

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

AJAY KUMAR DAS, M.B.B.S.,
RESPONDENT.

FINAL DECISION AND ORDER
94 MED 196

The parties to this action for the purposes of Wisconsin statutes §227.53 are:

Ajay Kumar Das, M.B.B.S.
8211 North Keating Avenue
Skokie, Illinois 60076

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Ajay Kumar Das, M.B.B.S., respondent herein, is licensed in the state of Wisconsin as a physician. Dr. Das's license number is 25571. This license was first granted on October 28, 1983. Dr. Das practices family medicine.
2. Dr. Das's date of birth is May 14, 1946. His latest address on file with the Wisconsin Department of Regulation and Licensing is 8211 North Keating Avenue, Skokie, Illinois 60076.
3. On or about July, 1988, while practicing medicine in the state of Illinois, Dr. Das, a Medicaid provider, caused to be made billing invoices that falsely claimed Dr. Das had provided medical care to certain public aid recipients. These services were provided by Dr. Das's employee. This

employee was not licensed in Illinois or elsewhere in the United States to provide any type of health care.

4. On April 20, 1990, Dr. Das pled guilty to a criminal charge concerning the conduct described in paragraph three above. As a result, the Cook County Circuit Court convicted Dr. Das of vendor fraud. The court placed Dr. Das on probation for a period of two years and ordered that he pay restitution in the amount of \$150,000. A true and accurate copy of a statement of conviction in this matter is attached and marked as "Exhibit A."

5. As a result of the criminal conviction described in paragraph four above, the Illinois Department of Professional Regulation began disciplinary proceedings against Dr. Das's license to practice medicine in Illinois. On July 29, 1991, the Illinois Department of Professional Regulation suspended Dr. Das's license for six months, imposed certain limitations upon his license, and ordered that he pay in installments a fine in the amount of \$25,000. A true and accurate copy of this disciplinary order against Dr. Das's license to practice medicine in Illinois is attached hereto and marked as "Exhibit B."

6. On September 30, 1993, the Illinois Department of Professional Regulation imposed additional discipline against Dr. Das's license to practice medicine in Illinois. The Illinois Department of Professional Regulation reprimanded Dr. Das for failing to pay one of the installments of the fine imposed as part of the disciplinary order described in paragraph five above. A true and accurate copy of the second disciplinary order against Dr. Das's license to practice medicine in Illinois is attached hereto and marked as "Exhibit C."

7. Dr. Das has paid in full the fine imposed as part of the disciplinary order described in paragraph five above. He also has complied to date with all of the terms and conditions imposed by the state of Illinois.

8. On May 28, 1993, the Medical Licensing Board of Indiana received Dr. Das's application for licensure renewal. Dr. Das indicated on this application form that he had been convicted of a crime and that he had been subject to professional discipline in another state.

9. As a result of the proceedings described in paragraph four through six above, the Medical Licensing Board of Indiana issued to Dr. Das a license to practice medicine that included restrictions similar to those imposed by the Illinois Department of Professional Regulation. A true and accurate copy of the disciplinary order against Dr. Das's license to practice medicine in Indiana is attached hereto and marked as "Exhibit D."

10. Dr. Das admits that the facts set forth in paragraphs one through nine above are true, and he consents to entry of this Final Decision and Order. Dr. Das has agreed to waive his right to appeal the decision to issue this Order and any decision by the Wisconsin Medical Examining Board

concerning modification of the attached Final Decision and Order or his compliance with the limitations set forth therein.

CONCLUSIONS OF LAW

1. By the conduct described above, Ajay Kumar Das, M.B.B.S. is subject to disciplinary action against his license to practice as a physician in the state of Wisconsin, pursuant to Wisconsin statutes §448.02.

2. The Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wisconsin statutes §227.44(5).

3. Dr. Das's conduct described above constitutes unprofessional conduct in violation of Wisconsin Administrative Code §Med 10.02(2)(q), (r) & (t).

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is accepted.

IT IS FURTHER ORDERED that Dr. Das's license to practice medicine in Wisconsin shall be suspended for six (6) months starting on the effective date of this Order.

IT IS FURTHER ORDERED that, if Dr. Das fails to comply with the limitation set forth in subparagraph G below during the six-month period in which his license to practice medicine in Wisconsin is suspended, his license shall remain suspended until he so complies.

