

IN THE MATTER OF
AZAD M. ALLY, D.D.S.

Applicant

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BEFORE THE MARYLAND
STATE BOARD OF
DENTAL EXAMINERS
Case Number: 2008-189

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**FINAL ORDER DENYING APPLICATION FOR A LICENSE TO PRACTICE
DENTISTRY IN THE STATE OF MARYLAND**

The Maryland State Board of Dental Examiners (“the Board”) hereby denies the Application of Azad M. Ally, D.D.S. (the “Applicant”), D.O.B. 11/15/60, for a license to practice dentistry in the State of Maryland under the Maryland Dentistry Act (the “Act”), Md. Health Occ. (“H.O.”) Code Ann. § 4-101 *et seq.* (2005 & Supp. 2007).

FINDINGS OF FACT

Historical Findings

1. On or about November 1, 2000, the Board charged the Applicant under the Act based on his act of submitting insurance claims for services not rendered; namely, billing for extractions that he did not perform.
2. On or about February 21, 2001, the Applicant entered into a Consent Order with the Board resolving the November 1, 2000 Charges. Under the terms and conditions of the Consent Order, the Applicant was reprimanded, fined and placed on probation with numerous terms and conditions. The probationary conditions required the Applicant to take a billing course, undergo practice reviews, and to comply with and practice within all statutes and regulations governing the practice of dentistry in the State of Maryland.
3. On or about January 2, 2002, the Board issued a Show Cause Order based on the Applicant’s violations of the February 21, 2001 Consent Order. Specifically, the

Board found that the Applicant had not timely paid his fine and had not timely completed his course work.

4. On or about February 12, 2002, the Board Summarily Suspended the Applicant's license based on the Applicant's violations of Centers for Disease Control's Guidelines ("CDC") on universal precautions. The Applicant's violations were egregious enough that the public health, safety and welfare required the emergency suspension of the Applicant's license.

5. On or about February 20, 2002, the Applicant and the Board entered into a Consent Order resolving the January 2, 2002 Show Cause Order and the February 12, 2002 Summary Suspension Order. The terms and conditions of the February 20, 2002 Consent Order provided, *inter alia*, that:

- a. The Applicant's license was suspended for six months, beginning February 13, 2002;
- b. The suspension would be stayed on March 4, 2002, provided that the Applicant met numerous conditions;
- c. The Applicant was placed on probation with conditions for three years beginning March 4, 2002; and
- d. The terms and conditions of the February 21, 2001 Consent Order remained in full force and effect.

6. On or about April 7, 2004, the Board notified the Applicant, by certified mail at his last known home and business addresses that the Board intended to Revoke the Applicant's license for violations of the Maryland Dentistry Act and based on his

violations of probationary conditions. The Applicant, despite adequate notice, did not contest the Order.

7. On or about July 21, 2004, the Board issued an Order Revoking the Applicant's license to practice dentistry finding, *inter alia*, that:

False and Misleading Application Statements

a. In February 2003, the Applicant submitted false information on an application for credentialing with Blue Cross/Blue Shield (BC/BS). The Applicant failed to inform BC/BS that he was reprimanded and placed on probation in February 2001 pursuant to a Consent Order; that his license was summarily suspended in February 2002; that his license was suspended in February 2002; and that he was on probation with conditions for a period of three years pursuant to a February 20, 2002 Consent Order. He also failed to notify BC/BS that his DEA permit and Maryland CDS certifications were surrendered.

Billing for Services Not Rendered

b. In April 2001, the Applicant billed for services not rendered and submitted false claim forms to a patient's insurer. Specifically, the Applicant billed an insurance carrier for a prophylaxis and fluoride treatment that he did not perform. He also billed for extracting teeth #'s 3, 4, 19 and 20 of a patient which he did not extract as these teeth had been previously lost or extracted. The Applicant also billed for root canal therapy and a post and core in tooth # 9 which he did not perform.

Additionally, he billed for partial dentures which he did not provide to the patient.

Failure to Provide Records Pursuant to Board Subpoena

c. The Applicant failed to produce copies of records to the Board pursuant to a *subpoena duces tecum*. The Applicant advised that he had sent the original records to the patient. The patient advised otherwise.

