

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ALI MAKKI, M.D., RESPONDENT

FILE No. 02-12-350

DISMISSAL ORDER

Date: August 28, 2015.

1. Respondent was issued Iowa medical license no. 24973 on July 5, 1985.
2. Respondent's Iowa medical license has been inactive due to non-renewal since July 1, 1999.
3. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced medicine in Dearborn, Michigan.
4. **Criminal Conviction:** On July 8, 2010, Respondent was convicted in the United States District Court in Detroit, Michigan, of violating 18 U.S.C. section 1347 (Health Care Fraud), 18 U.S.C. section 1546(a) (making material false statements on immigration documents), and 26 U.S.C. section 7206(1) (willfully making/subscribing a federal income tax return containing material false statements), all felonies. On September 30, 2010, Respondent was sentenced to 24 months in prison and was ordered to make restitution to Medicare in the amount of \$67,235.35.

5. **Michigan Disciplinary Action:** On September 21, 2011, Respondent was disciplined by the Michigan Board of Medicine (Michigan Board). The Michigan Board alleged that Respondent violated the laws and rules governing the practice of medicine in Michigan for being convicted of a felony and for a lack of good moral character. The Michigan Board suspended Respondent's Michigan medical license for a period of six months and one day. See Attachment A.

6. **Iowa Disciplinary Charges:** On June 6, 2014, the Iowa Board filed formal disciplinary charges against Respondent charging him with being disciplined by the licensing authority of another state in violation of the laws and rules governing the practice of medicine in Iowa. See Attachment B.

7. **Relinquishment of Iowa Medical License:** Effective July 1, 2015, pursuant to Iowa Code section 148.8A, Respondent's Iowa medical license was relinquished because she failed to apply for renewal or reinstatement of the license within five (5) years after its expiration. See Iowa Code section 148.8A. Respondent's Iowa medical license may not be reinstated, reissued, or restored once it has been relinquished. Therefore, Respondent no longer holds an Iowa medical license.

THEREFORE IT IS ORDERED: that the Board hereby **DISMISSES** the Statement of Charges currently pending against Respondent in this matter. However, should Respondent apply for a new Iowa medical license in the future, the Board will reopen this matter and take appropriate action necessary to protect the public.

This order becomes effective on August 28, 2015.

A handwritten signature in black ink, appearing to read 'Hamed H. Tewfik', written over a horizontal line.

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

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

Ali Salim Makki, M.D.
License No. 43-01-048780

Complaint No. 43-10-117021

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on March 28, 2011, charging Ali Salim Makki, M.D. (Respondent) with having violated sections 16221(b)(v) and (b)(vi) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(b)(v) and (b)(vi) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

STATE OF MICHIGAN-INGHAM COUNTY

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

Respondent's license is SUSPENDED for a period of six months and one day.

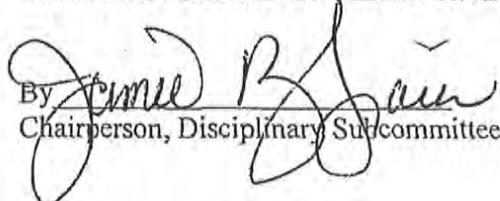
If Respondent petitions for reinstatement of his license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and 1996 AACRS, R 338.1635. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character; (2) the ability to practice the profession with reasonable skill and safety; (3) satisfaction of the guidelines on reinstatement adopted by the Department; and (4) that it is in the public interest for the license to be reinstated.

Respondent may not file a petition for reinstatement sooner than ninety days prior to the end of the suspension period.

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 9-20-11

MICHIGAN BOARD OF MEDICINE

By 
Chairperson, Disciplinary Subcommittee

STATE OF MICHIGAN-INGHAM COUNTY

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint. Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee George Shade Jr, M.D. Dr. Shade or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Shade and the parties considered the following factors in reaching this agreement:
 - A. Respondent was fully cooperative in resolving this matter and is currently serving his federal prison sentence.