IT IS FURTHER ORDERED that Dr. Das's license to practice medicine is limited in that:

A. Dr. Das shall submit to the Board or the Board's designee true and accurate reports indicating where he is employed, the nature of the work that he is doing, the number of hours that he is working, who he employs and in what capacity the employee or employees work. The first such report shall be due August 25, 1995. Subsequent reports shall be due every 91 days thereafter.

B. Dr. Das shall inform the Board or the Board's designee of his current work and residence addresses and his current telephone numbers, and notify the Board or the Board's designee of any changes thereto.

C. Dr. Das shall immediately inform the Board or the Board's designee if he is named as a defendant in a medical malpractice lawsuit, if his privileges to practice at any hospital or managed care organization are revoked, suspended, or limited, or if he is the subject of any investigation or proceeding concerning any license to practice

medicine. In addition, he shall notify the Board or the Board's designee of the circumstances surrounding any of the above, and shall complete any releases that the Board or the Board's designee deem necessary in order to investigate any of the above.

D. Dr. Das shall submit to the Board or the Board's designee documentary proof that he has notified the chief executive officer of the medical staff of all hospitals at which he holds or applies for privileges of the terms and conditions of this Order.

E. During the period in which this Order is in effect, Dr. Das shall submit to the Board or the Board's designee proof that he has attended in their entirety and satisfactorily completed a minimum of twelve (12) hours of Category I continuing medical education in the area of medical ethics or bio-ethics. Dr. Das must receive pre-approval from the Board or the Board's designee before taking the continuing medical education credits he intends to apply toward satisfaction of the terms of this Order. Dr. Das may not apply the aforementioned continuing medical education credits toward his obligation set forth in Wisconsin statutes §448.13 to obtain 30 hours of continuing medical education.

F. Dr. Das shall comply with all of the terms and conditions of the order issued by the Illinois Department of Professional Regulation on July 29, 1991. Dr. Das shall immediately inform the Board or the Board's designee if the state of Illinois modifies the terms of its disciplinary order. Upon request by the Board or the Board's designee, Dr. Das shall execute releases granting the Board or the Board's designee access to investigative reports and disciplinary records held by any agency regulating his conduct as a physician.

G. Dr. Das personally shall appear before the Board and offer assurances satisfactory to the Board that the conduct which led to his conviction for vendor fraud and his professional discipline in Illinois will not reoccur.

IT IS FURTHER ORDERED that the aforementioned limitations shall remain in effect until January 31, 1997. Dr. Das may petition the Board at any time for a modification of this Order.

IT IS FURTHER ORDERED that the expense of compliance with all of the terms and conditions of this Order shall be the responsibility of respondent.

IT IS FURTHER ORDERED that, pursuant to Wisconsin statutes §448.02(3), if the Board determines there is probable cause to believe that Dr. Das has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent may be suspended summarily pending investigation of the alleged violation.

IT IS FURTHER ORDERED that Dr. Das shall pay to the Department the costs

of this investigation pursuant to Wisconsin statutes §440.22 in the amount of \$500.00, not later than 90 days following the effective date of this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective ten days after the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By:

MR. J. J. McManus
A Member of the Board

5/25/95
Date

WPPFSS-16

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

VS.

ALJAY K. -DAS

(Impleaded)

CERTIFIED STATEMENT OF CONVICTION

I, JERRELL PUCINSKI, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the records of the Circuit Court of Cook County show that:

1. ☒ On September, 1988, the duly unpanelled Cook County Grand Jury for 10/4/88 returned an indictment, number 88-CR-15484

charging the above named defendant with (offense) On (date) pursuant to statutory authorization, the State's Attorney of Cook County filed an information number charging the above named defendant with (offense)

2. On 10/7/88 the above named defendant, while represented by counsel, was duly arraigned before the Honorable R.J. FITZGERALD of the Circuit Court of Cook County and entered a plea of not guilty to the offense.

3. ☐ A jury was unpanelled and thereafter returned against the defendant who was represented by counsel, a verdict of guilty of (offense) on 19.

☐ A trial by jury was waived by the defendant, who was represented by counsel and thereafter the Court found the defendant guilty of (offense) on 19.

