STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

In Re Petition for Restoration of	)
	)
	) No. 2011-09632
Muhammad S. Choudhry, M.D.	)
License No. 036-081407, Petitioner.	)

ORDER

This matter having come before the Acting Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation, for the Automatic Suspension of the Illinois Physician and Surgeon License of Muhammad S. Choudhry, M.D., License No. 036-081407.

NOW, THEREFORE, I, CAMILE LINDSAY, ACTING DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION OF THE ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, after reviewing this matter and the exhibits attached hereto and referenced herein, do hereby find:

1. I have jurisdiction of the parties and subject matter herein.
2. In December 2012, Petitioner's Illinois Physician and Surgeon License was indefinitely suspended for a minimum of three (3) years for Felony Worker's Compensation Fraud conviction in the Court of Common Pleas, Franklin County, Ohio. See DPR Exhibit A, attached hereto and made a part of this Order.
3. In January 2019, the Director denied 1st Petition to Restore after a July 2018 Formal Hearing. See DPR Exhibit B, attached hereto and made a part of this Order.
4. In December 2020, Petitioner's Illinois Physician and Surgeon License was

restored and placed on the indefinite probation for a minimum of five (5) years with multiple terms and conditions. See DPR Exhibit C, attached hereto and made a part of this Order.

5. As a part of the December 2020 Consent Order, Petitioner agreed to comply with all the terms and conditions of said Consent Order.

6. As a part of the December 2020 Consent Order, Petitioner was required to notify the Department of the following information: (a) Petitioner shall notify the Department of any adverse action taken against him related to the practice of medicine by another entity including but not limited to licensing authorities, insurance companies, and state and federal agencies, within ten (10) days of said adverse action; and (b) Petitioner shall notify the Department when he is the subject of any investigation initiated by another entity, including but not limited to licensing authorities, insurance companies, and state and federal agencies, within ten (10) days of said investigation. See DPR Exhibit C, Condition B

7. As a part of the April 2018 Consent Order, Respondent agreed that:

   If Petitioner violates any of the terms and conditions of this Order, the Director of the Division of Professional Regulation may issue an Order forthwith mandating the automatic, immediate, indefinite suspension of Petitioner's Illinois Physician License 036-081407 for a minimum of twelve (12) months. This indefinite suspension shall not preclude the Department from taking any other disciplinary or other actions it deems appropriate. In the event Petitioner contests in writing (by the filing of an appropriate petition with the Department) the factual basis underlying said indefinite suspension within thirty (30) days of the imposition thereof, then Petitioner shall be afforded a hearing on the merits within thirty (30) days from filing of said petition. See DPR Exhibit C, Condition S.

8. In October 2024, the Department received information from Illinois Department of Human Services (IDHS) indicating that on August 15, 2024, Petitioner's provider contract and clinical services were terminated effective immediately at IDHS

Chester Mental Health Center due to time theft by Petitioner at Chester Mental Health Center.

9. On or about October 9, 2024, Petitioner submitted his self-report for July to September 2024 reporting period where he failed to disclose aforementioned August 2024 termination of his provider contract and clinical services at IDHS Chester Mental Health Center.
10. On October 23, 2024, Temple Hall, Chief of the Probation Compliance Unit of the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, reviewed the file of Petitioner's compliance with the terms and conditions of the December 2020 Consent Order and concluded that Petitioner has failed to comply with the December 2020 Consent Order. See Affidavit of Temple Hall attached hereto and made a part of this Order as the DPR Exhibit D.
11. I hereby find that Respondent, Muhammad S. Choudhry, M.D., is in violation of the IDFPR Consent Order Case No. 2011-09632, entered on December 14, 2020.

IT IS THEREFORE ORDERED that Illinois Physician and Surgeon License No. 036-081407 issued to Muhammad S. Choudhry, M.D. is hereby **Indefinitely Suspended for a minimum period of twelve (12) months**.

IT IS FURTHER ORDERED that Respondent surrender all indicia of licensure to the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation. Upon failure to do so, the Department shall seize said License.

DATED THIS 24th DAY OF October, 2024.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois; DIVISION OF PROFESSIONAL REGULATION
Mario Treto, Jr., Secretary

[redacted]

Camile Lindsay
Acting Director of the Division of Professional Regulation

Muhammad S. Choudhry, M.D., Case No. 2011-09632/License No. 036-081407

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois	Complainant	)
v.		) No. 201109632
MUHAMMAD S. CHOUDHRY, License No. 036081407	Respondent	)

CONSENT ORDER

The Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois by David K. Igasaki, one of its attorneys, and Muhammad S. Choudhry, Respondent, hereby agree to the following:

STIPULATIONS

Muhammad S. Choudhry is licensed as a Physician and Surgeon in the State of Illinois, holding license No 036081407, which is currently in Active Status. At all times material to the matter set forth in this Consent Order, the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the attention of the Department that, on June 8, 2011, Respondent was convicted of felony Workers' Compensation fraud in State of Ohio vs. Muhammad S. Choudhry, Case No. 10CR08-4921, in the Court of Common Pleas, Franklin County, Ohio. A copy of this conviction is attached as Exhibit A and is incorporated herein by reference.

The allegation(s) as set forth herein, if proven to be true, would constitute grounds for suspending or revoking Respondent's license as a Physician and Surgeon, on the authority of Illinois Compiled Statutes (2006), Chapter 225, paragraph(s) 60/22 (A) (3).

Respondent admits the allegations in this Consent Order.

Respondent has been advised of the right to have the pending allegation(s) reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order.

Respondent and the Department have agreed, in order to resolve this matter, that Muhammad S. Choudhry be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in the circumstances and which are consistent with the best interests of the people of the State of Illinois. Respondent Muhammad S. Choudhry has signed this Consent Order freely and voluntarily and without compulsion or duress.

CONDITIONS

WHEREFORE, the Department, through David K. Igasaki, its attorney, and Muhammad S. Choudhry, agree:

A. Muhammad S. Choudhry's license as a Physician and Surgeon, License No. 036081407, is Indefinitely Suspended. Respondent cannot petition to restore his license for at least three (3) years from the effective date of this Consent Order.

B. As this Consent Order is based upon a felony conviction, the Respondent may petition to restore his license at an earlier time should the conviction be reversed or vacated by an appellate court.

C. This Consent Order shall become effective ten (10) days after it is approved by the Director of the Division.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
of the State of Illinois

[redacted]

10-16-2012
DATE

David K. Igasaki
Attorney for the Department

[redacted]

10-19-12
DATE

Muhammad S. Choudhry
Respondent

[redacted]

10/23/12
DATE

Stephanie A. Wolfson
Attorney for the Respondent

[redacted]

11/7/12
DATE

Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 14th DAY OF December, 2012.

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION
of the State of Illinois
MANUEL FLORES, ACTING SECRETARY
Division of Professional Regulation

[redacted]

JAY STEWART
DIRECTOR

REF: License No.036081407
Case No. 201109632

517768 - F32

2011-9632

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO,

Plaintiff,

v.

MUHAMMAD S. CHOUDHRY,

Defendant.

