

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

ZULFIQAR AHMED, M.D.
License No. 43-01-085763

Complaint No. 43-19-000471

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on April 27, 2020, charging Zulfiqar Ahmed, M.D.

(Respondent) with having violated sections 16221(a) and (b)(i) of the Public Health Code, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(a) and (b)(i) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for a minimum period of six months, not to exceed one year, commencing on the effective date of this order. Respondent shall be automatically discharged from probation upon the Department's receipt of satisfactory written evidence of Respondent's successful compliance with the terms

and conditions as provided below, provided compliance occurs within one year. If Respondent fails to complete any term or condition of probation as set forth in this order within one year of the effective date of this order, Respondent will be in violation of Mich Admin Code, R 338.1632 and section 16221(h) of the Public Health Code. The terms and conditions of the probation are as follows:

- A. CONTINUING EDUCATION CREDITS. Within 60 days of the effective date of this order, Respondent shall successfully complete three hours of continuing education credits in the area of the standard of care for drug monitoring and three hours of continuing education credits in the area of the standard of care for suicide. These credit hours shall not count toward the number of credit hours required for license renewal. Respondent must seek and obtain advance approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall submit requests for approval of a course and proof of successful completion of a course to the Department by email to BPL-Monitoring@michigan.gov.
- B. MEETING WITH DESIGNATED PHYSICIAN REVIEWER. Respondent shall meet quarterly with a physician assigned by Affiliated Monitors, Inc. or other board-approved monitoring entity, or a physician reviewer pre-approved by the Board Chairperson or the Chairperson's designee, to review Respondent's professional practice, including at least 25 of Respondent's patient records, with a particular focus on documentation.

Within 30 days of the effective date of the order, Respondent shall contact the Department to obtain the contact information for Affiliated Monitors, Inc., or other board-approved monitoring entity, or request approval of a proposed physician reviewer. When requesting approval of a proposed physician reviewer, Respondent shall provide a copy of the proposed reviewer's curriculum vitae to the Department. Respondent shall provide a copy of this order and the complaint dated April 27, 2020, to the proposed reviewer before submitting a request for approval to the Department. Respondent shall not work in any capacity for which a license to practice medicine is required until Respondent receives written confirmation from the Department that an Affiliated Monitors physician, or other approved entity, has been designated or the proposed monitor was approved.

The initial meeting shall occur at the end of the third month of probation, and subsequent meetings shall occur every three months thereafter until the end of the probationary period. Respondent shall be responsible for scheduling the time and place of the meetings with the designated physician reviewer. Respondent shall submit all requests required by this subsection to the Department by email to BPL-Monitoring@michigan.gov.

- C. DESIGNATED PHYSICIAN REVIEWER CHANGE. If at any time during the period of probation, Affiliated Monitors, Inc. or other board-approved monitoring entity is unable to designate a suitable physician to review, or other pre-approved physician is unable to review, Respondent's professional practice, Respondent shall report this information in writing to the Department within 15 days of such change and request approval of another physician reviewer. Respondent shall submit the request for approval of the proposed physician reviewer to the Department by email to BPL-Monitoring@michigan.gov.
- D. DESIGNATED PHYSICIAN REVIEWER REPORTS. Respondent's designated physician reviewer shall file reports on the form prescribed by the Department, advising of Respondent's work performance. If, at any time, Respondent fails to comply with minimal standards of acceptable and prevailing practice or appears unable to practice with reasonable skill and safety, his designated physician reviewer shall immediately notify the Department. Respondent's designated physician reviewer shall file a minimum of two reports advising that Respondent's work performance complies with minimal standards of acceptable and prevailing practice and is practicing with reasonable skill and safety.
- E. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.
- F. REPORTING PROCEDURE. Unless otherwise provided above, all reports required by the terms of probation shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports every three months until Respondent is discharged from probation. In addition to receiving reports as required above, the Department or its authorized representative may periodically contact the reporting individuals or

agencies to inquire of Respondent's progress. By accepting the terms of this consent order and stipulation, Respondent has authorized the release of all necessary records and information.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED \$2,500.00 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 43-19-000471 clearly indicated on the check or money order), and shall be payable within 60 days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Respondent shall direct all communications, except fines, required by the terms of this Order to: BPL-Monitoring@michigan.gov.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective 30 days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on January 20, 2021

MICHIGAN BOARD OF MEDICINE

By  for
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Public Health Code.
2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above consent order, supported by Board conferee Cara Poland, M.D., M. Ed. Dr. Poland or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Poland and the parties considered the following factors in reaching this agreement:

- A. Respondent has been licensed since 2005 without any prior disciplinary actions against his license.
- B. Respondent advises that he is presently employed, and that he implemented multiple changes to his documentation methods to ensure incidents like these do not happen, again. Respondent provides more detailed notes in his patient records and he applies greater attention to detail when utilizing medical form templates.
- C. Respondent advises that he takes full responsibility and that he is remorseful for his conduct.

