

AGENDA
CONNECTICUT MEDICAL EXAMINING BOARD
Tuesday, April 21, 2020 at 1:30 PM

Department of Public Health
410 Capitol Avenue, Hartford Connecticut
Third Floor Hearing Room

CALL TO ORDER

I. APPROVAL OF MINUTES

March 17, 2020

II. OPEN FORUM

III. UPDATES

- A. Chair Updates
- B. DPH Updates

IV. NEW BUSINESS

- A. Review of License Reinstatement Application
Presented by Celeste Dowdell, License and Applications Analyst
 - Etyna Barnea, MD
- B. Proposed Memorandum of Decision
Kakara Gyambibi, MD - Petition No. 2017-160
- C. Request for License Reinstatement Hearing
Nami Bayan, MD - Petition No. 2018-673

V. OFFICE OF LEGAL COMPLIANCE

- A. Michael Kelly, MD - Petition No. 2018-590
Presentation of Consent Order - Presented by Brittany Allen, Staff Attorney, DPH
- B. Enrique Tello-Silva, MD - Petition No. 2018-1401
Presentation of Consent Order - Presented by David Tilles, Staff Attorney, DPH
- C. Vineeta Jha Pathak, MD - Petition No. 2019-1223
Motion to Withdraw Statement of Charges - Presented by David Tilles, Staff Attorney, DPH

ADJOURN

This meeting will be held by telephone conference.
The call in number for the meeting is 1-877-653-5974. The passcode is 10619990.

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

**CONNECTICUT MEDICAL EXAMINING BOARD MINUTES
of March 17, 2020**

The Connecticut Medical Examining Board held a meeting on Tuesday, March 17, 2020 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut in the third floor Hearing Room.

BOARD MEMBERS PRESENT:

Kathryn Emmett, Esq., Chairperson – *via phone*
Raymond Andrews, Jr., Esq. – *via phone*
Carol Ekonomides, PA – *via phone*
Marie C. Eugene, DO – *via phone*
Robert Green, MD – *via phone*
Michele Jacklin – *via phone*
Shawn London, MD – *via phone*
Brimal Patel, MD – *via phone*
Jean Rexford – *via phone*
Daniel Rissi, MD – *via phone*
Harold Sauer, MD – *via phone*
David Schwindt, MD – *via phone*
Andrew Yuan, DO – *via phone*

BOARD MEMBERS ABSENT:

Allyson Duffy, MD
Edward McAnaney, Esq.
Marilyn Katz, MD
C. Steven Wolf, MD
Peter Zeman, MD

Ms. Emmett called the meeting to order at 1:33 p.m.

I. MINUTES

The draft minutes of the January 21, 2019 meeting were reviewed. Dr. Sauer made a motion, seconded by Dr. Green to approve the minutes. The motion passed with all in favor except Dr. Eugene who abstained.

II. OPEN FORUM

None

III. UPDATES

A. Chair Updates

- Monthly tracking of pending cases.
- Hearing assignments.

B. Department of Public Health

None.

IV. NEW BUSINESS

A. Christopher Remakus, MD – Review of License Reinstatement Application

Celeste Dowdell, License and Applications Analyst, Department of Public Health presented a license reinstatement application for Christopher Remakus, MD.

Ms. Jacklin made a motion, seconded by Dr. Patel, recommending that Dr. Remakus' license reinstatement be approved. The motion passed unanimously.

B. Randi Tomasulo, MD – Review of License Reinstatement Application

Celeste Dowdell, License and Applications Analyst, Department of Public Health presented a license reinstatement application for Randi Tomasulo, MD.

Ms. Jacklin made a motion, seconded by Dr. Patel, recommending that Dr. Tomasulo's license reinstatement be approved. The motion passed unanimously.

V. MOTION FOR SUMMARY SUSPENSION

A. Vineeta Jha Pathak, MD - Petition No. 2019-1223

David Tilles, Staff Attorney, Department of Public Health, presented a Motion for Summary Suspension in the matter of Vineeta Jha Pathak, MD. Respondent was present by telephone but was not represented. Assistant Attorney General Daniel Shapiro was present by telephone to provide counsel to the Board. Attorney Tilles provided information in support of the Motion for Summary Suspension. Dr. Pathak also addressed the Board.

Dr. Green made a motion, seconded by Dr. Patel, to grant the motion for Summary Suspension because respondent's continued practice of medicine represents a clear and immediate danger to public health and safety. The motion passed unanimously.

The hearing panelists in this matter will be Dr. Green, Mr. Andrews and Ms. Rexford. The hearing will be scheduled for March 30, 2020.

VI. OFFICE OF LEGAL COMPLIANCE

A. Robert Lussier, MD - Petition No. 2018-499

Staff Attorney Linda Fazzina, Department of Public Health, presented a Consent Order in this matter. Respondent was not present and was not represented by counsel.

Dr Patel made a motion, seconded by Ms. Ekonomides that this matter be tabled for presentation of additional information. The motion passed unanimously.

B. Megan McCusker, MD - Petition No. 2019-862

Staff Attorney Linda Fazzina, Department of Public Health, presented a Consent Order in this matter. Respondent was present by telephone with Attorney Benjamin Jensen.

Dr. Rissi made a motion, seconded by Dr. Patel, to adopt the Consent Order as written. The motion passed with all in favor except Dr, Green and Ms. Jacklin. The Order imposes a \$1,000.00 civil penalty.

C. Stephen Zebrowski, MD - Petition No. 2019-278

Staff Attorney Linda Fazzina, Department of Public Health, presented a Consent Order in this matter. Attorney Jonathan Kocienda was present by telephone on behalf of respondent.

Dr. Green made a motion, seconded by Dr. Sauer, to adopt the Consent Order as written. The motion passed unanimously. The Order imposes a reprimand and a four month probation.

D. William Biles, MD - Petition No. 2018-1259

Staff Attorney David Tilles, Department of Public Health, presented a Consent Order in this matter. Attorney Neil Mosco was present by telephone on behalf of respondent.

Dr. Green made a motion, seconded by Dr. Patel, to adopt the Consent Order as written. The motion passed with all in favor except Ms. Ekonomides who abstained. The Order imposes a reprimand and probation for a period of two years.

E. Jorge Cruz (Unlicensed) - Petition No. 2018-293

Staff Attorney David Tilles, Department of Public Health, presented a Cease and Desist Consent Order in this matter.

Respondent was not present and was not represented by counsel.

Dr. Green made a motion, seconded by Dr. Patel, to adopt the Consent Order as written. The motion passed unanimously. The Order prohibits respondent from practicing medicine until properly licensed.

VII. ADJOURNMENT

As there was no further business, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,
Kathryn Emmett, Esq., Chairperson

**CONNECTICUT MEDICAL EXAMINING BOARD
PENDING CASES**

FYI

As of 4/21/2020

Case Name	Case Opened by DPH	Referred to Office of Legal Compliance	Statement of Charges Signed	Notice of Hearing	First Hearing Date	Last Hearing Date	Fact Finding	Draft MOD to AAG	Draft MOD returned from AAG	Days Pending Since SOC Signed	Current Status
Kakra Gyambibi, MD	02/07/2017	06/28/2018	12/07/2018	05/14/2019	12/03/2019	12/10/2019	12/10/2019			501	Proposed Decision 4-21-2020
Richard Kravitz, MD	08/10/2018	06/17/2019	11/26/2019							147	Hearing Panel Needed
Nimrod Lavi, MD	05/11/2016	02/02/2018	05/07/2018	07/02/2018	07/08/2019	2/13/2020				715	Hearing to be rescheduled
Murray Wellner, MD	10/04/2018	8/29/2019	12/20/2019							123	Prehearing Review Requested
Paul Willette	10/24/2019	06/08/2018	10/25/2018	01/30/2019						544	Hearing continued at Respondent's requests Hearing rescheduled to June 16, 2020
Yuting Xiong, MD	1/15/2016		12/06/2019	01/03/2020						137	Hearing to be rescheduled

CONNECTICUT MEDICAL EXAMINING BOARD
HEARING ASSIGNMENTS

All hearings begin at 9:00 a.m. unless otherwise noted

<u>BOARD MEMBER</u>	<u>CASE NAME</u>	<u>HEARING DATE</u>
<u>Kathryn Emmett, Esq.</u>	Kakra Gyambibi, MD	Proposed Decision 4-21-2020
<u>Raymond Andrews, Jr.</u>		
<u>Allyson Duffy, MD</u>		
<u>Carol Ekonomides, PA</u>		
<u>Marie Eugene, DO</u>		
<u>Robert Green, MD</u>	Paul Willette, MD Kakra Gyambibi, MD	06/16/2020 - 9:00 a.m. Proposed Decision 4-21-2020
<u>Michele Jacklin</u>	Yuting Xiong, MD	to be rescheduled
<u>Marilyn Katz, MD</u>	Kakra Gyambibi, MD	Proposed Decision 4-21-2020
<u>Shawn London, MD</u>		
<u>Edward McAnaney</u>	Nimrod Lavi, MD Paul Willette, MD	to be rescheduled. 06/16/2020 9:00 a.m.
<u>Brimal Patel, MD</u>		
<u>Jean Rexford</u>		
<u>Daniel Rissi, MD</u>	Nimrod Lavi, MD Paul Willette, MD Yuting Xiong, MD	to be rescheduled 06/16/2020 - 9:00 a.m. to be rescheduled.
<u>Harold Sauer, MD</u>	Xuting Xiong, MD	to be rescheduled
<u>David Schwindt, MD</u>		
<u>C. Steven Wolf, MD</u>		
<u>Andrew Yuan, DO</u>		
<u>Peter Zeman, MD</u>	Nimrod Lavi, MD	to be rescheduled.

TO: Connecticut Medical Examining Board

FROM: Celeste Dowdell
Licensing Applications Analyst
Practitioner Licensing and Investigations Section

RE: Eytan Barnea, MD

Dr. Barnea is an applicant for Connecticut physician licensure reinstatement. He meets all the requirements for reinstatement except he has been out of active practice since June 2018.

Applicants who have been out of active clinical practice longer than six (6) months are reviewed by the Connecticut Medical Examining Board. The CMEB could require applicants who have been out of active clinical practice for longer than two years to complete the Federation of State Medical Board's Special Purpose Examination (SPEX).

Please accept the following as a summary of the documentation submitted in support of Dr. Barnea's application.

Medical Education: Università degli Studi di Milano Facoltà di Medicina e Chirurgia-Italy, 1976

Federation Licensing Exam: completed and passed

Post Graduate Training Completed:

06/01/77-06/30/78: Presbyterian Hospital, PA- Internal Medicine Intern

07/01/78-06/30/79: McGill University Health Center- Canada – OB/GYN Residency

07/01/79-06/30/81: Yale New Haven Medical Center- OB/GYN Residency

07/01/81-06/30/83: Reproductive Endocrine/ OB/GYN Fellowship

Dr. Barnea is currently licensed in New York, New Jersey and Florida and previously held a license in Pennsylvania

There is no history of discipline against these licenses.

CT license issued 7/14/1980 expired 5/31/1992

Dr. Barnea was board certified in Obstetrics and Gynecology in 1989 as well as Reproductive Endocrinology in 1989

Activities since License expired: statement attached

Eytan R. BARNEA, MD FACOG

Obstetrician & Gynecologist – Reproductive Endocrinologist

140 East 40th Street* New York, NY 10016-1701*Eytan.Barnea@gmail.com*856.2963703.

**To the Connecticut Medical Board
Re Recertification License # 22270**

February 1st, 2020

Dear Madam or Sir

I originally received my CT medical license for my medical training at Yale – where I was posted for 8 years of senior residency, fellowship and Assistant Professor. Prior to the last 3 years – during which I paused my direct clinical activities - I was for the last 25 years clinician, hospital medical staff and director of the high-risk medical facility at CAMcare in New Jersey. As clinician, I performed office visits, followed high risk pregnancies, followed fertility patients, performed over 4000 deliveries including over 600 C-Sections, performed ultrasounds, ~1000 surgeries including microsurgery. I pride myself for having seen 4000 visits a year. In short, a fully rounded circle of ObGyn and Repro Endo clinical activities.

At this point I plan to return to performing clinical activities, because I know I can continue to better patients' lives.

Three years ago, I was called to put my discovery of PIF to its' route from idea, to leading multicenter preclinical research to following successful Phase 1, FDA-approved, FAST-TRACK awarded successful clinical trial. PIF is a determining factor in pregnancy success and in general, immune modulation and transplant acceptance. Having succeeded this, at this point a technical product development team now takes over to advance the PIF product to market.

Throughout the years, including the last 3 years, I vigorously pursued bettering patient care. In 2015 after giving an opening plenary at FIGO (Int'l Federation of Gynecologists) in front of eleven thousand gynecologists attendees, I was elected, and in 2018 again re-elected to FIGO's safe motherhood newborn health (SMNH) committee, participating and lending my clinical expertise to set policies in this field. I actively participate in setting world-wide policies and co-authored position papers regarding clinical ObGyn care. (* see list at this letter's end)

Continually, my expertise brings me to giving plenaries and opening plenaries at universities and conferences on bettering patient care. Within this month I give rounds at NYU and opening plenary at the international society of gynecological endocrinology (ISGE).

However, I miss the deep connection I had for 40 years with patients, and I modestly believe that I can continue to bring better direct care to patients. I never intended to leave the clinical profession – I am deeply connected to it - I just had a calling for this detour, given my discovery.