☒ The defendant, after having been fully advised of his rights, and while represented by counsel withdrew his plea of not guilty and entered a plea of guilty to Vendor, Fraud, (CT. 1), (offense) on 4/20/90

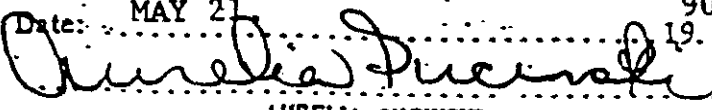
EXHIBIT

Sealing No. 8719

A

on 4/20/90 judgment was entered on the conviction and
(date)
defendant was sentenced by the Honorable EARL E. STRAYHORN

Two(2)years.Probation.(reporting)Plus make Restitution to the Illinois
Department of Public Aid in the amount of (\$150,000.00)dollars. Defe
dant is to cooperate in the prosecution of Ayesha Aziz and other defe
dants in this and other cases. Defendant is to pay (\$20,000.00)dolla
instantner, (\$60,000.00)dollars in (90)days, and the balance of
(\$70,000.00)dollars restitution within (15)months thereafter.

I hereby certify that the foregoing has been entered
record on the above captioned case.
Date: MAY 21 1990

AURELIA PUCKNISI
Clerk of the Circuit Court of Cook County

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)	
of the State of Illinois,	Complainant)
	v.)
AJAY K. DAS)
License No. 036-046872,	Respondent)
CC3-036-046872		
		No. 88-734-LEG

ORDER

This matter having come before the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois, and the Medical Disciplinary Board and Controlled Substances Hearing Officer, having approved a Stipulation and Recommendation for Settlement submitted by the parties;

NOW, THEREFORE, I, NIKKI M. ZOLLAR, DIRECTOR OF THE DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, do hereby adopt the Stipulation and Recommendation for Settlement approved by the Medical Disciplinary Board and Controlled Substances Hearing Officer in this matter.

IT IS THEREFORE ORDERED that the Certificate of Registration, License No. 036-046872, heretofore issued to Ajay K. Das to carry on the practice of Medicine in the State of Illinois is Suspended in accordance with the Stipulation and Recommendation for Settlement which is attached hereto and incorporated herein.

IT IS FURTHER ORDERED that Respondent immediately surrender said Certificate of Registration and all other indicia of licensure to the Department of Professional Regulation of the State of



Illinois. Upon failure to do so, the Department shall seize said
Certificate of Registration.

DATED THIS 29th DAY OF June, 1991.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

Nikki M. Zollar
NIKKI M. ZOLLAR
DIRECTOR

NMZ.LJG:aje

Page 2 of 2

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
v.) No. 88-734-LEG
AJAY K. DAS)
License No. 036-046872)
Controlled Substances)
License No. 003-036-046872-1, Respondent)

STIPULATION AND RECOMMENDATION FOR SETTLEMENT

The Department by Leida J. Gonzalez, its attorney, and Ajay K. Das, Respondent, by Kent R. Brody, his attorney, submit the following Stipulation and Recommendation for Settlement to the Medical Disciplinary Board and Controlled Substance Hearing Officer for their approval and favorable recommendation to the Director.

STIPULATION OF FACTS

1. THAT on July 19, 1990, the Department filed a Complaint against Respondent, alleging that the Respondent had been convicted of Vendor Fraud, in violation of Illinois Revised Statutes, Chapter 23, Section 8A-3(G) (1985).
2. Respondent has been advised that he has the right to be represented by counsel and has retained Kent R. Brody as his attorney. Respondent has fully discussed the allegations made in the Complaint with his counsel. Respondent has been advised that he has a right to a formal evidentiary hearing and waives such right to a hearing if this Recommendation is approved.
3. Respondent admits that at all times pertinent to the Complaint, he was a licensed physician and surgeon practicing in the State of Illinois.
4. Respondent admits that he was convicted in the Circuit Court of Cook County of Vendor Fraud in violation of

Illinois Revised Statutes, Chapter 38, Section 8A-e(a) (1985), in that the Respondent knowingly and willfully, by a fraudulent scheme, caused to be made billing invoices to the Illinois Department of Public Aid which falsely stated that Respondent had provided medical care to certain public aid recipients, when, in fact, Respondent had not provided medical care to those recipients, which caused the State of Illinois to issue payments to Respondent which he was not entitled to receive in an amount in excess of Five Thousand (\$5,000.00) Dollars but less than Ten Thousand (\$10,000.00) Dollars.

5. The Respondent held an Informal Conference in this matter. The Conference took place on September 11, 1990 at the offices of the Department in Chicago. Present at the Conference was Dr. Hambrick of the Medical Disciplinary Board. Kent R. Brody was present as counsel for the Respondent. The Respondent appeared at that time. Leida J. Gonzalez was present as attorney for the Department.
6. Respondent is fully aware that this Recommendation must be approved by the Medical Disciplinary Board and Controlled Substances Hearing Officer. By submission of this Recommendation for approval, Respondent expressly waives any objection based upon prejudice should the Medical Disciplinary Board and Controlled Substances Hearing Officer refuse to accept this Recommendation.