REC'D BUSINESS SERVICES
MAR 22 2012
DFPR Div. of Professional Regulation

Termination # 13 By: KT

Case No. 10CR08-4921

Judge SCHNEIDER

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2011 JUN -8 AM 10: 01
CLERK OF COURTS

JUDGMENT ENTRY
(Community Control Imposed)

On June 6, 2011, the State of Ohio was represented by Assistant Attorney General Michael Fisher and the Defendant was represented by attorney, Robert Krapenc. The Defendant, after being advised of his rights entered a plea of no contest to the stipulated lesser included offense of **Count One** of the Indictment, to wit: **WORKERS' COMPENSATION FRAUD,** in violation of Section 2913.48 of the Ohio Revised Code, being a Felony of the Fifth Degree. Upon application of the Assistant Prosecuting Attorney, and for good cause shown, it is hereby **ORDERED** that a nolle prosequi be entered for **COUNTS TWO, THREE, FOUR, AND FIVE** of the Indictment.

The Court found the Defendant guilty of the charge to which the plea was entered received a pre-sentence investigation, and proceeded to sentencing.

On June 6, 2011, a sentencing hearing was held pursuant to R.C. 2929.19. The State of Ohio was represented by Assistant Attorney General Michael Fisher, and the Defendant was represented by attorney, Robert Krapenc. The Assistant Prosecuting Attorney and the Defendant's attorney **did not jointly** recommend a sentence.

The Court afforded counsel an opportunity to speak on behalf of the Defendant and addressed the Defendant personally affording him an opportunity to make a statement on his own behalf in the form of mitigation and to present information regarding the existence or non- existence of the factors the Court has considered and weighed.

The Court hereby imposes a period of Community Control for **FIVE (5) YEARS.** In addition to the provisions of R.C. 2951.02 and the general requirements of the Franklin County Department of Community Control, as authorized by the Common Pleas Court and as given to the Defendant in writing, the Court imposes the following Community Control Sanctions (See R.C. 2925.15, R.C. 2929.16 and R.C. 2929.17): **Defendant shall be placed on Basic Control Supervision. Defendant shall obtain/maintain employment and/or Employment Program. Defendant has been advised that he will receive eight (8) months incarceration if he violates his Community Control. Compact**

EXHIBIT
A

community control to Chicago Illinois. Community control may terminate upon payment of costs and restitution.

The Court has considered the Defendant's present and future ability to pay a fine and financial sanction and does, pursuant to R.C. 2929.18, hereby render judgment for the following fine and/or financial sanctions: **Defendant shall pay court costs in an amount to be determined. No fine imposed. Defendant is further Ordered to pay restitution in the amount of $78,573.16 to the Ohio Bureau of Workers' Compensation; attn BWC Recovery, PO Box 15187, Columbus, Ohio 43215.**

The total fine and financial sanction judgment is **$78,573.16 plus costs.**

After the imposition of Community Control, the Court pursuant to R.C. 2929.19(B)(5) notified the Defendant, orally and in writing, what could happen if he violates Community Control. The Court further indicated that if the Defendant violates Community Control he will receive a prison term of **eight (8) months to be served at the Ohio Department of Rehabilitation and Correction.**

The Court finds that the Defendant has **zero (0) days** of jail credit and hereby certifies the time to the Ohio Department of Corrections. The Defendant is to receive jail time credit for all additional jail time served while awaiting transportation to the institution from the date of the imposition of this sentence.

[redacted]

CHARLES A. SCHNEIDER, JUDGE

cc: Prosecuting Attorney
Defendant's Attorney

THE STATE OF OHIO
Franklin County, ss

I, MARYELLEN O'SHAUGHNESSY, Clerk OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY,

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL ..... Entry .....
NOW ON FILE IN MY OFFICE
WITNESS MY HAND AND SEAL OF SAID COUNTY
THIS ..20th.. DAY OF March A.D. 2012
MARYELLEN O'SHAUGHNESSY, Clerk

By [redacted] Deputy

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

IN RE: The Petition for Restoration of	)	
	)	
	)	
Muhammad S. Choudhry, M.D.,	)	No. 2011-9632
License No. 036.081407, Petitioner.	)	

ORDER

This matter comes before the Director of the Department of Financial and Professional Regulation of the State of Illinois ("Department"), following the Petitioner's Motion for Rehearing and Reconsideration, and a Formal Hearing before Administrative Law Judge Ian Brenson ("ALJ"), having issued his Report and Recommendation ("ALJ Report") to the Medical Disciplinary Board ("Board") on August 7, 2018; and the Board having adopted the ALJ Report as presented and issued its Findings of Fact, Conclusions of Law, and Recommendation to the Director in this matter on December 5, 2018.

On or about December 15, 2015, Petitioner filed a Petition for Restoration of his Illinois physician and surgeon license. On June 5, 2018, the case proceeded to formal hearing. On or about August 7, 2018 the ALJ issued his Findings of Fact, Conclusions of Law, and Recommendation to the Medical Disciplinary Board. The ALJ Report stated Petitioner failed to prove by a preponderance of the evidence that his physician and surgeon license should be restored. The Medical Disciplinary Board adopted the ALJ Report's Findings of Fact, Conclusions of Law, and Recommendation to deny Petitioner's Petition for Restoration.

On September 24, 2018, Petitioner filed Exceptions and a Motion for Rehearing and Reconsideration arguing that the ALJ failed to properly weigh all of the mitigating evidence presented

by the Petitioner at hearing. On October 11, 2018, the Department filed a Response to Petitioner's Motion countering with Petitioner's failure to prove sufficient rehabilitation and that the ALJ's recommendation was consistent with the Medical Practice Act. On October 19, 2018, Petitioner filed a Reply to the Department's Response to Petitioner's Exceptions and Motion for Rehearing and Reconsideration. On October 30, 2018, Petitioner filed a Supplement to the Petitioner's Exceptions and Motion for Rehearing and Reconsideration ("Supplement") highlighting the sealment of Petitioner's Ohio conviction, arguing the sealment should bar the Department from using said conviction as a basis for denial of Petitioner's Petition for Restoration. The Department later, on October 31, 2018 filed a Motion to Strike Petitioner's Supplement to Exceptions and Motion for Rehearing and Reconsideration incorrectly stating that the Exhibit (Entry Sealing Entry of Conviction) referenced in the Supplement filed by Petitioner had not been admitted into evidence during the June 5, 2018 formal hearing and was therefore, outside the scope of the record. (Ref: ALJ Rep. 2). Nonetheless, the Exhibit was admitted, and proper weight was given to the Entry Sealing Entry of Conviction in the determination of the ALJ's Recommendation. *Id.*

The basis for suspending Respondent's Illinois physician and surgeon license was the 2011 Ohio Felony Workers Compensation Fraud Conviction where Petitioner submitted a series of fraudulent overcharges with knowledge and intent while defrauding the people of the state of Ohio. (ALJ pg. 14). Therefore, the Conviction must be considered to determine whether the Petitioner has proven that he has sufficiently rehabilitated since the offense. Petitioner held the burden of showing that he has satisfactorily rehabilitated to warrant the public trust by presenting evidence of rehabilitation. The ALJ found that the mitigating factors advanced by Petitioner did not outweigh the severity of the offense underlying the action and Petitioner failed to prove by a preponderance of the evidence that his physician and surgeon license should be restored.

