

BEFORE THE IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WAQAS ALI, M.D., RESPONDENT

FILE No. 02-14-099

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STATEMENT OF CHARGES and SETTLEMENT AGREEMENT  
(Combined)

\*\*\*\*\*

COMES NOW the Iowa Board of Medicine (Board) and Waqas Ali, M.D., (Respondent), on April 3, 2015, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement to resolve this matter.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 35134 on May 8, 2003.
2. Respondent's Iowa medical license went inactive due to nonrenewal on December 1, 2011.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

## COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery disciplined by a licensing authority of another state. A certified copy of the order of disciplinary action is prima facie evidence.

### STATEMENT OF THE MATTERS ASSERTED

5. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced internal medicine in Peoria, Illinois.

6. **Illinois Disciplinary Action:** On January 8, 2013, Respondent was disciplined by the Illinois Division of Professional Regulation (Illinois Board). On May 23, 2013, Respondent was indicted in the United States District Court in Peoria, Illinois, for obtaining controlled substances by fraud and deception. From January 2011 to January 2013, Respondent issued, or caused to be issued, hundreds of fraudulent and deceptive prescriptions for hydrocodone to fictitious patients under his DEA registration. Respondent entered a guilty plea to the criminal charge of obtaining controlled substances by fraud and deception and he was sentenced to two years of probation. On January 8, 2014, the Illinois Board summarily suspended Respondent's Illinois medical license after he tested positive for controlled substances. Respondent was subsequently disciplined in Arizona and California. See Attachments A-C.

## SETTLEMENT AGREEMENT

7. **VOLUNTARY SURRENDER:** Respondent voluntarily surrenders his Iowa medical license to resolve this matter.

8. Respondent voluntarily submits this Order to the Board for consideration.

9. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

10. This Order constitutes the resolution of a contested case proceeding.

11. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel in this matter, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

12. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

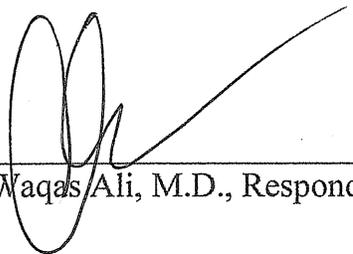
13. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

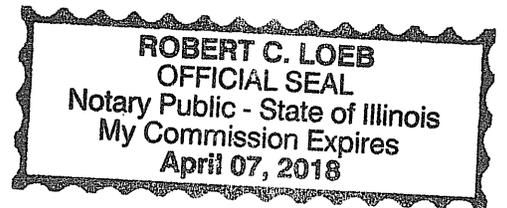
14. Respondent understands that the Board is required by Federal law (45 C.F.R. 60.8) to report this Order to the National Practitioner Data Bank.

15. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

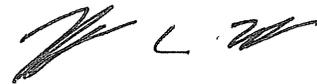
16. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

17. The Board's approval of this Order shall constitute a Final Order of the Board.

  
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Waqas Ali, M.D., Respondent

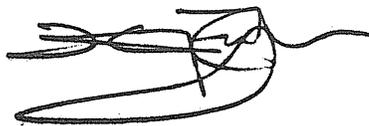


Subscribed and sworn to before me on February 18, 2015.



Notary Public, State of Illinois.

This Order is approved by the Board on April 3, 2015.



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Hamed H. Tewfik, M.D., Chairman  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

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

ILL. DEPT. OF FINANCIAL AND  
PROFESSIONAL REGULATION

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CLERK OF THE COURT

DEPARTMENT OF FINANCIAL AND )  
PROFESSIONAL REGULATION )  
of the State of Illinois, ) Complainant, )  
v. )  
Waqas Ali, M.D. )  
License No. 036-118103 )  
CS License No. 336-079196 ) Respondent. )

