

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In The Matter Of

ILYAS MUNSHI, M.D.

(Certificate No. 14248R)

Respondent

CONSENT ORDER

06-I-766

Investigation of the captioned matter was assigned by the Louisiana State Board of Medical Examiners ("Board") to the Medical Consultant/Director of Investigations ("DOI") following receipt of information regarding Ilyas Munshi, M.D. ("Dr. Munshi" or "Respondent") in connection with his 2003 and 2004 medical license renewal applications. Dr. Munshi, a physician licensed by the Board to practice medicine in the state of Louisiana, was at all times pertinent engaged in the practice of neurosurgery in Lafayette, Louisiana. In his 2003 and 2004 applications for renewal of his medical license, Dr. Munshi responded in the negative as to whether he had been the subject of disciplinary action or inquiry by a hospital or medical staff. In fact, the DOI's investigation revealed that Dr. Munshi had been the subject of an inquiry and voluntary remedial process at Our Lady of

Lourdes Medical Center (“Hospital”) in Lafayette, Louisiana in 2003. Dr. Munshi participated in the remediation process to the Hospital’s satisfaction. Since the time of these events, Dr. Munshi has been the subject of no further adverse actions or outcomes.

Following her investigation, based on Our Lady of Lourdes Medical Center’s investigation, findings and recommendations and the fact that such was not disclosed by Dr. Munshi on his license renewal applications for 2003 and 2004, the Medical Consultant/Director of Investigations confirmed and determined to her satisfaction that just cause existed for recommending that a formal Administrative Complaint be filed against Dr. Munshi, charging him with violations of the Louisiana Medical Practice Act (the “Act”), La.Rev.Stat. §37:1285(4).¹

However, Dr. Munshi acknowledged his error and cited inexperience in his practice and with the medical community at the time of these events and his lack of legal counsel. Dr. Munshi contends he did not believe this inquiry and findings were required to be disclosed, but he now realizes that he should have reported the hospital proceedings to the Board on his 2003 and 2004 renewal applications.

As evidenced by his signing this Consent Order, Dr. Munshi acknowledges that he has had ample time to review this Consent Order with the benefit of legal counsel. Dr. Munshi also acknowledges that he is freely and voluntarily entering into this Consent Order and hereby acknowledges the substantial accuracy of the foregoing information, and, further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the

¹ The Board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued under this part for the following causes:

(4) Providing false testimony before the board or providing false sworn information to the board.

suspension, revocation, or other disciplinary action against his license to practice medicine in the state of Louisiana as the Board might deem appropriate, pursuant to La. Rev. Stat. §37:1285A(4).

Recognizing his rights: (a) to have notice of any allegation or charge asserted against him, (b) to administrative adjudication of such charges, at which time Dr. Munshi would be entitled to be represented by legal counsel, (c) to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and (d) to a written decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La.Rev.Stat. §§49:955-965, Dr. Munshi, nonetheless, hereby waives all of these rights, including his right to formal adjudication, and, pursuant to La.Rev.Stat. §49:955(D), consents to entry of this Consent Order and the terms and conditions set forth below. By signing this Consent Order, Dr. Munshi acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act or other law(s), including but not limited to his right to withdraw or contest his agreement to this Consent Order, or to challenge the force and effect of the Board's investigation or this Consent Order in any court or other forum. By signing this Consent Order, Dr. Munshi also authorizes the DOI to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation of this matter, and Dr. Munshi waives any objection to such disclosures under La.Rev.Stat. §49:960. Dr. Munshi expressly acknowledges that the disclosure of the information to the Board by the DOI shall be without prejudice to the DOI's authority to pursue and proceed with the filing of a formal Administrative Complaint against him and to the Board's capacity to adjudicate such Administrative Complaint, should the Board decline to approve this Consent Order.

Moreover, by signing this Consent Order, Dr. Munshi acknowledges that his receipt of written notification from the Board that it has received reliable information that indicates his failure

to abide by the terms and conditions of this Consent Order, shall, without need for formal hearing or providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, *et seq.*, or which otherwise may be afforded to him by law, constitute his consent to the immediate suspension of his license to practice medicine in this state pending the issuance of a decision by the Board following administrative adjudication of such charges.

Accordingly, based upon the information provided and upon the recommendation of the DOI assigned to this matter, the Board has concluded that its responsibility to protect the health, safety and welfare of the citizens of this state pursuant to La.Rev.Stat. §37:1261 will be effectively served by entry of this Consent Order.

Thus, in consideration of the foregoing, and pursuant to the authority vested in the Board by La.Rev.Stat. §37:1285 and La.Rev.Stat. §49:955 (D),

IT IS ORDERED that the license of Ilyas Munshi, M.D. to practice medicine in the State of Louisiana, as evidenced by Certificate No. 14248R, is hereby **OFFICIALLY REPRIMANDED** for providing false testimony before the board or providing false sworn information to the board.

IT IS FURTHER ORDERED that within three (3) months of the Board's approval and acceptance of this Consent Order, Dr. Munshi shall take and complete a medical ethics course, which course will be pre-approved in writing by the Board. Dr. Munshi will provide a certificate of satisfactory completion of the course to the Board's Probation and Compliance Officer.

IT IS FURTHER ORDERED that, by signing this Consent Order, Dr. Munshi acknowledges that his receipt of written notification from the Board that it has received any report

that indicates his failure to comply with the requirements set forth by this Consent Order in any respect, shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §49:951, *et seq.*, or which otherwise may be afforded to him by law, constitute his consent to the immediate suspension of his license to practice medicine in this state by the Board pending the final resolution of an administrative hearing and decision by the Board or until such time as he complies with the terms and conditions of this Consent Order.

IT IS FURTHER ORDERED that Dr. Munshi shall pay a fine of Three Thousand and No/100 (\$3,000.00) Dollars to the Board within ninety (90) days of the effective date of this Consent Order.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any provision of this Order by Dr. Munshi shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Munshi's license to practice medicine in the State of Louisiana or for such other disciplinary action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

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

This Consent Order shall be effective the date it is approved and accepted by the signature of the representative below.

New Orleans, Louisiana, this 18th day of June, 2007.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

BY: KJ Amusa, MD
KWELI J. AMUSA, M.D.
President

STATE OF
PARISH OF

Louisiana
Lafayette

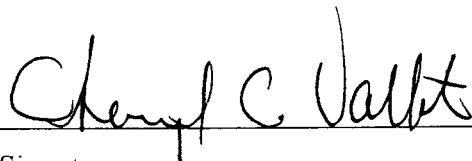
ACKNOWLEDGMENT
AND CONSENT

I, **Ilyas Munshi, M.D.**, hereby acknowledge, approve, accept and consent to the entry of
the foregoing Consent Order this 29 day of May, 2007.

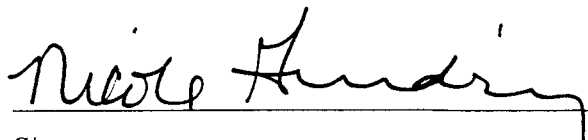


Ilyas Munshi, M.D.

WITNESSES:



Signature



Signature

Typed Name: Cheryl C. Vallot

Typed Name: Nicole Guidry

Address: 913 South College Rd Ste 102
Lafayette, LA 70503

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Lafayette, LA 70503

Sworn to and subscribed before me at 3:16pm Lafayette, Louisiana, this
29th day of May, 2007, in the presence of the two stated witnesses.


NOTARY PUBLIC