By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

AGREED TO BY:

/s/ DeAnthony D. Shaw

DeAnthony D. Shaw (P82292)

Assistant Attorney General

Attorney for Complainant

Dated: October 30, 2020

AGREED TO BY:



Zulfiqar Ahmed, M.D.

Respondent

Dated: 10/27/20



Aaron J. Kemp (P55238)

Attorney for Respondent

Dated: 10/28/20

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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BOARD OF MEDICINE
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In the Matter of
ZULFIQAR AHMED, M.D.
License No. 43-01-085763,
Respondent.

File No. 43-19-000471

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Forrest Pasanski, Enforcement Division Director, Bureau of Professional Licensing, complains against Respondent as follows:

1. The Michigan Board of Medicine is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently licensed to practice medicine in the state of Michigan and has a controlled substance license.

3. At all relevant times, Respondent practiced as a psychiatrist for Battle Creek Veterans Administration Medical Center (facility) in Battle Creek, Michigan.

4. On July 17, 2019, the Department received information that the facility had placed Respondent into a process known as a Focused Professional Practice Evaluation from June 2, 2017 through August 26, 2017, the results of which revealed several documentation and quality of care issues.

5. As part of the Department's investigation into Respondent's conduct, an expert was retained to review the matter and opined that Respondent violated his general duty and the standard of care by falsifying medical records, inadequately assessing patients by failing to timely follow up with patients who underwent medication changes, and inadequately documenting suicidal ideation, which placed Respondent's patients at risk of harm.

6. The following cases are presented by way of example:

Patient #9, #10, #11, #22, #23, and #32¹

- a. For each of these patients, the facility identified discrepancies between Respondent's documentation and the patient's recollection of the appointment, in length of time and/or in assessment, topics of discussion, and education provided.
- b. The expert retained by the Department reviewed the matter and opined that the number and nature of the discrepancies suggests that Respondent falsified the medical records and failed to provide adequate informed consent or adequate assessments despite documenting that he did.

¹ Numbers are used to protect the individuals' identities.

Patient #13

- c. On July 3, 2017, patient #13 presented to Respondent with a history of post-traumatic stress disorder and traumatic brain injury. The patient reported recent increased anxiety and irritability with trouble sleeping and had last been seen on July 27, 2016. Respondent prescribed Xanax² 0.25 mg two times per day as needed, Depakote ER³ 250 mg two times per day, and Cymbalta⁴ 60 mg two times per day. Respondent instructed the patient to follow up in six months or earlier if needed.
- d. The expert retained by the Department reviewed the matter and opined that the patient was reporting worsening symptoms, which would make follow up in a four-week time frame much more reasonable. Additionally, Depakote ER is a medication that has serious side effects, including toxicity for the liver and bone marrow. Follow up in six months was not adequate to assess for a serious potential complication from the medication and as such is a clear violation of general duty and standard of care.

Patient #28

- e. On July 26, 2017, patient #28 presented to Respondent with diagnoses including bipolar disorder, mixed; post-traumatic stress disorder; and alcohol dependence. The patient presented with reports of continued difficulty controlling his anger, irritability, and newer onset headaches, and had last been seen on May 11, 2016. Respondent failed to assess and/or document the assessment of the patient's suicidal and/or homicidal ideation.

² Xanax (alprazolam) is a schedule 4 controlled substance used to treat anxiety.

³ Depakote ER (divalproex sodium) is an anticonvulsant used to treat seizures and certain psychiatric conditions.

⁴ Cymbalta (duloxetine) is an antidepressant.

- f. The expert retained by the Department reviewed the matter and opined that Respondent did not complete and/or document the completion of an adequate suicide risk assessment.

COUNT I

Respondent's conduct, as set forth above, evidences a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct, as set forth above, demonstrates Respondent's "departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs", and accordingly "incompetence," in violation of MCL 333.16221(b)(i).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained in it. Pursuant to section 16192(2) of the Code, Respondent is deemed to be in receipt of the complaint 3 days after the date of mailing listed in the attached proof of service. The written response shall be submitted by email

to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing to LARA-BPL-RegulationSection@michigan.gov. If unable to submit a response by email, Respondent may submit by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this Complaint. If Respondent fails to answer, the Department shall transmit this Complaint directly to the Board's Disciplinary Subcommittee to impose a sanction, pursuant to MCL 333.16231(9).

Dated: 4-27-2020

A handwritten signature in black ink, appearing to read "Forrest Pasanski", written over a horizontal line.

Forrest Pasanski, Director
Enforcement Division
Bureau of Professional Licensing

sgc