attached to the Petition were exhibits which consisted of the following certified documents: the docket entries of Respondent's guilty plea of one (1) count of felony Medicaid Fraud in violation of Article 27, Section 230B and C of the Annotated Code of Maryland; Criminal Information Number 296263001; the Plea

Agreement; the Statement of Facts; the Order for Probation; the Order for Restitution; the Consent Motion to Referral and Recommendation for Home Detention; and the Order that the imposition of the sentence be stayed.

On January 2, 1997, Respondent was served with the Petition with exhibits and a Show Cause Order which ordered Respondent to show cause by February 3, 1997, why his medical license should not be revoked pursuant to H.O. §14-404(b)(2).

On February 3, 1997, Respondent's counsel, Bruce L. Marcus, filed a Response to the Petition to Revoke Respondent's Medical License. On February 4, 1997, the Office of the Attorney General filed a Response to the Respondent's Response to the Petition to Revoke Respondent's Medical License.

On February 26, 1997, the Board convened for a final decision in the case. After consideration of the Petition with exhibits, the Response of Dr. Sadri, and the Office of the Attorney General's Response, the Board voted to revoke Respondent's medical license after determining that he had been found guilty of a crime involving moral turpitude.

FINDINGS OF FACT

By clear and convincing evidence, the Board finds that:

1. At all times relevant to these charges, Respondent was and is licensed to practice medicine in the State of Maryland.
2. On or about September 19, 1996, the Respondent was charged in the Baltimore City Circuit Court in the matter of State

of Maryland v. Manouchehr Sadri, Criminal Docket Case Number 296263001, with one (1) count of felony Medicaid Fraud by knowingly and willfully submitting applications requesting payment for medical services which the Respondent knew were not rendered in the manner for the length of time described, having a value of five hundred dollars (\$500.00) or more, in violation of Article 27, Section 230B and C of the Annotated Code of Maryland.

3. On September 27, 1996, the Respondent appeared in the Baltimore City Circuit Court and, pursuant to a Plea Agreement with the Medicaid Fraud Unit of the Office of the Attorney General, entered a guilty plea as charged to one (1) count of felony Medicaid Fraud in violation of Article 27, Section 230B and C of the Annotated Code of Maryland. Pursuant to the plea agreement, Respondent was sentenced to the custody of the Maryland Division of Correction for a period of five years, all but 90 days of which was suspended; ordered to pay a fine of \$10,000.00, plus court costs; and restitution to the Department of Health and Mental Hygiene in the amount of \$275,000.00.

4. Pursuant to Maryland Rules of Procedure, the Respondent had thirty (30) days from September 27, 1996, the date of final judgment, to file his notice of appeal to the appropriate court.

5. Manouchehr Sadri, M.D., filed no notice of appeal with the Circuit Court for Baltimore City subsequent to his conviction in Case Number 296263001.

6. On December 31, 1996, the Office of the Attorney General filed with the Board a Petition to Revoke Respondent's Medical License pursuant to H.O. §14-404(b)(2). Attached as exhibits to the Petition were a certified copy of the docket entries of Respondent's guilty plea of one (1) count of felony Medicaid Fraud in violation of Article 27, Section 230B and C of the Annotated Code of Maryland; the Criminal Information Number 296263001; the Plea Agreement; the Statement of Facts; the Order for Probation; the Order for Restitution; the Consent Motion to Referral and Recommendation for Home Detention; and the Order that the imposition of the sentence be stayed.

7. On February 3, 1997, Respondent's counsel, Bruce L. Marcus, filed a Response to the Petition to Revoke Respondent's Medical License.

8. On February 4, 1997, the Office of the Attorney General filed a Response to the Respondent's Response to the Petition to Revoke Respondent's Medical License.

9. The Maryland Court of Appeals, in Att'y Grievance Comm'n v. Walman¹, determined that a crime in which fraud is an essential element is a crime involving moral turpitude.

10. The Maryland Court of Appeals, in Bar Ass'n of Baltimore City v. Seigel², has defined a crime of moral turpitude as one involving "fraud, deceit and dishonesty."

11. Based on the totality of the circumstances surrounding

¹ 280 Md. 453, 459-60 (1977).

² 275 Md. 521 (1975).

the Respondent's act, the Board finds that the crimes to which the Respondent was found guilty, namely, felony Medicaid Fraud in violation of Article 27, Section 230B and C of the Annotated Code of Maryland is a crime involving moral turpitude.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, and after consideration of Respondent's response to the Petition to Revoke Respondent's Medical License, a majority of the full authorized membership of the Board finds that there is clear and convincing evidence to determine as a matter of fact that Respondent falls within the mandate of H.O. §14-404(b)(2), which provides:

After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, the Board shall order the revocation of a license on the certification by the Office of the Attorney General.

ORDER

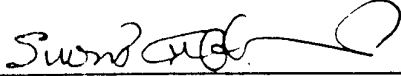
Based on the foregoing Findings of Fact and Conclusions of Law, it is this 24th day of September, 1997, by a majority of the full authorized membership of the Board considering this case

ORDERED that the license of Respondent, Manouchehr Sadri, M.D., to practice medicine in the State of Maryland is hereby **REVOKED** as mandated by Md. Code Ann., Health Occ. §14-404(b)(2); and be it further

ORDERED that this is a Final Order of the Board of Physician Quality Assurance and as such is a **PUBLIC DOCUMENT** pursuant to Maryland State Gov't Code Ann. §10-611 et seq.

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. §14-408, you have the right to take a direct judicial appeal. Any appeal shall be made as provided for judicial review of a final decision in the Administrative Procedure Act, State Government Article, and Title 7, Chapter 200 of the Maryland Rules.



Suresh C. Gupta, M.D.
Chair

9.24.97

Date