

November 04, 2016

Doctor returns to Michigan, faces lawsuits filed on behalf of children he treated



Jay Greene

Depositions are underway for a potential jury trial next year for Yasser Awaad, M.D., a pediatric neurologist formerly with **Oakwood Hospital and Medical Center** in Dearborn who is accused in a class action lawsuit of falsely diagnosing epilepsy in hundreds of children in Southeast Michigan in the mid-2000s.



Yasser Awaad

Awaad has been compared by the attorneys of the children and their families to **Farid Fata, M.D.**, the **Crittenton Hospital-**based oncologist who has been jailed and fined for health care fraud in misdiagnosing cancer patients.

Attorneys for Awaad and Oakwood have denied all allegations against the Egyptian-born doctor and have promised a vigorous defense against the lawsuits.

Awaad has not been charged with any crime, holds a full medical license in Michigan and is currently employed by **Beaumont Health** as a consultant. Awaad's attorney, Charles Fisher with Detroit-based **Kitch, Drutchas, Wagner, Valitutti & Sherbrook**, did not respond to two interview requests for comment. Beaumont issued a short statement to *Crain's* that confirmed Awaad's employment and refused further comment. Awaad's unusual journey from promising student to defendant began in medical school in Egypt in the 1970s, where at some point he decided he wanted to migrate to the U.S. to practice medicine.

In 1994, he received his state medical license and completed a one-year residency at **Detroit Medical Center's Children's Hospital of Michigan** and later negotiated a lucrative multiyear contract at Oakwood Hospital. After leaving Detroit in 2007 for the Middle East while allegations of poor patient care were swirling, then returning in 2014, Awaad's movements have many people scratching and shaking their heads.

Brian McKeen, managing partner of **McKeen & Associates**, is conducting the depositions of Awaad and is co-counsel to the families in the now 8-year-old class action lawsuit against Awaad.

Veteran plaintiff attorney McKeen told *Crain's* that Awaad, Beaumont and Oakwood have not been especially forthcoming in helping him and families understand what happened to their misdiagnosed children. He also said nobody has clearly

explained why Awaad returned to Detroit to take a six-figure salary first by Oakwood, and then by Beaumont, which restricts him from direct patient care.

"This guy came to Oakwood (in 2005), bragged about a huge practice in epilepsy at Children's Hospital and laid out an unrealistic plan to generate revenue," McKeen said.

"(Oakwood) put him in business with an incentive-laden contract tied to billing, and business shot through the roof." McKeen, who said more than 2,000 children were treated by Awaad during about a four-year period, is joined in the case by co-counsels who include Bruce Truex, Anthony Randazzo, Nate Finch, Nancy Savageau and David Dickinson. They represent 247 clients in the class action lawsuit.

"Every kid who came through the door was given a series of EEG (electroencephalogram) tests and diagnoses everybody (98 percent) as having epilepsy whether they had it or not," said McKeen, noting that some children suffered from seizures, other lesser medical issues or were just sleep deprived. An EEG tests for abnormal brain activity that is displayed by electrical brain wave patterns.

According to the class action lawsuit in **Wayne County Circuit Court**, Awaad advised hundreds of children they had epilepsy and needed to undergo a variety of unnecessary treatments and procedures, and many were prescribed strong anti-epileptic medicine with which they had negative side-effects. Specialists who have reviewed the cases have stated in sworn affidavits that they found some of Awaad's diagnoses and treatments to be dubious or unnecessary, according to the lawsuit.

