

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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: No. 19-I-573
: **In The Matter Of**
: **MUHAMMAD KALEEM ARSHAD, M.D.**
: *(Certificate No. MD.07524R),*
: **CONSENT ORDER**
: Respondent.
: _____
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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information which indicated that Muhammad Kaleem Arshad, M.D. ("Dr. Arshad"), a physician that is, and was at all times material to the facts and matters alleged herein, licensed by the Board as a physician pursuant to the Louisiana Medical Practice Act, (the "Act"), La. Rev. Stat. §§37:1261-92 and engaged in in the practice of medicine in and around Harvey, Louisiana, plead guilty in the United States District Court for the Eastern District of Louisiana¹ to Conspiracy to Commit Health Care Fraud.²

While not admitting to any violation of the Act, Dr. Arshad, nonetheless, acknowledges that the foregoing information could provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against him for violations of the Act, La. Rev. Stat. §§37:1285A§37:1285A (1), and (2)³ constituting sufficient cause for the revocation, suspension or such other action against his license to practice medicine in the state of Louisiana as the Board may determine appropriate.

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Arshad would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §49:955-965, Dr. Arshad, nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the

¹ The case is entitled *United States v. Muhammad Kaleem Arshad, MD, et. al.*, Crim. No. 18-032, Sect. E, Mag. 3, USDC, E.D. LA.

² February 22, 2019 Minute Entry (Doc. No. 74), *U.S. v. Arshad, et. al.*, 18-032, USDC, ED La.

³ La. Rev. Stat. §37: 1285A provides the Board may take against the license of a physician as the result of: (1) '[C]onviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States;' (2) '[C]onviction of a crime or entry of a of guilty or nolo contendere to any criminal charge arising out of or in connection with the practice of medicine;'

Order set forth hereinafter. Dr. Arshad acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which may be afforded to him by any other law to contest or appeal his agreement to or the force and effect of the Board's investigation or this Order in any court or other forum. By his subscription hereto, Dr. Arshad also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Arshad expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the adjudication of an administrative complaint against him or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Order. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1360.67, La. Rev. Stat. §49:955(D), and the Consent Order heretofore entered herein;

IT IS ORDERED that the license of Muhammad Kaleem Arshad, M.D. to practice medicine in the state of Louisiana, as evidenced by Certificate No. MD.07524R, is hereby placed on **INDEFINITE SUSPENSION**, *however*, that such licensure and Dr. Arshad's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Suspension Period.** Dr. Arshad's license to practice medicine shall remain suspended until such time as: one (1) year has elapsed from the effective date of this Order, or until such time as Dr. Arshad has completed his sentence of all supervised probation, whichever is greater. Thereafter, Dr. Arshad may petition or make a request of the Board for reinstatement or re-licensure of his license to practice medicine, which such petition shall not be unreasonably denied, but shall be granted within the sole discretion of the Board with such terms, conditions and restrictions that the Board shall deem appropriate.

IT IS FURTHER ORDERED that upon the completion of the suspension period, and approval by the Board of any petition by Dr. Arshad for reinstatement of his license to practice medicine in this state, such license shall be placed on **PROBATION** for one (1) year, *however*, such licensure and Dr. Arshad's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Board Approval of Medical Practice.** Upon any reinstatement or re-licensure, Dr. Arshad shall provide the Board with information including a complete and accurate description, and such further information as the Board may request, concerning any practice setting in which Dr. Arshad intends to practice medicine during the period of probation. Dr. Arshad shall not engage in the practice of medicine in any practice setting in advance of the Board's specific written approval of such practice setting, which shall not be unreasonably or untimely withheld.
- (2) **Practice Monitoring and Quarterly Reports.** Prior to re-commencing the practice of medicine, Dr. Arshad shall enter into a contract with a Board-approved practice monitor program to monitor and review Dr. Arshad's medical practice during the probationary period. The program will work in conjunction with the Board to develop parameters for monitoring Dr. Arshad's practice, including a review of Dr. Arshad's patient records and charts. The practice monitor shall review no less than ten (10) records per quarter. The practice monitoring program will provide quarterly reports to the Board that will include an opinion as to whether Dr. Arshad is practicing medicine and documenting his patient's evaluation and treatment in accordance with the prevailing standards of medical practice. This practice monitoring of Dr. Arshad shall not conclude until the Board has received at least four (4) positive quarterly reports from the practice monitor. After the Board has received four (4) positive quarterly reports in which the practice monitoring program has opined that Dr. Arshad is practicing in accordance with the prevailing standards of medical practice, Dr. Arshad may petition the Board to terminate this condition of his probation, which request the Board in its sole discretion may grant or deny. In the event the Board denies such a request, the practice monitoring will continue at the Board's discretion. Dr. Arshad shall bear all costs associated with the practice monitor program.
- (3) **Limitations on Prescribing – Use of Controlled Substances in the Treatment of Chronic Pain and Obesity.** Dr. Arshad shall not prescribe controlled substances to patients for the treatment of chronic pain or obesity. The restrictions contained herein do not prohibit Dr. Arshad from treating patients receiving chronic pain or obesity treatment from other physicians, so long as Dr. Arshad is not prescribing narcotic medications to those patients. Furthermore, the prohibitions contained herein do not prohibit Dr. Arshad from prescribing buprenorphine and naloxone, or such other similar medications, for the purpose of treating narcotic (opiate) addiction, so long as the prescriptions for such medications are part of a psychiatrically-based treatment program for opiate addiction. Until and

unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the probationary period and remain in effect so long as Dr. Arshad shall hold any form of license or permit to practice medicine in the State of Louisiana.

- (4) **Continuing Medical Education.** Dr. Arshad shall obtain not less than fifty (50) credit hours per year during his probationary term through attendance at and participation in continuing medical education programs ("CME"), concentrating on psychiatry, accredited by the American College of Physicians, the American Medical Association, or such other national accrediting association or organization as the Board may approve in writing. On or before the anniversary of the effective date of this Order, Dr. Arshad shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.
- (5) **Absence from State/Practice/Effect on Probation.** Should Dr. Arshad at any time during the period of probation ordered herein be absent from the state of Louisiana for more than 30 days, relocate to and/or take up residency in another state or country, discontinue practicing medicine for a period of thirty (30) days or more, or should he fail to renew his license to practice medicine in this state, he shall advise the Board in writing. In such instance, the probationary period ordered herein and all terms, conditions and restrictions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Arshad notifies the Board in writing that he has returned to, relocated or taken up residency in, resumed the practice of medicine in this state, or renewed his Louisiana medical license.
- (6) **Certification of Compliance with Probationary Terms.** At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Arshad shall provide the Board with an affidavit certifying that she has complied with each of the terms of probation imposed by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Arshad's compliance with the requirements of this provision.
- (7) **Cooperation with Board's Probation and Compliance Officer.** Dr. Arshad shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer,

with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of this Order.

- (8) **Probation Monitoring Fee.** For each year of the probationary term Dr. Arshad shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of any order reinstating Dr. Arshad's license to practice medicine in this state. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
- (9) **Payment of Fine.** Within one (1) year of the effective date of any order reinstating Dr. Arshad's license to practice medicine in this state, in any capacity, Dr. Arshad shall pay to the Board a fine in the amount of Two Thousand Five Hundred (\$2,500.00) Dollars.

IT IS FURTHER ORDERED that this Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 31st day of

July, 2020.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:



Roderick V. Clark, M.D., MBA
President

ACKNOWLEDGMENT
AND CONSENT

STATE OF Louisiana
PARISH/COUNTY OF Orleans

I, MUHAMMAD KALEEM ARSHAD, M.D. hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 9th day of July, 2020.



MUHAMMAD KALEEM ARSHAD, M.D.

WITNESSES:

Desiree St. Paul Wegmann

Signature

Darlene Cook

Signature

Desiree St. Paul Wegmann

Printed Name

Darlene Cook

Printed Name

201 St. Charles Ave., Ste 4000
New Orleans, LA 70170
Address

201 St. Charles Ave., Suite 4000
New Orleans, LA 70170
Address

Sworn to and subscribed before me at New Orleans, Louisiana, this 9th day of July, 2020, in the presence of the two stated witnesses.

R. Ethan Zubic

Notary Public (signature)

R. Ethan Zubic, Bar No. 34834

Printed Name/Notary or La. Bar No. #

R. Ethan Zubic, La. Bar No. 34834
NOTARY PUBLIC
Notary ID No. 133556
State of Louisiana
My commission is issued for Life.