As testimony, you can constate that I dutifully renewed my double board certification Obstetrics& Gynecology and Reproductive Endocrinology with all its requirements every single year. As a matter of

fact, you can access my records and constate that my scores in each and every yearly examination were high – testimony of my dedication to bringing the most up-to-date knowledge and applying it to patient care. Similarly, to my double board certification, my license renewal requiring CME courses, where again I received high scores. I intend to continue these recertification/licensing processes since I firmly intend to continue my clinical activity. Of importance as well, I have a clean malpractice roster, despite the heavy load of high-risk patients.

I respectfully request my CT license to be reinstated. I am presented with an opportunity to use my competence and expertise for patients who could benefit. I believe that my skills and knowledge are current for the task. I thank you for a speedy decision.

Respectfully submitted.



Eytan R. Barnea, MD, FACOG

Obstetrician, Gynecologist and Reproductive Endocrinologist

Founder

• **Biolncept, LLC**

Founder & Chairman

S.I.E.P. The Society for the Investigation of Early Pregnancy

Elected Member

S.M.N.H. Safe Motherhood Newborn Health Committee of the
F.I.G.O. International Federation of Gynecologists and Obstetricians

Cell: 856-296-3703

barnea@earlypregnancy.org eytan.barnea@gmail.com

[Barnea Scientific Bibliography –PubMed](#)

FIGO POSITION PAPERS

Gerard H.A. Visser, Diogo Ayres-de-Campos, **Eytan R. Barnea**, Luc de Bernis, Gian Carlo Di Renzo, Maria Fernanda Escobar Vidarte, Isabel Lloyd, Anwar H. Nassar, Wanda Nicholson, P.K. Shah, William Stones, Luming Sun, Gerhard B. Theron, Salimah Walani, (2018) How to stop the Caesarean section Epidemic: FIGO Position. **FIGO Position Paper. The Lancet**. 2018 Oct 13;392(10155):1286-1287. doi: 10.1016/S0140-6736(18)32113-5.

Cont'd next page

FIGO Position Papers. Cont'd

William Stones, Gerard H.A. Visser, Gerhard Theron, FIGO SMNH committee members - *Eytan R. Barnea*. (2019) FIGO Statement: Staffing-requirements for delivery special reference to low- and middle-income countries. *Int J Gynaecol Obstet*. 2019 Jul;146(1):3-7. doi: 10.1002/ijgo.12815. Epub 2019 Apr 12. PubMed PMID: 30927443.

Gerard Visser, William Stones, Anwar Nassar, FIGO SMNH committee members - *Eytan R Barnea* (2019) Editorial: Framework for safe delivery: A call for action. *Int J Ob/Gyn* FIGO DOI 10.1002/igo.12840 2019.

Gerard H.A. Visser, Gian Carlo Di Renzo, Steven L Spitalnik, FIGO SMNH Committee members *Eytan R. Barnea* (2019). The continuing burden of Rh disease 50 years after the introduction of anti-Rh(D) immunoglobulin prophylaxis: call to action *AJOG* doi.org/10.1016/J.ajog.2019.05019.

Anwar H. Nassar, Gerard H.A. Visser, Diogo Ayres-de-Campos, Ajay Rane, Sandhya Gupta, FIGO SMNH committee members - *Eytan R Barnea*. (2019) FIGO Statement: Restrictive use rather than routine use of episiotomy. *Int J Ob/Gyn*, 2019. Jul;146(1):17-19. doi: 10.1002/ijgo.12843. Epub 2019 May 23. PubMed PMID: 31058312.

Ayres-de-Campos D, Stones W, Theron G; FIGO Safe Motherhood and Newborn Health Committee members. *Eytan R Barnea*. Affordable and low-maintenance obstetric devices. *Int J Gynaecol Obstet*. 2019 Jul;146(1):25-28. doi: 10.1002/ijgo.12838. Epub 2019 May 25. PubMed PMID: 31055829.

Ayres-de-Campos D, Stones W, Theron G; FIGO Safe Motherhood and Newborn Health Committee members. *Eytan R. Barnea*. Affordable and low-maintenance obstetric devices. *Int J Gynaecol Obstet*. 2019 Jul;146(1):25-28. doi: 10.1002/ijgo.12838. Epub 2019 May 25. PubMed PMID: 31055829.

Langenegger EJ, Theron GB, Hall DR, Bello C, Escobar Vidarte MF; FIGO Committee for Safe Motherhood and Newborn Health Committee members. *Eytan R. Barnea*. A blueprint to establish a four-bed obstetric critical care unit in the labor ward of a central hospital. *Int J Gynaecol Obstet*. 2019 Jul;146(1):29-35. doi: 10.1002/ijgo.12828. Epub 2019 May 15. PubMed PMID: 31017650.

*



Medical Staff Services
1 Federal St, Suite 200
Camden, NJ 08103
Tel: 856-382-6631

March 12, 2020

Connecticut Department of Public Health
Attn: Physician Licensure
410 Capitol Avenue, MS# 12 APP
P.O. Box 340308
Hartford, CT 06134
Email: Dph.healingarts@ct.gov

RE: Eytan Barnea, M.D.

STAFF CATEGORY: Active

DIVISION: OB/GYN

APPOINTMENT DATE: 07/11/1995*

LAST REAPPOINTMENT DATE: 07/01/2016

RESIGNATION DATE: 04/17/2018

*Cooper's electronic database implemented in 1995 does not reflect start dates for practitioners prior to 1995.

To Whom It May Concern:

This is written in response to your query on the above named practitioner.

Continued membership on the Cooper University Hospital Medical Staff is contingent upon compliance with the Bylaws, Policies and Procedures of the Medical Staff. Areas evaluated at the time of reappointment include basic medical knowledge, professional judgment, sense of responsibility, ethical conduct, clinical competence, cooperativeness, medical record completion, patient management, practitioner-patient relationship and participation in departmental activities.

In addition, the results of quality assurance findings are considered. Clinical privileges are reviewed at each reappointment and are granted within the scope of the practitioner's training/experience.

Cooper University Hospital is accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and meets Joint Commission standards on appointment and reappointment.

No restrictions or disciplinary actions were initiated against this practitioner while he was on staff.

If you need additional information please contact Medical Staff Office: 856-382-6625.

Sincerely,

A handwritten signature in cursive script that reads 'Rolinda Stevens'.

Rolinda Stevens
Director Medical Staff Services

November 15, 2019

ABO+G

Maintenance of Certification
American Board of Obstetrics and Gynecology
2915 Vine Street
Dallas, TX 75204
Phone: (214) 721-7510
Fax: (214) 871-1943

Eytan Robert Barnea, M.D.
140 East 40th Street
Apt 11E
New York, NY 10016
ABOG ID:

Dear Doctor Barnea,

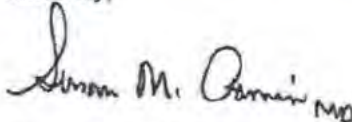
Congratulations! We are pleased to inform you that you have satisfactorily completed your 2019 Maintenance of Certification (MOC) assignments.

As of the date of this letter, you have earned 25 AMA PRA Category 1 Credits™ for completing the 2019 MOC requirements. Your CMEs will be awarded by the American College of Obstetricians and Gynecologists. You should have already received your 2019 MOC label insert. If you have not, please contact the MOC Division at MOC@abog.org.

Your certification in Obstetrics and Gynecology and Reproductive Endocrinology and Infertility is valid through 12/31/2020. The ABOG MOC program is a continuous process, and to maintain your certification, you must apply and participate each year. The application for next year's program will be available through your ABOG Member Login page beginning in January 2020.

Please use this letter to provide documentation of your current 2019 ABOG certification for your hospital(s). Thank you for your continued participation in MOC.

Sincerely,



Susan M. Ramin, M.D.
Associate Executive Director

SMR

A998717

EYTAN R. BARNEA, MD, FACOG
Obstetrician & Gynecologist / Reproductive Endocrinologist

140 East 40th Street #11E, New York, NY 10016 USA

Tel. (212) 697-0825; Cell. (856) 2963703 Email: Barnea@earlyPregnancy.org; Eytan.Barnea@bioincept.com

ADMINISTRATIVE, CLINICAL, ACADEMIC & RESEARCH RESPONSIBILITIES

- 2006 -Present **BioIncept, LLC**
Discoverer of PIF, Founder.— Biotechnology entity created for and pursuing PIF development from bench-to-clinic. PIF is a fundamental, evolutionarily conserved compound with immune modulatory, inflammation regulating and transplant acceptance pleiotropic characteristics. Completed Phase 1 first-in-human clinical trial showing safety. Preparing clinical approval with Animal Rule and parallel Phase 2 clinical trials in the US and abroad. FDA awarded PIF Fast-Track status and imparted Orphan Drug Designation(s).
- 1990 -Present **The Society for the Investigation of Early Pregnancy (SIEP)**
Founder and Chairman—research international entity
Non-profit research organization dedicated to exploring early pregnancy and its cross-specialty clinical implications/applications. SIEP helps advance the understanding and ability to diagnose and treat early pregnancy disorders, immune, transplant and cancer conditions.
- 2012 **ISIR. Kiril Bratanov Award and Medal for Contribution to the Development of the Advancement of Reproductive Immunology.** International Coordination Committee for Immunology of Reproduction. *13th International Symposium for Immunology and Reproduction*
- 2016 **FIGO (International Federation of Gynecology and Obstetrics)**
Elected Member of SMNH - Committee for Safe Motherhood and Newborn Health (re-elected 2018)
Plenary Lecturer at the Annual FIGO 2018 Meeting: PIF presentation at the Markuu Sepala Lecture
- 06/1994 -12/2016 **CAMcare Health Organization, Cooper Plaza, Camden, NJ**
Department of Obstetrics, Gynecology and Reproduction
- Director / Senior Consultant of Obstetrics, Gynecology and Reproduction (1994-2016)
 - Clinical Associate Professor of Obstetrics, Gynecology and Reproductive Sciences University of Medicine and Dentistry of New Jersey, Robert Wood Johnson Medical School (UMDNJ/RWJMS) (99-2013). Cooper hospital switched affiliation to Rowan Medical School
 - Responsible "CIRCLE OF CARE PROGRAM" NJ Dept of Health sponsored program to reduce teenage pregnancy (95-98)
 - Ob&Gyn and Reproduction - Active Medical Staff, Cooper Health University Medical Center (91-)
- 06/1991 – 06/1994 **Cooper Health System / University Medical Center, UMDNJ/RWJMS**
Department of Obstetrics & Gynecology, Cooper Plaza, Camden, NJ
- Associate Clinical Professor of Ob&Gyn and Reproductive Sciences (1999-2013)
 - Head: Division of Research (1992-1994) Reproductive Endocrinologist
 - Founder and Director: Reproductive and Cancer Biology Unit
- 06/1985 – 06/1991 **Technion Medical School, Rambam Medical Center, Haifa, Israel**
Department of Obstetrics and Gynecology & Rappaport Research Institute
- Visiting Faculty - Lady Davis Award (1985-1987) – Reproductive Endocrinologist (1985-1991)
 - Founder and Director: The Feto-Placental Endocrine Unit (1987-1991)
- 07/1980 – 06/1985 **Yale University School of Medicine, New Haven, CT**
Yale-New Haven Hospital, Department of Obstetrics and Gynecology
- Assistant Clinical Professor (84-86) - IVF Program Team (1981-1985)
 - Director, Male Infertility Clinic (82-83) - Director, Sterling Clinic (1984-1985)
 - Associate Research Scientist (83-84) - Reproductive Endocrinologist (1983-1986)

POSTGRADUATE TRAINING

06/1983 – 06/1984	<i>Reproductive Endocrine Clinical Fellowship</i> - Department of Obstetrics and Gynecology, Division of Reproductive Endocrinology, Yale-New Haven Hospital, Yale University, CT
07/1981 -06/1983	<i>Reproductive Endocrine Research Fellowship (NIH)</i> Department of Obstetrics and Gynecology, Division of Reproductive Endocrinology, Yale-New Haven Hospital, Yale University, CT
07/1979 – 06/1981	<i>Ob&Gyn Senior Resident and Chief Resident</i> – Department of Obstetrics and Gynecology, Yale-New Haven Hospital, Yale University, CT
07/1978 -06/1979	<i>Ob&Gyn Resident</i> - Department of Obstetrics and Gynecology, Royal Victoria Hospital, McGill University, Montreal, Canada
06/1977 – 06/1978	<i>Intern (Rotating)</i> - Presbyterian Hospital, University of Pennsylvania, PA
09/1976 – 06/1977	<i>Endocrine Research</i> - Hadassah Ein Karem Hospital, Hebrew University Tel-Hashomer Hospital, Tel Aviv University, Israel

GRADUATE & UNDERGRADUATE EDUCATION

1973 - 1976	University of Milan Medical School, Italy; <i>M.D., Cum Laude</i>
1970 - 1973	University of Bologna Medical School, Italy
1964 - 1967	Biology and Agriculture High School, Kfar Silver, Israel

SPECIALTY CERTIFICATIONS

- Fellow of the American College of Obstetricians and Gynecologists (1993-)
- Diplomate of the American Board of Reproductive Endocrinology (1989-) yearly recertification
- Diplomate of the American Board of Obstetrics / Gynecology (1987-) yearly recertification
- Board of Obstetrics and Gynaecology, Israel (1986-)

M.D. LICENSURES

- US: New York, New Jersey, Florida (active), Pennsylvania and Connecticut (non-active)
- European Union Countries, Israel

INTELLECTUAL PROPERTY PATENT ESTATE - ~70 PATENTS

PREIMPLANTATION FACTOR: (PIF) IMMUNE MODULATION WITHOUT SUPPRESSION– BioIncept, LLC
U.S. Patent 5,646,003 & International. Method and composition family of patents issued or under submission

DEVELOPMENTAL PEPTIDE (GESTATIONAL AGENTS) CONTROLLING CELL PROLIFERATION: (DPs) – BioSpectrum, Inc.
U.S. Patent 5,648,340 & International. Method and composition family of patents issued or under submission

LANGUAGES

English, Hebrew, French, Italian, Hungarian, Romanian, Spanish

MILITARY SERVICE

Paratrooper, Active IDF Forces (1967-1970)
Medical Officer, IDF reserves (1985-1991)

PERSONAL DATA

Birthdate: May 31, 1949 U.S. citizen; Israeli and French national. Married to *Dr. Jacqueline H. Barnea* (née Filip-Lefort), DBA/LLD, (Doctorate in International Business and International Business Law): Co-founder of BioIncept.LLC and BioSpectrum, Inc. son: *Jean-David* (Brown University, Cornell Law School). Law clerk for the U.S. Federal Courts of Appeals and for the Supreme Court in Israel. Currently Assistant US Attorney for the Southern District of Manhattan, New York. Daughter: *Kathleen* (New York University-Gallatin School, in International Relations. Currently Executive VP with Purple PR in London, UK and New York.