The Director adopts the Board's Findings of Fact, Conclusions of Law, and Recommendation to deny Petitioner's Petition for Restoration for a physician and surgeon license.

After a review of the record, I, Jessica Baer, Director of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois, DO HEREBY FIND:

1. I have jurisdiction over the parties and the subject matter herein;
2. The Petitioner, has failed to allege facts, errors of law, or new evidence sufficient to warrant a rehearing and
3. Substantial justice has been done in this case.

THEREFORE, IT IS ORDERED that Petitioner's Motion for Rehearing is DENIED.

IT IS FURTHER ORDERED that Petitioner's Petition for Restoration is DENIED.

DATED THIS 14 DAY OF January, 2019.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois; Bryan A. Schneider, Secretary Division of Professional Regulation

[redacted]

JESSICA BAER
Director

License No. 036.081407
Case No. 2011-9632

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

IN RE: THE PETITION FOR RESTORATION OF	)	
	)	
	)	No. 2011-09632
	)	
MUHAMMAD S. CHOUDHRY,	)	
License No. 036.081407,	)	
Petitioner.	)	

ADMINISTRATIVE LAW JUDGE'S REPORT AND RECOMMENDATION

This report is being filed with the Illinois Medical Disciplinary Board by Administrative Law Judge Ian Brenson pursuant to 225 ILCS 60/35.

BACKGROUND OF CASE

Muhammad S. Choudhry (hereinafter "Petitioner") has been the holder of a license as a Physician and Surgeon License in Illinois since May 4, 2011. Petitioner is seeking to restore his license, which was placed upon indefinite suspension for minimum of three years, pursuant to a Consent Order effective December 14, 2012. The Consent Order arose from Petitioner's 2011 conviction for Felony Workers' Compensation Fraud in the Court of Common Pleas, Franklin County, Ohio.

On December 23, 2015, the Department directed Petitioner to appear for a preliminary hearing. The case proceeded to a formal evidentiary hearing on June 5, 2018 before Administrative Law Judge Ian Brenson. There was no board member present on behalf of the Illinois Medical Disciplinary Board. The Department was represented by attorney Vladimir Lozovskiy. Petitioner was represented by Michael K. Goldberg of the Goldberg Law Group, LLC.

The Administrative Law Judge received the complete record of the proceedings on July 10, 2018.

SUMMARY OF EVIDENCE

Exhibits

The following exhibits of Petitioner were admitted into evidence:

Exhibit A: Entry Sealing Entry of Conviction Pursuant to R.C. 2953.32, dated September 16, 2015

Exhibit B: SPEX Official Score Report for October 24, 2017.

Exhibit C: Medscape Activity Tracker showing 2018 CME Credits.

The following exhibits of the Department were admitted into evidence:

Exhibit 1: Judgment Entry, Entry of No Contest Plea, and Indictment for Case No. 10CR08-4921.

Exhibit 2: IDFPR 2012 Consent Order.

Exhibit 3: Decision of Department of Health and Human Services, Departmental Appeals Board, dated November 5, 2014.

Exhibit 4: Letter from the State Medical Board of Ohio to Petitioner, dated April 11, 2012.

Exhibit 5: Decision of the Court of Common Pleas, Franklin County, Ohio dated September 17, 2012.

Exhibit 6: SPEX Official Score Report for April 16, 2016.

Exhibit 7: SPEX Official Score Report for August 10, 2016.

Witnesses

Dr. Zafeer Berki, Dr. Aqeel Khan, and Petitioner testified in Petitioner's case-in-chief. The Department did not call any witnesses.

FINDINGS OF FACT

The Administrative Law Judge makes the following Findings of Fact, based upon the evidence presented at the hearing. Petitioner called three witnesses in his case-in-chief and relied upon the three admitted Exhibits, referenced above.

1. Dr. Zafeer Berki

Dr. Zafeer Berki testified that he has been licensed as a psychiatrist in Illinois since 1994. (Tr. 19). He is also currently licensed in Michigan, and formerly held licenses in Alabama and Virginia. (Tr. 20). He has never been disciplined. (*Id.*). He moved to the United States from Pakistan, after attending medical school at King Edward Medical College and passing his USMLE exams. (*Id.*). In this country, the witness did his residency in psychiatry at Rush Medical Center, and then one-year of fellowship in geriatric psychiatry at UAB in Birmingham, Alabama. (*Id.*). He is going to be Board Certified in General Psychiatry, Geriatric Psychiatry, and Psychosomatic Medicine. (*Id.*).

The witness testified that he is in individual practice, seeing in-patients at Lexington Behavior Health Hospital and working with a company on a contractual basis to provide psychiatric services to inmates in the State of Michigan. (Tr. 21). He has recently resigned from the Department of Veteran Affairs after fourteen years. (*Id.*).

The witness knows Petitioner in a personal capacity. (*Id.*). Petitioner's son and the witness' son attended the same school, and the families have socialized at least once a month since then. (*Id.*). The social events have included other friends, some of whom are also doctors. (Tr. 22).

His understanding of Petitioner's reputation in the community is that he is well-respected, very honest and always willing to help other people. (*Id.*). The witness' personal experience is much the same, that he is very supportive of the witness and his family. (*Id.*).

Dr. Berki understands that Petitioner does not currently have an Illinois license, and that he is asking that it be restored. (*Id.*). He knows that the license was taken away due to a billing fraud conviction. (*Id.*). He learned this directly from Petitioner. (Tr. 22-23). The witness knows that Petitioner's Ohio license was also revoked. (Tr. 23). However, this does not change his opinion of Petitioner because, in the eleven years that he has known him, Petitioner has always found him to be honorable, helpful in family interactions, and "he comes across as a true gentleman." (*Id.*).

In response to questioning by the Department, the witness stated that the family interactions were mostly at his home and that of Petitioner. (*Id.*). He has never seen Petitioner in a hospital setting. (*Id.*). The witness doesn't know how many years Petitioner was committing fraud, but knew that he was "upcoding," which he should not have been doing. (Tr. 23-24). He testified that knew that Petitioner's license had been revoked and that he had paid a fine close to $18,000, but was unaware how much the Worker's Compensation Commission of Ohio had lost as a result of Petitioner's actions. (Tr. 24). The witness believed that Petitioner had made a mistake, had paid for it, and was still paying for it. (Tr. 26).

2. Dr. Aqeel Khan.

Dr. Aqeel Khan testified that he has been a psychiatrist for about 28 years. (Tr. 28). He has an active license in Illinois, and has never been disciplined. (*Id.*). His basic education is from Pakistan where he did the MBBS in medical college at the University of Karachi. (*Id.*). He then came to the United States, where he took the USMLE and did his residency in psychiatry and fellowship in geriatric psychiatry. (*Id.*). He obtained Board Certification in adult psychiatry, geriatric psychiatry and addictive medicine. (*Id.*).

He is the main psychiatrist in a group practice. (Tr. 28-29). The practice has two offices, one in Bloomingdale, the other in Naperville. (Tr. 29). He also works in

Northwest Community Hospital, Bolingbrook Hospital and other hospitals. (*Id.*). At present, he works for himself. (Tr. 29-30).

