

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark New Jersey 07101

By: Doreen A. Hafner  
Deputy Attorney General  
Tel. (973) 648-7454

**FILED**

September 19, 2011

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS  
DOCKET NO. BDS 03112-2008N

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF : Administrative Action  
 :  
SHAMS M. QURESHI, M.D. :  
LICENSE NO. 25 MA 04670600 : FINAL CONSENT ORDER  
 :  
 :  
TO PRACTICE MEDICINE AND SURGERY :  
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") by the Attorney General of New Jersey filing a nine-count Verified Complaint on March 31, 2006. The first eight counts of the Verified Complaint allege insurance fraud and falsification of patient records during a period from 2002 through 2004. Count Nine of the Verified Complaint alleges that Respondent grossly deviated from the appropriate standard of care in his performance of prolotherapy injections on two patients, S.H. and N.N.<sup>1</sup>, and that he exhibited a gross lack of medical judgment

<sup>1</sup>The patients will be referred to by their initials-S.H. and N.N.-to protect their confidentiality. The patients' identity have been made known to Respondent and the Board.

**CERTIFIED TRUE COPY**

by failing to recognize and properly treat the complications resulting from the prolotherapy injections. On May 5, 2006, Respondent filed an Answer that denied the substantive allegations of the Verified Complaint.

On May 2, 2006, the parties entered into an Interim Consent Order imposing restrictions on Respondent's license and monitoring of his medical practice by Board-approved monitors. Respondent entered into an Order on May 11, 2006 pursuant to which he voluntarily ceased and desisted the practice of medicine until such time as all the monitors were approved.

On June 2, 2006, the Attorney General of New Jersey filed a Second Verified Complaint alleging that Respondent failed to comply with the May 11, 2006 Board Order by treating 39 patients while the Cease and Desist Order was in effect. Respondent denied these allegations.

On June 14, 2006, the parties entered into a Third Interim Consent Order under which Respondent would be subject to limitations on his license and further monitoring of his medical practice.

Both Verified Complaints and Answers were forwarded to the Office of Administrative Law on February 21, 2008 as a contested case. Initially this matter was placed on the Inactive List pending the disposition of the related criminal matter. Then, by way of Order dated February 20, 2009, Count Nine was bifurcated

from Counts One through Eight. Count Nine was assigned trial dates while Counts One through Eight were continued on the inactive list. Subsequently, eight days of testimony on Count Nine were presented before the Honorable Jesse H. Strauss, A.L.J.

On January 11, 2010, Respondent pled guilty to one count of Recklessly Committing Health Care Claims Fraud in the Third Degree in violation of N.J.S.A. 2C:21-4.3A. On August 20, 2010, he was sentenced to probation for a period of two (2) years, home confinement for the first three (3) months of the probationary term, and a one-year suspension of license pursuant to N.J.S.A. 2C:51-5. The conduct underlying the guilty plea also constituted a violation of N.J.S.A. 17:33A-1 et. seq. and the Respondent and the Office of the Insurance Fraud Prosecutor agreed to a civil administrative penalty of \$125,000.

As a result of the guilty plea and the violation of N.J.S.A. 17:33A-1, the Board finds grounds for disciplinary action under N.J.S.A. 45:1-21(f) and (k). Respondent's care and treatment of patients S.H. and N.N. constitutes acts of gross negligence and/or multiple acts of negligence, thereby providing grounds for disciplinary action by the Board under N.J.S.A. 45:1-21(c) and/or (d). The Board finds that there is a sufficient basis to support the disposition herein.

The Board has further determined that the terms of this Final Consent Order are sufficient to protect the health, safety and

welfare of the public and the Respondent for reasons of economy and finality has agreed to the terms herein. For such reasons and other good cause shown,

IT IS on this 19 day of September, 2011,

ORDERED:

1. The license of Respondent Shams M. Qureshi, M.D. to practice medicine and surgery in the State of New Jersey is actively suspended for two years. Respondent's period of active suspension shall begin nunc pro tunc on August 20, 2010, the date on which Respondent's one-year period of active suspension began under the criminal statute N.J.S.A. 2C:51-5.

2. Prior to the reinstatement of his active license, Respondent is required to appear before a Committee of the Board and demonstrate, to the satisfaction of the Board, that he is fit and competent to resume the practice of medicine, and that his practice of medicine and surgery does not pose a threat to the health, safety and welfare of patients or the public. Respondent is required to present a detailed plan for the resumption of his practice of medicine, which plan shall need to be approved by the Board. The Board reserves the right to place reasonable conditions upon Respondent's reinstatement and/or restrictions on his practice upon his reinstatement.

3. Respondent's appearance before a Committee of the Board required by Paragraph 2 shall be scheduled approximately six months

prior to the completion of the active suspension and shall not be unreasonably delayed.

4. Prior to the reinstatement of his license, Respondent shall demonstrate successful completion of a Board-approved course in ethics. Respondent shall assume all costs of completing this course. "Successful completion" means that Respondent attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional passing grade. Respondent shall submit to the Executive Director of the Board written verification of said successful completion of the course.

5. Respondent shall be permanently barred from performing prolotherapy.

6. Respondent shall pay the Board's costs in this matter, including but not limited to, costs of investigation, expert witness fees and costs, attorney's fees and costs and transcript costs, as allowed by N.J.S.A. 45:1-25(d), such costs being \$100,000. Said costs are to be paid in full at the time of entry of this Order. Payment shall be made by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Medical Examiners at P.O. Box 183, Trenton, New Jersey 08625-0183. Any failure by Respondent to make payment under the terms of this Order shall constitute professional misconduct pursuant to N.J.S.A. 45:1-21(e), thereby subjecting Respondent to any and all remedies available to the Board pursuant to N.J.S.A.

45:1-21 and 22.

7. In recognition of the civil administrative penalty agreed upon by the Respondent and the Office of the Insurance Fraud Prosecutor, the assessment of penalties under N.J.S.A. 45:1-25 are waived.

8. Respondent shall fully comply with the attached "Directives Applicable to Any Medical Board Licensee Who Is Disciplined or Whose Surrender of Licensure Has Been Accepted", which are incorporated herein by reference. Expressly, the Respondent may maintain his professional corporation for the sole purpose of collecting outstanding account receivables and other monies owed the corporation.

9. This Final Consent Order shall be a full and final disposition of the Administrative matter docketed as BDS 03112-2008N. The Board shall retain jurisdiction to enforce the terms of this Order.

10. Failure to comply with any provision of this Final Consent Order may result in subsequent disciplinary proceedings pursuant to N.J.S.A. 13:45C-1.1 et seq. for failure to comply with an order of the Board.

11. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Respondent's conduct prior to entry of this Order.

STATE BOARD OF MEDICAL EXAMINERS

By:   
Paul T. Jordan, M.D.  
President

I have read and understood the foregoing Order and agree to be bound by its terms and conditions. I hereby give consent to the Board to enter this Order.

  
Shams M. Qureshi, M.D.

6-13-11.  
Date

I hereby consent to the form and entry of this Order.

  
~~Robert J. Conroy, Esq.~~ Svetlana Ros, Esq.  
Law Offices of Kern, Augustine,  
Conroy & Schoppman, P.C.  
Counsel to Shams M. Qureshi, M.D.

6/13/11  
Date

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

**APPROVED BY THE BOARD ON MAY 10, 2000**

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

**1. Document Return and Agency Notification**

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Medical Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of

general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

## **5. Probation/Monitoring Conditions**

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

**NOTICE OF REPORTING PRACTICES OF BOARD  
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.