

**TRUE AND EXACT
COPY OF ORIGINAL**

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of the
Medical License of
Faruk S. Abuzzahab, M.D.
Year of Birth: 1932
License No.: 17,068

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Faruk S. Abuzzahab, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent is represented by Mike Hatch, Esq., Blackwell Burke, P.A., 431 South Seventh Street, Suite 2500, Minneapolis, MN 55415. The Committee was represented by Sara P. Boeshans, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on November 5, 1965. Respondent is board-certified in Psychiatry and Clinical Pharmacology. Respondent treats patients for a variety of medical conditions, including patients with multiple diagnosis conditions that include chronic pain.

b. On December 19, 1997, the Board issued a Temporary Suspension Order to temporarily suspend Respondent's license to practice medicine. On July 11, 1998, the Respondent and Board entered into a Stipulation and Order which Suspended the Respondent's license, which suspension was stayed contingent upon Respondent completing remedial action.

c. On June 15, 2006, the Respondent entered into an Agreement for Corrective Action ("Agreement") with the Board based upon allegations that at least two patients who were married women had requested that their prescriptions be issued under their maiden name. Respondent agreed to only issue prescriptions under the legal name of the patients, be it the maiden name or the married name.

d. The Board has received complaints alleging that Respondent had prescribed excessive quantities of medications for multiple patients. The Board conducted an investigation of Respondent's practice, including an audit of Respondent's clinical records. The audit revealed that in 7 patient cases, Respondent's prescribing practices and procedures failed to meet the minimum acceptable standards of medical practice.

e. On September 19, 2011, Respondent met with the Complaint Review Committee and confirmed that, as part of his practice, he treated patients with both psychiatric concerns and chronic pain. Respondent stated that the combination of medications that he had authorized for his patients were medically indicated and were appropriate under the circumstances. Respondent admitted that his clinical notes "could be better." Respondent reported that he now utilizes narcotics agreements and maintains copies of all new prescriptions in the patient file.

STATUTES

4. The Committee reviews Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(g), (k), (o), and (s) (2012). Respondent neither admits nor denies the allegations made herein.

REMEDY

5. Upon this Stipulation and all of these files, records, and proceedings herein, Respondent does hereby consent that the Board may make and enter an Order **SUSPENDING** Respondent's license to practice medicine and surgery in the State of Minnesota. The suspension is **STAYED** contingent upon Respondent's compliance with the following conditions and restrictions:

- a. Respondent is **REPRIMANDED**.
- b. Respondent shall not prescribe Schedule II or Schedule III medications, other than Schedule 2N or Schedule 3N medications.
- c. Respondent shall practice in a setting, approved in advance by the Committee or its designee.
- d. Respondent shall meet monthly with a supervising physician, who is board-certified in psychiatry, approved in advance by the Committee or its designee, to review Respondent's patient charts. The supervising physician shall submit quarterly reports to the Board indicating a review of Respondent's patient charts and shall specifically note any concerns regarding Respondent's practice and shall specifically indicate the nature of any concerns.
- e. Respondent shall meet on a quarterly basis with a designated Board member. Such meeting shall take place at a time mutually convenient to Respondent and the designated Board member. It shall be Respondent's obligation to contact the designated Board

member to arrange each of the quarterly meetings. The purpose of such meetings is to review Respondent's progress under the terms of this Stipulation and Order.

f. Respondent shall pay the Board, within six months of the date of this Order, \$7,366.40 to cover the cost of the investigation.

g. This Stipulation and Order shall remain in effect for a minimum of three years. At the end of this period, Respondent may petition for reinstatement of an unconditional license.

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residence and all work sites. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Ruth Martinez, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue SE, Suite 500, Minneapolis, Minnesota 55414-3246.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

8. If the Committee has probable cause to believe that Respondent has failed to comply with any of the requirements for staying the suspension of his license as set forth in

paragraph 5 above, the Committee may remove the stay of suspension and suspend Respondent's license pursuant to the procedures outlined below:

a. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Respondent agrees that the Committee is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 9 below, or until the suspension is dismissed and the order is rescinded by the Committee. The Order of Removal shall confirm that the Committee has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements for staying the suspension of Respondent's license.

b. Respondent further agrees that an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Governmental Data Practices Act. Respondent waives any right to a hearing before removal of the stayed suspension.

c. The Committee shall schedule a hearing before the Board pursuant to paragraph 9 below to be held within 60 days of service of the Order of Removal.

9. If the Committee issues an Order of Removal pursuant to paragraph 8 above, the following shall apply:

a. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing referred to in paragraph 8.c. above. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At a hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or revocation of Respondent's license.

d. The Committee, at its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

10. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

11. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

12. Respondent hereby acknowledges that he has read and understands this Stipulation and that he has voluntarily entered into the Stipulation without threat or promise by

the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise which varies the terms of this Stipulation.

Dated: 10-29-2014

F. Abuzzahab
FARUK S. ABUZZAHAB, M.D.
Respondent

Dated: 11-8-14

Joseph R. Willott
FOR THE COMMITTEE

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this Nov. 8 day of November, 2014.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: R. J. Martin

