

**CONSENT AGREEMENT  
BETWEEN  
MUHAMMAD NASIM AKHTAR, M.D.  
AND  
THE STATE MEDICAL BOARD OF OHIO  
CASE NO. 10-CRF-045**

This Consent Agreement is entered into by and between Muhammad Nasim Akhtar, M.D. (Dr. Akhtar) and the State Medical Board of Ohio (Board), a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Akhtar enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

**BASIS FOR ACTION**

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violations of Sections 4731.22(B)(8), Ohio Revised Code, for “[t]he obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;” Section 4731.22(B)(11), Ohio Revised Code, for “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;” Section 4731.22(B)(13), Ohio Revised Code, for “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude, and for being “[t]erminat[ed] or suspend[ed] from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B)(2), (3), (6), (8), or (19)” of Section 4731.22 pursuant to Section 4731.22(B)(25), Ohio Revised Code.
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violations of Section 4731.22(B)(8), (11), (13) and (25), Ohio Revised Code, as set forth in Paragraph E, below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.

- C. Dr. Akhtar is licensed to practice medicine and surgery in the State of Ohio, license number 35.077401.
- D. Dr. Akhtar states that he is not licensed to practice in any other state or jurisdiction.
- E. Dr. Akhtar admits to the factual and legal allegations in the Notice of Opportunity for a Hearing issued by the Board on May 12, 2010, attached hereto and incorporated herein as Exhibit A.

### **AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Akhtar knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

### **REVOCATION STAYED; SUSPENSION OF CERTIFICATE**

- 1. The certificate of Dr. Akhtar to practice medicine and surgery in the State of Ohio shall be REVOKED. Such revocation is STAYED, and Dr. Akhtar's certificate shall be SUSPENDED for a definite period of 270 days. Such suspension shall commence upon the effective date of this Consent Agreement.

### **INTERIM PROVISIONS**

- 2. During the period that Dr. Akhtar's certificate to practice medicine and surgery in Ohio is suspended, Dr. Akhtar shall comply with the following terms, conditions and limitations:
  - a. Dr. Akhtar shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
  - b. Dr. Akhtar shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, or as requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
  - c. Dr. Akhtar shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur on at least an annual basis after the first meeting, or as otherwise requested by the Board. In addition, Dr. Akhtar shall appear in person for an interview before the full Board

in association with any request for release from probation. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

#### **Required Reporting by Licensee**

- d. Within thirty days of the effective date of this Consent Agreement, Dr. Akhtar shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training, and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Akhtar shall promptly provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. In the event that Dr. Akhtar provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Akhtar shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Akhtar shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
- e. Within thirty days of the effective date of this Consent Agreement, Dr. Akhtar shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Akhtar further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Akhtar shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand

delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

- f. Dr. Akhtar shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

### **PROBATIONARY TERMS, CONDITIONS AND LIMITATIONS**

- 3. Upon reinstatement, Dr. Akhtar's certificate to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations:
  - a. Dr. Akhtar shall continue to be subject to all terms, conditions, and limitations in the Interim Provisions, as set forth in Paragraph 2 of this Consent Agreement, unless otherwise determined by the Board.
  - b. In the event Dr. Akhtar is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

### **Professional Ethics Course; Medical Billing Course**

- c. Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Akhtar shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics course and a course or courses dealing with medical billing. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Akhtar submits the documentation of successful completion of the courses dealing with professional ethics and medical billing, he shall also submit to the Board a written report describing the courses, setting forth what he learned from each course, and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

## **RELEASES**

Dr. Akhtar shall provide authorization, through appropriate written consent forms, for disclosure of any information necessary for compliance with this Consent Agreement. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

## **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Akhtar appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Akhtar has violated any term, condition or limitation of this Consent Agreement, Dr. Akhtar agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

## **DURATION/MODIFICATION OF TERMS**

Dr. Akhtar shall not request termination of this Consent Agreement for a minimum of five years following reinstatement. In addition, Dr. Akhtar shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year after reinstatement of his certificate, except that Dr. Akhtar may make such request with the mutual approval and joint recommendation of the Secretary and Supervising Member. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

In the event that the Board initiates future formal proceedings against Dr. Akhtar, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

In the event that any term, limitation, or condition contained in this Consent Agreement is determined to be invalid by a court of competent jurisdiction, Dr. Akhtar and the Board agree that all other terms, limitations, and conditions contained in this Consent Agreement shall be unaffected.

### ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Akhtar acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.


Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Akhtar hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

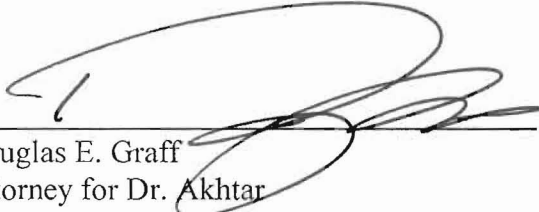
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Akhtar acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

### EFFECTIVE DATE

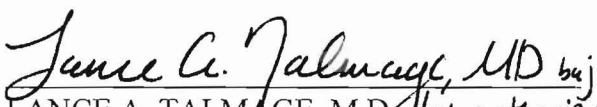
It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

  
Muhammad Nasim Akhtar, M.D.


01-17-2011  
DATE

  
Douglas E. Graff  
Attorney for Dr. Akhtar

1/17/11  
DATE

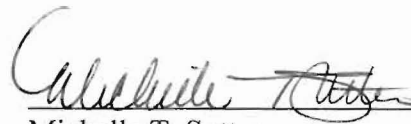
  
LANCE A. TALMAGE, M.D. <sup>by</sup> *authorization*  
Secretary

Feb. 9, 2011  
DATE

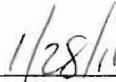
  
RAYMOND J. ALBERT  
Supervising Member

\_\_\_\_\_  
DATE

Consent Agreement  
Muhammad Nasim Akhtar, M.D.  
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A handwritten signature in dark ink, appearing to read "Michelle T. Sutter", written over a horizontal line.

Michelle T. Sutter  
Assistant Attorney General

A handwritten date "1/28/11" in dark ink, written over a horizontal line.

DATE



# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

May 12, 2010

Case number: 10-CRF- 045

Muhammad Nasim Akhtar, M.D.  
5755 Jasonway Drive  
Hilliard, Ohio 43026

Dear Doctor Akhtar:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about February 19, 2010, in the Franklin County Municipal Court, Columbus, Ohio, you pled no contest to, and were found guilty of, Theft by Deception, in violation of Section 2913.02(A)(3), Ohio Revised Code, a misdemeanor of the first degree. Further, you stipulated that between on or about August 16, 2007, to on or about May 7, 2008, you submitted billings and received payment from the Ohio Department of Job and Family Services [ODJFS] for services not rendered to Medicaid recipients.
- (2) By letter dated February 24, 2010, you were notified by ODJFS that since you were found guilty of Theft by Deception, and the conviction resulted from your actions as a Medicaid provider, your Medicaid provider agreement with ODJFS was terminated.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "[t]he obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Further, the facts as alleged in paragraph (1) above, individually and/or collectively, constitute "[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the

*mailed 5-13-10*



course of practice,” as that clause is used in Section 4731.22(B)(11), Ohio Revised Code.

Further, the facts as alleged in paragraph (1) above, individually and/or collectively, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude,” as that clause is used in Section 4731.22(B)(13), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute “[t]ermination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (B)(2), (3), (6), (8), or (19) of this section,” as that clause is used in Section 4731.22(B)(25), Ohio Revised Code, to wit: Section 4731.22(B)(8), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Muhammad Nasim Akhtar, M.D.

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Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lance A. Talmage".

Lance A. Talmage, M.D.

Secretary

LAT/DSZ/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3071 5394

RETURN RECEIPT REQUESTED

cc: Kevin R. Conners, Esq.  
One Miranova Place  
No. 930  
Columbus, Ohio 43215

CERTIFIED MAIL #91 7108 2133 3936 3071 5387

RETURN RECEIPT REQUESTED