



IN THE MATTER OF  
ALI A. AZIMA, M.D.

BEFORE THE  
COMMISSION ON  
MEDICAL DISCIPLINE

\* \* \* \* \*

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

PRELIMINARY STATEMENT

Based upon certain information coming to the attention of the Commission on Medical Discipline (the "Commission"), the Commission determined to charge Ali A. Azima, M.D. (the "Respondent") with violation of Section 4-504(22) of the Medical Practice Act, Health Occupations Article, Annotated Code of Maryland, in that he was subject to investigation or disciplinary action by a licensing or disciplinary authority of another state for an act which would be grounds for discipline under the Medical Practice Act, to wit: professional incompetence.

Appropriate notice of the charges and the grounds from which they arose, was given to Respondent by letter dated September 20, 1985. A hearing was held on June 30, 1987. The Commission members hearing the matter were: Hilary T. O'Herlihy, M.D., Chairman; Rose Mary Bonsack, M.D.; Claude D. Hill, M.D.; Reynaldo Lee-Llacer, M.D.; Christine J. Moore; and Ronald J. Taylor, M.D.; Alice Ike, Assistant Attorney General, was Administrative Prosecutor and the Respondent appeared without counsel. Joseph P. McCurdy, Jr., Assistant Attorney General, was counsel to the Commission.

FINDINGS OF FACT

Based upon the evidence produced at the hearing, the Commission finds that:

1. At all times relevant to this case, Respondent was a physician licensed to practice medicine in the State of Maryland;

2. On January 15, 1985 the Florida Board of Medical Examiners issued an order suspending Respondent's license to practice medicine in Florida and providing for a stay of the suspension and imposing conditions of probation.

3. That this action of the Florida Board was based upon a finding of fact that Respondent has violated Section 458.331(1) (t), Florida Statutes which states as a ground for discipline. "Gross or repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances."

4. The violation of the Florida Statute was based upon findings that he failed to send tissue specimens to a pathologist for examination after performing termination of pregnancy procedures on two patients; failed to determine the Rh factor of a patient and inserted an IUD into a patient without taking adequate precautions to ensure that the patient was not pregnant at the time of insertion.

5. That the act which gave rise to the order of the Florida Board of Medical Examiners would be grounds for discipline under the Medical Practice Act, to wit section 14-504(1), professional incompetence.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission finds that the Respondent violated Section 14-504(22) of the Medical Practice Act in that he was disciplined by the licensing and disciplinary authority of another state for an act which would be grounds for discipline under the Maryland Medical Practice Act.

#### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 3rd day of November, 1987, by a majority vote of those members of the Commission hearing this case, hereby

ORDERED that the license of the Respondent, Ali A. Azima, M.D., to practice medicine be SUSPENDED, and it is further

ORDERED that the Suspension be STAYED, upon the performance of the following conditions:

1. That the Respondent fully comply with the requirements of the Order of the Florida Board of Medical Examiners dated January 9, 1985 which are:

- a. That the Respondent make semi-annual appearances before the Florida Board of Medical Examiners for a period of three years from January 15, 1985;
- b. That the Respondent shall earn 50 hours of Category I continuing medical education annually from January 15, 1985 and continuing through the probationary period.


2. That the Respondent file with the Commission a certificate of the Florida Board of Medical Examiners that the Respondent has fully complied with its order of January 9, 1985.

3. That upon filing of the aforesaid certification, Respondent may petition the Commission for termination of this Suspension.

ORDERED that in the event that the Commission determines, after notice to the Respondent and an opportunity to be heard, that the Respondent has not complied with the conditions set forth herein, the Commission shall impose the Suspension and may proceed with such additional charges as the Commission deems appropriate, and it is further

ORDERED that a copy of this Order be filed with the Board of Medical Examiners in accordance with Section 14-507 of the Health Occupations Article of the Annotated Code of Maryland, and it is further

ORDERED that this is a final order and as such is considered a public document  
pursuant to State Government Article of the Annotated Code of Maryland, Section 10-611,  
et seq.

  
HILARY T. O'HERLIHY, M.D.  
Chairman  
Commission on Medical Discipline

BEFORE THE BOARD OF MEDICAL EXAMINERS  
Department of Professional Regulation

FILED

BOARD CLERK

DEPARTMENT OF PROFESSIONAL  
REGULATION,

CLERK *James Morgan*

Petitioner,

DATE *1/15/85*

vs.

EX: 2531

ALI A. AZIMA, M.D.,

DPR CASE NOS. 0034574,  
0014227, 0014657, 0014312,  
0018786  
DOAH CASE NO. 83-1205, 83-2589  
LICENSE NO. ME 20485

Respondent,

FINAL ORDER OF THE  
BOARD OF MEDICAL EXAMINERS

This cause came before the Board of Medical Examiners (Board) pursuant to Section 120.57(1)(b)(9), Florida Statutes, on December 1, 1984, in Miami, Florida for the purpose of considering the hearing officer's Recommended Order (a copy of which is attached hereto) in the above-styled cause. Petitioner, Department of Professional Regulation, was represented by William M. Furlow, Esquire; Respondent was present and represented by Bernard H. Dempsey, Jr., Esquire and Richard Lee Barrett.

