

that would prevent him or her from rendering an impartial decision in this matter. Each party presented an opening statement. The State presented the Licensee and Jeffrey L. Ford, Investigative Supervisor, of the Delaware Department of State, Division of Professional Regulation, as witnesses. Mr. Ford testified telephonically. Each party made a closing statement. The Board then deliberated and made the following findings of fact and conclusions of law by a preponderance of the credible evidence regarding the allegations against Dr. Sehbai.

II. FINDINGS OF FACTS

1. On May 21, 2014, the Licensee signed a Consent Agreement in a matter pending before the Delaware Board of Medical Licensure and Discipline (“Delaware Medical Board”). (State Exh. #8.) In the Consent Agreement, which was approved by the Delaware Medical Board on June 3, 2014, the Licensee acknowledged that on or about November 29, 2012, he instructed an administrative assistant to type a reference letter on behalf of another physician and instructed that the letter should state that the physician had worked under the Licensee’s direction for two months at the Tunnell Cancer Center at the Beebe Medical Center in Lewes, Delaware. (State Exh. #8.) The Licensee instructed the administrative assistant to use a previous letter he had written for another physician as a template. (State Exh. #8.) Neither physician, however, had ever worked with the Licensee or at the Tunnell Cancer Center. (State Exh. #8.) Both physicians had graduated from foreign medical schools and were seeking admission to residency programs in the United States. (State Exh. #8.) The second letter of recommendation was not mailed. (State Exh. #8.) As a sanction for the Licensee’s unprofessional conduct, pursuant to the Consent Agreement, the Delaware Medical Board imposed a letter of reprimand and a fine of \$2,000 and ordered him to undertake five hours of continuing education in the area of ethics. (State Exh. #8.)

2. The Licensee wrote the deceptive letters in an effort to assist the two foreign physicians in gaining admittance to residency programs in the United States. (Testimony of Licensee.)
The Licensee acknowledged that his actions were wrong. (Testimony of Licensee.)
3. On June 25, 2014, the Chief of Medicine and the President of Medical Staff at Beebe Healthcare reported to the Delaware Division of Professional Regulation that the Licensee had committed conduct they considered to be unprofessional, which had resulted in his separation from employment. (State Exh. #11.) In July 2014, the Delaware Medical Board notified the Licensee that Beebe Healthcare had filed a complaint against him. (Testimony of Licensee; Ford.) In September 2014, through counsel, the Licensee filed a response to the complaint with the Delaware Medical Board. (Testimony of Ford.)
4. On October 27, 2014, the Licensee filed a Uniform Application for Physician Licensure seeking licensure in Maine. (State Exh. #5.) The Licensee disclosed his 2012 conduct in Delaware that led to the June 2014 Consent Agreement with the Delaware Medical Board, although he described his error as relating to only one medical student rather than two. (State Exh. #5.) The Licensee indicated that he had no other history of any disciplinary action. (State Exh. #5.)
5. Pursuant to his application, on October 31, 2014, the Licensee signed an affidavit indicating that he would immediately notify the Board in writing of any changes to the answers to any of the questions contained in his application if such a change occurred at any time prior to a license to practice medicine being granted to him by the Board. (State Exh. #5.) In the affidavit, the Licensee also attested to his understanding that his failure to answer questions contained in the application truthfully and completely could lead to denial, revocation, or other disciplinary sanction of his license to practice medicine. (State Exh. #5.)

6. On December 9, 2014, a complaint was filed against the Licensee by the Delaware Medical Board and the Delaware Attorney General regarding the May 2014 incident at Beebe Healthcare. (State Exh. #10.)
7. The Licensee's application for licensure as a medical doctor in Maine was granted on February 10, 2015. (State Exh. #2.) His license expires on May 31, 2016. (State Exh. #2.)
8. The Licensee did not report the second Delaware complaint to the Board on his application or at any time before he was licensed. (Testimony of Licensee.) He testified that he had been informed by his Delaware attorney that the second matter would be resolved and he did not want reporting it to impact his ability to get a job since at the time of his application he was unemployed. (Testimony of Licensee.) The Licensee attributed the complaint filed by Beebe Healthcare to an internal disagreement between the hospital administration and himself. (Testimony of Licensee.) He also testified that he did not remember that the application required him to tell the Board of any new disciplinary action. (Testimony of Licensee.)
9. On March 19, 2015, the Licensee signed a Consent Agreement, approved by the Delaware Medical Board on April 7, 2015, regarding his May 2014 actions. (State Exh. #11.) In the Consent Agreement, the Licensee acknowledged that on May 1, 2014, he had dispensed a prior patient's oral chemotherapy medication to a current patient in an unlabeled container and in violation of hospital policy, without documenting the patient's medical records to indicate that he had provided her with the medication or to include the instructions he had provided regarding the medication. (State Exh. #11.) The Licensee provided the medication to the patient, whose cancer was rapidly progressing, as a sample while he sought insurance approval for a prescription. (Testimony of Licensee.) The Licensee documented the clinical protocol on his medical note but did not document the patient's

electronic medical record to indicate that the medication had been provided to the patient with instructions. (State Exh. #11.) Before the patient took the medication, however, the Licensee contacted her and instructed her not to take it and to instead return it to him because it would not likely be approved by her insurance company for payment in combination with another medication he had prescribed. (State Exh. #11.) The Licensee also acknowledged in the Consent Agreement that on or about May 20, 2014, in anticipation of a meeting with Beebe Healthcare administration, he had drafted a letter in defense of his conduct as if it was written by the patient and the following day requested that the patient come to his office while she was in the facility for treatment. (State Exh. #11; Testimony of Licensee.) The patient signed four original copies of the letter because she did not want the Licensee to get into any trouble, although she reported to Beebe Healthcare administration that she was uncomfortable and did not entirely agree with the letter. (State Exh. #11.) At the November 10, 2015, hearing, the Licensee expressed remorse for asking the patient to sign the letter. (Testimony of Licensee.)

