

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE STATE BOARD OF MEDICAL EXAMINERS FOR SOUTH CAROLINA**

IN THE MATTER OF:

MAHIR ISHAQ SHAH, M.D.

License No. MMD . 21001

OIE # **2013-474**

Respondent.

**FINAL ORDER
(PUBLIC)**

This matter came before the State Board of Medical Examiners for South Carolina (“Board”) for a hearing on August 3, 2016 to consider the Memorandum of Agreement and Stipulations (“MOA”) signed by the above named respondent (“Respondent”). In the MOA, Respondent acknowledged the State was prepared to file a Formal Complaint, and Respondent waived the authorization and filing of a Formal Complaint as well as formal hearing procedures and elected to dispose of the matter pursuant to S.C. Code Ann. § 1-23-320(f) (2005, as amended) in lieu of, *inter alia*, a Panel Report of the Medical Disciplinary Commission.

A quorum of the Board was present. The hearing was held pursuant to S.C. Code Ann. §§ 40-1-90, 40-47-116 (2011, as amended), and the provisions of the Administrative Procedures Act, S.C. Code Ann. § 1-23-10 *et seq.* (2005, as amended), to determine what sanctions, if any, were appropriate. After due consideration, the Board decided to impose the sanctions stated in this Order.

Prentiss Shealey, Esquire, Assistant Disciplinary Counsel, represented the State. Respondent appeared *pro se* and signed a waiver of right to counsel. Respondent testified, along with Nicole Shah, Respondent’s wife, Mike Laughlin, Susan Coggins, and Frank Sheheen.

The Board considered the facts stipulated in the MOA, the admissions of violations in the MOA, the testimony of witnesses, and the affidavit of an investigator with the Office of Investigations and Enforcement, South Carolina Department of Labor, Licensing and Regulation, of a good faith estimate of investigative costs of \$260.00 in this matter.

EVIDENCE

State’s Exhibit #1 – Memorandum of Agreement

State’s Exhibit #2 – Affidavit of Costs

FINDINGS OF FACT

Respondent stipulated in the MOA to certain facts, including those stated in paragraphs 1-12 below, which the Board adopts:

1. Respondent admits that his South Carolina medical license was first issued on July 29, 1999. Respondent graduated from Rawalpindi Medical College, University of the Punjab in Pakistan in 1991. He completed his psychiatric residency at the University of Wisconsin-Madison

between July 1996 and June 1999. After taking a medical leave of absence for approximately two-and-a-half to three months, Respondent completed his residency in September 1999. Applicant was Board certified by the American Board of Psychiatry and Neurology in June 2006. Respondent is not currently practicing and his license is suspended.

2. Respondent admits that on or about February 4, 2011, he was arrested and charged with reckless driving in Laurens County. On or about August 18, 2011, Respondent was convicted for reckless driving.

3. Respondent admits that on or about February 8, 2011, the Board administratively suspended Respondent's license. His license was reinstated on March 3, 2011.

4. Respondent admits that on or about July 10, 2011, he was arrested and charged in Mecklenburg County, North Carolina, with being intoxicated and disruptive. Respondent was convicted of being intoxicated and disruptive.

5. Respondent admits that on or about March 10, 2012, he was arrested and charged with driving with an unlawful alcohol concentration in York County. On or about May 29, 2012, Respondent was convicted of driving with an unlawful alcohol concentration.

6. Respondent admits that on or about June 25, 2012, he was arrested and charged with driving under the influence and reckless driving in York County. On or about December 20, 2012, Respondent pled guilty to driving under the influence and reckless driving.

7. Respondent admits that on or about January 29, 2013, he was arrested and charged with driving under the influence in Marion County. On or about June 11, 2013, Respondent pled guilty to driving under the influence. Respondent was fined \$997.00.

8. Respondent admits that on or about June 28, 2013, he reported in his 2013-2015 Renewal Application to the Board that he had received two citations, one for driving with unlawful alcohol concentration and the other for driving under the influence, since he last renewed his license.

9. Respondent admits that on or about October 1, 2013, he was arrested and charged with public drunkenness in Richland County. On or about October 9, 2013, Respondent pled guilty to public drunkenness and was sentenced to time served.

10. Respondent admits that on or about February 9, 2014, he was arrested in Richland County. On February 18, 2015, Respondent pled guilty to assault and battery, third degree and was sentenced to time served.