7. For purposes of settlement only, Respondent acknowledges that a violation of the Medical Practice Act and the Controlled Substances Act, Illinois Revised Statutes, (1987), Chapter 56-1/2, paragraph 1304(4), may be found by the Medical Disciplinary Board and Controlled Substances Hearing Officer following review of the Stipulation and the documents submitted herewith as Exhibit 1.
8. The parties stipulate that these admissions are made for purposes of this Recommendation only. In the event that this Recommendation is not approved by the Medical Disciplinary Board and Controlled Substances Hearing Officer, these admissions shall not be admissible in any proceeding and the matter will be set for an evidentiary hearing on the merits as if this Recommendation had not been submitted. In addition, upon approval of this Recommendation, these admissions may not be utilized in any other proceeding except one to enforce this agreement.
9. Respondent has been advised that he has the right to file for a rehearing of the matter within 20 days of the Director's action in this case. Respondent hereby waives such a right to a rehearing if this Recommendation is approved.
10. Respondent has been advised that he has a right to Administrative Review of the Order entered by the Director in this case. Respondent hereby waives such right to review if this Recommendation is approved.

RECOMMENDATION FOR SETTLEMENT

11. In the interest of a prompt and just settlement in this matter in a manner consistent with the public interest and in light of the responsibilities of the Medical Disciplinary Board and Controlled Substances Hearing Officer, the Department and the Respondent offer the following program for approval by the Medical Disciplinary Board and Controlled Substances Hearing Officer. The Recommendations shall be considered to be an integrated package such that approval of this Recommendations without change is necessary.
12. Upon notification that the Recommendations have been approved and that the Director has entered an Order adopting the Recommendations of the Medical Disciplinary Board and the Controlled Substances Hearing Officer, Respondent agrees:
 - A. That the Respondent's physician and surgeon's license and controlled substances license shall be Definitely Suspended for a period of six (6) months.
 - B. That the Respondent must successfully complete a medical competency examination by February 1, 1993. Said competency examination shall be designated and preapproved by the Chief Medical Coordinator of the Department.
 - C. That the Respondent shall notify the Chief Medical Coordinator within three (3) months of

the date when he intends to take the medical competency examination.

- D. That if the Respondent does not successfully complete a medical competency examination by February 1, 1993, the Department will have grounds to immediately resuspend the Respondent's physician and surgeon's license and controlled substances license.
- E. That the Respondent's Physician and Surgeon's license and controlled substances license shall be placed on Probation for a five (5) year period upon the termination of the Suspension.
- F. During the period of Probation the Respondent shall submit quarterly reports to the Department stating where he is employed, the nature of the work he is doing and the number of hours that he is working and information regarding any and all complaints or lawsuits filed against him. Quarterly reports shall be submitted to the Probation Compliance Unit, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601.
- G. During the period of Probation the Respondent shall complete an average of fifty (50) hours of continuing medical education per year for each year of his Probation, or a total of two hundred and fifty (250) hours of continuing medical education, all of which must be preapproved by the Chief Medical Coordinator of the Department.

Documentation of completion of continuing education hours shall be submitted to the Probation Compliance Unit, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601.

- H. During the probationary period, the Respondent must notify the Chief Executive Officer and the President of the medical staff of all hospitals where he holds or applies for privileges of the conditions of this Consent Order. Documentation confirming notification shall be provided to the Department's Probation Compliance Unit, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601.
- I. That the Respondent shall pay a fine of Twenty-five Thousand (\$25,000.00) Dollars, payable to the Illinois Department of Professional Regulation. Said fine to be paid in eleven (11) monthly installments of Two Thousand One Hundred (\$2,100.00) Dollars and a final installment of One Thousand Nine Hundred (\$1,900.00) Dollars, payable on the first day of twelve (12) consecutive months, beginning the month after the suspension period has expired.
- J. Respondent shall keep the Department informed of his residence and business addresses and telephone numbers, during the period that his license is under discipline.

K. The Respondent must surrender all individual licenses of licensure to the Department within ten (10) days of the effective date of the Suspension of his physician and surgeon and controlled substances licenses.