No. 2013-1131

ORDER

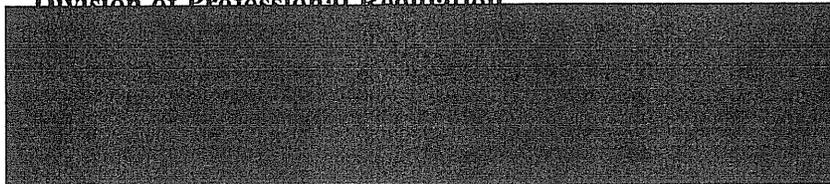
This matter having come before the Director of the Division of Professional Regulation of the State of Illinois, on a Petition filed by the Chief of Medical Prosecutions of the Division, which requested Temporary Suspension of the Illinois Physician and Surgeon License No. 036-118103 and the Illinois Controlled Substance License No. 336-079196 of Respondent, Waqas Ali, M.D., and the Director, having examined the Petition, finds that the public interest, safety and welfare imperatively require emergency action to prevent the continued practice of Waqas Ali, M.D., Respondent, in that Respondent's actions constitute an immediate danger to the public.

NOW, THEREFORE, I, JAY STEWART, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION of the State of Illinois, hereby ORDER that the Illinois Physician and Surgeon License, License No. 036-118103 and the Illinois Controlled Substance License, Licenses No. 336-079196 of Respondent, Waqas Ali, M.D., to practice medicine as a Physician and Surgeon in the State of Illinois be SUSPENDED, pending proceedings before an Administrative Law Judge at the Department of Financial and Professional Regulation and the Medical Disciplinary Board of the State of Illinois.

I FURTHER ORDER that Respondent shall immediately surrender all indicia of licensure to the Department.

DATED THIS 8<sup>th</sup> DAY OF January, 2014.

**DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION of the State of  
Illinois**  
Division of Professional Regulation



*(Handwritten mark)*

Ref: IDFPR Case No. 2013-11316/License No. 036-118103  
and CS License No. 336-079196

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**WAQAS ALI, M.D.**

Holder of License No. 47449  
For the Practice of Allopathic Medicine  
In the State of Arizona.

Case No. MD-14-0199A

**INTERIM ORDER FOR PRACTICE  
RESTRICTION AND CONSENT TO THE  
SAME**

INTERIM CONSENT AGREEMENT

Waqas Ali, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Order for Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board pursuant to A.R.S. § 32-1451(B).

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of License No. 47449 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case no. MD-14-0199A after receipt of a Board Action Disciplinary Alert Report ("DAR") indicating that the Illinois Medical Board summarily suspended Dr. Ali's license.
4. On May 23, 2015, Dr. Ali was indicted by the United States District Court in Peoria, Illinois, for obtaining a controlled substance by fraud and deception. From at least January 2011 to January 2013, Dr. Ali issued and caused to be issued hundreds of fraudulent and deceptive prescriptions under his DEA registration number to fictitious patients for hydrocodone tablets.
5. On January 8, 2014, the Illinois Board summarily suspended Dr. Ali's license after he was terminated from work for testing positive for controlled substances

and due to the District Court indictment. The Illinois Board based the action on Dr. Ali's immediate danger to the Public Health, Safety, or Welfare.

6. On January 23, 2014, Dr. Ali entered a guilty plea in United States District Court. The sentencing is scheduled for May 2014.

6. The Executive Director has consulted with investigative staff and the Board's medical consultant, who has reviewed the case and agrees that a consent agreement is appropriate.

#### CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Executive Director may enter into a consent agreement with a physician if there is evidence of danger to the public health and safety pursuant to A.R.S. § 32-1405(C)(25) and § 32-1451(F); A.A.C. R4-16-504.

3. Based on the information in the Board's possession there is evidence that if Respondent were to practice medicine in Arizona there would be a danger to the public health and safety.

#### ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent's practice is limited in that he shall not practice medicine in the State of Arizona and is prohibited from prescribing any form of treatment including prescription medications until Respondent applies to the Board and receives permission to do so. The Board may require any combination of staff approved assessments, evaluations, treatments, examinations or interviews it finds necessary to assist in determining whether Respondent is able to safely resume such practice.