11. Respondent admits that on or about April 4, 2014, Respondent's license was temporarily suspended by the Board.

12. Respondent admits that on or about August 20, 2014, he was arrested for disorderly conduct in Richland County. On or about November 13, 2015, Respondent pled nolo contendere to disorderly conduct. He was sentenced to time served.

13. Respondent apologized to the Board for his behavior and provided the Board with some insight as to the cause of his behavior. Respondent also testified that he has attended numerous

CMEs and reads a lot of medical literature to remain competent.

14. Respondent's wife testified that Respondent is now the person she always wanted him to be.

CONCLUSIONS OF LAW

1. Respondent admitted in the MOA that Respondent's conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under South Carolina Code of Laws Ann. § 40-1-110 *et seq.* and South Carolina Code of Laws Ann. § 40-47-110 *et seq.* in the following particulars:

- a. Respondent violated S.C. Code Ann. § 40-47-110(B)(3) in that Respondent violated a federal, state, or local law involving alcohol or drugs or committed an act involving a crime of moral turpitude.
- b. Respondent violated S.C. Code Ann. § 40-47-110(B)(4) in that Respondent engaged in the habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability.
- c. Respondent violated S.C. Code Ann. § 40-47-110(B)(9) in that Respondent engaged in dishonorable, unethical, or unprofessional conduct that is likely either to deceive, defraud, or harm the public.
- d. Respondent violated S.C. Code Ann. § 40-47-110(B)(14) in that Respondent violated a provision of the Physicians Practice Act or a regulation or order of the Board, specifically § 40-47-41(D), which requires Respondent to notify the Board within thirty days of any adverse disciplinary action by another United States or foreign licensing jurisdiction, a peer review group, a health care institution, a professional or medical society or association, a governmental agency, a law enforcement agency, including arrest, or a court, including indictment.
- e. Respondent violated S.C. Code Ann. § 40-47-110(B)(22) in that Respondent failed to report to the Board any adverse disciplinary action by another United States or foreign licensing jurisdiction, a peer review body, a health care institution, any professional or medical society or association, a Board-approved credentialing organization, a governmental agency, a law enforcement agency, including arrest, or a court, including indictment, for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action as provided for in the Physicians Practice Act.
- f. Respondent violated S.C. Code Ann. § 40-1-110(1)(f) in that Respondent has committed a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public.

2. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§ 40-47-110 and/or 40-1-110 (2011), has the authority to cancel, fine, suspend, revoke, issue a public reprimand or private reprimand, or restrict,

including probation or other reasonable action, such as requiring additional education or training or limitation on practice, the authorization to practice of a person who has engaged in misconduct. Additionally, the Board may require the licensee to pay a fine of up to twenty-five thousand dollars. S.C. Code Ann. § 40-47-120 (2011).

3. Additionally, the Board may require the licensee to pay the costs of the disciplinary action. S.C. Code Ann. §§ 40-1-170 and 40-47-170 (2011).

4. The sanctions imposed are consistent with the purpose of these proceedings and have been made after weighing the public interest and the need for the continuing services of qualified medical professionals against the countervailing concern that society be protected from professional ineptitude and misconduct.

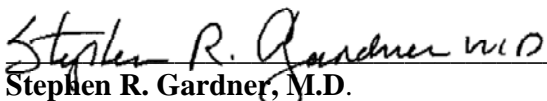
5. The sanctions imposed are designed not to punish the licensee, but to protect the life, health, and welfare of the people at large.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The MOA is accepted.
2. Respondent's license shall remain suspended. Respondent may return to the Board no sooner than one (1) year from the date of this hearing, or August 3, 2017, to petition for reinstatement of his license.
3. Respondent is hereby publicly reprimanded.
4. Respondent shall complete one hundred fifty (150) hours of Category One continuing medical education in psychiatry, within one (1) year of the date of this order, inclusive of the Category One courses taken within the last two years.
5. Respondent shall comply with all other conditions imposed by the Board and known to Respondent.

AND IT IS SO ORDERED.

**STATE BOARD OF MEDICAL EXAMINERS
FOR SOUTH CAROLINA**

BY: 
Stephen R. Gardner, M.D.
President of the Board

October 13, 2016.