The witness has known Petitioner for the last ten years. (Tr. 30). Years ago, they worked together at the hospital, in Hickory Hills Nursing Home and Chicago Ridge Nursing Home. (*Id.*). He also knows Petitioner as a family friend. (*Id.*). They have seen each other socially four to five times a year over the past five years, and have been to each other's homes. (*Id.*).

Dr. Khan understands that Petitioner has a good reputation in the community. (Tr. 30-31). He has never heard about any issues with Petitioner in the community, personally or with the restaurant business that Petitioner owned in Downers Grove. (Tr. 31).

The witness has known Petitioner since before he lost his Illinois physician's license. (*Id.*). The witness is aware that Petitioner's Ohio license was suspended, because he had a "billing issue," and that Petitioner had pled guilty to billing fraud: he had been charging 40-45 minutes for a 20-minute appointment. (Tr. 32-33, 36). He learned about this a few years ago from Petitioner and was concerned about it. (Tr. 33-34). Petitioner made a mistake, which has caused him to suffer for many years. (Tr. 34). If Petitioner regained his license, the witness would offer him a position, but would closely monitor and supervise him. (*Id.*). The witness testified that Petitioner was a "wonderful physician," that he treated his patients well and was very well-liked in the nursing home, where they had worked together. (Tr. 34-35).

In response to questioning by the Department, the witness testified that Petitioner had shared with him that he had seen patients for medication management for 20 minutes and that this had been billed out by his secretary as 40-45 minutes. (Tr. 35). He accepted the mistake, which led to him overbilling about $18,000. (*Id.*). He repaid about $78,000. (*Id.*). As a result, his Ohio license was suspended. (*Id.*). The witness testified that he was unaware how many instances of fraudulent billing took place, but it apparently took place over a long period of

time and involved many patients. (Tr. 36). He doesn't know how many years of criminal probation Petitioner faced, and was hearing for the first time during this formal hearing that the Petitioner's license was permanently revoked in the State of Ohio. (Tr. 37-40).

3. Petitioner.

Petitioner testified that he entered into a consent order in 2012 with the Department which resulted in an indefinite suspension for a minimum three-year period. (Tr. 42). This was based upon his pleading guilty to a felony charge in Ohio for billing fraud, specifically "upcoding." (*Id.*). "Upcoding" means using a higher code for the services that were provided. (Tr. 43). As a result, his license was revoked in Ohio, and this led to the Department filing a Complaint against him. (*Id.*). He did not fight the criminal charges in Ohio, because he realized he had made a mistake, and he took responsibility for it. (Tr. 43-44, 46). Although he originally appealed his Ohio discipline, he did not contest the Board's motion for judgment on the record after his time for briefing a response had passed. (Tr. 55-56). He didn't think it was a good idea to keep prolonging the appeal as he just wanted to move on. (Tr. 55).

Petitioner testified that he should have been more vigilant in monitoring the billing practices of his staff. (Tr. 44, 47). He was too busy seeing patients, running back and forth. (Tr. 47). He didn't take time to pay attention to that aspect of his practice. (*Id.*). When asked to describe the issue in detail, Petitioner testified that there were

> worker's compensation patients that I used to see in Ohio. I moved -- in about 1999 or 2000 I moved to Illinois, my family moved. I still had a practice in Ohio. So some of the patients of the worker's compensation who I was following up, they were like my like long-term patients and I had a good relationship with them. So I didn't want to just drop them, you know, because I moved to -- my family moved to Illinois. So I kept going back to Ohio one week out of a month. I was, my family was here. So I started practice over here gradually, but I kept some of the patients over there. So I

would go over there, fly over there, stay in a motel or hotel, see those patients for a week, then come back here. Three weeks here, one week over there. So some of those patients, I saw them over eight or ten years period of time. So the worker's compensation would authorize those patients for a certain type of session, for a follow-up session. Some were authorized for a 45-minute visit, longer visit, some were authorized for a shorter visit, which is medication management. So I would see them accordingly. Then I would submit the charge to my secretary for billing purposes. Then I would -- most of the time I would leave and come back here. In my absence they would do the billing and collect the money and deposit it in the bank, all that stuff. So I did not pay attention, that was my mistake, that I ignored that part of the practice. I should have monitored the billing practice of my staff. Some of the patients who were authorized for 20-minute visits, they billed for 45-minute visits. It went on for a number of sessions. The worker's comp would authorize a bulk of sessions at a time and then we had to re-certify it and all that kind of stuff. So at no point it dawned to me that there was something wrong going on until it was too late. The worker's comp somehow figured it out or ordered it or whatever and when I found out, obviously it was too late, you know, for me to do anything but to accept the mistake, the responsibility. Yes, there was an error, there was a problem, and then I was responsible for that." (Tr. 45-46, *verbatim*).

He was placed on criminal probation for five years or until he paid the restitution, but, since he paid all of the money right away, the probation was terminated within four to six weeks. (Tr. 53). Petitioner testified that he had wanted to pay back the money he had received due to his fraudulent actions, and he had in fact done so, some $78,000. (Tr. 44).

When addressing the fact that he had needed three attempts to pass the SPEX exam, he acknowledged that he had failed the first two times (with scores of [redacted] because the last time he had taken a similar medical examination was some 25 to 30 years before. (Tr. 48-49; Ex. 6, 7). As a psychiatrist, he was not equipped to take such a general medical examination. (Tr. 49). Also, because he was owning and managing the restaurant and otherwise running around, earning money to support his family, he didn't have enough time to study, and he underestimated how difficult it was. (Tr. 50). He testified that he thought he had done his best, but it wasn't good enough. (Tr. 49). The third time he took the

examination on October 24, 2017, he passed with a score of [redacted] (Tr. 49-50; Ex. B). On that occasion, Petitioner had studied hard, and was able to focus on the examination, having sold the restaurant. (Tr. 50). Petitioner has taken continuing medical education courses and credits. (Tr. 52-53; Ex. C). This year so far, Petitioner has taken 151.25 CME credits. (Ex. C).

Petitioner testified that, following the permanent revocation of his Ohio license, he hasn't had a license to practice medicine in Illinois since 2012. (Tr. 50). Petitioner has supported himself and his family since then by starting a small restaurant, and by going to some of the medical offices, because his younger brother was a medical doctor, and he knew a few other doctors. (Tr. 51). He did not perform clinical work, did not see any patients, but helped out the doctors in other ways. (*Id.*). By doing this, he could stay in touch with the medical community and keep current with the new trends and developments, including medication. (*Id.*).

Addressing his personal circumstances, Petitioner testified that he has been married to his wife (present at the hearing) for about 25 years. (*Id.*). They have four children, two boys and two girls. (*Id.*). Two are in college. (*Id.*). His son has recently graduated from Benedictine University, and is applying to go to dental college. (Tr. 51-52). His daughter also graduated from college. (Tr. 52). The two younger children are still in school. (*Id.*). His son is in eighth grade, his younger daughter is in tenth grade. (*Id.*). Petitioner testified that he had told his two testifying witnesses about the criminal conduct in Ohio a few years ago when he first found out that his license in Illinois was going to be suspended. (*Id.*). He stated that they were shocked to hear this. (*Id.*).