L. This Stipulation and Recommendation for Settlement shall become effective immediately after an Order is entered by the Director of the Department.

I have read this Stipulation and Recommendation for Settlement and have fully discussed it with my attorney. I agree to be bound by its terms.

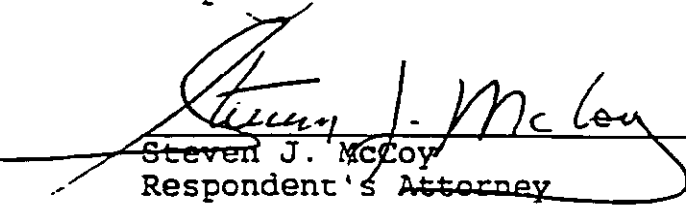
6-4-91

DATE


Ajay K. Das
Respondent

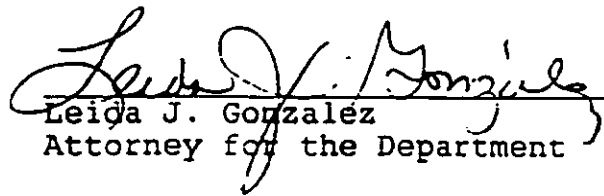
6-4-91

DATE


Steven J. McCoy
Respondent's Attorney

6-4-91

DATE


Leida J. Gonzalez
Attorney for the Department

The foregoing Stipulation and Recommendation for Settlement is approved by the Medical Disciplinary Board as its decision this 6/5/91 day of June, 1991. The Medical Disciplinary Board concludes that Respondent has violated the Medical Practice Act and hereby recommends that the Director approve the Recommendation set forth herein by issuing an appropriate Order.

6/5/91

DATE

James B. Perry
Chairman of Medical Disciplinary Board

6/5/91

DATE

Carrie M. M.D.
Member

6/5/91

DATE

W. C. Brown, M.D.
Member

DATE

Member

DATE

Member

DATE

Member

DATE

Member

DATE

Member

The foregoing Stipulation and Recommendation for Settlement is approved by the Controlled Substances Hearing Officer as his decision this 6th day of June, 1991. The Controlled Substances Hearing Officer concludes that Respondent has violated the Controlled Substances Hearing Officer and hereby recommends that the Director approve the Recommendation set forth herein by issuing an appropriate Order.

June 6, 1991
DATE

Tommy Brewer
Tommy Brewer
Controlled Substances Hearing
Officer

/jc

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)	
of the State of Illinois,)	
)	
v.)	No. 88-734-LEG
AJAY KUMAR DAS, M.D.)	
License No. 036-046872,)	
)	
Respondent)	

ORDER

This matter having come before the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois, and the Medical Disciplinary Board, having made certain Findings of Fact, Conclusions of Law and a Recommendation to the Director of the Department; and the Department having complied with all required notices; and the time allowed for filing of a Motion for Rehearing before the Director of the Department having now passed;

NOW, THEREFORE, I, NIKKI M. ZOLLAR, DIRECTOR OF THE DEPARTMENT OF PROFESSIONAL REGULATION of the State of Illinois, do hereby adopt the Findings of Fact, Conclusions of Law and Recommendation of the Medical Disciplinary Board in this matter.

IT IS THEREFORE ORDERED that the Certificate of Registration, License No. 036-046872, heretofore issued to Ajay Kumar Das, M.D., to practice medicine as a Physician and Surgeon in the State of Illinois is Reprimanded.

DATED THIS 2nd DAY OF September, 1993.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

Nikki M. Zollar
NIKKI M. ZOLLAR
DIRECTOR

NMZ:fh



STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)	
of the State of Illinois,	Complainant)
	v.) No. 88-734-LEG
AJAY KUMAR DAS, M.D.)
License No. 036-046872,	Respondent)

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDATION TO THE DIRECTOR

Now comes the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois and, after conducting a hearing in this matter, a majority of its members hereby makes the following Findings of Fact, Conclusions of Law and Recommendation to the Director:

FINDINGS OF FACT

1. THAT Ajay Kumar Das, Respondent, is now a duly registered Physician and Surgeon in the State of Illinois, having been issued a Certificate of Registration, License No. 036-046872, by the Department of Professional Regulation. Respondent's license is in active status and on Probation.
2. THAT the Department filed a Complaint against the Respondent and sent notice of said Complaint to the Respondent by certified and regular mail on December 28, 1992.
3. THAT a hearing on the Complaint was held on March 1, 1993. A quorum of the Medical Disciplinary Board was

either present and listened to or reviewed the transcript of the evidence presented on that date, as evidenced by their signatures below.