Upon review of the recommended order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. The exceptions to the recommended Order filed by Respondent are rejected in that they would require the Board to reweigh the evidence presented. This the Board may not do. Wagner v. Department of Professional Regulation, 405 So.2d 471. In addition, the Board finds no reason to believe the hearing officer failed to consider any of the evidence presented.

2. The hearing officer's findings of fact are approved and adopted in toto and are incorporated by reference herein.

3. There is competent substantial evidence in the record to support the Board's findings of fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to the provision of Section 120.57(2), Florida Statutes, and Chapter 458, Florida Statutes.

2. The hearing officer's conclusions of law are approved and adopted in toto and are incorporated by reference herein.

3. There is competent substantial evidence in the record to support the Board's conclusions of law.

DISPOSITION

Upon a review of the complete record in this case, the Board determines that the penalty recommended by the hearing officer be altered. WHEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that:

1. Respondent's license to practice medicine in Florida shall be suspended for a period of one year, with the specific provision that in six months Respondent may request that the Board stay the second six months of the suspension.

2. Upon the termination or stay of the suspension, Respondent's license to practice medicine in Florida shall be placed on probation for a period of three years, subject to the term and condition that Respondent make semi-annual appearances before the Board.

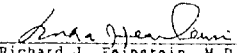
3. During the periods of suspension and probation,

Respondent shall earn fifty (50) hours of Category 1 continuing medical education annually. This Order takes effect upon filing.

Pursuant to Section 120.59, Florida Statutes, the parties are hereby notified that they may appeal this final order by filing one copy of a notice of appeal with the clerk of the agency and by filing the filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this order is filed, as provided in Chapter 120, Florida Statutes, and the Florida Rules of Appellate Procedure.

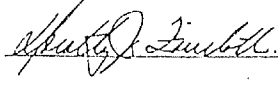
DONE AND ORDERED this 9 day of January, 1985.

BOARD OF MEDICAL EXAMINERS

  
Richard J. Feinstein, M.D.  
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Ali A. Azima, M.D., 542 Olean Blvd., Port Charlotte, Florida 33952 and Bernard H. Dempsey, Jr., Esquire and Richard Lee Barrett, Esquire, Suite 500, Day Building, 605 E. Robinson Street, Orlando, Florida 32801; by regular United States mail to Diane D. Tremor, Hearing Officer, Division of Administrative Hearings, Oakland Building, 2009 Apalachee Parkway, Tallahassee, Florida, 32301; and by hand delivery to William M. Furlow, Esquire, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32301, at 5pm this 16<sup>th</sup> day of January, 1985.





RECEIVED

16 DEC 94 10 38

BEFORE THE BOARD OF MEDICINE

DEPARTMENT OF  
PROFESSIONAL REGULATION  
PETITIONER

BOARD OF MEDICINE  
QUALITY IMPROVEMENT  
DOAH CASE NO. 85-1205, 83-2589  
DPR CASE NO. 0034574, 0014227,  
0014657, 0014312  
0018786

Ali A. Azima, M.D.  
RESPONDENT

ORDER OF TERMINATION

Upon review of the terms and conditions of the final order of the Board of Medicine rendered March 15, 1985 the documentation offered on behalf of Respondent, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED:

That Respondent completed his period of probation on March 14, 1989 and has complied with all terms of the Final Order rendered March 15, 1985.

DONE AND ORDERED this 23 day of Jan, 1989.

**FILED**  
Department of Professional Regulation  
AGENCY CLERK

[Signature]  
CLERK

DATE 3-27-89

BOARD OF MEDICINE

[Signature]  
Fuad S. Ashkar, M.D., Chairman,  
Board of Medicine

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Ali A. Azima, M.D., 21178 Ocean Blvd. #3, Port Charlotte, FL at or before 5:00 p.m., this 28 day of March, 1989.

[Signature]  
Executive Director, Board of  
Medicine

IN THE MATTER OF

ALI A. AZIMA, M.D.

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BEFORE THE

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5. That the act which gave rise to the order of the Florida Board of Medical Examiners would be grounds for discipline under the Medical Practice Act, to wit section 14-504(4), professional incompetence.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission finds that the Respondent violated Section 14-504(22) of the Medical Practice Act in that he was disciplined by the licensing and disciplinary authority of another state for an act which would be grounds for discipline under the Maryland Medical Practice Act.

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HILARY T. O'HERLIHY, M.D.  
Chairman  
Commission on Medical Discipline