Petitioner testified that he feels sorry for what had happened before. (Tr. 54). If he was fortunate enough to get his license reinstated, he would be very grateful to everybody for trusting him again. (*Id.*). He would want to go back into the medical profession again, and would like to work in a situation where, in the beginning he could feel more comfortable and not do any billing. (*Id.*). Before his license was suspended, he had worked in the south side of Chicago with homeless

people. (*Id.*). He stated that they have not had a psychiatrist since he left the area, so he might go back there. (*Id.*).

Under cross-examination, Petitioner testified that he didn't know how many years he had submitted fraudulent bills in Ohio for worker's compensation. (Tr. 56). He agreed that the length of the conduct was at least from 2004 to 2008. (Tr. 58). It was possible that he submitted over one hundred bills containing fraudulent information; however, he believes that there were only a few dozen repeat cases. (Tr. 58-59). He saw 15 to 20 patients each day for the week he spent in Ohio every month. (Tr. 59). There was no scheme to the billing: "it was just a sporadic few cases, which were billed wrongly. So there is no way of telling which week we billed wrong and which week we didn't bill wrong. There may be a period of time when bills was not billed wrong, but there may be a period of time that they were billed wrong. So it was an overall situation." (Tr. 60). He believed that perhaps 8-10 patients were incorrectly billed during the week in Ohio. (*Id.*).

Petitioner testified that he went to a hearing in Ohio which resulted in the permanent revocation of his license for failing to oversee his billing. (Tr. 62). He pled guilty to Count I of his indictment, which concerned the billing code errors, which he knew was the wrong thing to do. (Tr. 63). He should have monitored carefully what his secretary was billing, which he failed to do. (*Id.*). He did not admit to anything else in the indictment. (*Id.*).

About a year or so after his license was suspended in Illinois, Petitioner learned that his Medicare, Medicaid and other privileges were suspended as a consequence of the Ohio discipline. (Tr. 67; Ex. 3). He was afforded the right to appeal, which he did, because his license had already been suspended for three years, and he had an additional five years imposed. (Tr. 68). Among the documents that he submitted to Medicare was the Ohio Worker's Compensation Bureau's investigation report, which stated that Petitioner had submitted claims for over 16 hours of psychotherapy services in one day and had submitted over 24 hours a day of billing for psychotherapy sessions. (Tr. 68-69, 70-71).

Petitioner acknowledged that none of the continuing medical education credits in Exhibit C directly related to the conduct that led to his permanent revocation in Ohio, indefinite suspension in Illinois, and five-year criminal probation. (Tr. 72).

Petitioner acknowledged that a Department formal complaint was filed in January 2012, which led to the entry of a Consent Order with the Department in December 2012, and that he received a discipline of permanent revocation of his Ohio license while the formal complaint was pending. (Tr. 72-73). He did not recall whether he informed the Department of that discipline when it was imposed. (Tr. 73-74).

The Department's case-in-chief consisted of the testimony adduced in the hearing thus far and the admitted exhibits. The documentary evidence showed that, on June 8, 2011, Petitioner entered a plea of no contest to a stipulated lesser included offense of Workers' Compensation Fraud (Count I of the Indictment).[1] Counts 2 through 5 of the Indictment were *nolle prosequi*'d. Among other things, Count I recited that from approximately August 2, 2004 through May 18, 2006, Petitioner made or presented a false or misleading statement with the purpose to secure payment for goods or services or workers' compensation benefits and/or altered, falsified, destroyed, concealed or removed any record or document necessary to establish the validity of any claim for reimbursement filed with the bureau of workers' compensation, and the value of the services rendered was between $5,000 and $100,000.[2] Petitioner was sentenced to five years of Community Control, with eight months incarceration, if violated. He was

[1]While both parties characterized Petitioner's actions as pleading guilty to Workers' Compensation Fraud, the "Entry of No Contest Plea" recites that Petitioner did not plead guilty, but admitted the truth of the facts alleged in the indictment. (Ex. 1). The federal government and Ohio authorities have understood this to mean that the original court adjudged Petitioner guilty. (*See, e.g,* Ex. 3, p. 4)

[2]Count I was subsequently amended to reduce the value of the services rendered to between $1,000 and $7,000.

further ordered to pay court costs and restitution to the Workers' Compensation Bureau in the amount of $78, 573.16. (Ex. 1).

On April 11, 2012, following an evidentiary hearing, the State Medical Board of Ohio adopted the Hearing Examiner's Report and Recommendation, and ordered that Petitioner's certificate to practice medicine and surgery in Ohio be permanently revoked. (Ex. 4). On September 17, 2012, the Court of Common Pleas in Franklin, Ohio, affirmed the State Medical Board's Order dated April 11, 2012, granting the Board's motion for judgment on the pleadings, after Petitioner failed to file any papers in support of his appeal. (Ex. 5).

Following the filing of a formal Complaint in 2011, the Department and Petitioner entered into a Consent Order dated December 14, 2012, pursuant to which Petitioner's physician and surgeon license was indefinitely suspended for a minimum of three years. (Ex. 2).

On March 31, 2014, the Inspector General of the U.S. Department of Health and Human Services notified Petitioner that he was being excluded from participation in Medicare, Medicaid and all federal health programs for a minimum period of five years as a result of his Ohio criminal conviction. After Petitioner appealed, the decision was affirmed by the Department of Health and Human Services Departmental Appeals Board on November 5, 2014. (Ex. 3). The Appeals Board specifically referenced facts revealed by the Ohio Bureau of Workers' Compensation investigation. "[P]etitioner treated workers' compensation patients and routinely billed [the Bureau] for psychotherapy services in excess of the time he actually spent with the patient. According to the investigative report, Petitioner submitted claims to [the Bureau] for over 16 hours' worth of psychotherapy services provided in one day, and, at times, billed [the Bureau] for over 24 hours' worth of psychotherapy services purportedly provided in one day. The investigation also found that, in addition to upcoding services, Petitioner falsified treatment and progress notes . . . . Further, the record

shows that Petitioner admitted to having overbilled [the Bureau] by $19,643.29 from August 2004 through May 2006 for his medical services." (Ex. 3).

ANALYSIS

Pursuant to the Illinois Civil Administrative Code, 20 ILCS 2105/2105-10, the practice of the regulated professions, trades, and occupations in Illinois is hereby declared to affect the public health, safety, and welfare of the People of this State and in the public interest is subject to regulation and control by the Department of Professional Regulation. It is further declared to be a matter of public interest and concern that standards of competency and stringent penalties for those who violate the public trust be established to protect the public from unauthorized or unqualified persons representing one of the regulated professions, trades, or occupations.

It is a general purpose of the Medical Practice Act of 1987 to protect the public health and welfare from those not qualified to practice medicine. *Vine Street Clinic v. HealthLink, Inc.*, 222 Ill. 2d 276, 295 (2006) (*citing Ikpoh v. Department of Professional Regulation*, 338 Ill. App. 3d 918, 926 (1st Dist. 2003)).

The practice of medicine, in addition to skill and knowledge, requires honesty and integrity of the highest degree, and inherent in the State's power is the right to revoke the license of those who violate the standards it set. *Kaplan v. Department of Registration and Ed.*, 46 Ill. App. 3d 968, 975 (1st Dist. 1977).