SELECTED HONORS

- FIGO XXII World Congress Plenary Lecture, Markku Seppala award lecture, Rio de Janeiro, Brazil. (2018)
- NESAs (New European Surgical Academy) International Advisory Oncology Board (2016)
- International Honorary Committee, DIP - member – Diabetes, Hypertension, Metabolic Syndrome, & Pregnancy. (2016)
- FIGO (International Federation of Gynecology and Obstetrics) *Elected Member* of the SMNH - Committee for Safe Motherhood and Newborn Health, (2016)
- **"Kiril Bratanov" Award and Medal for contribution to the development of the advancement of Reproductive Immunology.** (2012). International Coordination Committee for Immunology of Reproduction. 13th International Symposium for Immunology and Reproduction (13th ISIR), Varna, Bulgaria
- *Honorary Member / Certificate of Merit / Inscription in the Golden Book* (1999). Rotary International, District 249, Israel
- *Honoris Causa Award of the Obstetrics & Gynecology Society and the Society of Human Assisted Reproduction* Romania (1999). The First National Congress on Human Assisted Reproduction with International Participation, under patronage of the Romanian Academy. Plenary Aula Magna Address Romania
- *Honoris Causa Award of the Obstetrics & Gynecology Society*, Hungary (1998). Annual XXVth Meeting of the Hungarian Obstetrics & Gynecology Society. Keynote Address
- *Circle of Care Program* (1995-1998). sponsored and funded by N.J. Department of Health Competitive Initiatives Program, **Teen Pregnancy Reduction Program**
- *FDA-approved IND 43,270* (1993-1994). Phase II clinical investigation: Use mifepristone for epithelial ovarian cancer
- *Special Infant Mortality Reduction Initiative (SIMRI)* in Community and Migrant Health Centers, (1994-1995)
- *Visiting Professor.* Israel Academy of Sciences with the National University of Singapore (1990)
- **SCIENTIST OF THE YEAR AWARD: MEDICINE, ELKELES PRIZE** by the Chief Scientist, Israel Ministry of Health from the KKL Foundation (1989)
- *Doctoral Thesis (cum Laude)*, University of Milan (1976)

GRANTS & AWARDS

2019 -	NIH/NICHD STTR Principal Investigator: PIF plus hypothermia to treat neonatal brain injury
2019 -	NIH/NIAID Non-Clinical Evaluation Agreement Testing sPIF in suitable models of GI-ARS to obtain FDA Animal Rule Approval: Provider: Scientific Contact
2019 -	T21 ANR -France Co-Investigator sPIF prevention of Trisomy 21 during pregnancy
2019 -	NIH / BRIDGs / NCATS: National Center for Advancing Translational Sciences 6-9 months <i>Co-Investigator -Address Chronic GVHD Complications Using the Preimplantation Factor</i>
2019 -	NIAID Fast Track Phase I and II PI-Countermeasure against ARS
2018 -	INSEL University of Bern Research Foundation, Bern Switzerland <i>Co- Investigator – PIF in Premature Birth</i>
2018 -	OKTA (European Union) University of Szeged, Hungary Co-Investigator – PIF in Radiation-induced cardiac damage
2018 -	JDRF - Juvenile Diabetes Research Foundation <i>Co-Investigator – PIF Improve Pancreatic Islets Engraftment in Primates DRI</i>
2016 -	NIH / BRIDGs / NCATS: National Center for Advancing Translational Sciences 3 months <i>Co-Investigator -Address Chronic GVHD Complications Using the Preimplantation Factor</i>
2015- 2018	NIH / NIAID / AFRR: Armed Forces Radiobiology Research Institute, Bethesda, MD <i>Chief Scientist – Safety Evaluation of Synthetic Preimplantation Factor (sPIF) (sc)</i>
2015- 2018	NIH / NIAID / STTR: Small Business Technology Transfer, Bethesda, MD <i>Co-PI - Treatment of Acute Radiation Syndrome using PIF, a Natural Immune Modulator</i>
2012- 2015	MERCK-SERONO: GFI, Grant for Fertility Innovation, ClinicalTrials.gov

- Co-Investigator - PIF as diagnostic of viability and high-risk pregnancy.*
- 2013- 2015 **IDF, ISRAELI DEFENSE FORCES:** Jerusalem, Israel
PI - PIF as Protection against Radiation-Induced Injury.
- 2000- 2001 **NIH / NCI / RAPID:** Rapid Access to Preventive Intervention Development, Bethesda
NIH/NCI, National Institutes of Health, National Cancer Institute, MD
Chief Scientist -Developmental Proteins (DPs) as Cancer Preventive
- 1998 – 2004 **WHO / CONRAD:** Contraceptive Research and Development Program, Arlington WHO,
World Health Organization, Eastern Virginia Medical School, VA
Chief Scientist – Preimplantation Factor Antagonists (PIFa) as Contraceptive
- 1996 – 2000 **DoD / DARPA:** Defense Advanced Research Projects Agency, Arlington, VA. U.S.
Department of Defense: Unconventional Pathogen Countermeasures
Chief Scientist - U.S. GOVERNMENT GRANT: Developmental Proteins (DPs) as Broadpectrum Antiviral and Anticancer Agents
- 1992 – 1994 **UMDNJ/RWJMS:** Faculty Practice Research Grant
1992 – 1994 **Foundation of UMDNJ Grant**
1987 – 1990 **Juvenile Diabetes Foundation Investigator**
- 1989 - 1989 **Scientist of the Year Award: Medicine,**
Elkeles Prize by the Chief Scientist, Israel Ministry of Health from the KKL Foundation
- 1987 – 1989 **Chief Scientist's Awardee: Israel Ministry of Health Grant, Technion**
1987 – 1989 **Israel Cancer Research Fund (ICRF) Investigator**
1985 – 1987 **Technion-Lady Davis Foundation Award**
1984 – 1985 **Diabetes Foundation Research Investigator**
1982 – 1985 **NIH National Research Service Award, HD06324**
1981 – 1982 **American College of OB/GYN-Mead Johnson Research Award**
1981 - 1981 **Yale University – James Hudson Brown Fellowship Award**

EDITORIAL POSITIONS

- **Human Early Pregnancy / Andrology**, Guest Co-editor, (E.S.E. Hafez, Ed.), Assisted Reproductive Technology/Andrology, Volume IV, 1992.
- **The First Twelve Weeks of Gestation**, (E.R. Barnea, J. Hustin, E. Jauniaux, Eds.), Springer-Verlag Publishers, 1992.
- **Implantation and Early Pregnancy in Humans**, (E.R. Barnea, J.H. Check, J.G. Grudzinskas, T. Maruo, Eds.), Parthenon Publishing, 1994.
- **EMBRYONIC MEDICINE AND THERAPY**, (E. Jauniaux, E.R. Barnea, R.G. Edwards, Eds.), Oxford University Press, 1997.
- **CANCRO E GRAVIDANZA**, (E.R. Barnea, E. Jauniaux, P. Schwartz, Eds) CIC Edizioni Internazionali, Roma 2003, translation.
- **CANCER AND PREGNANCY**, (E.R. Barnea, E. Jauniaux, P. Schwartz, Eds) Springer-Verlag, London Publishers, 2001.
- **TROPHOBLAST RESEARCH / PLACENTA, HIV, Oxidant Stress and Pathobiology**. Trophoblast Research Vol 15. (R. Miller, E.R. Barnea, L. Myatt, Eds), W.B. Saunders Publ, 2001.
- **AMERICAN JOURNAL OF REPRODUCTIVE IMMUNOLOGY (AJRI)**, Collaborating SIEP Society INVITED EDITOR ON AJRI EDITORIAL BOARD MEMBER (2004-) Blackwell Munksgaard.
- **EARLY PREGNANCY: Biology & Medicine, (EPBM)**, Founder / EDITOR-IN-CHIEF. The Official Journal of S.I.E.P., the Society for the Investigation of Early Pregnancy, Parthenon Publishing, Vol.

I-III; online Vol IV - at www.earlypregnancy.org indexed in: Index Medicus, Medline, Medlars, Excerpta Medica, Chemical Abstracts 1995-Present. EPBM, merged with AJRI at AJRI's request (2004-).

- **IMMUNOLOGICAL ROLE OF THE MATERNAL UTERINE MICROBIOME IN PREGNANCY.** Eds: N. DiSimone, E.R. BARNEA, M. MULLER *Frontiers in Immunology*. Publisher 2019.
- Gynecological and Reproductive Endocrinology and Metabolism, International Society of Gynecological Endocrinology (ISGE), Editorial Board Member.
- International Journal of Gynecological and Obstetrical Research. Editorial Board Member

REVIEW COMMITTEES & PANELS

EDITORIAL REVIEWER FOR (SELECTED LIST): American Journal of Obstetrics and Gynecology (AJOG), American Journal of Reproductive Immunology (AJRI), Biology of Reproduction (BOR), Brain Research, Cancer, Clinical Immunology Endocrine and Metabolic Drugs, Endocrine, FEBS Letters, Fertility and Sterility, Human Reproduction (HR), Immunobiology, Journal of Assisted Reproduction and Genetics, Journal of Clinical Endocrinology and Metabolism (JCM), Journal of Dairy Sciences, Journal of Neuroscience Research (JNR), The Journal of Molecular Human Reproduction, Journal of Surgery and Transplantation Science, National Institutes of Health (NIH), New England Journal of Medicine (NEJM), Obstetrics and Gynecology, Obstetrics and Gynecology of India, Oncotarget, Placenta, PLOS ONE, Reproduction, Reproductive BioMedicine Online (RBMO), Reproductive Sciences, Trophoblast Research.

INVITED SPECIALTY TEXTBOOK REVIEWER: Practice in Assisted Reproduction, (Serhal, P. Overton, C. Eds). Cambridge University Press in *Reprod. Toxicol.* (2005.20.01)

WRITTEN EXAMINATION QUESTIONS FOR ACOG/RE: The American Board of Obstetrics and Gynecology, Division of Reproductive Endocrinology

GRANT REVIEWER

National Institutes of Health/NIDDK - STTR/SBIR Endocrine and Metabolic Diseases
National Institutes of Health/NIAD Radiation biodosimetry assays and devices (U01).
Robert Wood Johnson Medical School at Camden, Cooper Hospital Faculty Practice, Camden, NJ, Ministry of Health - Chief Scientist, Technion, Israel Institute of Technology, Israel. BARD, the Bi-national Israel/U.S. Foundation for Agricultural Research Israel

EXAMINER FOR: UMDNJ: MD students; Technion, Israel Institute of Technology: MSc and MD students

PROFESSIONAL ORGANIZATIONS: Membership and Roles

RESEARCH / ACADEMIC

- American Society for Reproductive Medicine (ASRM) (2016)
- Diabetes, Hypertension, Metabolic Syndrome & Pregnancy (DIP) (2015)
- International Coordination Committee for Immunology of Reproduction (ICCR, part of ISIR) (2015-)
- New European Surgical Academy (NESA) (2015-)
- International Society for In Vitro Fertilization (ISIVF) (2013-)
- European Society for Reproductive Immunology (ESRI) (2008-)
- Yale Obstetrical and Gynecological Society (YOGS) (2006 -)
- Invited Editorial Board Member: American Journal of Reproductive Immunology (2004)
- American Society for Reproductive Immunology (ASRI) (2002 -)
- World Association of Medical Journal Editors (WAME) (2000-)
- American Association for Cancer Research (AACR) (1999-)
- Romanian Society of Obstetrics & Gynecology and the Romanian Society of Human Assisted Reproduction (1999): *Honorary Member*
- American Association for the Advancement of Science (AAAS) (1998-)
- Hungarian Obstetrics & Gynecology Society (1998): *Honoris Causa Member*
- ALPS ADRIA Society for Immunology of Reproduction (1997)

- International Federation of Placental Associations (1996)
- French Society of Gynecological Pathology (1995)
Titulary Consulting Member and U.S. Representative
- Society for the Study of Reproduction (SSR) (1995)
- Association of Professors of Gynecology and Obstetrics (APGO) (1992)
- *Society for the Investigation of Early Pregnancy (SIEP), Founder and Chairman (1991-)*
- Society of Reproductive Endocrinologists (SRE) (1990) Israel Endocrine Society (1986);
- Israel Fertility Society (1985)
- Israel Obstetrics and Gynecology Society (1985)
- Endocrine Society (ES) (1982)
- French National Order of Physicians (1981)
- American Fertility Society (AFS) (1978)
- Israel Medical Association (1976)