4. THAT Respondent was present at the hearing and was not represented by counsel.
5. THAT the Department was represented at the hearing by one of its attorneys, John Goldberg.
6. THAT After the presentation of all evidence and arguments, the Medical Disciplinary Board deliberated and made its Findings of Fact, Conclusions of Law and Recommendation to the Director.
7. THAT the Medical Disciplinary Board adopts the Report and Recommendation of the Hearing Officer attached hereto and made a part hereof as to the Findings of Fact.

CONCLUSIONS OF LAW


1. THAT the Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois has jurisdiction over the subject matter and of the parties in this case.
2. THAT the Medical Disciplinary Board adopts the Report and Recommendation of the Hearing Officer attached hereto and made a part hereof as to the Conclusions of Law.

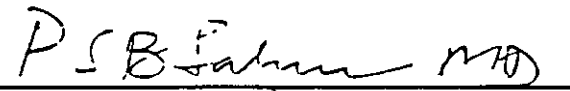
RECOMMENDATION


The Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois, after making the

above Findings of Fact and Conclusions of Law, recommends to Nikki M. Zollar, the Director of the Department of Professional Regulation, that the Certificate of Registration, License No. 036-046872, of Ajay Kumar Das, M.D., be Reprimanded.


DATED THIS _____ DAY OF _____, 19____.


CHAIRMAN, MEDICAL DISCIPLINARY BOARD


MEMBER


MEMBER


MEMBER


MEMBER

MEMBER

MEMBER

/fh

STATE OF ILLINOIS
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)	
of the State of Illinois,)	
)	
Complainant,)	
)	
v.)	No. 88-734-LEG
)	
AJAY KUMAR DAS, M.D.)	
License No. 036-046872,)	
)	
Respondent.)	

HEARING OFFICER'S REPORT AND RECOMMENDATION

This report is being filed with the Illinois State Medical Disciplinary Board pursuant to Illinois Revised Statutes (1987), Chapter 111, paragraph 4700-35.

BACKGROUND

Respondent, Ajay Kumar Das, M.D., is the holder of a Certificate of Registration as a physician and surgeon in the State of Illinois, License No. 036-046872, issued by the Illinois Department of Professional Regulation ("Department"). The current licensure is in probationary status.

On December 28, 1992, the Department filed a Complaint against Respondent, alleging that Das violated the terms of an Order entered by the Director of the Department on July 29, 1991 by failing to make fine payments as required, in violation of Illinois

Revised Statutes (1987), Chapter 111, Paragraph 4400-22(a)(13) and (15).

On March 1, 1993, a hearing on the Complaint was held at the Department's office in Chicago, 100 West Randolph Street, Chicago, Illinois. Patricia A. O'Brien, Hearing Officer, presided with a member of the Illinois State Medical Disciplinary Board, Otto Broscius, M.D. John Goldberg represented the Department. Respondent appeared pro se, and testified on his own behalf.

On May 17, 1993, the parties presented an oral motion to reopen the record and supplement it with Joint Exhibit 1, a copy of a Department memo showing that Das, through the efforts of Goldberg, had paid his \$25,000.00 in full.

FINDINGS OF FACT

1. At all pertinent times, Ajay Kumar Das, M.D., was the holder of a Certificate of Registration as a physician and surgeon in the State of Illinois, License No. 036-046872, issued by the Department. The current licensure is in probationary status.

2. The Department offered one exhibit which was admitted into evidence. Group Exhibit 1 were copies of the Stipulation and Recommendation signed by Das and his counsel on June 5, 1991 and the subsequent Order entered by the Director of the Department on July 29, 1991, in docket number 88-734-LEG. Under the terms of the Order, Das was required to pay a fine to the Department the amount of \$25,000.00, in monthly payments of \$2,100.00 for eleven months

and a final payment of \$1,900.00.

3. Das testified that he was represented by counsel during the discussions pertaining to the Stipulation and Recommendation and that he understood the requirements prior to signing it.

4. Das was convicted on vender fraud in 1990.

5. Das admitted that he did not make any payments to the Department. He did not contact the Department about his inability to make full payments until the Department contacted him after he missed two payments.

6. Das owns a house in Glenview, Illinois in joint tenancy with his wife. He owns a car which is paid off and his wife leases a car for which she pays. He has little money after paying his monthly bills, his criminal fine and restitution.

