

06-21-15

STATE OF TENNESSEE  
DEPARTMENT OF HEALTH

IN THE MATTER OF: )  
 )  
MUHAMMAD AJMAL, M.D. )  
PETITIONER )  
 )  
NASHVILLE, TN )  
 )  
PETITION FOR DECLARATORY )  
ORDER )

BEFORE THE TENNESSEE  
BOARD OF MEDICAL EXAMINERS

DOCKET NO.: 17.18-131733A

RECEIVED  
2015 JUN 19 PM 3:42  
SECRETARY OF STATE

NOTICE OF HEARING

Comes now the Department of Health, Division of Health Related Boards, by and through counsel and gives notice that a Petition for Declaratory Order filed on behalf of Muhammad Ajmal, M.D. (and attached hereto as Exhibit A) was granted by the Board from May to June 16, 2015 and referred for a contested case hearing, which shall be heard on July 22, 2015 at 10:00 a.m. or as soon thereafter as the Board may take this matter up. This case shall determine whether Dr. Ajmal ("Petitioner") qualifies for the issuance of his Tennessee medical license.

PREPARED BY:

Andrea Huddleston, BPR # 016155  
Office of General Counsel  
Deputy General Counsel  
665 Mainstream Drive  
Nashville, Tennessee 37243  
(615) 741-1611

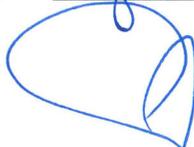
6-19-15  
DATE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon Muhammad Ajmal, M.D. by and through his attorney by delivering same in the United States certified mail number **7014 3490 0000 6657 7890** and United States mail with sufficient postage thereon to reach its destination.

Frank J. Scanlon  
Watkins & McNeilly, PLLC  
214 Second Avenue North, Ste 300  
Nashville, TN 37201

This 2nd day of June, 2015.

  
\_\_\_\_\_  
Andrea Huddleston  
Deputy General Counsel

**BEFORE THE TENNESSEE BOARD  
OF MEDICAL EXAMINERS**

IN THE MATTER OF: )  
 )  
MUHAMMAD AJMAL, M.D. )  
 )  
Petitioner. )  
 )

**PETITION FOR DECLARATORY ORDER**

1. **Petitioner's Name:** Muhammad Ajmal, M.D.  
**Address:** 1310 24<sup>th</sup> Avenue South  
Nashville, TN 37212  
**Telephone Number:** (615) 336-2806
  
2. **Petitioner's Attorney's Name:** Frank J. Scanlon, Esq.  
Watkins & McNeilly, PLLC  
214 Second Avenue North, Suite 300  
Nashville, TN 37201  
**Telephone Number:** (615) 255-2191  
Fax No.: (615) 242-0238  
[frank@watkinsmcneilly.com](mailto:frank@watkinsmcneilly.com)

3. **Organization, if any, that the Petitioner represents:**

None.

4. **Statement of facts which led to the filing of this petition, including facts necessary for the Board to make a decision in the matter.**

4.1 Dr. Ajmal filed an initial application for a license to practice medicine in the State of Tennessee with the Board of Medical Examiners ("Board") on April 1, 2014. He was subsequently requested by a letter dated May 13, 2014 to appear before the Board at its July 22, 2014 meeting. The stated purpose of the requested appearance was "Appear to have no US residency training and the ABMS Board does not recognize ABPS Board." A copy of the Board's May 13, 2014 letter requesting Dr. Ajmal to appear before the Board is attached hereto at **Tab # 1.**



4.2 Dr. Ajmal appeared before the Board as directed. At that time, Dr. Ajmal was advised his application, if submitted to the Board for a vote, would most likely be denied based upon his failure to demonstrate compliance with the Board's three (3) year residency program requirement for licensure. Specifically, it appeared Dr. Ajmal failed to meet the requirements of Tenn. Comp. R. & Regs. 0880-02-.04(5) requiring international medical school graduates to "submit evidence satisfactory to the Board of successful completion of a three (3) year residency program approved by the American Medical Association or its extant accreditation program for medical education or its successor." Further it did not appear that Dr. Ajmal met the alternative means "deemed" to satisfy the three (3) year residency program requirement, which is specialty board certification by a board recognized and a member of the American Board of Medical Specialties.

4.3 In order to avoid a potential denial of his application, Dr. Ajmal was allowed by the Board to withdraw his application. A copy of the Board's letter to Dr. Ajmal confirming the withdrawal of his application is attached hereto at **Tab # 2**.