CLINICAL

- *American Board of Reproductive Endocrinology (1989 -)*
- *American College of Obstetrics and Gynecology (1987-)*
- International Federation of Obstetricians and Gynecologists (FIGO), Elected Member Safe Motherhood Newborn Health (SMNH) Committee (2016-)
- Association of Advanced Gynecological Laparoscopists (AAGL) (2006-)
- American College of Physician Executives, Physician Management Seminar (1996)
- Clinical Committee of the Southern Jersey Perinatal Cooperative (1996)
- Breast and Cervical Cancer Control Coalition (NJ) (1995)
- Clinical Pathway Development Program, (Ob&Gyn) Cooper Hospital / UMC (1995)
- Clinical Directors Network (CDN), Leadership Conference (1994)

LEADERSHIP & MANAGEMENT in OBSTETRICS & GYNECOLOGY

- **Physicians in Management Seminar I & II.** (1996, 1997) American College of Physician Executives. Oct. (1996), Philadelphia, PA; Nov. (1997), Tucson, AZ
- **Survival Skills for the Obstetrics and Gynecology Leader.** (1996) American College of Obstetricians and Gynecologists. Jun., Chicago, IL
- **Seminar for Quality Assessment and Improvement.** (1995) American College of Obstetricians and Gynecologists. Nov., San Antonio, TX

RECENT CONGRESSES, LEADERSHIP ROLES and PRESENTATIONS (2016-)

- *Invited Lecture/Grand Rounds – Bench to Patient: PIF Phase I AIH Clinical Trial NCT 02239562* (2016). Baylor College of Medicine, Houston, TX.
- *Grand Rounds – Preimplantation Factor (PIF): Clinical Applications*, (2016). University of Miami, Center for Liver Diseases, Miami, FL
- *Invited Lecture, Grand Rounds - Bench to Patient PIF Phase I AIH Clinical Trial NCT 02239562*, (2016) Baylor University, Houston, TX
- *Plenary Lecture & Panel / PIF Meeting – Translational Aspect of PIF (Cancer & Immuno Oncology)*, (2016) NESA, ELSAN, Paris, France
- *Invited Lecture – Preimplantation Factor (PIF) Potential Comprehensive Role in Immuno Oncology*, (2016) National Institute of Oncology, Budapest, Hungary
- *Invited Lecture – Preimplantation Factor (PIF): Comprehensive Neurorepair Regimen from Newborn to Adult*, (2016) Tissue Engineering & Regenerative Medicine Berlin, Germany
- *Panelist Elected Member FIGO Panama City, Panama*

- *Invited Lecture* – Preimplantation Factor (PIF) Potential Comprehensive Role in ImmunoOncology, (2016) Give Life a Chance Through Cancer Immunotherapy, Budapest, Hungary
- *Plenary lecture* – PIF Prevents Atherosclerosis: Implications for Preeclampsia Management, (2017) 9th International DIP Symposium on Diabetes, Hypertension, Metabolic Syndrome & Pregnancy, Barcelona, Spain
- *Plenary Lecture* – Preimplantation Factor Path to Clinics: Implications for Pregnancy Complications, (2017) 9th International DIP Symposium on Diabetes, Hypertension, Metabolic Syndrome & Pregnancy, Barcelona, Spain
- *Grand Rounds* - Transpose Preimplantation Factor (PIF) Immune Regulatory & Regenerative Effects to Clinical Use (2017) University of Louisville, Louisville, KY
- *Plenary Lecture* – Transpose Preimplantation Factor (PIF) Immune Regulatory Effects To Clinical Use (2017) 1st International Congress of Micro-Immunotherapy: Immunomodulation and Chronic Diseases through the Prism of Autoimmunity Mallorca, Spain
- *Invited Lecture* – PIF Value in Maternal-Fetal Medicine: Translate PIF Dx & Rx to Clinics (2017) Maternal Fetal Neonatal Medicine Conference, London, United Kingdom
- *Invited Lecture* - PIF Value in Maternal-Fetal Medicine: Translate PIF Dx & Rx to Clinics (2017) Shanghai FIGO Symposium, Shanghai, China
- *Grand Rounds* - PIF Comprehensive NeuroRepair Regimen From Newborn to Adult: Translational Aspects (2017), Hermelin Brain Cancer Center, Henry Ford Health System, Detroit, MI
- *Invited Lecture and Faculty* – SARG International Advisory Board - *International Summit on Assisted Reproduction and Genetics in Israel*, (2018) Tel Aviv, Israel
- *Invited Presentation* – PIF Inflammation Regulatory & Regenerative Properties: Comprehensive ARS Countermeasure (2018), National Institutes of Health/ National Institute of Allergy and Infectious Disease, Bethesda, MD
- *Plenary Lecture* - Maternal-Fetal Medicine Transplant Acceptance, 15th International Symposium for Immunology of Reproduction (2018) Varna, Bulgaria
- *Invited Lecture* – PIF: From Immune Regulation to Cancer Control: Immuno-oncology and Radioprotection (2018), NextGen Healthcare, Philadelphia, PA
- *Invited Lecture* - PIF: Military Countermeasure Applications (2018), Department of Defense, Washington, DC
- *Invited Lecture* - PIF: New Horizons in Oncology (2018), Minimally Invasive Surgery Week/SLS Annual Meeting, NESA Session New York, NY
- *Markku Seppala Plenary Lecture* -Successful Embryo-Maternal Interaction: From Nature to Bench to Clinics FIGO World Congress 2018 (2018) Rio de Janeiro, Brazil
- *Grand Rounds* – Preimplantation Factor (PIF) Immuneprotection, Cancer Regulation, Neuroregeneration: From Bench to Clinics (2018). NIH/BRiDGs, National Institutes of Health, Bethesda, MD
- *Invited Presentation* - PIF as comprehensive ARS countermeasure. (2019) NIAID National Institutes of Health, Bethesda, MD.
- *Plenary lecture*- PIF / sPIF Imparts Synergetic Immune Protection & Homeostasis Determining Role In Successful Maternal-Fetal Interaction (2019) 18th World Congress of the Academy of Human Reproduction, Dublin, Ireland
- *Plenary lecture* – PIF / sPIF Determining Role In Successful Maternal-Fetal Interaction Connection Between PIF and Pregnancy, (2019) 10th International Symposium on Diabetes, Hypertension, Metabolic Syndrome & Pregnancy (DIP) conference Florence, Italy
- *Plenary Opening lecture* - From Nature, to Bench, to Clinic Translational Paradigm-Shift in Reproduction, Pregnancy Immunity & Transplant 1st World Congress on Women's Health Innovations and Inventions (WHII), (2019) Tel-Aviv, Israel.
- *Grand Rounds*: PIF From Nature, to Bench, to Clinic Translational Paradigm-Shift, (2019) Maayaney Hayeshua, Israel,
- *Invited presentation*: sPIF potential utility in neuro and polytrauma, Walter Reed Hospital (DoD) (2019)

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH



Renée D. Coleman-Mitchell, MPH
Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

CONNECTICUT MEDICAL EXAMINING BOARD

April 14, 2020

Mary Alice Moore Leonhardt, Esq.
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Hartford, CT 06106

VIA EMAIL ONLY

David Tilles, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Kakara Gyambibi, MD - Petition No. 2017-160

PROPOSED MEMORANDUM OF DECISION

Attached is the proposed Memorandum of Decision in the above referenced matter. Pursuant to § 4-179 of the Connecticut General Statutes, both parties will be afforded the opportunity to present oral argument before the Connecticut Medical Examining Board. The Board will consider this proposed Memorandum of Decision at its meeting scheduled for **April 21, 2020 at 1:30 p.m.**

If you wish to exercise this opportunity to present oral argument, please notify this office no later than **April 17, 2020**. The time allowed for argument is not to exceed ten (10) minutes for each party. There will not be a court stenographer present for these proceedings.

FOR: CONNECTICUT MEDICAL EXAMINING BOARD

BY: 

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**STATE OF CONNECTICUT
CONNECTICUT MEDICAL EXAMINING BOARD**

Kakra Gyambibi, M.D.
License No. 050062

Petition No. 2017-160

MEMORANDUM OF DECISION

Procedural Background

On December 7, 2018 the Department of Public Health ("Department") filed a Statement of Charges ("Charges) with the Connecticut Medical Examining Board ("Board") against license number 050062 for Kakra Gyambibi, M.D. ("Respondent"). Board Exhibit ("Bd. Exs.") 1. The Charges allege that Respondent's license is subject to disciplinary action pursuant to §§ 19a-17 and 20-13c of the Connecticut General Statutes ("Statutes"). The Notice of Hearing and the Charges were delivered by certified mail and electronic mail to Respondent on May 21, 2019. Bd. Ex. 1. The Notice of Hearing scheduled the hearing for July 23, 2019. Bd. Ex. 1. On July 10, 2019, Respondent requested a continuance of the hearing, which was granted. Bd. Exs. 2, 3.

The hearing was held on December 3 and 10, 2019, before a duly authorized panel of the Board ("Panel") comprised of Attorney Kathryn Emmett, Marilyn Katz, M.D., and Robert Green, M.D. Bd. Ex. 2; Transcript 12/3/19 Pages ("Tr. 12/3/19, pp.") 1-106; Transcript 12/10/19 pages ("Tr. 12/10/19") 1-41.

The Panel conducted the hearing in accordance with Chapter 54 of the Statutes, the Uniform Administrative Procedure Act, and § 19a-9-1 et seq. of the Regulations of Connecticut State Agencies ("Regulations"). Attorney Mary Alice Moore Leonhardt represented Respondent. Attorney David Tilles represented the Department. Both parties presented witnesses and evidence, examined and cross-examined witnesses, and provided argument on all issues.

All Panel members involved in this Memorandum of Decision ("Decision") attest that they have heard the case or read the record in its entirety. The Board reviewed the Panel's proposed final decision in accordance with the provisions of § 4-179 of the Statutes.

In rendering its decision, the Board considered whether Respondent poses a threat, in the practice of medicine, to the health and safety of any person. The Board's decision is based entirely on the record and the specialized professional knowledge of the Panel in evaluating the evidence. *See* Conn. Gen. Stat. § 4-178; *Pet v. Department of Health Services*, 228 Conn. 651, 666 (1994). To the extent the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc., v. S & H Computer Systems, Inc.*, 605 F. Supp. 816 (Md. Tenn. 1985).

Allegations

Count One

1. In paragraph 1 of the Charges, the Department alleges that Respondent, now or formerly of Stamford, Connecticut is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut physician and surgeon license number 050062.
2. In paragraph 2 of the Charges, the Department alleges that at various times during the course of 2014 and/or 2015 Respondent, while employed as a hospitalist at Stamford Hospital, wrote prescriptions for several persons who were not her patients at Stamford Hospital and with whom she had no doctor-patient relationship. Respondent's prescribing for one or more of these persons failed to conform to the standards of the profession in one or more of the following ways, in that Respondent:
 - a. Did not adequately establish a doctor-patient relationship;
 - b. Did not adequately discuss risks and benefits and alternatives of the prescriptions, nor obtain consent to treat;
 - d.¹ Did not obtain an adequate medical history;
 - e. Did not perform an adequate physical examination;
 - f. Did not make an adequate medical diagnosis, or she made a diagnosis without an adequate basis in history and/or examination;
 - g. Did not create an adequate treatment plan;
 - h. Did not adequately monitor the patient for safety and efficacy of the prescribed medication; and/or,
 - i. Apart from the prescription order, Respondent did not create an adequate medical record.
3. In paragraph 3 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-13c, including by not limited to § 20-13c(4).

¹ The Charges do not include a section 2c. Thus, the allegations, as outlined above, reflects such omission.

Count Two

4. In paragraph 4 of the Charges, the Department alleges that Paragraph 1 is incorporated herein as though set forth in full.
5. In paragraph 5 of the Charges, the Department alleges that at various times in 2014 and/or 2015, Respondent wrote approximately one hundred prescriptions to a compounding pharmacy in Mississippi, Advantage Pharmacy, for a cream (“cream”) purportedly to treat keloid scars and/or stretch marks, which contained a compound of various medications without a reasonable medical or scientific basis to support the proposition that said compound cream would, in fact, effectively treat keloid scars and/or stretch marks.
6. In paragraph 6 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-13c, including by not limited to § 20-13c(4).

Findings of Fact

1. Respondent is or formerly was of Stamford, Connecticut, and has been at all times referenced in this Statement of Charges, the holder of Connecticut physician and surgeon license number 050062. Respondent Exhibit (“Resp. Ex.”) A.

Count One

2. At various times during the course of 2014 and/or 2015, while employed as a hospitalist at Stamford Hospital, Respondent wrote prescriptions for several persons who were not her patients at Stamford Hospital and with whom she had no doctor-patient relationship. Dept. Exs. 1-5; Resp. Ex. A.
3. At various times during the course of 2014 and/or 2015, when Respondent prescribed for one or more of the persons who were not her patients at Stamford Hospital, Respondent did not adequately establish a doctor-patient relationship. Dept. Exs. 1-5; Resp. Ex. A.
4. At various times during the course of 2014 and/or 2015, when Respondent prescribed for one or more of the persons who were not her patients at Stamford Hospital, Respondent did not adequately discuss risks, benefits and alternatives for the prescriptions, nor obtain consent to treat. Dept. Exs. 1-5; Resp. Ex. A.
5. At various times during the course of 2014 and/or 2015, when Respondent prescribed for one or more of the persons who were not her patients at Stamford Hospital, Respondent did not obtain an adequate medical history. Dept. Exs. 1-5; Resp. Ex. A.
6. At various times during the course of 2014 and/or 2015, when Respondent prescribed for one or more of the persons who were not her patients at Stamford Hospital, Respondent did not perform an adequate physical examination. Dept. Exs. 1-5; Resp. Ex. A.