7. Das has a 16 year old son who attends Loyola Academy, which is paid for out of a trust fund.

8. Pursuant to his 1991 tax returns, Das and his wife earned a gross income of \$62,000.00. Das testified that he earned \$19,000.00 in 1992.

9. The last time he worked as a physician was in 1990. One reason he is not practicing is because he cannot afford malpractice insurance.

10. Das owed restitution of \$170,000.00 and a fine of \$20,000.00. The fine and \$150,000.00 of the restitution has already been paid.

11. Respondent offered three exhibits which were admitted into evidence. Exhibit 1 was a letter from Das to the Department,

dated January 20, 1993. Exhibit 2 were copies of Das' 1989, 1990 and 1991 tax returns. Exhibit 3 were copies of letters: one from the Department to Das, dated April 9, 1992 and the other from Das to the Department, dated April 15, 1992.

12. On May 3, 1993, Das paid the \$25,000.00 fine to the Department in full.

13. The Department's exhibit is given great weight.

14. Respondent's exhibits are given great weight.

15. The parties Joint Exhibit 1 is given great weight pertaining to mitigation.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Hearing Officer makes the following Conclusions of Law:

1. THAT the Illinois State Medical Disciplinary Board of the Department of Professional Regulation of the State of Illinois has jurisdiction over the subject matter and of the parties in this case.

2. THAT the Department has proven by clear and convincing evidence that Respondent violated Illinois Revised Statutes (1987), Chapter 111, paragraph 4400-22(a)(13) and (15).

RECOMMENDATION

Based on the Findings of Fact and Conclusions of Law, the Hearing Officer recommends to the Illinois State Medical Disciplinary Board that the Certificate of Registration issued by the Department to Ajay Kumar Das, M.D., as a physician and surgeon in the State of Illinois, License No. 036-046872, be reprimanded.

Respectfully submitted
this 1st day of June, 1993

By: Pat A O'Brien

Patricia A. O'Brien
Hearing Officer

A:das. ef

BEFORE THE MEDICAL LICENSING BOARD
OF INDIANA
CAUSE NO: 93 MLB 0024

AJAY KUMAR DAS, M.D.)
License #01033077)
Petitioner,)
)
v.)
)
STATE OF INDIANA)
)
Respondent.)

FILED

SEP 03 1993

HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT AND ORDER

Comes now Ajay Kumar Das, M.D., (hereinafter "Petitioner") and makes application to the Medical Licensing Board of Indiana (hereinafter "Board") for renewal of medical license #01033077 to practice medicine in the State of Indiana.

The Board, having reviewed the application and its file in this matter, by a vote of 4-1-0, now issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. On May 28, 1993, the Board received an application for licensure renewal from Petitioner.
2. Petitioner responded positively to the following questions on his renewal application: Question #2 regarding conviction of a crime and Question #3 regarding disciplinary action in another state.
3. On April 30, 1990, a Restitution Order was entered by the Circuit Court of Cook County, Illinois, based on Petitioner's conviction of the offense of Vendor Fraud against the Illinois Department of Public Aid for employing a physician assistant who was not licensed in the State of Illinois.



4. As a result of Petitioner's conviction, Petitioner was ordered to pay restitution in the amount of one-hundred and fifty thousand dollars (\$150,000) to the Illinois Department of Public Aid.

5. On July 19, 1990, the Illinois Department of Professional Regulation filed a complaint against Petitioner based on his criminal conviction as referred to in paragraph #3, above.

6. On June 4, 1991, Petitioner signed a Stipulation and Recommendation for Settlement with the Illinois Department of Professional Regulation.

7. Based on this Stipulation, an Order was entered by the Illinois Department of Professional Regulation by which Petitioner's Illinois medical license was suspended for six (6) months and then placed on probation for five (5) years with terms and conditions.

8. On July 29, 1993, Petitioner personally appeared before the Board regarding his license renewal application.

9. Petitioner stated that the restitution to the Illinois Department of Public Aid has been paid in full.

10. Petitioner testified that he has successfully taken and passed the SPEX examination which was a requirement for reinstatement of his license in Illinois on a probationary basis.

11. If the conduct described in paragraph #3 had occurred in the State of Indiana, it would constitute fraud or material deception in the course of professional services in violation of IC 25-1-9-4(a) (1) (B) and conviction of a crime that has a direct bearing on the practitioner's ability to continue to practice competently in violation of IC 25-1-9-4(a) (2).