4.4 Though not reflected in the Board's minutes for the July 22, 2014 meeting, the Board did advise Dr. Ajmal at that time of his option to file a Petition for Declaratory Order pursuant to T.C.A. § 4-5-223 and Tenn. Comp. R & Regs. 1200-10-01-.11 and demonstrate he in fact meets the three year residency program requirement of Tenn. Comp. R. & Regs. 0880-02-.04(5). In response thereto, Dr. Ajmal filed this Petition with the Board on [DATE]. Further, Dr. Ajmal filed a new application for a license to practice medicine in Tennessee on [DATE].

4.5 A careful review of the post-graduate medical training successfully completed by Dr. Ajmal clearly demonstrates that he has met or exceeds the residency requirement of Tenn. Comp. R. & Regs. 0880-02-.04(5). Specifically, Dr. Ajmal has successfully completed the following internship and residency programs:

4.5-A. General Surgery Residency-Ireland. The recognized Irish/British training program in a surgical specialty is composed of two distinct parts. The first part consists of twenty-four (24) months of general surgical training in the various surgical disciplines and successful completion of a highly competitive three-step written, oral and clinical examination conducted by the Royal College of Surgeons of Edinburgh. Upon successful completion of the training and examination, a physician is granted the status of Fellow of Royal College of Surgeons of Edinburgh. Dr. Ajmal successfully completed a thirty (30) month training program in June of 1996, which was six months longer than the required twenty-four (24) month program. A table summarizing this training and letters certifying the training are attached hereto at **Tab # 3**. Dr. Ajmal successfully completed the Fellowship examination in July of 1996 and was admitted to the Fellowship of the Royal College of Surgeons of Edinburgh in December of 1996. A copy of the Fellowship certificate is attached hereto at **Tab # 4**.

4.5-B. Orthopedic Residency Training, Ireland. Upon successful completion of the general surgical training and mandatory examination, Dr. Ajmal immediately began the five year residency training program in orthopedic surgery. The program consisted of a five year rotation in different hospitals across Ireland. This offered opportunities to meet, learn and acquire clinical/surgical skills from various mentors and educators in diverse settings and environments. With the exceptions of a six-month period of time from July 2000 to December 2000, Dr. Ajmal was continuously and actively engaged in the residency training from July 1996 through December of 2001. A table summarizing this residency training and letters certifying the training listed on the table are attached hereto at **Tab # 5**.

4.6 Upon completion of this residency training, Dr. Ajmal was eligible to take the oral and written exam for Specialty Certification by the Royal College in orthopedics. At the

time Dr. began his residency training, it was his intent to take the exams and become certified. However, by the time that Dr. Ajmal completed the residency training his career plans changed in favor of pursuing his medical career in the United States. Therefore, from the time he completed his residency in 2001 until coming to the United States in 2004, Dr. Ajmal devoted his time and efforts to preparing for the USMLE steps 1, 2, TOEFL, CSA and STEP 3. Also during this time he supported himself by working as a staff physician in various hospitals in Ireland.

4.7 Upon arriving in the United States in 2004, Dr. Ajmal began, and successfully completed, a series of three fellowships at various locations around the country:

4.7-A Sports Medicine Fellowship, Drexel University. From January 2004 through July 2004, Dr. Ajmal participated in a sports medicine fellowship at Graduate Hospital in Philadelphia, Pennsylvania sponsored by Drexel University Medical School. A copy of the certification of completion of the fellowship is attached hereto at **Tab. # 6**.

4.7-B Adult Reconstructive Surgery Fellowship, Lenox Hill Hospital. From January 2005 through July 2005, Dr. Ajmal participated in an adult reconstructive surgery fellowship at Lennox Hill Hospital in New York City. A copy of the certification of completion of the fellowship is attached hereto at **Tab. # 7**.

4.7-C Adult Reconstructive Surgery Fellowship, University of Minnesota. From July 2005 through July 2006, Dr. Ajmal participated in an adult reconstructive surgery fellowship sponsored by the Department of Orthopedic Surgery of the University of Minnesota. A copy of the certification of completion of the fellowship is attached hereto at **Tab. # 8**.

4.8 Beginning in July of 2006 and continuously up through the present date, Dr. Ajmal has served as an Orthopedic Surgeon, specializing in Adult Reconstructive Surgery, at the Veterans Affairs Medical Center in Nashville, Tennessee. Dr. Ajmal is also on the Vanderbilt Medical School teaching faculty as an Assistant Clinical Professor. Dr. Ajmal has trained numerous batches of Vanderbilt orthopedic residents over the last nine (9) years and many of them have been board certified.