7. At various times during the course of 2014 and/or 2015, when Respondent prescribed for one or more of the persons who were not her patients at Stamford Hospital, Respondent did not make an adequate medical diagnosis, or she made a diagnosis without an adequate basis in history and/or examination. Dept. Exs. 1-5; Resp. Ex. A.
8. At various times during the course of 2014 and/or 2015, when Respondent prescribed for one or more of the persons who were not her patients at Stamford Hospital, Respondent did not create an adequate treatment plan. Dept. Exs. 1-5; Resp. Ex. A.
9. At various times during the course of 2014 and/or 2015, when Respondent prescribed for one or more of the persons who were not her patients at Stamford Hospital, Respondent did not adequately monitor the patient for safety and efficacy of the prescribed medication. Dept. Exs. 1-5; Resp. Ex. A.
10. At various times during the course of 2014 and/or 2015, Respondent did not create an adequate medical record for the persons for whom she provided prescriptions. Dept. Exs. 1-5; Resp. Ex. A.

Count Two

11. At various times in 2014 and/or 2015, Respondent wrote approximately one hundred prescriptions to a compounding pharmacy in Mississippi, Advantage Pharmacy, for a cream (“cream”) to treat keloid scars and/or stretch marks. Dept. Exs. 1-5; Resp. Ex. A.
12. The Department did not provide sufficient evidence in the record that the various medications within the compounded cream lacked a reasonable medical or scientific basis to effectively treat keloid scars and/or stretch marks.
13. Respondent’s testimony regarding the research she did regarding the cream to treat keloid scars and/or stretch marks is reliable and credible and sufficient to prescribe such cream if she met all of the other criteria regarding establishing a physician-patient relationship. Tr., 12/3/19, pp. 58-102; Tr., 12/10/19, pp. 6-15.

Discussion and Conclusions of Law

Section 20-13c of the Statutes provides, in pertinent part, that:

The board is authorized to restrict, suspend or revoke the license or limit the right to practice of a physician or take any other action in accordance with section 19a-17, for any of the following reasons: (4). . . illegal, incompetent or negligent conduct in the practice of medicine

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-40 (2013).

Respondent admits to all allegations in paragraphs 1 and 2 in Count One. Resp. Ex. A. Respondent admitted to paragraph 4 in Count Two of the Charges. Resp. Ex. A. Additionally, in support of the allegations, the Department submitted the following: an investigative report; a copy of the United States District Court superseding indictment for healthcare fraud filed on January 9, 2019, a letter dated January 18, 2019 from U.S. Attorney, John Durham, confirming Respondent's agreement to plead guilty to healthcare fraud and conspiracy; interview notes and prescriptions gathered by the United States Attorney's Office; and, claims paid from the State of Connecticut Employee Health plan to Advantage Pharmacy. Dept. Exs. 1-5. Therefore, the Department's burden of proof is met, and Respondent's conduct in the allegations contained in Paragraph 2 of Count One of the Charges constitutes illegal conduct in the practice of medicine in violation of § 20-13c(4) of the Statutes.

With respect to paragraph 5 in Count Two of the Charges, a preponderance of the evidence establishes that at various times in 2014 and/or 2015, Respondent wrote approximately one hundred prescriptions to a compounding pharmacy in Mississippi, Advantage Pharmacy, for the cream to treat keloid scars and/or stretch marks. Respondent's testimony regarding the steps she took to research the cream constitutes sufficient evidence to establish that the cream contained a compound of various medications with a reasonable medical or scientific basis to support the proposition that said compound cream would, in fact, effectively treat keloid scars and/or stretch marks.

Respondent admits that at various times in 2014 and/or 2015, she wrote approximately one hundred prescriptions to a compounding pharmacy in Mississippi, Advantage Pharmacy, for the cream to treat keloid scars and/or stretch marks. Tr. 12/3/19, p. 58; Tr. 12/10/19, pp. 8-9. Respondent testified that at the time she signed the prescription forms, she was unaware of any scheme or fraud that other individuals involved intended to engage in regarding the State of Connecticut or any other healthcare payer source. Tr. 12/3/19, pp. 98, 99, 102. The Board finds this testimony, namely that she was unaware of any scheme or fraud that other individuals involved intended to engage in regarding the State of Connecticut or any other healthcare payer source, to be credible.

Respondent became aware of the fraud scheme near the end of the initial investigation conducted by Thomas Martin, Forensic Fraud Examiner in the Office of the Attorney General, and she eventually pled guilty to healthcare fraud and conspiracy. Tr. 12/3/19, pp. 98, 99; Dept.

Exs. 2 and 3. As such, the Department sustained its burden of proof that Respondent prescribed a compounded cream at various times in 2014 and/or 2015 as a part of a scheme to commit fraud, constituting illegal conduct in the practice of medicine in violation of § 20-13c(4) of the Statutes.

Respondent, however, denies that the cream did not actually treat keloid scars and/or stretch marks, and/or that she prescribed such compounding cream without a reasonable medical or scientific basis for doing so. Resp. Ex. A. Respondent testified that before she wrote the prescriptions, she researched the components in the compound through UpToDate, a medical search engine, and recalls a few small studies that showed the effectiveness that some of the components used in the cream can be used topically. Tr., 12/3/19, pp. 64, 65, 73; Tr., 12/10/19, p. 8. She also testified that her husband tried the cream on his own stretch marks, and it was effective. Tr., 12/10/19, pp. 7, 8. The Department did not offer any proof that the cream did not actually treat keloid scars and/or stretch marks, and/or that Respondent prescribed such compounding cream without a reasonable medical or scientific basis for doing so. The Department failed to prove its case with respect to the allegations in Count 2 of the Charges.

The evidence in the record establishes that Respondent served three months in federal prison for healthcare fraud and conspiracy, is ordered to pay restitution, and is subject to special probationary terms for three years resulting from the incidents alleged in this matter. Tr., 12/3/19, pp. 91-96; Resp. Ex. B, pp. 69-71. Mr. Martin testified that Respondent cooperated fully with the State's investigation (Tr. 12/3/19, p. 22). Respondent has expressed sincere remorse for her actions (Tr., pp. 69, 102, 103) and completed numerous courses, including a course in Medical Ethics and Professionalism that included lessons in prescribing medications and maintaining medical records. Tr. 12/3/19, pp. 87-91; Resp. Ex. B, pp. 34-67. Her competency and character is supported by numerous letters from friends and colleagues in the medical field. Resp. Ex. B, pp. 2-27. Based on the foregoing, the Board finds that Respondent is capable of safely, effectively, honestly, and ethically practicing medicine under the terms of this Order, and that Respondent does not present a danger to the public in the practice of medicine.

Conclusion

In conclusion, the Department sustained its burden of proof with regards to allegations set forth in Count One. The Board concludes Respondent's conduct as proven with respect to Count

One, as described above, constitutes violations upon which to impose discipline on Respondent's license pursuant to §§ 19a-17 and 20-13c(4) of the Statutes, warranting the following Order. The allegations in Count Two are not proven and are therefore dismissed.

Order

Based upon the record in this case, the above findings of fact and the conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. §19a-17 and §20-13c, the Board finds that the misconduct alleged and proven warrants the disciplinary action imposed by this Order:

1. Respondent's license number 050062 to practice as a physician and surgeon in the State of Connecticut is hereby REPRIMANDED
2. Respondent's license shall be placed on probation, for a period of two (2) years, under the following terms and conditions:
 - a. Respondent shall obtain, within one month of the effective date of this Order, and at her own expense, the services of a physician, pre-approved by the Department ("supervisor"), to conduct a quarterly random review of ten percent (10%) or 10 patient records, whichever is less, created and updated during the term of this Decision. In the event Respondent has fewer than ten patients, the monitor shall review all of Respondent's patient records.
 - i. Respondent's supervisor shall meet with her not less than once every three months for the entire probationary period.
 - ii. The supervisor shall have the right to monitor Respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - iii. Respondent shall be responsible for providing written supervisor reports directly to the Department quarterly for the entire probationary period. Such supervisor's reports shall include documentation of dates and durations of meetings with Respondent, number and general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and statement

regarding whether Respondent is practicing with reasonable skill and safety.

- b. As a part of Respondent's required Continuing Medical Education ("CME") credits, Respondent shall complete 10 CME credits within the probationary period in Ethics, Professionalism and Prescription Practices.
3. All correspondence related to this Memorandum of Decision must be mailed to:
Lavita Sookram, Nurse Consultant
Department of Public Health
Division of Health Systems Regulations
410 Capitol Avenue, MS#12HSR
P.O. Box 340308
Hartford, CT 06134-0308

Ms. Sookram may also be contacted at the following e-mail address:
Lavita.Sookram@ct.gov
4. Respondent shall comply with all state and federal statutes and regulations applicable to her license.
5. Respondent shall pay all costs necessary to comply with this Decision.
6. Legal notice shall be sufficient if sent to Respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Healthcare Systems Branch of the Department.
7. This Decision has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.
8. This Decision is effective on the first day of the month after it is signed by the Board.

Connecticut Medical Examining Board

April _____, 2020

Kathryn Emmett, Esq., Chairperson

PHILIP RUSSELL, L.L.C.
ATTORNEYS-AT-LAW
(203) 661-4200

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+ MEMBER CONNECTICUT BAR
** MEMBER CONNECTICUT AND NEW YORK BAR
++ MEMBER CONNECTICUT, NEW YORK, AND MASSACHUSETTS BAR

March 6, 2020

VIA EMAIL: Jeffrey.kardys@ct.gov
AND CERTIFIED MAIL

Jeffrey A. Kardys
Administrative Hearing Specialist
Department of Public Health
410 Capitol Avenue, MS 13PHO
P.O. Box 340308
Hartford, CT 06134-0308

Re: Nami Bayan, MD – Petition No. 2018-673

Dear Hearing Specialist Kardys,

Please accept this letter as Dr. Nami Bayan's petition for reconsideration or in the alternative, for modification of the ruling of the Department of Health of April 16, 2019, which suspended him for two (2) years and imposed conditions for the restoration of his medical license and related privileges.

The reasons for this application are succinctly put forth in the evaluation and reports of Dr. Hassan M. Minhas which are attached hereto to as Exhibit A. Dr. Minhas has been sending updated reports periodically to your office and he continues to stand by the conclusions which he has made. If any further details are needed, Dr. Minhas will make himself available.

Dr. Bayan has successfully complied with the documented sobriety and counseling mandated together with the follow up and monitoring by Dr. Minhas which was also part of the Department's April ruling. Dr. Minhas' reports indicate that he is impressed with the fact that the symptomology which was troublesome to the department has completely gone away through his evaluations and treatment, and Dr. Bayan has been symptom free since he discontinued taking prescribed stimulants in January of 2019.

We share in Dr. Minhas' optimism that Dr. Bayan is ready to resume work, and we believe that this will be supported in any independent medical evaluation that the department may require. No application for the relief sought herein has been previously made.

PHILIP RUSSELL, L.L.C.

Page Two.

It is worth noting that Dr. Bayan has no prior disciplinary history with the Department of Public Health. In a more perfect setting, Dr. Bayan would have received the necessary medical treatment prior to the involvement of the Department of Public Health, and he would be practicing medicine today after his flawless record of compliance and his full recovery and re-integration.

Dr. Bayan is ready to answer any further questions and he is respectfully requesting that a meeting or a hearing be scheduled to further this application.

Feel free to contact me should you have any questions or concerns.

Very truly yours,

Philip Russell

PR/js

Enclosures

cc: Matthew Antonetti, Principal Attorney

Kathryn Emmett, Esq.

Lavita Sookram, Nurse Consultant

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Renée D. Coleman-Mitchell, MPH
Commissioner-Designate

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

CONNECTICUT MEDICAL EXAMINING BOARD

April 16, 2019

Nami Bayan, MD
100 Parrott Drive, Unit 1207
Shelton, CT 06484-4793

VIA EMAIL (nami.bayan.md@gmail.com)
Certified Mail RRR #91 7199 9991 7038 1036 5634
and First Class Mail

Matthew Antonetti, Principal Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL

RE: Nami Bayan, MD - Petition No. 2018-673

Dear Dr. Bayan and Attorney Antonetti:

Enclosed please find a copy of the Memorandum of Decision issued by the **Connecticut Medical Examining Board** in the above-referenced matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Kardys".

Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Public Health Hearing Office

c: Renée D. Coleman-Mitchell, MPH, Commissioner-Designate, Department of Public Health
Kerry Colson, Assistant Attorney General
Barbara Cass, Branch Chief, HCS
Christian Andresen, Section Chief, Practitioner Licensing and Investigations
Diane Wilan, Staff Attorney, Department of Public Health



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**STATE OF CONNECTICUT
CONNECTICUT MEDICAL EXAMINING BOARD**

Nami Bayan, M.D.
License No. 046285

Petition No. 2018-673

MEMORANDUM OF DECISION

Procedural Background

On December 3, 2018, the Department of Public Health ("Department") filed a Motion for Summary Suspension ("Motion") and a Statement of Charges ("Charges") with the Connecticut Medical Examining Board ("Board") against license number 046285 for Nami Bayan, M.D. ("Respondent"). Board Exhibits ("Bd. Exs.") 1, 2. The Charges allege that Respondent's license is subject to disciplinary action pursuant to §§ 19a-17 and 20-13c of the Connecticut General Statutes ("Statutes").