Awaad's case has received broad media coverage over the years:

- In February 2006, Shana Reese was high school cheerleader who loved shopping and roller-skating with friends. Headaches started to slow her down. After two EEGs, Awaad diagnosed her with epilepsy and told her she couldn't drive, shouldn't go outside and had to quit cheerleading. She dropped from the school honor roll and was barely passing. Eventually, Reese saw other doctors and they diagnosed her headaches as caused by allergies, according to an article in *People magazine* in 2010.
- Kevin Patelczyk, now 30, was about 16 when he went to Awaad for episodes that included passing out, shaking and breaking out in cold sweats. Awaad ran an EEG and told him he had epilepsy. Over time, Patelczyk of Sterling Heights developed digestive problems and numbness and tingling in his fingers and toes. Depressed, he spent two weeks in a hospital psychiatric unit after taking an overdose of pills. He then went back to see Awaad, who told him he had a heart condition and discharged him as a patient, according to a *2014 report in the Detroit Free Press*.

Both are suing Awaad for false diagnosis and unnecessary treatment for epilepsy.

McKeen said he hopes Awaad goes on trial next fall. Meanwhile, discovery is underway, including three depositions so far of Awaad, others connected with the case and expert medical witnesses.

About Yasser Awaad

Yasser Awaad was born in Cairo, Egypt, in 1954. He graduated in 1978 from medical school at **Al-Azhar University**. He moved to the U.S., took required preresidency licensing tests, received his Michigan medical license in 1994, completed a one-year residency at DMC Children's Hospital and began private practice that included having medical staff privileges at **Detroit Medical Center**.

In 2005, Oakwood Hospital in Dearborn hired Awaad, giving him a \$250,000 base salary that swelled to more than \$600,000 as he hit patient volume incentive targets, according to Awaad's depositions and McKeen.

Awaad's contract rewarded him with 50 percent of medical billings once he got above a certain threshold, according to his deposition.

The patients and money were rolling in until March 2007, when patients received a letter from Awaad saying he would no longer be practicing at Oakwood.

Awaad said in a deposition that he then left Oakwood for a job in Saudi Arabia after the hospital system wanted to move him into a private practice model and he could not come to contract terms. It's unclear exactly why Awaad left Oakwood, although he gave several answers in his depositions.

In one deposition this year, Awaad was asked if there was any disharmony or problems at Oakwood just before he left. Awaad answered, "No." McKeen asked him several times about any problems he was aware of and Awaad continued to respond in the negative.

Under persistent questioning by McKeen, Awaad later acknowledged his office was raided by FBI agents, although he characterized it as a visit that his office manager handled. The FBI and other investigators seized boxes of patient files. Awaad also confirmed to McKeen that he filed a lawsuit against Oakwood for withholding \$400,000 due him for bonus and salary payments.

But he continued to deny there was any disharmony surrounding his employment at Oakwood.

Awaad repeated several times in depositions that he only left Michigan and the U.S. because he could not reach agreement with Oakwood on a contract. He implied he wanted to stay in Detroit and actively sought a contract, but when none was forthcoming in 2007 he had to take the job offer in Saudi Arabia to practice pediatric neurology at **King Fahad Medical Center**.

While Awaad was in Saudi Arabia, several things were happening back in Michigan.

First, the class action lawsuit was filed in July 2008 against Awaad and included Oakwood, **Great Lakes Pediatric Neurology** and **Oakwood Professional Billing**.

In 2009, a Michigan attorney general investigation into Medicaid fraud by Awaad resulted in Oakwood repaying the state \$309,140 for inappropriate billing.

In January 2012, the **Michigan State Board of Medicine** ordered Awaad to pay a \$10,000 fine and serve up to three years of license restrictions for misdiagnosing epilepsy in four children and giving them anti-seizure drugs they didn't need.

The fine was part of a consent agreement between Awaad, the Michigan Attorney General's Office and the state **Board of Medicine**.

However, the agreement concluded: "There is no evidence in the record that any of the children referred to in the complaint suffered physical harm due to the misreading and medication." In a statement in 2014 to the *Free Press*, Oakwood denied wrongdoing and said no children were harmed in Awaad's care.

"We recognize how distressing it is for parents to have questions about the diagnosis and treatment of their children, and we take the claims and concerns brought forward by the former patients of Dr. Yasser Awaad and their families seriously," **Oakwood said in the statement**.

