

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

In the Matter of

SYED A. RAOOF, M.D.,
License No. 43-01-095809

Complaint No. 43-16-140944

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on April 29, 2016, charging Syed A. Raoof, M.D. (Respondent) with having violated sections 16221(a), (b)(i) and (h) 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(a), (b)(i) and (h) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for a period of two (2) years commencing on the effective date of this order. Reduction of the probationary period shall occur only while Respondent is employed as a medical doctor and is

providing reports from quarterly reviews as set forth below. Respondent shall be automatically discharged from probation upon the Department's receipt of satisfactory written evidence of Respondent's successful compliance with the terms and conditions as provided below, provided compliance occurs within two (2) years. If Respondent fails to complete any term or condition of probation as set forth in this order within two (2) years of the effective date of this order, Respondent will be in violation of Mich Admin Code, R 338.1632 and section 16221(h) of the Public Health Code. The terms and conditions of the probation are as follows:

A. MEETING WITH BOARD-APPROVED REVIEWER.

Respondent shall meet quarterly with a physician designated by Affiliated Monitors, Inc., or other approved monitor pre-approved by the Chairperson, or the Chairperson's designee, to review Respondent's professional practice.

Within 30 days of the effective date of the order, Respondent shall contact the Compliance Section to obtain the contact information for Affiliated Monitors, Inc., or other approved monitor, or the designated physician reviewer, or request approval of another board approved monitor. When requesting approval of a proposed monitor, Respondent shall provide a copy of the proposed monitor's curriculum vitae to the Department. Respondent shall provide a copy of this order and the complaint dated April 29, 2016, to the proposed monitor before requesting approval of the monitor. Respondent shall not work in any capacity for which a medical doctor license is required until Respondent receives written confirmation from the Department that an Affiliated Monitors physician, or other approved entity, has been designated or the proposed monitor was approved.

The initial meeting shall occur at the end of the third month of probation, and subsequent meetings shall occur every 3 months thereafter until the end of the probationary period. Respondent shall then be responsible for scheduling the time and place of the meetings with the designated physician reviewer. Respondent shall submit the request for the Affiliated Monitors,

Inc., designated physician reviewer or other board approved monitor to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, Michigan 48909, or by fax to (517) 241-9280.

- B. RECORDS REVIEW. During the period of probation, the designated Board Member reviewer shall review records of patients treated by Respondent as either outpatients or inpatients. This review may occur at the quarterly meetings described in the above paragraph.

During the period of probation, the designated physician from Affiliated Monitors, Inc., shall also request a report reflecting Respondent's controlled substance prescribing practices from the Michigan Automated Prescription System (MAPS) each quarter. The designated physician from Affiliated Monitors, Inc. shall check the MAPS report against information in Respondent's patient records. The designated physician from Affiliated Monitors need not verify each prescription on the MAPS report, but may randomly choose prescriptions to verify through the patient records.

- C. REPORTING PROCEDURE. Unless otherwise provided above, all reports required by the terms of probation shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports every three months until Respondent is discharged from probation. In addition to receiving reports as required above, the Department or its authorized representative may periodically contact the reporting individuals or agencies to inquire of Respondent's progress. By accepting the terms of this consent order and stipulation, Respondent has authorized the release of all necessary records and information.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED Five Thousand and 00/100 Dollars (\$5,000.00) to be paid by check, money order or cashier's check made payable to the State of

Michigan (with complaint number 43-16-140944 clearly indicated on the check or money order), and shall be payable within sixty (60) days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility.

Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

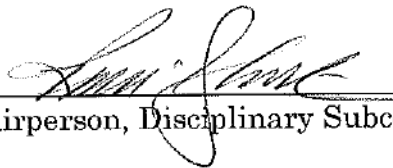
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

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

Signed on 11-14-12

MICHIGAN BOARD OF MEDICINE

By 
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Public Health Code.

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.

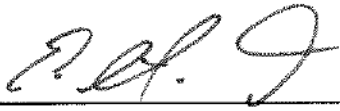
3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Dennis C. Szymanski, M.D. Dr. Szymanski or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

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

A. Respondent took full responsibility for his deficient compliance with the prior Consent Order that is the issue of the present case.

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

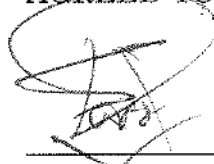
AGREED TO BY:



Eric M. St. Onge (P56640)
Assistant Attorney General
Attorney for Complainant

Dated: 9/25/17

AGREED TO BY:



Syed A. Raof, M.D.
Respondent

Dated: 9-13-17



Fred A Custer (P28975)
Attorney for Respondent

Dated: 9-13-17

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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In the Matter of

SYED A. RAOOF, M.D.
License Number: 43-01-095809

File Number: 43-16-140944

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Syed A. Raoof, M.D. (Respondent) as follows:

1. The Michigan Board of Medicine (Board) is an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent is licensed to practice medicine in the state of Michigan, and has a controlled substance license.

3. On September 7, 2014, the Board's Disciplinary Subcommittee executed a Consent Order and Stipulation (Order) which placed Respondent on probation for one year. The terms of probation required, in part, that Respondent meet quarterly

quarterly with a physician-reviewer to review Respondent's professional practice, including Respondent's record-keeping and controlled substance prescribing practices; file quarterly reports on Respondent's progress with Complainant; successfully complete 10 hours of continuing education in each of the areas of pain management and internal medicine; and pay a fine of \$10,000.00. This action was based on Respondent over-prescribing oxycodone, a schedule 2 controlled substance; issuing prescriptions on pre-signed prescription blanks; and prescribing oxycodone without a documented medical reason. A copy of the Order, marked Exhibit A, is attached and incorporated.

4. On or about February 18, 2016, Complainant received the third quarterly report required by the terms of the Order. In the report, the physician-reviewer noted numerous continuing deficiencies in Respondent's professional practice, including the following:

- a. Significant weakness in Respondent's documentation, including inadequate or missing information about the patient's presenting problem, prior treatment, past medical history, and current examination.
- b. Continued treatment of pain-management patients with high doses and quantities of controlled substances without sufficient factual information in the medical record to adequately explain why such treatment regimens are necessary.
- c. Failure to monitor patient usage of prescribed medications.
- d. Failure to document referrals, make progress notes, and keep adequate patient records.

Overall, the physician-reviewer's impression was that "there has not been much improvement in [Respondent's] clinical documentation since [the] last report."

COUNT I

Respondent's conduct, as set forth above, evidences a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of section 16221(a) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of section 16221(b)(i) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, evidences a violation of a final order issued by the Board's Disciplinary Subcommittee, contrary to Mich Admin Code, R 338.1632, in violation of section 16221(h) of the Public Health Code, supra.

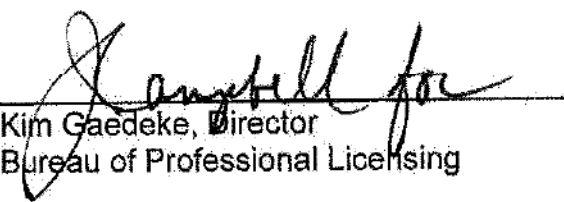
Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

Pursuant to section 16231(8) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Pursuant to section 16231(9) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Dated: _____

4/29/16



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachment

This is the final page of an Administrative Complaint in the matter of Syed A. Raof, M.D., File Number 43-16-140944, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of four pages, this page included.

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