On December 18, 2018, based on the allegations in the Charges and affidavits and reports attached to the Motion, the Board found that Respondent's continued practice as a licensed physician in Connecticut presented a clear and immediate danger to public health and safety. Accordingly, pursuant to Conn. Gen. Stat. §§ 4-182(c) and 19a-17(c), the Board ordered that Respondent's license to practice medicine and surgery be summarily suspended pending a final determination by the Board of the allegations contained in the Charges. Bd. Ex. 3.

The hearing convened on January 4 and 11, 2019, before a duly authorized panel of the Board ("Panel") comprised of Peter M. Zeman, M.D., Carol Ekonomides, PA, and Michele Jacklin. Bd. Ex. 2; Transcript 1/4/19 Pages ("Tr. 1/4/19, pp.")1-170; Transcript 1/11/19 Pages ("Tr. 1/1/19, pp.") 1-274.

The Panel conducted the hearing in accordance with Chapter 54 of the Statutes, the Uniform Administrative Procedure Act, and § 19a-9-1 et seq. of the Regulations of Connecticut State Agencies ("Regulations"). Respondent appeared *pro se*, Attorney Diane Wilan represented the Department. Both parties were afforded the opportunity to present witnesses and evidence, examine and cross-examine witnesses, and provide argument on all issues.

All Panel members involved in this Memorandum of Decision ("Decision") attest that they have heard the case or read the record in its entirety. The Board reviewed the Panel's proposed final decision in accordance with the provisions of § 4-179 of the Statutes.

In rendering its decision, the Board considered whether Respondent poses a threat, in the practice of medicine, to the health and safety of any person. The Board's decision is based entirely on the record and the specialized professional knowledge of the Panel in evaluating the evidence. *See* Conn. Gen. Stat. § 4-178; *Pet v. Department of Health Services*, 228 Conn. 651, 666 (1994). To the extent the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc., v. S & H Computer Systems, Inc.*, 605 F. Supp. 816 (Md. Tenn. 1985).

Allegations

1. In paragraph 1 of the Charges, the Department alleges that Respondent of Shelton, Connecticut, is, and has been at all times referenced in the Charges, the holder of Connecticut physician and surgeon license number 046285.
2. In paragraph 2 of the Charges, the Department alleges that during the course of approximately 2018, Respondent suffered from an emotional disorder and/or mental illness which does, and/or may, affect his ability to safely practice medicine and surgery.
3. In paragraph 3 of the Charges, the Department alleges that the above facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-13c, including by not limited to § 20-13c(2).

Findings of Fact

1. Respondent of Shelton, Connecticut, is, and has been at all times referenced in the Charges, the holder of Connecticut physician and surgeon license number 046285. Department Exhibit ("Dept. Ex") 1, p. 100; Tr. 1/4/19, p. 107.
2. On February 5, 2018, Respondent contacted the Department by electronic mail ("e-mail") to report that the local police, local FBI office and FBI headquarters were not investigating a "crime" he had reported, which may be a "terrorist attack." Dept. Ex. 1, p. 11. Respondent indicated in the email that he drank a few sips of a coffee that he had purchased at a Dunkin Donuts in Shelton, CT. Respondent stated that 30 minutes after consuming the coffee he experienced dizziness, chills, tremors, chest discomfort, tachycardia and some metabolic derangement. Dept. Ex. 1, pp. 7, 11; Tr. 1/4/19, pp. 42-43, 70, 72, 115-17. On the next day, Respondent indicated that he drank three to four sips of the coffee, which he had saved, and "the symptoms returned." Dept. Ex. 1, p. 11. Respondent went to the emergency room and was advised to contact the "legal authorities" as he was suffering from an "anti-cholinergic or sympathomimetic poisoning." Dept. Ex. 1, p. 11. According to Respondent, the police, local FBI and FBI headquarters would not investigate "this crime" or possible "terrorist attack" based on these organizations being involved with "deep corruption and Organized crime." Dept. Ex. 1, p. 11.

3. On June 12, 2018, Respondent again contacted the Department by e-mail to report local organized crime in the Bridgeport Drug Enforcement Agency ("DEA") because the DEA hung up on him when he wanted to report drug use and diversion by his patient. Dept. Ex. 1, pp. 7, 12; Tr. 1/4/19, pp. 43-44. Respondent also reported that his electronic health records were somehow "hacked" and the test result of this patient was "blocked." Dept. Ex. 1, p. 12. Respondent indicated "[i]t seems like there [is] an organized crime going on locally. I will appreciate if you can investigate it." Dept. Ex. 1, p. 12.
4. On June 13, 2018, Respondent contacted the Department by e-mail entitled "Alternation and blockage of lab reports" claiming that a laboratory had altered test results and blocked him from accessing electronic health records of his patients. Dept. Ex. 1, pp. 7, 13-14; Tr. 1/4/19, p. 44. According to Respondent, "Quest [had] been blocking specific tests, also blocking tests like UDS [urine drug screens] on patients who abused drugs." Dept. Ex. 1, pp. 7, 13.
5. On June 19, 2018, Jolanta Gawinski, a Department Health Program Supervisor, sent Respondent a letter informing him that the information received by the Department indicates that he may have a condition that may affect his ability to practice medicine with reasonable skill and safety, and that he may be a candidate for referral to the Health Assistance interVention Education Network (HAVEN) Program for evaluation and assistance.¹ Dept. Ex. 1, pp. 8, 15; Tr. 1/4/19, pp. 44- 45, 118. The HAVEN Program is a confidential, voluntary assistance program under Conn. Gen. Stat. § 19a-12a for health care professionals suffering from physical or mental illness, emotional disorder or chemical dependency that evaluates and provides support services to such professionals for conditions that may affect their ability to practice with skill and safety and is an alternative to disciplinary action. Tr. 1/4/19, pp. 44-45; Dept. Ex. 1, pp. 15-16.
6. On June 28, 2018, Ms. Gawinski spoke with the respondent and set up an office meeting at the Department's Office in Hartford, CT to discuss Respondent's concerns. Dept. Ex. 1, p. 8. Respondent indicated that he would be recording the meeting. Dept. Ex. 1, p. 8.
7. On June 28, 2018, Respondent emailed the Department to "clarify a few things" in advance of the meeting scheduled for July 3, 2018. The email stated in part that "I suggest you to be cautious on your accusations, since you are not qualified for any kind of diagnosis and judgment. My wife is a psychiatrist and I am a genius. . . . I will not hesitate to take legal and other types of action against you. . . . [Y]ou guys are taking actions against the truth; I will take this criminal program to court, no matter what." Dept. Ex. 1, p. 22.

¹ Such letter was followed by a meeting on July 3, 2018, between Department staff, Respondent and Respondent's wife, at which the Department attempted to discuss its concerns. Dept. Ex. 1, p. 9; Tr. 1/4/19, pp. 47- 48, 73-76, 86, 87.

8. On July 1, 2018, Respondent sent an e-mail to the Department and various agencies entitled "A report on Corruption and organized crime in medical system, and particular Department of Public Health in Connecticut, USA", alleging corruption and organized crime in the medical system and the Department. Dept. Ex. 1, pp. 8, 23-29; Tr. 1/4/19, pp. 48. The email indicates in part that employees at the Department were making "false statements" about him and were trying to make a "criminal false report" against him. Dept. Ex. 1, p. 23. Respondent further stated in the email that his Internal Medicine Exam had been hacked and the results altered by "these corrupted folks" based on "false reports of these ethnically oriented programs like the Geriatrics program at UCONN, and department of medicine at Oklahoma University." Dept. Ex. 1, p. 25. Respondent further wrote: "Unfortunately, most people in the country and in the world are not aware of the deep corruption in medical training system, and in the Department of public health at local and national levels." Dept. Ex. 1, p. 25.
9. On July 3, 2018, Respondent copied Department staff on an e-mail chain sent to a patient who worked for Respondent, accusing the patient of "creating" and "trigger a problem" for him with the Department. Dept. Ex. 1, pp. 9, 30-32; Tr. 1/4/19, pp. 49-51, 77, 78, 80. The patient's original email message to the respondent was included as part of the email chain, which included the patient's name, the name and dosage of the medication the patient was request a refill on, and contact information. Dept. Ex. 1, pp. 9. Respondent forwarded the patient's email un-redacted to various entities, including the Judicial Branch, the Attorney General's Office, and United States Department of Justice. Dept. Ex. 1, pp. 9, 31-32.
10. On July 5, 2018 at 5:05 p.m., Ms. Gawinski received an e-mail from Lindsey Yeauger from a company called "Idea Buyer," which included a forwarded email from Respondent entitled "New data on ethnicity base organized crime, and corruption in the state of Connecticut. With involvement of DPH employees, police department, local medical entities and facilities (read and edited)." Dept. Ex. 1, pp. 33-39. Respondent claimed in the email organized crime in the medical system, hospitals, Idea Buyer, his residency training at Oklahoma U and UCONN and personally attacked Department staff with derogatory and anti-Semitic comments, and indicated they were causing problems for him. Dept. Ex. 1, pp. 32-39; Tr. 1/4/19, pp. 9, 52, 53, 155-163. Respondent also claimed to be hacked frequently saying with a "high level of probability that these racists and Jew are using the intelligence system in this country for personal gain and abusing ordinary people like me." Dept. Ex. 1, p. 36.
11. On July 5, 2018 at 5:52 p.m., Ms. Gawinski received the same e-mail forwarded to her by Ms. Yeauger from Respondent, but it started with a note by Respondent that his e-mail was hacked, notes were changed or switched to older notes, and that this was more proof that "criminal racists, and Jews abuse everything including the Intelligence for criminal purposes, and personal purposes." Dept. Ex. 1, pp. 40-48; Tr. 1/4/19, pp. 9, 53, 54, 155-163.

12. On July 8, 2018, the Department received an e-mail from Respondent stating that he will be sending details regarding Jewish organized crime against him in the past 16 years, and abuse by “the Jewish ethnicity and racists to gain money and power, and to damage their opponents.” Dept. Ex. 1, pp. 10, 58; Tr. 1/4/19, pp. 55, 120, 150, 152, 155-163. The email continued “[t]he best example of this claim is a small scale is me. . . .” Dept. Ex. 1, pp. 10, 58.
13. On July 18, 2018, Ms. Gawinski submitted an affidavit to the Commissioner of the Department requesting an order for psychiatric evaluation of Respondent. Dept. Ex. 1, pp. 7-10; Resp. Ex. C; Tr. 1/4/19, pp. 55, 56.
14. On July 18, 2018, the Commissioner ordered Respondent to submit to a psychiatric evaluation, to be completed by August 24, 2018.² Dept. Ex. 1, pp. 4, 5; Resp. Ex. B; Tr. 1/4/19, pp. 56, 57.
15. On September 20, 2018, Respondent saw Dr. Amit Rathi, who found Respondent to be “hyperalert and paranoid at the time.” Dept. Ex. 1, p. 62. Dr. Rathi referred Respondent to his associate Dr. Arturo Morales, MD for further consultation. Dr. Morales testified that he found the Respondent to be loud, threatening, overbearing, paranoid, not responsive to logic, and exhibiting pressured speech and psychotic anger during their consultation. Tr. 1/11/19, pp. 93, 95, 119, 174. Dr. Morales testified that the dosage of Methylphenidate prescribed to Respondent by his wife, a licensed physician, was impacting his condition.³
16. On November 8, 2018, Dr. Morales informed Ms. Gawinski that he failed in his attempt to engage Respondent “into a necessary course of treatment,” . . . and that Respondent “requires an intervention with all means available to the Department in order to have an opportunity to recover and continue with the practice of medicine.” Dept. Ex. 1, p. 66; Tr. 1/4/19, p. 63. Dr. Morales testified that the HAVEN Program was a good option for the Respondent in providing the treatment and evaluation necessary to allow Respondent to return to his practice. Tr., 1/11/19, p. 193. Dr. Morales also testified that Respondent should take time off from work while he is receiving treatment. Tr., 1/11/19, p. 200.

² The August 24, 2018 deadline was extended after Respondent expressed difficulty securing an evaluator from the list given by the Department. Eventually, the Department permitted Respondent to find an evaluator on his own who is board certified in adult psychiatry. Not until November 7, 2018, after the Attorney General filed for proceedings to enforce the Commissioner’s July 18, 2018 Order, did the Department receive an evaluation from Dr. Arturo Morales, M.D. Resp. Ex. B; Tr. 1/4/19, pp. 57-61; 82-86, 88, 123-127.

³ Dr. Morales reported that in 2011 Respondent sustained a head injury after falling on the ice and lost consciousness. He developed persistent headaches and nausea. An MRI revealed a small injury, but he was advised by neurosurgeons that it would heal. Dept. Ex. 1, p. 62; Tr. 1/11/19, p. 192. Feeling depressed, unwell and unable to concentrate, Respondent was prescribed Methylphenidate, which he found helpful. Dept. Ex. 1, p. 62. Dr. Morales noted that Respondent was being prescribed 54 mg of long-acting Methylphenidate and 20 mg of Methylphenidate (IR) by his wife, a child and adult psychiatrist. Dept. Ex. 1, p. 62; Tr. 1/4/19, pp. 92-96; Tr. 1/11/19, p. 21. Dr. Morales noted that since February 1, 2018, Respondent had received nearly 500 Methylphenidate 54 MG capsules and 900 Methylphenidate 20 mg tables. This period according to Dr. Morales coincides with Respondent developing ideas about conspiracies directed at him by agencies and Department staff. Dept. Ex. 1, p. 62.

