

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF :
 :
 : FINAL DECISION AND ORDER
 : FOR REMEDIAL EDUCATION
WALEED S. NAJEEB, M.D., :
 LICENSEE. :
 : **ORDER 0006730**

Division of Legal Services and Compliance Case No. 16 MED 271

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Waleed S. Najeeb, M.D.
Milwaukee, WI 53209-4217

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Wisconsin Department of Administration, Division of Hearing and Appeals (DHA) on July 9, 2019 (DHA Case No. SPS-19-0038). Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Licensee Waleed S. Najeeb, M.D. (DOB xx-xx-1959) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 32123-20, first issued on May 22, 1991, with registration current through October 31, 2021. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53209-4217.

2. At all times relevant hereto, Licensee was the owner and Medical Director of MedPoint Medical Clinics (Facility) with clinic locations at 2501 W. Silver Spring Drive, Milwaukee, Wisconsin and 5233 S. 27th Street, Greenfield, Wisconsin.

3. In July 2015, the Wisconsin Department of Health Services, Office of Inspector General (DHS OIG) commenced a desk review audit of selected patient bills submitted by the Facility for payment by the Wisconsin Medicaid and BadgerCare Plus Programs (DHS OIG audit).

4. On July 13, 2015, as part of its ongoing audit, DHS OIG requested that Licensee provide patient health care records of 40 patients who received care at the Facility between June 2, 2014 and June 4, 2015.

5. In September of 2015, Licensee submitted patient health care records to DHS OIG. Prior to submission, Licensee signed almost every progress note submitted in September of 2015.

6. On May 27, 2016, Licensee was provided preliminary audit findings by DHS OIG and was informed that overpayments to the Facility totaled \$95,931.66. Licensee was informed that one type of overpayment to the Facility included “incomplete or lack of documentation” related to Licensee’s health care documentation for Patients A - H.

7. On July 18, 2016, DHS OIG, referred the audit findings to the Department. On July 28, 2016, the Department opened Division of Legal Services and Compliance Case No. 16 MED 271 for investigation.

8. On August 31, 2016, Licensee, without admission of liability for Medicare billing deficiencies, agreed to resolve the overpayment determined by DHS OIG with repayment of the full \$95,931.66 received by the Facility from Wisconsin Medicaid and BadgerCare Plus Programs (Medicaid).

9. On July 9, 2019, the Department of Safety and Professional Services Division of Legal Services and Compliance (Division) commenced disciplinary proceedings against Licensee by the filing of a Notice of Hearing and Complaint with (DHA). The disciplinary proceedings were related to Licensee’s documentation and/or lack of patient health care documentation of Patients A – H as required under Wis. Admin. Code § Med 21.03.

Licensee Treatment

10. Licensee treated Patient A, a male born 1964 who had a history of low back and elbow pain, between June 17, 2014 and August 14, 2014, and was reimbursed by Medicaid for care rendered.

11. Licensee treated Patient B, a female born 1962, between July 31, 2014 and March 13, 2015. Patient B was seen by Licensee for general health care and was reimbursed by Medicaid for the care rendered.

12. Licensee treated Patient C, a female born 1966 who had a history of lower back pain and bilateral knee pain, between June 23, 2014 and February 9, 2015, and was reimbursed by Medicaid for care rendered.

13. Licensee treated Patient D, a male born 1992 for chronic cough, between June 10, 2014 and August 18, 2014, and was reimbursed by Medicaid for care rendered.

14. Licensee treated Patient E, a male born 1951 hypertension and low back pain, between June 4, 2014 and July 2, 2014, and was reimbursed by Medicaid for care rendered.

15. Licensee treated Patient F, a male born 1971 for sleep apnea, between October 17, 2014 and March 18, 2015, and was reimbursed by Medicaid for care rendered.

16. Licensee treated Patient G, a male born 1959 for lower back and hip joint pain, between June 9, 2014 and August 24, 2015, and was reimbursed by Medicaid for care rendered.

17. Licensee treated Patient H, a female born 1965, between June 4, 2014 and July 7, 2015 and was reimbursed by Medicaid for medical care rendered on June 4, 2014, June 5, 2014, June 10, 2014, June 17, 2014, June 23, 2014, and June 24, 2014.

18. During the DHS OIG audit, Licensee failed to produce patient health care records supporting the medical care rendered for numerous patient visits of Patients A - H.

19. During the Division's disciplinary proceedings, Licensee produced additional patient health care records for Patients A - H from July 2014 through August 2015. Licensee has represented to the Division that since the DHS OIG audit, he has been able to retrieve additional patient health care records with IT assistance as a result of transitions between EMR systems and providers, including one vendor who went bankrupt with the Licensee's resulting loss of access to electronically stored health care records.

20. On February 20-21, 2016, Licensee completed a Medical Record Keeping Course in Atlanta, Georgia, 17 AMA PRA Category 1 Credits, sponsored by the University of California, Irvine School of Medicine.

21. On March 1, 2016, the Facility and Licensee became part of Independent Physicians of Wisconsin, LLC, and engaged IPN Practice Solutions, LLC, for practice management services and related support to address practice challenges and improve billing and other systems in the Facility.

22. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

23. This Order does not constitute disciplinary action by the Board and does not include a finding of negligence or unprofessional conduct.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. Within nine (9) months of the date of this Order, Waleed S. Najeeb, M.D. shall at Licensee's own expense take and successfully complete a minimum of twelve (12) hours of in-person continuing medical education on patient health care documentation as follows:
 - a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee. Licensee must take and pass any exam offered for the course(s) and must take the course in-person.
 - b. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.
 - c. The Board has pre-approved the "*Intensive Course in Medical Documentation: Clinical, Legal, and Economic Implications for Health Care Providers*" continuing medical education course offered by Case Western Reserve University as a course that would fulfill the above education requirement.
3. Within 90 days from the date of this Order, Waleed S. Najeeb, M.D., shall pay FULL COSTS of this matter in the amount of \$21,667.00.
4. Requests for course approval, proof of successful course completion, and payment of Costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Licensee to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System, here: <https://dspsmonitoring.wi.gov/>

5. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: Kenneth Simons MD
A Member of the Board

3/27/2020
Date

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

WALEED S. NAJEEB, M.D.,
LICENSEE.

STIPULATION

ORDER 0006730

Division of Legal Services and Compliance Case No. 16 MED 271

Licensee Waleed S. Najeeb, M.D. and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending proceeding by the Division of Legal Services and Compliance. Licensee consents to the resolution of this proceeding by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee's own behalf;
- 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; and
- all other applicable rights afforded to Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Licensee is represented by Attorney Patrick Coffey.

4. Licensee agrees to the adoption of the attached Final Decision and Order for Remedial Education by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order for Remedial Education without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the 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.

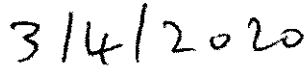
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this proceeding may appear before the Board in open or closed session, without the presence of Licensee, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order for Remedial Education.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order for Remedial Education is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order for Remedial Education.



Waleed S. Najeeb, M.D., Licensee
Milwaukee, WI 53209-4217
License no. 32123-20



Date



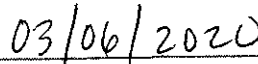
Patrick Coffey, Attorney for Licensee
Husch Blackwell, LLP
555 East Wells Street, Suite 1900
Milwaukee WI 53202



Date



Colleen L. Meloy, Attorney
Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190



Date