2. This is an interim order and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board.

DATED AND EFFECTIVE this 24<sup>th</sup> day of February, 2014.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley  
PATRICIA E. MCSORLEY  
Interim Acting Executive Director

**CONSENT TO ENTRY OF INTERIM ORDER**

1. Respondent has read and understands this Interim Order for Practice Restriction and Consent to the Same and the stipulated Findings of Fact, Conclusions of Law and Order ("Interim Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.
2. Respondent acknowledges and agrees that this Interim Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.
3. By consenting to this Interim Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Order in its entirety as issued, and waives any other cause of action related thereto or arising from said Interim Order.
4. The Interim Order is not effective until approved and signed by the Executive Director.
5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent

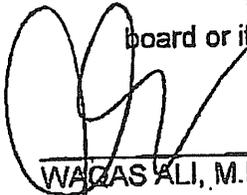
are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

6. Upon signing this Interim Order, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Interim Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

7. This Interim Order is a public record that will be publicly disseminated as a formal action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site.

8. If any part of the Interim Order is later declared void or otherwise unenforceable, the remainder of the Interim Order in its entirety shall remain in force and effect.

9. Any violation of this Interim Order constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and 32-1451.

  
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WAJID ALI, M.D.

DATED: 2/24/14

EXECUTED COPY of the foregoing mailed  
this 24<sup>th</sup> day of February, 2014 to:

Michael Goldberg  
Goldberg Law Group  
120 S. Riverside Plaza, Suite 1675

Chicago, Illinois 6060

ATTORNEY OF RECORD

ORIGINAL of the foregoing filed  
this 24<sup>th</sup> day of February, 20<sup>04</sup> with:

Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

Mary Baker  
Arizona Medical Board Staff

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against: )  
 )  
WAQAS ALI, M.D. ) Case No. 8002014003000  
 )  
 ) OAH No. 2014050470  
Physician's and Surgeon's )  
Certificate No. C 55857 )  
 )  
Respondent. )  
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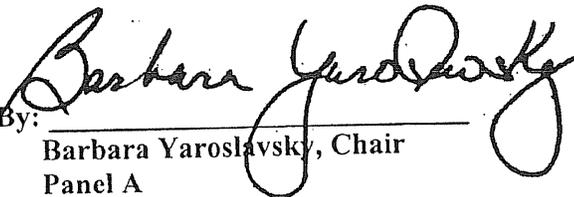
DECISION

The attached Proposed Decision is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on August 29, 2014.

IT IS SO ORDERED July 31, 2014.

MEDICAL BOARD OF CALIFORNIA

By:   
Barbara Yaroslavsky, Chair  
Panel A

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

WAQAS ALI, M.D.,

Physician and Surgeon's Certificate No.  
C55857,

Respondent.

Case No. 8002014003000

OAH No. 2014050470

**PROPOSED DECISION**

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on July 3, 2014.

Joshua M. Templet, Deputy Attorney General, represented complainant.

Respondent Waqas Ali, M.D., was present and was represented by Nicholas D. Jurkowitz, Attorney at Law.

The matter was submitted on July 3, 2014.

**FACTUAL FINDINGS**

1. Complainant Kimberly Kirchmeyer made this accusation in her official capacity as the Executive Director of the Medical Board of California (Board).
2. On April 10, 2013, Physician and Surgeon's Certificate No. C55857 was issued by the Board to Waqas Ali, M.D. (respondent). Respondent's certificate is renewed and current, and will expire on December 31, 2014. The certificate is suspended based on an Order issued on March 19, 2014, pursuant to law.
3. On January 8, 2014, the Illinois Department of Financial and Professional Regulation Division of Professional Regulation (Illinois Division) issued an Order suspending respondent's license to practice medicine in the State of Illinois. The Order was issued in response to a Petition for Temporary Suspension alleging that respondent knowingly issued and authorized multiple fraudulent and deceptive prescriptions to fictitious

patients for a controlled substance; on January 30, 2013, respondent was required to submit to a for cause drug screen to determine his fitness for duty at the Methodist Medical Center of Illinois; and on February 5, 2013, respondent was terminated from his employment as a physician at Methodist Medical Center of Illinois after he tested positive for controlled substances. The Petition further alleges that on May 23, 2013, respondent was charged in the United States District Court, Central District of Illinois, with numerous counts of obtaining a controlled substance by fraud and deception, based on his knowing issuance of hundreds of fraudulent and deceptive prescriptions for a controlled substance. The number of tablets dispensed pursuant to the fraudulent and deceptive prescriptions exceeded 14,600. A Complaint was filed and is pending before the Illinois Division.

4. Respondent's conduct and the action of the Illinois Division constitute unprofessional conduct within the meaning of the law.