17. During the course of approximately 2018, Respondent suffered from an emotional disorder and/or mental illness which does, and/or may, affect his ability to safely practice medicine and surgery. Dept. Ex. 1; Tr., 1/11/19, pp. 93, 95, 119, 174.

Discussion and Conclusions of Law

Section 20-13c of the Statutes provides, in pertinent part, that:

The board is authorized to restrict, suspend or revoke the license or limit the right to practice of a physician or take any other action in accordance with section 19a-17, for any of the following reasons: (2). . . emotional disorder or mental illness. . .

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Jones v. Connecticut Medical Examining Board*, 309 Conn. 727, 739-40 (2013).

With respect to allegation numbered 1 of the Charges, Respondent admits that he is from Shelton, Connecticut and that he has been at all times referenced in the Charges, the holder of Connecticut physician and surgeon license number 046285. Dept. Ex. 1, p. 100; Tr. 1/4/19, p. 107. Therefore, the Department's burden of proof is met.

With respect to allegation numbered 2 of the Charges, a preponderance of the evidence establishes that during the course of approximately 2018, Respondent suffered from an emotional disorder and/or mental illness which does and/or may affect his ability to safely practice medicine and surgery. Dr. Morales, who is board certified in adult psychiatry and evaluated Respondent, credibly testified that Respondent during his consultation was paranoid and exhibiting psychotic anger. As testified to by Dr. Morales during Respondent consultation: "[Respondent] was loud and overbearing. [Respondent's] speech was pressured and [he] didn't respond to multiple attempts on my part to ground [him] to the reality of the situation and that [he] said that [he] had recorded all of [his] interactions with me and that [he] was currently recording me in order to have my license taken away. And I allowed [him] to vent until the point that I concluded that [he was], frankly paranoid and [he was not] responsive to logic." Tr. 1/11/19, pp. 93, 119. Dr. Morales continued: Respondent "would approach me, put [his] head -- put [his] hands in my face at the same time that [he was] displaying pressured speech and -- communicating extreme anger. That was very threatening behavior. Some people would have ... called the police." Tr. 1/11/19, p. 123. Dr. Morales further testified that Respondent accused Dr. Morales of being "paranoid and psychotic" and on "antipsychotic medications" and "having

impaired judgment." Tr., 1/11/19, p. 119. Dr. Morales testified that Respondent inquired whether Dr. Morales was Jewish. Tr., 1/11/19, p. 94.

While not exhaustive, Respondent's paranoia is further manifested in the various emails set forth in the above findings of fact, which he sent to the Department and various entities. In those emails, Respondent claimed, among other things, that: he may have been the subject of a terrorist attack or crime stemming from coffee he purchased and consumed at a Dunkin Donuts; the police, local FBI, and FBI headquarters failed to investigate this allegation based on these organizations being involved with "deep corruption"; the Bridgeport DEA's involvement in organized crime because it would not investigate a reported drug use and diversion of a patient Respondent had reported; his electronic records being hacked on one or more occasions; a laboratory altered test results and blocked his access to electronic records of his patients; Respondent accused a patient of creating problems for him with the Department when that patient sought to refill the patient's prescription; the Department, medical system, hospitals and/or Ideal Buyer being involved in organized crime; Jewish organized crimes against him for the past sixteen years; and, his Internal Medicine Exam having been hacked and the results altered by "corrupted folks" based on "false reports of these ethnically oriented programs like the Geriatrics program at UCONN, and department of medicine at Oklahoma University."

To the extent that, Respondent's wife and witness, Dr. Ladan Hamdheydari, a child and adult psychiatrist, testified that Respondent has Attention Deficit Disorder and was not paranoid, the Board does not find the testimony of Dr. Hamdheydari to be objective or credible based on her relationship to Respondent. Resp. Ex. F; Tr. 1/4/19, pp. 138-40, 141; Tr. 1/11/19, pp. 225, 227-28, 247-52.

Respondent contends that his patients are satisfied with his high quality care, and he has received numerous awards. Tr. 1/4/19, pp. 112, 113, 143, 144; Resp. Ex. 1, pp. 11-15. Although no evidence has been presented of patient complaints, a preponderance of the evidence establishes that during this time period Respondent was exhibiting paranoid behavior, which may and does affect his ability to safely practice medicine with his patients. In one instance, where a patient sought to refill a prescription, Respondent forwarded that patient's confidential information, including the patient's name, medication and dosage, and contact information, to various public entities to accuse the patient of creating and trigger a problem for him with the Department. Moreover, Respondent's misreading and mistrust of established

agencies and the medical system, including a laboratory, could affect Respondent's willingness to rely on patient test results or information provided to him. This misreading or mistrust thus affects or may affect the treatment provided to patients, thereby putting patients at risk. Therefore, the Department's burden of proof is met.

Conclusion

In conclusion, the Department sustained its burden of proof with regards to allegations numbered 1 through 2 of the Charges. Accordingly, with respect to allegation numbered 3 of the Charges, the Board concludes Respondent's conduct, as described above, constitutes violations upon which to impose discipline on Respondent's license pursuant to §§ 19a-17 and 20-13c(2) of the Statutes, warranting the following Order. The Board notes that the following Order is being entered not as a punitive measure but as means of providing Respondent with a rehabilitative path for his return to practice and ensuring that his return to the practice of medicine does not pose a threat to the health and safety of his patients.

Order

Based upon the record in this case, the above findings of fact and the conclusions of law, and pursuant to the authority vested in it by Conn. Gen. Stat. § 19a-17 and § 20-13c, the Board finds, with respect to license number 046285 held by Nami Bayan, M.D., that the violations alleged and proven in Petition No. 2018-673 warrant the disciplinary action imposed by this Order:

1. Respondent's license number 046285 to practice as a physician and surgeon in the State of Connecticut shall be suspended for a period of two (2) years with concurrent probation, followed by an additional probationary period of two (2) years.
2. Respondent's probation is subject to the following terms and conditions:
 - A. At his own expense, respondent shall engage in individual therapy and medication management with a psychiatrist licensed as a physician in the State of Connecticut (hereinafter "therapist"), pre-approved by the Department, for the entire probationary period. Respondent shall submit to the Department for its pre-approval, the name of the therapist within fifteen days of the effective date of this Memorandum of Decision ("Decision").
 - (1) Respondent shall provide a copy of this Decision to his therapist.

- (2) Respondent's therapist shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Decision within twenty days of the effective date of this Decision.
 - (3) Respondent shall engage in psychiatric therapy with the therapist at least twice per month for the duration of the entire four year probationary period.
 - (4) The therapist shall submit written reports to the Department at least twice per month for the first six months of probation; and, once per month for the remainder of probation which shall address, but not necessarily be limited to, respondent's ability to practice as a physician safely and competently. Respondent is further ordered to submit to any psychological testing or other medical testing as may be deemed reasonable and necessary by the therapist. Said reports shall continue until such time as the therapist determines that therapy is no longer necessary, with the Department's pre-approval, or the period of probation has terminated. Subsequent to the period of suspension under this Decision, a report indicating that respondent is not able to practice safely and competently shall be deemed to be a violation of this Decision.
 - (5) In the event that, during respondent's two-year period of suspension, respondent's therapist provides the Department with a report stating that respondent is able to safely and competently practice as a physician, respondent or the Department may request that the Board lift the suspension and allow respondent to practice under the terms of probation for the remainder of the four-year probationary period and subject to restriction set forth in paragraph 2(B) of this Order.
 - (6) The therapist shall immediately notify the Department in writing if respondent discontinues therapy and/or terminates his/her services, or if the therapist believes respondent's continued practice subsequent to the period of suspension under this Decision poses a danger to the public.
- B. Upon the conclusion of respondent's two-year period of suspension with concurrent probation, respondent's license shall be restricted such that respondent shall only practice medicine in an office and practice setting that physically includes other licensed physicians on-site while respondent is

practicing at said office and practice setting. Said physicians shall not include respondent's spouse or former spouse, or have any other familial relationship with respondent.

- D. Any violation of the terms of this Decision without prior written approval by the Department shall constitute grounds for the Department to seek the suspension or revocation of respondent's license following notice and an opportunity to be heard.
- E. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department's right to take action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
- F. Respondent shall notify the Department of any commencement and/or change in business address within five (5) days of such commencement and/or change.

3. All correspondence related to this Decision must be mailed to:

Lavita Sookram, Nurse Consultant
Department of Public Health
Division of Health Systems Regulations
410 Capitol Avenue, MS#12HSR
P.O. Box 340308
Hartford, CT 06134-0308

Ms. Sookram may also be contacted at the following e-mail address:
Lavita.Sookram@ct.gov.

- 4. Respondent shall comply with all state and federal statutes and regulations applicable to his license.
- 5. Respondent shall pay all costs necessary to comply with this Decision.
- 6. Legal notice shall be sufficient if sent to Respondent's last known address of record reported to the Office of Practitioner Licensing and Certification of the Healthcare Systems Branch of the Department.
- 7. This Decision has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

8. Respondent shall pay for any costs incurred with compliance with the terms of this Order at his own expense.
9. Within ten (10) day of the effective date of this Decision, Respondent shall provide all three originals of his license to the Department.
10. This Decision is effective on the first day of the month after it is signed by the Board.

April 16, 2019

Connecticut Medical Examining Board


Kathryn Emmett, Esq., Chairperson

CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 10th day of APRIL 2019, by certified mail, return receipt requested; first class mail and email to:

Nami Bayan, MD
100 Parrott Drive, Unit 1207
Shelton, CT 06484-4793

Certified Mail RRR #91 7199 9991 7038 1036 5634

and via email to:

Matthew Antonetti, Principal Attorney
Office of Legal Compliance
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys
Administrative Hearings Specialist
Department of Public Health
Public Health Hearing Office

**CONNECTICUT MEDICAL EXAMINING BOARD
CONSENT ORDER COVER SHEET**

Respondent: Michael Kelly, M.D.

Petition No. 2018-590

BIOGRAPHICAL INFORMATION:

Medical School: Hahnemann University School of Medicine

Year of Graduation: 1991

07/01/91 – 06/30/1994	Internal Medicine	<i>Resident</i>	Boston City Hospital – MA

Current Employment: Private Practice – Salisbury CT

License: 041727 Issued: 08/01/2003

Type of Practice: Primary Care

Malpractice History: None known to Department

Past History with DPH: None

Other State License: MA (80005, issued 1994, lapsed 2005, no known discipline)

Investigation Commenced: 05/23/2018

CONSENT ORDER:

- \$5,000 civil penalty
- One year probation with 20% record review
- One year monitoring of controlled substances to begin when/if CSPs reinstated from Drug Control

DEPARTMENT SUMMARY OF THE CASE:

The petition was initiated based on a referral by the Department of Consumer Protection, Drug Control Division (DCP), which found that respondent inappropriately prescribed controlled substances and did not check the PMP every 90 days. DPH's consultant found that respondent's records did not demonstrate a consistent effort to adhere to a safe opioid prescribing system, his initial intake was not thorough and did not include detailed history or exam, and that his documentation did not adequately justify chronic opioid treatment or show appropriate monitoring of chronic opioid patients. Respondent surrendered his CSP registrations with DCP. He acknowledged that he did not check the PMP every 90 days for some patients and that he did not react quickly enough to the changing environment around controlled substances. Respondent has completed coursework in Safe Prescribing Practices.

WILL THIS RESULT IN A REPORT TO THE N.P.D.B. BANK?

Yes.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Michael Kelly, M.D.

Petition No. 2018-590

CONSENT ORDER

WHEREAS, Michael Kelly of Salisbury, CT (hereinafter "respondent") has been issued license number 041727 to practice as a physician and surgeon by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges:

1. During the course of approximately 2014 to 2017, respondent provided treatment to Patients #1, #2, and #3. Respondent's treatment of Patient #1, #2, and/or #3 failed to meet the standard of care in one or more of the following ways, in that he:
 - a. Failed to appropriately assess, manage, and/or treat chronic pain and/or addiction issues;
 - b. Failed to maintain appropriate documentation for the prescription of controlled substances;
 - c. Inappropriately prescribed and/or continued to prescribe controlled substances; and/or
 - d. Failed to appropriately review the Connecticut Prescription Monitoring Program.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c including, but not limited to §20-13c(4).

WHEREAS, respondent has surrendered his Connecticut Controlled Substance Practitioner registrations, CSP.0034175; CSP.0042987.

WHEREAS, respondent successfully completed coursework in Safe Prescribing Practices.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Connecticut Medical Examining Board (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-13c of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 041727 to practice as a physician and surgeon in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of five thousand dollars (\$5,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent's license shall be placed on probation for a period of one (1) year under the following terms and conditions:
 - a. Respondent shall obtain at his own expense, the services of a licensed physician, pre-approved by the Department (hereinafter "supervisor"), to conduct a random review of twenty percent (20%) or twenty (20) of respondent's patient records, whichever is the larger number. In the event respondent has twenty (20) or fewer patients, the supervisor shall review all of respondent's patient records.

