

MAINE STATE BOARD OF LICENSURE IN MEDICINE

IN RE: Shafi A. Sultan, M.D.)
Complaint No. CR 05-70) DECISION AND ORDER
Licensure Disciplinary Action)

Pursuant to the authority found in 32 M.R.S.A. Sec. 3263, et seq., 5 M.R.S.A. Sec. 9051, et seq., and 10 M.R.S.A. Sec. 8001, et seq., the Board of Licensure in Medicine (Board) met in public session at the Board's offices located in Augusta, Maine on February 14, 2006. The purpose of the meeting was to conduct an adjudicatory hearing to determine whether Shafi A. Sultan, M.D.'s Maine medical license was subject to discipline based on the suspension of his license to practice medicine in Virginia. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Edward David, M.D., J.D., Chairman, Sheridan Oldham, M.D., Bettsanne Holmes (public member), David Nyberg, Ph. D., (public member), Kimberly K. Gooch, M.D., Gary Hatfield, M.D., Daniel Onion, M.D., and Cheryl Clukey (public member). Dennis Smith, Ass't. Attorney General, represented the State. Dr. Sultan was not present but had been timely served with the Notice of Hearing by certified mail on January 19, 2006. Dr. Sultan sent correspondence to the Board in which he stated that he would not attend the hearing. James E. Smith, Esq. served as Presiding Officer. There were no conflicts of interest found to disqualify any member of the Board from participating in this proceeding.

Shafi A. Sultan, M.D. was first licensed as a physician in Maine on February 13, 1980. On January 26, 2004, the licensee submitted his application for "Inactive registration." In that application, Dr. Sultan revealed that a malpractice claim had been filed against him which action was subsequently settled. The Commonwealth of Virginia suspended Dr. Sultan's license to practice medicine as of May 16, 2005. The suspension was for "not less than one year" and was based primarily on unprofessional conduct and malpractice.

The licensee informed the Maine Board by letter dated January 12, 2006 that he has not practiced medicine since December 31, 2002 and that "you proceed with your protocol without my participation any further based on existing record of Va. State." His current license expires on February 28, 2006.

The Board, after review of the evidence, found and concluded that Dr. Sultan violated the provisions of 32 M.R.S.A. Sec. 3282-A(2)(M) in that the violations complained of and found as fact in Virginia would amount to gross incompetence if they had occurred in Maine. Therefore, the Board, by a vote of 8-0, ordered that:

1. Dr. Sultan's Maine license to practice medicine is hereby immediately **REVOKED**.
2. Dr. Sultan shall **pay the Board's costs** of this hearing by May 21, 2006 which **total \$650.00** (Hearing Officer- 200.00, publication costs and copies 260.00, hearing binders 90.00 and investigator time 100.00.) Payment shall be by **certified check or money order made payable to: "Maine Board of Licensure in Medicine"** and remitted to Randal L. Manning, Executive Director, 137 State House Station, Augusta, Maine 04333-0137. The costs are ordered in accordance with past Board practice and because licensees who do not violate Board Rules and statutes should not have to bear the costs of those who do. Additionally, the Board considers that this cost will serve as a barrier to Dr. Sultan should he consider applying for relicensure.

SO ORDERED.

Dated: February 21, 2006



Edward David, J.D., M.D. Chairman
Maine Board of Licensure in Medicine

RIGHTS OF APPEAL

Pursuant to the provisions of 5 M.R.S.A. Sec. 10051.3 and 0 M.R.S.A. Sec. 8003, any party that decides to appeal this Decision and Order must file a Petition for Review within 30 days of the date of receipt of this Order with the District Court having jurisdiction. 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 Board of Licensure in Medicine, all parties to the agency proceedings, and the Maine Attorney General.