5. On May 23, 2013, an indictment was filed against respondent in the United States District Court for the Central District of Illinois. The indictment charged respondent with multiple felony counts of obtaining controlled substances by fraud and deception. The Indictment alleged that while working as a hospitalist at an Illinois hospital, respondent knowingly issued and caused to be issued hundreds of fraudulent and deceptive prescriptions to fictitious patients for hydrocodone bitartrate/acetaminophen tablets, in violation of Title 21, United States Code, section 843, subdivision (a)(3). On January 23, 2014, pursuant to a plea agreement, respondent pled guilty to one felony count of knowingly obtaining a controlled substance by fraud, and a judgment of conviction was entered. Respondent failed to report the indictment and the conviction to the Board in a timely manner.

Respondent thought his attorney reported the indictment. He was preoccupied with the proceedings against him. The conviction and indictment were reported to the Board by respondent's present attorney on June 26, 2014. The document filed with the Board states that the conviction date was May 30, 2014. However, that was the sentencing date.

6. Respondent's criminal conviction constitutes unprofessional conduct and the crime is substantially related to the duties, qualifications, and functions of a physician and surgeon, as well as a conviction of a charge of violating federal drug statutes.

7. Respondent's failure to report the filing of the indictment and the criminal conviction in a timely manner constitutes unprofessional conduct.

8. Respondent admits that he has a drug abuse problem. He has been submitting to random drug testing since July 17, 2013, as a condition of being released on bond. All tests have been negative for illicit substances. He has been in out-patient treatment with Transitions Outpatient Program at least since May of 2013.

9. Respondent was sentenced to two years' probation and a fine of \$2,000. He is making payments on the fine. Respondent is in compliance with all the terms and conditions of his probation to date.

10. Respondent presented three character letters written to the United States District Court judge at the time of sentencing. The letters are from respondent's wife, mother-in-law, and father-in-law. They are supportive of respondent and believe that he is making an effort to change his life.

11. Respondent graduated from medical school in Lahore, Pakistan in 1996. He completed a residency in internal medicine at the University of Chicago Hospitals, Weiss Memorial Program, Chicago, Illinois in 2001. He completed a fellowship in infectious disease at the University of Chicago and University of Illinois in 2003.

12. Respondent also attends caduceus group through A & E Behavioral Healthcare Associates. He was attending a 12-step program in the past, but finds the caduceus group more helpful. Respondent could not give a sobriety date.

13. Respondent was diagnosed with Multiple Sclerosis in 2008. He was proscribed opiates for his pain associated with the disease. He was scared by his diagnosis and used bad judgment concerning the abuse of these drugs.

14. Respondent did not present any assessments that indicate he is safe to practice medicine. He did present a Substance Abuse/Treatment Needs Assessment dated March 24, 2014, which states that respondent is in remission and his outlook for continued future success is good, but that will depend on his sustained efforts. The assessment recommends participation in a 12- step program. Respondent is not attending a 12-step program on a regular basis at this time. Further the assessment does not address whether or not respondent is safe to practice medicine. With his addiction in early remission and his health issues, respondent cannot be found to be safe to practice medicine in California.

## LEGAL CONCLUSIONS

1. By reason of the matters set forth in Factual Findings 3 and 4, cause for disciplinary action exists pursuant to Business and Professions Code sections 2305 (discipline imposed by another state) and 141, subdivision (a) (disciplinary action taken by another state).

2. By reason of the matters set forth in Factual Findings 5 through 7, cause for disciplinary action exists pursuant to Business and Professions Code sections 2236 (conviction of a substantially related crime), 2237 (conviction of a charge of violating any federal statutes re: drugs), and 802.1 (failure to report).

3. The matters set forth in Factual Findings 8 through 14, have been considered in making the following order. Respondent did not demonstrate that he is safe to practice medicine in California.

ORDER

Physician and Surgeon's Certificate No. C55857 issued to respondent Waqas Ali, M.D., is hereby revoked pursuant to Legal Conclusions 1, and 2, jointly and separately.

DATED: July 11, 2014

Ruth S. Astle  
RUTH S. ASTLE  
Administrative Law Judge  
Office of Administrative Hearings