- 1) Respondent shall provide a copy of this Consent Order to his practice supervisor. Respondent's supervisor shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - 2) Respondent's supervisor shall conduct such review and meet with him not less than once every month during the probationary.
 - 3) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - 4) Respondent shall be responsible for providing written supervisor reports directly to the Department quarterly for the probationary period. Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and statement as to whether respondent is practicing with reasonable skill and safety. A supervisor report indicating that respondent is not practicing with reasonable skill and safety shall be deemed to be a violation of this Consent Order.
- b. In the event that respondent obtains approval to reapply for his controlled substance registration(s) from Drug Control, and respondent obtains said registration(s), his controlled substance prescribing, ordering, and dispensing practices shall be monitored monthly for a period of one (year), upon issuance of said registration(s), as

set forth below. Respondent agrees that if the probationary period has already terminated at the time respondent obtains such registrations, the probationary period shall be extended or reinstated to ensure that the one (1) year period of monitoring is completed. If the probationary period is extended or reinstated to comply with this provision, no other terms of probation shall be extended or reinstated. During this period of monitoring respondent shall:

- 1) Maintain a log of all controlled substances dispensed to patients as well as all prescriptions for controlled substances, both written and authorized by phone.
- 2) Maintain copies of all orders placed to wholesalers for controlled substances, as well as records of receipts.
- 3) Obtain, at his own expense, the services of a physician in the State of Connecticut and pre-approved by the Department (hereinafter "supervisor") to conduct monthly random reviews of twenty percent (20%) or twenty (20) of respondent's patient records, whichever is the larger number. In the event respondent has twenty (20) or fewer patients, the supervisor shall review all of respondent's patient records. As part of such review, the supervisor shall review and compare respondent's patient records, office dispensing records, controlled substance log, and controlled substance purchase and receipt records to ensure that controlled substances have been appropriately ordered and maintained. The supervisor may monitor respondent's practice by any other reasonable means which he or she deems appropriate, and respondent shall fully cooperate with the supervisor in such additional monitoring.

- 4) Respondent shall be responsible for the supervisor providing written reports to the Board and the Department within two (2) weeks of each review to the address cited in paragraph 5 below. Such reports shall include: documentation of the dates and duration of meetings with respondent; the number and general description of the patient records reviewed; a statement regarding respondent's controlled substance purchasing, prescribing, and dispensing practices; any additional monitoring techniques utilized; and a statement that respondent is practicing with reasonable skill and safety.
5. All correspondence and reports are to be addressed to:

Lavita Sookram, R.N., Nurse Consultant
Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308
6. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
7. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
8. Respondent shall pay all costs necessary to comply with this Consent Order.
9. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.

- b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 9a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
10. In the event respondent does not practice medicine for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes the practice of medicine, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to the practice of medicine without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to

respondent's return to practice. Respondent agrees that any return to the practice of medicine without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

11. If, during the period of probation, respondent practices medicine outside Connecticut, he shall provide written notice to the Department concerning such practice. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of medicine in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 4 above.
12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
13. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
14. This Consent Order will go into effect on May 1, 2020, after having been accepted and ordered by the Board.
15. Respondent understands and agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which his compliance with

this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services, and that all disciplinary actions will appear on his physician profile pursuant to Connecticut General Statutes 20-13j.

16. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing medicine, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.
17. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.

18. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
19. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
20. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a

hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.

21. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
22. Respondent has the right to consult with an attorney prior to signing this document.
23. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
24. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Michael Kelly, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Michael Kelly M.D.
Michael Kelly, M.D.

Subscribed and sworn to before me this 31st day of March 2020.

James G. Kelly, Esq.
Commissioner of the Superior Court
Connecticut

James G. Kelly
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the _____ day of _____ 2020, it is hereby accepted.

Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Medical Examining Board on the _____ day of _____ 2020, it is hereby ordered and accepted.

Connecticut Medical Examining Board

**CONNECTICUT MEDICAL EXAMINING BOARD
CONSENT ORDER COVER SHEET**

Respondent: Enrique Tello-Silva, M.D.

Petition No. 2018-1401

BIOGRAPHICAL INFORMATION:

Medical School: Ponteficia Universidad Javeriana (Bogota, Colombia)

Year of Graduation: 1988

07/01/93-06/30/97	Psychiatry	<i>Intern, resident</i>	Baylor College of Medicine Houston, TX
07/01/97-06/30/98	Psychosomatic medicine	<i>Fellowship</i>	Baylor College of Medicine

Current employment:	Spectrum Psychiatric Group (Hamden)
License: 040565	Issued: June 24, 2002
Type of Practice:	Psychiatry
Board Certification:	Psychiatry and neurology
Malpractice History:	None known to DPH
Past History with DPH:	None
Investigation Commenced:	December 12, 2018

THIS CONSENT ORDER DISCIPLINE:

Reprimand

\$5,000 civil penalty (in two installments)

Probation for one year

Coursework in documentation and in both informed consent and prescribing/
discontinuing benzodiazepines

Supervisor to review charts and report to DPH

DEPARTMENT SUMMARY OF THE CASE:

- Patient 1 complained to the Department. A board-certified psychiatrist reviewed the case for the Department, and re-reviewed after a compliance conference..
- The allegations summarize the case and the consultant's review.

WILL THIS RESULT IN A REPORT TO THE N.P.D.B. BANK?

- Yes

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH
CONNECTICUT MEDICAL EXAMINING BOARD**

In re: Enrique Tello-Silva, M.D.

Petition No. 2018-1401

CONSENT ORDER

WHEREAS, Enrique Tello-Silva, M.D., of Hamden, Connecticut (hereinafter "respondent") has been issued physician and surgeon number 040565 to practice as a physician and surgeon by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. Respondent practices psychiatry in an office-based practice. Respondent provided care to adult Patient 1 at various times between on or about April 24, 2013 and on or about October 23, 2018. Respondent diagnosed ADHD and eating and/or anxiety disorder. At various times, respondent prescribed Adderall, Xanax, Lexapro, Prozac, and other psychoactive medications. From on or about July 10, 2017 through the end of care, respondent prescribed 3mg per day of Xanax to Patient 1.
2. Respondent's care for Patient 1 failed to meet the standard of care in one or more of the following ways:
 - a. On or about October 17, 2018, respondent ordered discontinuation of alprazolam (Xanax®) without adequate substitution with a long acting benzodiazepine and without an adequate and/or safe schedule; and/or
 - b. Respondent failed to provide adequate information for informed consent for treatment with alprazolam, or failed adequately to document informed consent for the alprazolam; and/or
 - c. Respondent failed to make sufficient checks of the patient's prescription profile in the Connecticut Prescription Monitoring and Reporting System.

3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c(4).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Connecticut Medical Examining Board (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-13c of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 040465 to practice as a physician and surgeon in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of five thousand dollars (\$5,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, A first installment of \$2,500, shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent's license shall be placed on probation for a period of one year under the following terms and conditions:
 - a. The second installment of \$2,500 shall be paid within six months of the effective date of this Consent Order.
 - b. Respondent shall obtain at his own expense, the services of a physician and surgeon who is board certified in psychiatry, pre-approved by the Department (hereinafter "reviewer"), to conduct a random review of twenty percent (20%) or twenty (20) of respondent's records of patients seen in the preceding thirty days, whichever is the larger number. In the event respondent has twenty (20) or fewer patients, the reviewer shall review all of respondent's patient records.
 - (1) Respondent shall provide a copy of this Consent Order to his practice reviewer. Respondent's reviewer shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of

this Consent Order within fifteen (15) days of the effective date of this Consent Order.

- (2) Respondent's reviewer shall conduct such review and meet with him not less than once every three months of the entire probationary period.
 - (3) The reviewer shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the reviewer in providing such monitoring.
 - (4) Respondent shall be responsible for providing written reviewer reports directly to the Department not less than once every three months for the entire probationary period. Such reviewer's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and statement as to whether respondent is practicing with reasonable skill and safety, in conformity to standards of documentation, and in accord with the provisions of this consent order. A reviewer report indicating that respondent is not practicing with reasonable skill and safety and/or not in conformity to standards of documentation or in accord with the provisions of this consent order, shall be deemed to be a violation of this Consent Order.
- c. Within the first four months of the probationary period, respondent shall attend and successfully complete courses in: (a) documentation standards, including the appropriate use of electronic records, (b) informed consent in prescribing benzodiazepines; and (c) appropriate prescription and discontinuation of benzodiazepines, pre-approved by the Department. Within fifteen days of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course(s).
5. The terms and conditions contained in this Consent Order do not constitute a restriction on respondent's clinical practice pursuant to subsection (a)(5) of section 19a-17 of the Connecticut General Statutes.

6. All correspondence and reports are to be addressed to:

Lavita Sookram, R.N., Nurse Consultant
Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308
7. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
8. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
9. Respondent shall pay all costs necessary to comply with this Consent Order.
10. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 10.a. above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
11. In the event respondent does not practice as a physician and surgeon for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this

Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes practice as a physician and surgeon, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to practice as a physician and surgeon without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Respondent agrees that any return to practice as a physician and surgeon without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

12. If, during the period of probation, respondent practices as a physician and surgeon outside Connecticut, he shall provide written notice to the Department concerning such practice. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to practice as a physician and surgeon in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 4 above.
13. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
14. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
15. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
16. This Consent Order is a public document. Respondent understands and agrees that the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which her compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be

reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services and that all disciplinary actions will appear on her physician profile pursuant to Connecticut General Statutes 20-13j.

17. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a physician and surgeon, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.
18. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
19. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.

20. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
21. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.
22. Respondent has the right to consult with an attorney prior to signing this document.
23. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
24. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Enrique Tello-Silva, M.D., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

ETELO

Enrique Tello-Silva, M.D.

Subscribed and sworn to before me this 10th day of March 2020.



Nicole Kristen Kasp

Notary Public or person authorized by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the _____ day of _____ 2020, it is hereby accepted.

Christian D. Andresen, M.P.H., Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Medical Examining Board on the _____ day of _____ 2020, it is hereby ordered and accepted.

Kathryn Emmett, Esq., Chairperson
Connecticut Medical Examining Board

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH
CONNECTICUT MEDICAL EXAMINING BOARD**

In re: Vineeta Jha Pathak, M.D.

Petition No. 2019-1223

MOTION TO WITHDRAW STATEMENT OF CHARGES

Comes now the Department of Public Health (hereinafter "the Department") and hereby moves the Connecticut Medical Examining Board (hereinafter "the Board") for an Order granting this Motion to Withdraw. As grounds for this Motion, the Department states that on April 1, 2020, respondent signed a Voluntary Surrender of License Affidavit. A copy of respondent's Affidavit is attached hereto marked as Attachment "A." The Department has accepted respondent's Affidavit and license.

Respondent has voluntarily given up her right to practice as a physician and surgeon in Connecticut with the Department's approval. For this reason, the Department believes that continued prosecution of this case is unnecessary, and that it is in the interests of administrative economy to terminate these proceedings at this time.

Dated this 0th day of April, 2020 at Hartford, Connecticut.



David Tilles, Staff Attorney
Office of Legal Compliance
Healthcare Quality and Safety Branch

ORDER

The foregoing motion having been duly considered by the Connecticut Medical Examining Board, it is hereby:

GRANTED/////////DENIED.

Dated this _____ day of _____, 2020 at Hartford, Connecticut.

Kathryn Emmett, Esq., Chairperson
Connecticut Medical Examining Board

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

Re: Vineeta Jha Pathak, M.D.,
License No.: 044934

Petition No. 2019-1223

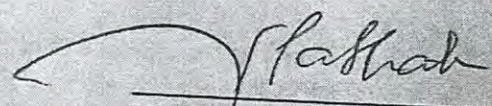
VOLUNTARY SURRENDER OF LICENSE AFFIDAVIT

Vineeta Jha Pathak, M.D., being duly sworn, deposes and says:

1. I am over the age of majority and understand the obligations of an oath.
2. I make this affidavit on the basis of personal knowledge.
3. I am licensed by the Department of Public Health (hereinafter "the Department") to practice as a physician and surgeon. I presently hold license number 044934.
4. I hereby voluntarily surrender my license to practice as a physician and surgeon in the State of Connecticut as provided pursuant to Section 19a-17(d) of the General Statutes.
5. I agree and acknowledge that if I seek a new license or to reinstate my license at any time in the future, the allegations contained in Petition Number 2019-1223 shall be deemed true. I further agree and acknowledge that any such application must be made to the Department which shall have discretion as to whether said license shall be issued or reinstated and, if so, whether said license shall be subject to conditions as provided pursuant to Section 19a-14(a)(6) of the General Statutes.
6. I hereby waive any right to a hearing I may have regarding any request that my license be reinstated or that a new license be issued and also waive any right that I may have to appeal or otherwise challenge the disposition of any such request.
7. I agree and acknowledge that this affidavit and the case file in Petition Number 2019-1223 are public documents, and I am executing this affidavit in settlement of the allegations contained in the above-referenced petition.
8. I agree and acknowledge that this surrender of my license is reportable to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services and is public information.
9. I agree and acknowledge that, upon execution of this document by the Department, the Department will present this document to the Board and will move to withdraw the Statement of Charges in Petition No. 2019-1223. I understand that this document is not

effective unless and until the Department has executed it, and the Board either grants the Department's Motion to Withdraw or the charges are dismissed.

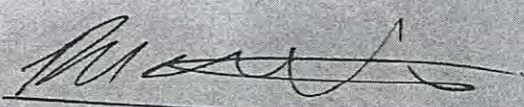
- 10. I agree and acknowledge that I have the right to consult with an attorney prior to signing this affidavit.
- 11. I agree and acknowledge that the execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.
- 12. I agree and acknowledge that the purpose of this agreement is to resolve the pending matter against my license and is not intended to affect any claim of civil liability that might be brought against me.
- 13. If applicable, I agree to comply with the provision of Section 19a-14-44 Regulations Connecticut State Agencies.



Vineeta Jha Pathak, M.D.

Subscribed and sworn to before me this First day of April 2020.

RYAN J LEONHARDT
Notary Public - State of New Jersey
My Commission Expires Oct 9, 2024



Notary Public
Commissioner of Superior Court

Accepted: Christian D. Andresen
Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

4/3/2020
Date