Current Factual Findings

8. In late 2005, the Applicant was indicted by the Grand Jury of the State of Maryland in the Circuit Court for Baltimore City as follows:

a. Count (1)(Medicaid Fraud- Conspiracy): ... did unlawfully conspire ... to commit Medicaid Fraud, by making false statements and representations of material facts in applications for payment which were submitted to the Maryland Medical Assistance program ("Medicaid")...indicating authorization and entitlement to received reimbursements in amounts totaling \$ 500 or more in violation of Maryland Common Law and Article 27, § 230B and C [recodified as Criminal Law § 8-509) and in such case made and provided, and against the peace, government and dignity of the State.

b. Count (2)(Medicaid Fraud-Azad Ally, DDS): ... pursuant to one scheme and continuous course of conduct, did knowingly and willfully make and cause to be made a series of false statements and representations in claims for payment which were submitted to the Maryland Medical Assistance Program...for payment, and other acts, and

was therefore authorized and entitled to receive reimbursement in amounts totaling \$ 500 or more in violation of Maryland Common Law and Article 27, § 230B and C [recodified as Criminal Law § 8-509) and contrary to the form of the Act of the Assembly and in such case made and provided, and against the peace, government and dignity of the State.

c. Count (3)(Felony Theft – Azad Ally, DDS): ... pursuant to one scheme and continuous course of conduct, did knowingly and willfully steal money having a value of \$300.00 or more, the property of the Maryland Medical Assistance Program, in violation of the Annotated Code of Maryland Article 27, § 342 [recodified as Criminal Law § 7-104) and contrary to the form of the Act of the Assembly in such case made and provided, and against the peace, government and dignity of the State.

9. On or about February 15, 2006, the Applicant pled guilty before Judge Wanda Heard, to Count (3) (felony theft) and on August 1, 2006, the Applicant was adjudged guilty of Count (3). The Applicant was sentenced to 6 months incarceration effective July 31, 2006. The Applicant's sentence was later reduced on November 1, 2006 to a term of 3 months and 4 days of incarceration. The Applicant was released on or about November 1, 2006.

10. On or about November 23, 2007, the Applicant completed an Application for Dental Licensure by Examination (Licensure Application) which was received by the Board on December 8, 2007. In the Licensure Application the Applicant signed a statement that provided: *I certify that all information in this application is accurate and correct.*

11. The Licensure Application required the Applicant to answer certain character and fitness questions. One question posed to the Applicant was:

Have you pled guilty, nolo contendere, had a conviction, or receipt of probation before judgment or other diversionary disposition of any criminal act, excluding minor traffic violations?

12. The Applicant answered "no" to this question. The Applicant failed to respond truthfully and accurately to the question. He failed to advise the Board that he pled guilty to and was convicted of theft charges in 2006 for which he was incarcerated.

13. The allegations as set forth in Paragraphs 1-12 would be grounds for discipline in Maryland and constitute a basis for denial of Applicant's license under H.O. §§ 4-315 (a)(1), (4), (16), (19) and (20).

14. The allegations as set forth in Paragraphs 1-12 indicate that the Applicant lacks good moral character and constitute grounds for denial of the Applicant's application for licensure under H.O. § 4-302.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant fails to meet the requirements for licensure under Md. Health Occ. Code Ann. § 4-302(b) (Supp. 2007) which provides that he applicant shall be of good moral character. The Board also concludes that the Applicant is in violation of Md. Health Occ. Code Ann. §§ 4-315 (a)(1), (4), (16), (19) and (20) (2005 & Supp. 2007) which provide:

H.O. § 4- 315. Denial, reprimands, probations, suspensions, and revocations –Grounds.

(a) License to practice dentistry. - Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice

dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (16) Behaves dishonorably or unprofessionally, or violates a professional code of ethics pertaining to the dentistry profession;
- (19) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and
- (20) Willfully makes or files a false report or record in the practice of dentistry.

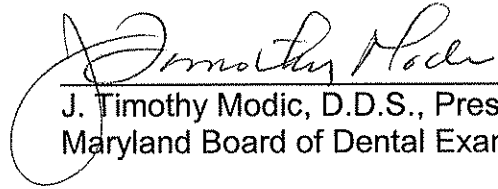
ORDER

Based on the foregoing Findings of Facts and Conclusions of Law, it is, by the majority of the Maryland Board of Dental Examiners hereby:

ORDERED that Azad M. Ally's Application for Licensure to practice dentistry in the State of Maryland be and hereby is **DENIED**; and be it further

ORDERED that this is a Final Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. State Govt. Code Ann. §§ 10-611, *et seq.* (2004 & Supp. 2007).

8/20/2008
Date



J. Timothy Modic, D.D.S., President
Maryland Board of Dental Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. § 4-319 (2005), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt this Final Order to Deny Application for Licensure to Practice Dentistry in the State of Maryland and shall be made as provided for judicial review of a final decision, in Md. State Govt. Code Ann. §§ 10-201, *et seq.* (2004 & Supp. 2007), and Title 7, Chapter 200 of the Maryland Rules.