4.9 Certification by the Royal College of Physicians and Surgeons of Canada in Orthopedic Surgery. In addition to meeting the three (3) year residency program requirement for licensure under Tenn. Comp. R. & Regs. 0880-02-.04(5), Dr. Ajmal has in fact met the alternative means deemed to satisfy the residency requirement of the rule, which is specialty board certification by a board recognized and a member of the American Board of Medical Specialties. In this regard, Dr. Ajmal was Board Certified in Orthopedic Surgery by The Royal College of Physicians and Surgeons of Canada on June 1, 2009. A copy of the certificate attesting to this certification is attached at **Tab # 9**. In granting this certification to Dr. Ajmal, the Royal College of Physicians and Surgeons relied upon Dr. Ajmal's training in Ireland. In this regard, please see the attached letter from the Royal College of Physicians and Surgeons of Canada to Dr. Ajmal dated March 7, 2006, a copy of which is attached hereto at **Tab # 10**.

**5. Relief Requested.**

Dr. Ajmal respectfully requests that the Board grant this Petition and convene a contested case hearing pursuant to T.C.A. § 4-5-223(a)(1). Dr. Ajmal further respectfully requests, that upon evidence presented during this contested case proceeding, the Board issue a declaratory order ruling that Dr. Ajmal in fact meets the three year residency program requirement of Tenn. Comp. R. & Regs. 0880-02-.04(5) and/or he is deemed to have met this requirement based upon

his specialty board certification in orthopedic surgery from the Royal College of Physicians and Surgeons of Canada.

**6. Citation to Statute, Rule or order that is the subject of this Petition.**

The rule of the Board that is the subject of this Petition is Tenn. Comp. R. & Regs. 0880-02-.04(5). This rule provides that international medical school graduates shall:

...submit evidence satisfactory to the Board of successful completion of a three (3) year residency program approved by the American Medical Association or its extant accreditation program for medical education or its successor. Such evidence shall include, but not be dispositive of this requirement, a notarized certificate of completion and a letter attesting to satisfactory completion issued by the director of the program which shows that the residency was completed in one (1) discipline. An applicant who holds a specialty board certification may be deemed to have completed the three (3) year residency requirement of this rule if the specialty board is recognized and is a member of the American Board of Medical Specialties.

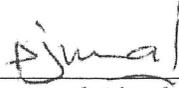
Tenn. Comp. R. & Regs. 0880-02-.04(5).

**7. State how the statute, rule or order cited above specifically and directly produces an effect or result upon you.**

Dr. Ajmal is affected by Tenn. Comp. R. & Regs. 0880-02-.04(5) in that his application for a license to practice medicine in the State of Tennessee was denied by the Board based solely upon his failure to meet the requirement of the rule with respect to completion of a three (3) year residency program or its deemed equivalent.

WHEREFORE, Dr. Ajmal respectfully requests that the Board grant this Petition and convene a contested case hearing pursuant to T.C.A. § 4-5-223(a)(1). Dr. Ajmal further respectfully requests, that upon evidence presented during this contested case proceeding, the Board issue a declaratory order ruling that Dr. Ajmal in fact meets the three year residency program requirement of Tenn. Comp. R. & Regs. 0880-02-.04(5) and/or he is deemed to have met this requirement based upon his specialty board certification in orthopedic surgery from the Royal College of Physicians and Surgeons of Canada.

Respectfully submitted,



Muhammad Ajmal, M.D. May 11, 2015



Frank J. Scanlon, Esq. BPR # 3588  
Watkins & McNeilly, PLLC  
214 Second Avenue North, suite 300  
Nashville, TN 37243  
(615) 255-2191  
Fax No.: (615) 242-0238  
[frank@watkinsmcneilly.com](mailto:frank@watkinsmcneilly.com)

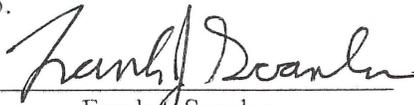
COUNSEL FOR THE PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been hand delivered to:

Andrea Huddleston, Deputy General Counsel  
Office of General Counsel  
Tennessee Department of Health  
665 Mainstream Drive, 2<sup>nd</sup> Floor  
Nashville, TN 37243

This 19<sup>th</sup> day of May, 2015.

  
Frank J. Scanlon