

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2170

JUL 30 2024

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY AMR MOHAMED, M.D., LICENSE NO. 45373, 780 ROSE STREET, MN564, LEXINGTON, KENTUCKY 40536-0298 **K.B.M.L.**

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel B, and Amr Mohamed, M.D. (“the licensee”), and, based upon their mutual desire to fully and finally resolve the investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order of Surrender:

1. At all relevant times, Amr Mohamed, M.D. (“the licensee”), was licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee’s medical specialty is nephrology.
3. In or around March 2023, the licensee’s hospital privileges at the University of Kentucky became suspended upon his indictment on criminal charges in *USA v. Mohamed*, Case No. 5:23-CR-24-KKC-EBA (US District Court, Eastern District of Kentucky, Central Division, Lexington).
4. On or about May 7, 2024, in *USA v. Mohamed*, Case No. 5:23-CR-24-KKC-EBA (US District Court, Eastern District of Kentucky, Central Division, Lexington), the licensee entered a plea of guilty to a felony in violation of 18 U.S.C. § 371, a kickback conspiracy, based upon the following admitted facts:
 - (a) [The licensee] was a licensed physician, with a specialty in nephrology, practicing in Lexington, Kentucky, in the Eastern District of Kentucky In addition to his nephrology

practice, [the licensee] worked for various telemedicine companies that arranged for physicians and other medical professionals to prescribe a variety of durable medical equipment, topical creams, and genetic testing for Medicare beneficiaries. Between March 2018 and April 2019, [the licensee] knowingly and willfully and agreed with the telemedicine company RediDoc L.L.C. ("RediDoc") to provide contracted physician telemedicine services to Medicare beneficiaries. Pursuant to the agreement with RediDoc, [the licensee] ordered medically unnecessary DME, topical creams, and genetic testing for Medicare beneficiaries, for which he received, on average, \$20 per beneficiary from RediDoc. The orders were medically unnecessary because [the licensee] did not have a bona fide physician-patient relationship with the beneficiaries, did not use the results of the testing in the treatment of the beneficiaries, and because he was being paid a kickback for each beneficiary.

- (b) Between March 2018 and April 2019, [the licensee] referred and ordered medically unnecessary DME, topical creams, and genetic testing to be billed to Medicare for more than seven thousand beneficiaries. For each of these beneficiaries, [the licensee] solicited and received a kickback in the form of monetary remuneration in return for ordering the test or other service. Between in or about March 2018 and April 2019, [the licensee] received \$261,054 in kickbacks from RediDoc for the ordering of DME, topical creams, and genetic testing for Medicare beneficiaries and caused Medicare to pay \$14,150,764.60 for medically unnecessary items.
 - (c) In furtherance of his agreement with RediDoc, on or about July 2, 2018, patient C.T., a resident of the Eastern District of Kentucky, received an unsolicited phone call informing her that she qualified for a program providing free medical braces. C.T. could not wear braces due to a skin condition and informed the caller not to send braces. On or about July 2, 2018, [the licensee] ordered medical braces for patient C.T., causing Medicare to be billed \$1,695.29. [the licensee] received \$20 from RediDoc for this order.
5. On or about May 7, 2024, the licensee was sentenced to a term of imprisonment for twenty-four (24) months, to be followed by a term of supervised release for three (3) years. In addition, the licensee was ordered to pay restitution of \$14,150,764.60.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order of Surrender:

- 1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.

2. Based upon the Stipulations of Fact, the licensee is in violation of the provisions of KRS 311.595(4) and (21). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Surrender.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Surrender.

AGREED ORDER OF SURRENDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve investigation, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

1. The licensee, Amr Mohamed, M.D., HEREBY SURRENDERS, in lieu of revocation, his license to practice medicine/osteopathy within the Commonwealth of Kentucky for an indefinite period of time, with that surrender to become effective immediately upon the date of filing of this Agreed Order of Surrender;
2. Following the effective date of surrender of his license, the licensee SHALL NOT engage in any act which would constitute the “practice of medicine or osteopathy” as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities – unless approved to do so by the Board;
3. The licensee SHALL NOT petition the Board for a license to again practice medicine/osteopathy in the Commonwealth unless and until:
 - a. At least two (2) years have passed from the date of entry of this Agreed Order of Surrender;
 - b. The licensee has satisfied all terms and conditions of judgment, including but not limited to any terms of imprisonment, probation, supervised release and restitution, entered against him in *USA v. Mohamed*, Case No. 5:23-CR-24-KKC-EBA (US District Court, Eastern District of Kentucky, Central Division, Lexington); and
4. If the licensee should in the future petition for a license to again practice medicine/osteopathy in the Commonwealth, he understands and agrees that the provisions of KRS 311.607 SHALL apply to said petition;

- a. The licensee understands and agrees that the burden SHALL be upon him to satisfy the Board that he is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine/osteopathy, without undue risk or danger to his patients or the public;
 - b. The licensee understands and agrees that the Board SHALL require him to successfully complete a Board-approved clinical skills assessment(s) and/or evaluation(s), at his expense, prior to considering his petition to resume the practice of medicine/osteopathy and to assist the Board in its consideration of the petition;
 - c. The licensee understands and agrees that the decision whether to permit him to resume the active practice of medicine/osteopathy lies within the sole discretion of the Board and that the Board shall not be required to allow him to resume the practice of medicine/osteopathy in the Commonwealth of Kentucky; and
 - d. The licensee understands and agrees that in the event that the Board should allow him to resume the active practice of medicine/osteopathy at any time in the future it SHALL do so conditioned upon the licensee entering into an agreed order pursuant to which he shall be under probation for a period of no less than two years nor more than five years, such that any subsequent violation during the probation period shall result in automatic revocation of license;
5. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order of Surrender, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Agreed Order of Surrender, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order of Surrender would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order of Surrender; and
6. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13) and may provide a legal basis for criminal prosecution for practicing medicine/osteopathy without a license.

SO AGREED on this Tuesday day of July 30, 2024.

FOR THE LICENSEE:

AMR MOHAMED

AMR MOHAMED, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:

DALE E. TONEY, M.D.

DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B

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