The Medical Practice Act of 1987 provides that, at any time after the suspension or revocation of any license, the Department may restore it to the accused person unless, after an investigation and a hearing, the Department determines that restoration is not in the public interest. 225 ILCS 60/43.

The Department has shown that Petitioner's license was indefinitely suspended for a minimum of three years in 2012. Petitioner is therefore eligible for restoration pursuant to the standard set forth above in that his petition was filed over three years following the indefinite suspension. Section 1285.255 of the

Illinois Administrative Code as applicable to the Medical Practice Act provides certain factors, some of which are relevant to this case, which shall be considered by the Administrative Law Judge to determine if Petitioner is to be deemed sufficiently rehabilitated to warrant the public trust. 68 Ill. Admin. Code 1285.255. Discussion of the relevant factors follows below.

The criminal offense committed by Petitioner in Ohio was serious and constituted a felony. It consisted of defrauding the Ohio Workers' Compensation Bureau over a period of two to four years and implicating several patients, usually on a repeat basis. This was not an isolated incident, but a series of overbillings which defrauded the Ohio agency of $19,643.29 and caused investigation costs of $58,929.87. While Petitioner, on several occasions, stated that he was sorry and appeared to show contrition for his past actions, his character witnesses (social friends who happened to be physicians) consistently characterized the events as "mistakes," and Petitioner sought to pass the blame on to his administrative staff, who he claims he should have monitored more effectively, Petitioner admitted the truth of the allegations and was adjudged guilty by the Ohio criminal court. For these reasons, this factor weighs heavily against the Petitioner. 68 Ill. Admin. Code 1285.255(a)(1).

Petitioner has complied with the terms of his sentence, by obtaining employment (he ran a restaurant and worked with his physician brother in a non-clinical setting), and by making restitution in the court-ordered amount of $78,573.16. (*Id.* at (a)(8)). His prompt compliance with the terms of the sentence is to be recognized; however, had he not complied, Petitioner knew he was facing a jail term of eight months. (Ex. 1).

In his favor, Petitioner had the benefit of two character witnesses who testified as to his reputation in the community and their family and other social interactions with the Petitioner and his family. They were aware in general terms of the nature of the Petitioner's crimes, if not the precise details and extent of his fraudulent conduct. However, given their awareness of Petitioner's criminal

fraudulent activities, the Administrative Law Judge found it odd that Dr. Berki still considered Petitioner to be "very honest, "honorable" and "a true gentleman," and that Dr. Aqeel would offer to trust Petitioner with a position (albeit with "close" monitoring and supervision). (Tr. 22, 23, 34). Significantly, the quality of the psychiatric care provided to patients by Petitioner has never been raised as an issue in this case. 68 Ill. Admin. Code 1285.255(a)(7).

As for future plans, Petitioner testified that, if he was fortunate enough to get his license reinstated, he would want to return to practicing medicine again. He had previously worked in the south side of Chicago with homeless people and might want to return there, since no psychiatrist had been available since he was suspended. He did not want to be involved in doing any billing. (*Id.* at 9).

Other factors to be considered include the fact that six years have passed since Petitioner's Illinois license was indefinitely suspended; he provided proof of over 150 CME credits - although none of these was related to "the grounds for the disciplinary action . . . having been taken;" Petitioner had passed the SPEX examination, albeit at the third attempt; and Petitioner's family was involved in his life, although no evidence was provided to show that they were involved in his "rehabilitation process." (*Id.* at (a)(2), (5), (6), and (10). None of these factors is determinative.

The Administrative Law Judge is not convinced that the mitigating factors advanced by Petitioner outweigh the severity of the offense underlying this action. Petitioner submitted a series of fraudlent overcharges ("upcoding"), with knowledge and intent, and defrauded the people of the State of Ohio of a significant amount of money.

Petitioner has failed to show by a preponderance of the evidence that the public interest would be served by the restoration of his Illinois Physician and Surgeon License, or that he has been sufficiently rehabilitated to warrant the public trust.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Administrative Law Judge concludes as a matter of law the following:

1. The Illinois Medical Disciplinary Board has jurisdiction over the subject matter and the parties in this case.
2. Petitioner has failed to prove by a preponderance of the evidence that his Physician and Surgeon License should be restored.

RECOMMENDATION

Based on the above Findings of Fact and the Conclusions of Law, and consideration of the factors of rehabilitation in 68 Ill. Admin. Code 1285.255, the Administrative Law Judge recommends to the Illinois Medical Disciplinary Board that MUHAMMAD S. CHOUDHRY's Petition for Restoration of his license as a Physician and Surgeon, No. 036.081407, be DENIED.

Dated: August 7, 2015

Respectfully submitted:

[redacted]

Ian Brenson
Administrative Law Judge

2011-09632
Muhammad S. Choudhry
License No. 036.081407

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

In Re Petition for Restoration of	)
	)
	) No. 2011-09632
Muhammad S. Choudhary, M.D.	)
License No. 036-081407, Petitioner.	)

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovskiy, one of its attorneys, (hereinafter the "Department") and Muhammad S. Choudhary, M.D. (hereinafter the "Petitioner"), through Michael K. Goldberg, his attorney, hereby agree to the following:

STIPULATIONS

Muhammad S. Choudhary, M.D. is licensed as a Physician and Surgeon in the State of Illinois, holding Illinois Physician and Surgeon License No. 036-081407. Said Illinois Physician and Surgeon License and Illinois Controlled Substance License are in indefinitely suspended status. At all times material to the matter(s) set forth in this Consent Order, the Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois had jurisdiction over the subject matter and parties herein.

In December 2012, Petitioner's Illinois Physician and Surgeon License was indefinitely suspended for a minimum of three (3) years for Felony Worker's Compensation Fraud conviction in the Court of Common Pleas, Franklin County, Ohio. In December 2015, Petitioner filed his 1st Petition to Restore. After successfully passing SPEX examination on 3rd attempt, Petitioner proceeded to formal hearing in this matter in June 2018. In January 2019, the Director denied 1st Petition to Restore after a formal hearing in his matter. In February 2019, Petitioner filed an administrative review of the Director's January 2019 Order. In March 2019, Petitioner

DPR Exhibit C

voluntarily withdrew his administrative review. In September 2019, Petitioner filed his 2nd Petition to Restore along with the supporting documentation. On October 7, 2020, an Informal Conference was held in this matter via Webex. Shami Goyal, M.D. was present on behalf of the Medical Disciplinary Board and Vladimir Lozovskiy, staff attorney, was present for the Department. Petitioner appeared along with Michael K Goldberg and Priyanka U. Desai, his attorneys. During the Informal Conference, Petitioner provided detailed information regarding his current lifestyle and plans for the future. In addition, Petitioner accepted responsibility for his actions that led to suspension of his license, including admitting that he was not truthful during his prior testimony at the Formal Hearing on his 1st Petition to Restore.