10. In the Consent Agreement, the Licensee agreed that his conduct was unprofessional and in violation of Delaware statutes. (State Exh. #11.) As a sanction, the Licensee was required to provide quarterly reports to the Board for two years, take ten additional hours of continuing education in the area of professionalism, and pay a \$1,000 fine. (State Exh. #11.)
11. On April 28, 2015, a National Practitioner Databank report was issued indicating that the Licensee had been disciplined a second time by the Delaware Medical Board on April 7, 2015. (State Exh. #6.)
12. By letter dated May 27, 2015, the Board notified the Licensee that a complaint had been initiated against his Maine medical license regarding his failure to inform the Board of the

complaint filed with the Delaware Division of Professional Regulation by Beebe Healthcare in June 2014, the December 2014 complaint filed against the Licensee by the Delaware Attorney General, and the subsequent Consent Agreement that the License signed on March 19, 2015. (State Exh. #3.)

13. On June 17, 2015, the Licensee filed a response to the complaint with the Board. (State Exh. #4.)

14. The Licensee currently practices medicine on a temporary basis in North Carolina. (Testimony of Licensee.) He is experiencing consequences from the two disciplinary actions in Delaware including refusal of some insurers to cover the medical treatment he provides to patients. (Testimony of Licensee.)

III. GOVERNING STATUTES AND RULES

1. The Maine Board of Licensure in Medicine may modify, restrict, suspend, revoke, or refuse to renew a license if the licensee engaged in the practice of fraud, deceit, or misrepresentation in obtaining a license or in connection with service rendered within the scope of the license issued. 32 M.R.S. § 3282-A(2)(A).
2. The Board may modify, restrict, suspend, revoke, or refuse to renew a license if the licensee engaged in unprofessional conduct. 32 M.R.S. § 3282-A(2)(F). A licensee is considered to have engaged in unprofessional conduct if he violated a standard of professional behavior that has been established in the practice for which he is licensed. 32 M.R.S. § 3282-A(2)(F).
3. The Board may modify, restrict, suspend, revoke, or refuse to renew a license on the basis of a revocation, suspension, or restriction of a license to practice medicine or other disciplinary action by another state if the conduct resulting in disciplinary action involving the license would, if committed in the State of Maine, constitute grounds for discipline under the laws or rules of the State of Maine. 32 M.R.S. § 3282-A(2)(M).

IV. CONCLUSIONS OF LAW

The Board, considering the above facts and those alluded to in the record but not referred to herein, determined that it had jurisdiction over Licensee Aasim Shaheen Sehbai, M.D., and concluded as follows with regard to the allegations in the notice of hearing:

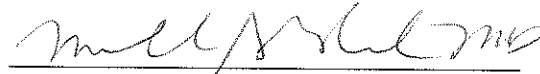
1. By unanimous vote, that the Licensee engaged in the practices of fraud, deceit, and misrepresentation in obtaining a license by misrepresenting the facts of the first disciplinary action taken against him by the Delaware Medical Board and by failing to disclose the complaint filed with the Delaware Division of Professional Regulation by Beebe Healthcare in June 2014, the December 2014 complaint filed against the Licensee by the Delaware Attorney General, and the subsequent Consent Agreement that the Licensee signed on March 19, 2015, in violation of 32 M.R.S. § 3282-A(2)(A).
2. By unanimous vote, that the Licensee did not engage in unprofessional conduct by violating a standard of professional behavior in the practice of medicine in violation of 32 M.R.S. § 3282-A(2)(F).
3. By unanimous vote, that the Licensee was the subject of disciplinary action in Delaware for conduct that would, if committed in the State of Maine, constitute grounds for discipline, by committing unprofessional conduct by issuing two fraudulent letters of recommendation and by asking a patient in May 2014 to sign a letter he drafted, subject to discipline pursuant to 32 M.R.S. §§ 3282-A(2)(M) & 3282-A(2)(F).
4. By unanimous vote, imposed the following sanctions for the Licensee's violations:
 - a. A reprimand.
 - b. A fine of \$1,000, payable within six months of the date of this Decision and Order.

Payment shall be remitted to the attention of Katie Feliciano, Investigative Secretary, Maine

Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, by check or money order payable to the Treasurer, State of Maine.

c. A condition of probation, which takes effect upon commencing the practice of medicine in Maine, that the Licensee must inform the Board of his employer.

Dated: December 8, 2015



Maroulla S. Gleaton, M.D.
Chair, Maine Board of Licensure in Medicine

V. APPEAL RIGHTS

Pursuant to the provisions of 10 M.R.S. § 8003(5) and 5 M.R.S. § 11002(3), any party that appeals this Decision and Order must file a Petition for Review in the Superior Court within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by certified mail, return receipt requested, upon the State of Maine Board of Licensure in Medicine, all parties to the agency proceedings, and the Attorney General.