Oakwood concluded: "We continue to believe, based on our analysis, the children were cared for and treated appropriately."

On the lawsuits with Awaad, Oakwood said they were "purely a contractual dispute and had absolutely nothing to do with the overall quality of care or services he provided to his patients."

Awaad returns to Michigan

Awaad returned to Michigan sometime in 2014, when he was first hired back by Oakwood on Sept. 8, 2014, at a salary of \$100,000 per year. He said in depositions that his sole task with Oakwood was to take training courses in EEG reading, which had been required under probation to remove restrictions from his state medical license.

Then, after completion of the EEG courses, on Sept. 5, 2015, Awaad signed a two-year employment agreement with Beaumont Health at \$260,000 per year. The year before, Beaumont Health had completed its merger with Oakwood and **Botsford Hospital** to form an eight-hospital system. In a Sept. 12 deposition, Awaad confirmed he is employed by Beaumont in Royal Oak as a consultant on curriculum and education.

Awaad also confirmed he is not practicing medicine or seeing patients and does not have medical staff privileges at Beaumont. He has a visitor's medical staff privilege at **Beaumont Hospital - Wayne** that entitles him to use the medical library and attend meetings.

He said in depositions that he is unaware if Beaumont knew of medical malpractice lawsuits filed against him and confirmed he did not tell Beaumont about any lawsuits when he was employed by Oakwood.

In a statement Friday, Beaumont said the following: "The litigation involving Dr. Yasser Awaad dates back to 2007. We cannot comment on the specifics of the case because it is pending litigation involving Oakwood Healthcare, one of the founding organizations of Beaumont Health. Dr. Awaad was employed by Oakwood Healthcare, and is now employed by Beaumont Health developing medical educational materials and curriculum for residents and medical students in pediatric neurology."

Dickinson said he believes it is logical to conclude that Beaumont knew about the lawsuits, the fraud investigation, the medical license action taken against Awaad before they hired him because Beaumont now is the parent organization of

Oakwood. McKeen said Beaumont is now the responsible party for Awaad's actions and is seeking to protect him.

Policies sometimes shield bad physicians, lawyer says

McKeen said he doesn't know yet why Beaumont rehired Awaad because hospitals are shielded from most legal discovery requests based on medical peer review protections and the confidential nature of the physician-hospital relationship. Dickinson said Beaumont has only provided, so far, the plaintiffs with Awaad's contract.

"What we know is after Oakwood got wind of (problems), they (parted company), he sued them, they counter-sued and they settled the case without prejudice," McKeen said. In legal terms, "without prejudice" means both parties agree to set aside the issues in a case but reserve the right to sue each other later.

"(Awaad) leaves for the Middle East, then comes back and the parent corporation of Oakwood, Beaumont, gives him a job," he said. "He is a consultant on curriculum and education. They don't let him treat patients. They know about it. But they are given the shield of peer review, and it is difficult to find out what they knew."

McKeen said most physicians are great professionals devoted to providing stellar patient care.

"There are bad apples out there willing to victimize children and adults with unnecessary treatments for their personal greed," McKeen said. "Hospitals are responsible to make sure their patients are not abused. Hospitals have a responsibility to the public to weed out these bad apples and make sure patients receive good care."

Dickinson said hospitals often shield bad doctors by hiding

behind the confidential nature of medical peer review, an internal process by which a committee of physicians examines the work of a peer and determines whether the physician under review has met or not met accepted standards of medical care.

"That was the problem with the Fata case. Nobody could talk about it," so nobody knew until an office whistleblower came forward, Dickinson said. "I don't think I have seen but one or two cases where a physician lost privileges for poor patient care."

McKeen said he believes hospital policies need to change. "Hospitals protect bad doctors because it can be a business gain," McKeen said. "We will see more (bad doctors) if the system continues and real internal self-policing and checks and balances don't occur."