Petitioner has been advised of the right to a hearing on his pending Petition and the right to administrative review of this Consent Order. Petitioner knowingly waives each of these rights. Such waiver ceases if this Consent Order is rejected by either the Medical Disciplinary Board or the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

Petitioner and the Department have agreed, in order to resolve this matter, that Petitioner, Muhammad S. Choudhary, M.D. be permitted to enter into a Consent Order with the Department, providing restoration of his Illinois Physician and Surgeon License with the terms and conditions outlined below.

CONDITIONS

WHEREFORE, the Department, through Vladimir Lozovskiy, its attorney, and Muhammad S. Choudhary, M.D., Petitioner, through Michael K. Goldberg, his attorney, agree:

A. The Illinois Physician and Surgeon License of Muhammad S. Choudhary, M.D., License No. 036-074038, is hereby restored from suspended status and placed on the

indefinite probation for a minimum of five (5) years, subject to payment of fees and filing of required forms with the Department;

B. While Petitioner is on Indefinite Probation, Petitioner shall provide the Department with quarterly reports which include: (i) current residential address and contact telephone number as well as current practice location address and contact telephone number; (ii) address and contact information for each healthcare entity where Petitioner is practicing and/or employed; (iii) description of job duties, responsibilities and name of immediate supervisor and/or Department's Chairperson; (iv) copy of any and all incident reports within the prior quarter filled against Petitioner; and (v) information, regarding any arrests, criminal, or civil actions filed, including DUI and/or other similar offenses against Petitioner; (vi) Petitioner shall notify the Department of any adverse action taken against him related to the practice of medicine by another entity including but not limited to licensing authorities, insurance companies, and state and federal agencies, within ten (10) days of said adverse action; and (vii) Petitioner shall notify the Department when he is the subject of any investigation initiated by another entity, including but not limited to licensing authorities, insurance companies, and state and federal agencies, within ten (10) days of said investigation;

C. While Petitioner's Illinois Physician and Surgeon License is on Probation, Petitioner shall notify the Department's designated Probation Investigations Investigator in writing of any change in employment and/or home address and/or telephone number within ten (10) days;

D. While Petitioner's Illinois Physician and Surgeon License is on Probation, Petitioner is not allowed to work in solo practice. Petitioner can only work in a group-setting with two or more Illinois Physician and Surgeons that have unrestricted Illinois Physician and Surgeon

Licenses that has never been disciplined by any state and/or federal agencies. Said practice setting shall be pre-approved in writing by the Department's Chief Medical Coordinator;

E. Petitioner is not allowed to work in: (1) home-care setting; (2) practice that is not owned and operated by Illinois Physician and Surgeon License that has unrestricted Illinois Physician and Surgeon Licenses that has never been disciplined by any state and/or federal agencies;

F. Prior to engaging and/or changing employment that requires utilization of Illinois Physician and Surgeon License, Petitioner has to obtain a written pre-approval of the setting from the Department's Chief Medical Coordinator;

G. Petitioner shall request the designated person from every healthcare entity, where he is practicing medicine/utilizing his Illinois Physician and Surgeon License, to submit quarterly reports to the Department regarding any issues arising out of his employment and practice of medicine;

H. Within 60 days of the final approval of this Consent Order, Petitioner shall obtain a practice monitor, who is a licensed Physician and Surgeon in the State of Illinois. Said practice monitor cannot be affiliated with Petitioner's practice. Said practice monitor shall have an unrestricted Illinois Physician and Surgeon License that has never been disciplined by any state and/or federal agencies. The practice monitor shall be hired at the expense of Petitioner and shall be pre-approved by the Chief Medical Coordinator of the Department. Petitioner shall request that his practice monitor submit quarterly reports about scope and performance appraisals. On a quarterly basis the practice monitor shall meet with Petitioner and randomly select and review ten (10) charts of patients who have been seen by Petitioner during the quarter. The practice monitor shall review the charts of those patients and submit independent quarterly reports to the Department evaluating the scope, appropriateness, and

quality of medical care rendered by Petitioner;

I. The practice monitor shall agree to inform the Department immediately if there is evidence of inappropriate behavior, professional misconduct, a violation of Petitioner's probation or any violation of the laws and rules governing the practice of medicine;

J. Petitioner shall notify the Department's Probation Unit within 10 (ten) days should his relationship with any practice monitor cease. Petitioner shall submit to the Department's Chief Medical Coordinator a name of a new practice monitor within 30 days from the date of the initial Notice;

K. While Petitioner's Illinois Physician and Surgeon License is on Probation, Petitioner is required to submit annually a proof of completion of thirty (30) Category I CME hours in Psychiatry. Said CMEs need to be pre-approved in writing by the Department's Chief Medical Coordinator. Said CMEs are allowed to be counted towards regularly required CMEs pursuant to the Illinois Medical Practice Act;

L. Upon securing a pre-approved practice location, Petitioner shall be subject to the following restrictions:

1. During initial six (6) months of actual clinical practice, 100% of patient encounters have to be directly supervised by an Illinois Physician and Surgeon who is Board-certified in psychiatry;

2. During second six (6) months of actual clinical practice, 50 % of patient encounters have to be directly supervised by an Illinois Physician and Surgeon who is Board-certified in psychiatry.

M. Said Illinois Physician and Surgeon, who is responsible for direct supervision of Petitioner's patient encounters, has to be pre-approved in writing by the Department's Chief Medical Coordinator. Said direct supervisor has to submit independent quarterly

reports to the Department evaluating the scope, appropriateness, and quality of medical care rendered by Petitioner. The direct supervisor shall agree to inform the Department immediately if there is evidence of inappropriate behavior, professional misconduct, a violation of Petitioner's probation or any violation of the laws and rules governing the practice of medicine;

N. Upon completion of first twelve (12) months of direct supervision of patient encounters, Petitioner shall submit a written request for waiver of conditions L and M of this Consent Order. Petitioner agrees to continue to comply by conditions L and M of this Consent Order until he receives a written waiver of these conditions by the Department's Chief Medical Coordinator;

O. Petitioner shall take and pass all 5 topic areas Ethics and Boundaries Post-Licensure ("EBAS") Essay Examination within twelve (12) months of the effective date of this Consent Order. Information regarding how to take and pass EBAS Essay Examination is available at www.ebas.org.

P. All the reports required to be submitted under the terms of this Probation shall be filed with the Department no later than 1/20, 4/20, 7/20 and 10/20 of each year during the full term of the Probation;

Q. Petitioner agrees that a violation of the terms and conditions of this Consent Order or a violation of the terms of probation is a violation of 225 ILCS 60/22(A)(15);

R. Petitioner shall not violate the Illinois Medical Practice Act of 1987, any other federal and state laws related to the practice of medicine as well as any other federal and state laws;

S. If Petitioner violates any of the terms and conditions of this Order, the Director of the Division of Professional Regulation may issue an Order forthwith mandating the

automatic, immediate, indefinite suspension of Petitioner's Illinois Physician License 036-081407 for a minimum of twelve (12) months. This indefinite suspension shall not preclude the Department from taking any other disciplinary or other actions it deems appropriate. In the event Petitioner contests in writing (by the filing of an appropriate petition with the Department) the factual basis underlying said indefinite suspension within thirty (30) days of the imposition thereof, then Petitioner shall be afforded a hearing on the merits within thirty (30) days from filing of said petition;