STATE OF MICHIGAN-INGHAM COUNTY

3

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:

AGREED TO BY:

Kelly K. Elizondo
Kelly K. Elizondo (P45534)
Assistant Attorney General
Attorney for Complainant
Dated: 8-29-2011

Ali Salim Makki
Ali Salim Makki, M.D.
Respondent
Dated: 8-17-11

Michael S. Cafferty
Michael S. Cafferty (P36613)
Attorney for Respondent
Dated: 8-24-11

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STATE OF MICHIGAN-INGHAM COUNTY

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ALI MAKKI, M.D., RESPONDENT

FILE No. 02-12-350

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on June 6, 2014, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 24973 on July 5, 1985. Respondent's Iowa medical license went inactive due to nonrenewal on July 1, 1999.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on October 2, 2014, before the Iowa Board of Medicine. The hearing shall begin at 3:00 p.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 Iowa Administrative Code 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on July 1, 2014, at 9:00 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code Chapter 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Julie Bussanmas at 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C.

9. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 148, and 272C (2005) and 653 Iowa Administrative Code Chapter 25.25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 653 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **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 or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

12. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced medicine in Dearborn, Michigan.

13. **Criminal Conviction:** On July 8, 2010, Respondent was convicted in the United States District Court in Detroit, Michigan, of violating 18 U.S.C. section 1347 (Health Care Fraud), 18 U.S.C. section 1546(a) (making material false statements on immigration documents), and 26 U.S.C. section 7206(1) (willfully making/subscribing a federal income tax return containing material false statements), all felonies. On September 30, 2010, Respondent was sentenced to 24 months in prison and was ordered to make restitution to Medicare in the amount of \$67,235.35.

14. **Michigan Disciplinary Action:** On September 21, 2011, Respondent was disciplined by the Michigan Board of Medicine (Michigan Board). The Michigan Board alleged that Respondent violated the laws and rules governing the practice of medicine in Michigan for being convicted of a felony and for a lack of good moral character. The Michigan Board suspended Respondent's Michigan medical license for a period of six months and one day. See Attachment A.

E. SETTLEMENT

15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088 or kent.nebel@iowa.gov.

F. PROBABLE CAUSE FINDING

16. On June 6, 2014, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ALI MAKKI, M.D., RESPONDENT

FILE No. 02-12-350

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15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088 or kent.nebel@iowa.gov.

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16. On June 6, 2014, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Hamed H. Tewfik, M.D., Chairman
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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

Ali Salim Makki, M.D.
License No. 43-01-048780

Complaint No. 43-10-117021

CONSENT ORDER AND STIPULATION

CONSENT ORDER

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The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(b)(v) and (b)(vi) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

STATE OF MICHIGAN-INGHAM COUNTY

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

Respondent's license is SUSPENDED for a period of six months and one day.

If Respondent petitions for reinstatement of his license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and 1996 AACS, R 338.1635. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character; (2) the ability to practice the profession with reasonable skill and safety; (3) satisfaction of the guidelines on reinstatement adopted by the Department; and (4) that it is in the public interest for the license to be reinstated.

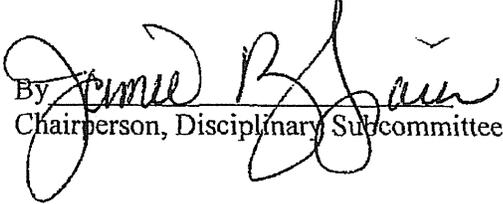
Respondent may not file a petition for reinstatement sooner than ninety days prior to the end of the suspension period.

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on

9-20-11

MICHIGAN BOARD OF MEDICINE

By 
Chairperson, Disciplinary Subcommittee

STATE OF MICHIGAN-INGHAM COUNTY

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint.

Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee George Shade Jr, M.D. Dr. Shade or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Shade and the parties considered the following factors in reaching this agreement:

- A. Respondent was fully cooperative in resolving this matter and is currently serving his federal prison sentence.

STATE OF MICHIGAN-INGHAM COUNTY

3

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:

Kelly K. Elizondo
Kelly K. Elizondo (P45534)
Assistant Attorney General
Attorney for Complainant
Dated: 8-29-2011

AGREED TO BY:

Ali Salim Makki
Ali Salim Makki, M.D.
Respondent
Dated: 8-17-11

Michael S. Cafferty
Michael S. Cafferty (P36613)
Attorney for Respondent
Dated: 8-24-11

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STATE OF MICHIGAN-INGHAM COUNTY

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