

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: MAHMOOD AMINUR RAHMAN, M.D.
License No.: 0101-231705**

ORDER

In accordance with the provisions of Sections 54.1-105, 54.1-110, 2.2-4020, and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was convened before the Virginia Board of Medicine ("Board"), on August 1, 2014, in Henrico, Virginia, to receive and act upon evidence that Mahmood Aminur Rahman, M.D., may have violated certain laws governing the practice of medicine and surgery in the Commonwealth of Virginia. These matters are set forth in the Board's Notice of Hearing and Statement of Particulars dated June 30, 2014.

Pursuant to Section 54.1-2400(11) of the Code, the hearing was held before a panel of the Board with a member of the Board presiding. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. The proceedings were recorded by a certified court reporter. The case was prosecuted by Wayne T. Halbleib, Senior Assistant Attorney General, assisted by Gerald A. Milsky, Adjudication Specialist. Dr. Rahman was not present and was not represented by legal counsel.

FINDINGS OF FACT

Now, having properly considered the evidence and testimony presented, the Board makes the following findings of fact by clear and convincing evidence:

1. Mahmood Aminur Rahman, M.D., was issued license number 0101-231705 by the Board to practice medicine and surgery in the Commonwealth of Virginia on August 21, 2001.

Said license is currently active and will expire on October 31, 2014, unless renewed or otherwise restricted.

2. Based upon the representations of Senior Assistant Attorney General Wayne Halbleib, and upon information contained in Commonwealth's Exhibit #3, the Chair of the panel of the Board ruled that proper notice of the proceeding had been provided to Dr. Rahman at his address of record on file with the Board. Therefore, the formal administrative hearing proceeded in Dr. Rahman's absence.

3. On or about January 22, 2013, in the Williamsburg James City County General District Court, Dr. Rahman entered a plea of guilty to one count of Driving While Intoxicated, a violation of Section 18.2-266 of the Code of Virginia (1950), as amended ("Code"). Pursuant to Section 18.2-270 of the Code, Dr. Rahman was convicted of a misdemeanor and was sentenced to six (6) months in jail, with all but one (1) month suspended. Further, Dr. Rahman was ordered to complete the Virginia Alcohol Safety Action Program (VASAP), his Virginia motor vehicle operator's license was restricted for one year, and he was ordered to pay fines and court costs, and to consume no alcohol.

4. Dr. Rahman reported to the Board's investigator that he last consumed alcohol on February 22, 2013, which was subsequent to the date of the Court Order requiring that he consume no alcohol.

5. Dr. Rahman reported to the Board's investigator that he engaged in binge drinking to the point of intoxication for approximately two (2) years prior to his conviction.

6. Dr. Rahman was enrolled in an inpatient alcohol addiction treatment program in Williamsburg, Virginia from February 23, 2013, until March 6, 2013, where he reported a more

than 20-year history of alcohol consumption socially, and increasing to daily use consuming two or more drinks after work and bingeing on weekends with ½ bottle of vodka for the preceding two years. Dr. Rahman also admitted to drinking in order to block withdrawal symptoms. At the time of discharge from the inpatient program on March 6, 2013, Dr. Rahman executed a Continuing Care Contract and a Relapse Prevention Plan, and he identified a willingness and commitment to become involved in a 12-step program and to find a permanent sponsor. Dr. Rahman also agreed to follow up with outpatient counseling and individual counseling. Finally, Dr. Rahman stated his willingness to consider entering the Virginia Health Practitioners' Monitoring Program (HPMP).

7. Dr. Rahman subsequently enrolled in a 26-week outpatient substance abuse counseling program, and began individual counseling. However, Dr. Rahman failed to contact HPMP regarding enrollment in that program before relocating from Virginia to California on an undetermined date prior to September 26, 2013.

8. As a result of the criminal conviction described in Finding of Fact No. 3, the hospital where Dr. Rahman was employed as a staff psychiatrist placed him on disability leave. Although Dr. Rahman briefly returned to practice on March 11, 2013, he resumed short-term disability shortly thereafter.

9. On February 27, 2013, Dr. Rahman self-prescribed 30 dosage units of zolpidem tartrate (Ambien) 10 mg tablets for his personal and unauthorized use. Further, this prescription was written for a 30-day supply of a Schedule IV controlled substance in a non-emergency situation, in a non-isolated setting where other practitioners were available, and where the self-prescribing was not for a single episode of acute illness through one prescribed course of medication.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3, 4, 5, 6, 7 and 8 constitute violations of Section 54.1-2915.A(2) and (14) of the Code.

2. Finding of Fact No. 9 constitutes a violation of Sections 54.1-2915.A (17) and (18), 54.1-3408.A, and 18.2-250.A of the Code, as well as 18VAC85-20-25.B of the Board of Medicine General Regulations.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the license of Mahmood Aminur Rahman, M.D., is INDEFINITELY SUSPENDED.

Upon entry of this Order, Dr. Rahman's license will be recorded as SUSPENDED and no longer current.

Pursuant to Section 54.1-2920 of the Code, upon entry of this Order, Dr. Rahman shall forthwith give notice, by certified mail, of the suspension of his license to practice medicine and surgery to all patients to whom he is currently providing services. A copy of this notice shall be provided to the Board when sent to patients. Dr. Rahman shall cooperate with other practitioners to ensure continuation of treatment in conformity with the wishes of the patient. Dr. Rahman shall also notify any hospitals or other facilities where he is currently granted privileges, and any health insurance companies, health insurance administrators or health maintenance organization currently reimbursing him for any of the healing arts.

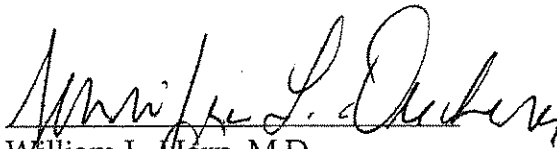
Should Dr. Rahman seek reinstatement of his license, he shall be noticed to appear before the Board, in accordance with the Administrative Process Act. As petitioner, Dr. Rahman will have the burden of proving his competency and fitness to practice medicine and surgery in the

Commonwealth of Virginia in a safe and competent manner.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Dr. Rahman has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

For 

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 8/6/14