T. Upon effective date of this Consent Order, Petitioner shall provide a copy of this Consent Order to his employer, practice monitor and direct supervisor;

U. This Consent Order shall become effective immediately after it is approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

11/18/2020
DATE

[redacted]
Vladimir Lozovskiy, Attorney for the Department

11/17/2020
DATE

[redacted]
Petitioner

11/17/2020
DATE

[redacted]
Michael K. Goldberg, Attorney for Petitioner

12-2-2020
DATE

[redacted]
Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 14th day of December, 2020.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois;
Deborah Hagan, Secretary
DIVISION OF PROFESSIONAL REGULATION

[redacted]

Cecilia Abundis
Acting Director

REF: Case No. 2011-09632/License No. 036-081407

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

In Re Petition for Restoration of	)
	)
	) No. 2011-09632
Muhammad S. Choudhry, M.D.	)
License No. 036-081407, Petitioner.	)

AFFIDAVIT OF Temple Hall

I, Temple Hall, being duly sworn on oath, depose and make this affidavit on my personal knowledge and, if sworn as a witness in this matter, I would competently testify to the following facts:

1. I am Chief of the Probation Compliance Unit of the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, hereafter referred to as "the Department", Chicago, Illinois.

2. On December 14, 2020, Petitioner's Illinois Physician and Surgeon License was restored from indefinite suspension and placed on indefinite probation for minimum of five (5) years with multiple terms and conditions.

3. In October 2024, the Department received information from Illinois Department of Human Services (IDHS) indicating that on August 15, 2024, Petitioner's provider contract and clinical services were terminated effective immediately at IDHS Chester Mental Health Center due to time theft by Petitioner at Chester Mental Health Center. See DPR Exhibit 1, attached hereto, and made a part of this Affidavit.

4. In October 2024, Petitioner submitted his self-report for July to September 2024 reporting period where he failed to disclose aforementioned August 2024 termination of his provider contract and clinical services at IDHS Chester Mental Health Center. See DPR Exhibit 2, attached hereto, and made a part of this Affidavit.

5. I have reviewed the file regarding Muhammad S. Choudhry, M.D. and concluded Respondent violated Paragraphs B (vi) and (vii) and C of the December 14, 2020, IDFPR Consent Order Case No. 2011-09632.

FURTHER AFFIANT SAYETH NAUGHT.

[redacted]
Affiant

Subscribed and sworn to before me

This 23 day of October 20 24.

[redacted]
NOTARY PUBLIC

OFFICIAL SEAL
ELIZABETH BELL
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 9/15/2025

DPR Exhibit D

IDHS
ILLINOIS DEPARTMENT OF HUMAN SERVICES

JB Pritzker, *Governor*

Dulce M. Quintero, *Secretary Designate*

Chester Mental Health Center
1315 Lehmen Drive • Chester, IL 62233

October 17, 2024

Jessica Musgrove
Account Director - Recruiting
Behavioral Health Division
LocumTenens
2575 Northwinds Parkway
Alpharetta, GA 30009

Dear Ms. Musgrove:

This letter serves as written confirmation of our conversation on August 15, 2024, during which you were informed that our provider contract with Dr. Muhammad Choudhry has been terminated effective immediately. The reason for this termination is due to time theft, which we discussed in detail during the meeting.

Please let this letter serve as a formal record of this decision. Should you or anyone at LocumTenens need to discuss this matter further, please contact me at phone: 618-861-0231 or via email at jacinda.lewis@illinois.gov

Thank you,

[redacted]

Jacinda Lewis, LCSW, PhD
Chief Executive Officer
Chester Mental Health Center

DPR Exhibit 1

Illinois Department of Professional Regulation Enforcement Division

Probation Compliance Unit Attention: **Ronald Romano**

100 West Randolph, Suite – 9-300

Chicago, Illinois 60601

312.814-8419 – Office

217.524.2078 – Fax

Self-Report / Quarterly Report

This form is to be completed and submitted to the Probation Compliance Unit at the end of each calendar quarter during your probation period. Reports are due:

1st Quarter (January – March)	: no later than 10th of April
2nd Quarter (April – June)	: no later than 10th of July
3rd Quarter (July – September)	: no later than 10th of October
4th Quarter (October – December)	: no later than 10th of January

Failure to submit reports on time will constitute a violation of probation.

1. Reporting Period From July 1st To Sep. 30th Year 2024
2. Case Number: **2011 09632**

Name **Muhammad Saleem Choudhry**

License Number **036.081407**

Home Telephone Number [redacted]

Cellular Telephone Number [redacted]

Residence Address [redacted]

Email [redacted]

Is this a change of address? NO

DPR Exhibit 2

3. Employment Information:

List all locations (with telephone numbers) at which you practice, are employed or have privileges.

Employer/Position/Title: None Currently

Address/Telephone: _____

Employer/Position/Title: _____

Address/Telephone: _____

Employer/Position/Title: _____

Address/Telephone: _____

Employer/Position/Title: _____

Address/Telephone: _____

Answer "Yes" or "No" to the following questions. A detailed explanation of any "Yes" answers should be attached.

A. Have there been any changes in your employment in the reporting quarter?

Yes ✓ No_____

B. Have you been terminated/suspended/disciplined, been denied/lost privileges or resigned?

Yes _____ No ✓

C. Have you been the subject of a practice related complaint, review or investigation?

Yes _____ No ✓

D. Have you been the defendant in any administrative, civil or criminal proceedings?

Yes _____ No ✓

E. Have you been arrested, charged with or convicted of a crime, including DUI?

Yes _____ No ✓

F. Have you been on criminal probation or parole?

Yes _____ No ✓

G. Was your practice required to be supervised?

Yes _____ No ✓

H. Have there been any adverse action taken against you, related to the practice of your Department issued license by another entity including but not limited to licensing authorities, insurance companies, and state and federal agencies?

Yes _____ No ✓

I. Have there been any investigation initiated by another entity, including but not limited to licensing authorities, insurance companies, and state and federal agencies?

Yes _____ No ✓

J. Have you been treated by or had sessions with a psychiatrist, psychologist, social worker or other mental health professional?

Yes _____ No ✓

K. Are you required to participate in a substance abuse treatment and/or aftercare program?

Yes _____ No ✓

L. Are you required to undergo toxicology screening for substance abuse?

Yes _____ No ✓

*Attachment of verification or verification to be provided by:

_____ (Drug Screen Provider)

M. Have you taken or been prescribed any mood/mind altering substances, including alcohol?

Yes _____ No ✓

N. Are you required to attend self-help/peer support group meetings?

Yes _____ No ✓

*Attachment of verification, if required by terms/conditions of Consent Order.

O. Are you required to complete continuing or remedial education?

Yes ✓ No _____

How many total hours are required during the entire term of probation?

30 hrs / year

How many hours have been completed in this quarter?

10

How many hours have been completed since the term of probation began?

175

P. Are there other requirements not listed? If so, please provide details.

None

Q. Have you violated any conditions of the Order?

Yes _____ No ✓

I have read the above and foregoing quarterly report and the information contained therein is true and correct to the best of my knowledge, information and belief.

Name (Print) MUHAMMAD CHOUDHRY

[redacted] 10/9/24

Signature Date