12. The conduct described in paragraphs 3 through 7 constitutes disciplinary action taken against the practitioner or the practitioner's license to practice in another state on grounds similar to those in IC 25-1-9-4, in violation of IC 25-1-9-4(a) (7).

13. Based on Petitioner's personal appearance before the Board and the foregoing findings, the Board voted to issue a probationary license with conditions consistent with those imposed by the Illinois Department of Professional Regulation.

ORDER

Pursuant to IC 25-1-5-4 and IC 25-1-9, the Board now renews license #01033077 to practice medicine conditioned on the following:

1. Petitioner's medical license, #01033077 is hereby placed on INDEFINITE PROBATION. Petitioner shall comply with the same conditions of probation imposed by the Illinois Department of Professional Regulation on July 29, 1991. A copy of said Order is attached hereto and incorporated reference herein as Exhibit "A".

2. Petitioner is not required to submit a fine in the amount of twenty-five thousand dollars (\$25,000) as was required by the Illinois Department of Professional Regulation.

3. At any time the Illinois Department of Professional Regulation modifies said Order (Exhibit A), Petitioner shall notify the Board in writing and submit a copy of said modification to the Board. The Board shall automatically modify its Order with the same terms and conditions as imposed by the Illinois Department of Professional Regulation unless Petitioner shall request a hearing under IC 25-1-9-9(b) at the time Petitioner submits the modification to the

Board.


4. Petitioner shall not have the right to apply for withdrawal of probation until all restrictions have been removed from his Illinois license by the Illinois Department of Professional Regulation.

5. Failure to comply with the terms of this Order shall immediately subject Petitioner to the summary suspension of his license pursuant to IC 25-1-9-10.

All of which is ORDERED this 3 day of September, 1993, nunc pro tunc to July 29, 1993.

MEDICAL LICENSING BOARD OF INDIANA

BY:



Thomas J. Jeffers
Acting Executive Director
Health Professions Bureau

cc: Ajay Kumar Das, M.D.
3356 Thornwood Drive
Glenview, IL 60025
CERTIFIED MAIL #P 337 944 640
RETURN RECEIPT REQUESTED

Connie Dimm
Deputy Attorney General
219 State House
Indianapolis, Indiana 46204

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
AJAY KUMAR DAS, M.B.B.S.,	:	94 MED 196
RESPONDENT.	:	

It is hereby stipulated between Ajay Kumar Das, M.B.B.S., personally on his own behalf and Peter Sammataro, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Das by the Division of Enforcement. Dr. Das consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Das consents to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board. The parties to this Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

3. Dr. Das agrees that the Findings of Fact set forth in the attached Final Decision and Order are true and that the accompanying exhibits are true and accurate copies of the original documents.

4. Dr. Das understands and agrees that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the State of Wisconsin has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; all rights to any appeal of the Final Decision and Order if it is adopted in the form as attached; the right to appeal any decision by the Wisconsin Medical Examining Board concerning modification of the attached Final Decision and Order or Dr. Das's compliance with the limitations set forth therein; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code. Dr. Das freely, voluntarily and knowingly waives all of the rights set forth in this paragraph.

5. Dr. Das is aware of his right to seek legal representation and has had an opportunity to seek legal advice prior to signing this stipulation.

6. Dr. Das agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order

without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

7. Dr. Das understands that this Stipulation does not prohibit the Wisconsin Medical Examining Board from further action against his license based on acts not alleged in the pending investigative file or set forth in the attached Final Decision and Order.

8. Dr. Das is aware of and understands that violation of any of the terms and conditions set forth in the attached Final Decision and Order shall constitute a basis for further disciplinary action by the Wisconsin Medical Examining Board against his license.


9. If the terms of this Stipulation are not acceptable to the Wisconsin Medical Examining Board, the parties shall not be bound by the contents of this Stipulation and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

10. The parties to this Stipulation agree that the attorney for the Division of Enforcement and the member of the Wisconsin Medical Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

11. The Division of Enforcement joins Dr. Das in recommending the Wisconsin Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order.


Ajay Kumar Das, M.B.B.S.

4-28-95
Date


Peter Sammataro, Attorney
Division of Enforcement

5-02-95
Date

WPPFSS-16

RECEIVED

MAY - 1 1995

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN MEDICAL EXAMINING BOARD.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

MAY 30, 1995

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)