

AGENDA
CONNECTICUT MEDICAL EXAMINING BOARD
Tuesday, June 16, 2020 at 1:30 PM

Department of Public Health
410 Capitol Avenue, Hartford Connecticut

CALL TO ORDER

I. APPROVAL OF MINUTES

April 21, 2020 and May 21, 2020

II. OPEN FORUM

III. UPDATES

A. Chair Updates

B. DPH Updates

IV. NEW BUSINESS

A. Request for License Reinstatement Hearing
Si Ho Lam, MD - Petition No. 2009-2009101

B. Request for License Reinstatement Hearing
Nami Bayan, MD - Petition No. 2018-673

V. OFFICE OF LEGAL COMPLIANCE

A. Glen Rosenfeld, MD - Petition No. 2018-590
Presentation of Consent Order - Presented by Linda Fazzina, Staff Attorney, DPH

ADJOURN

THIS MEETING WILL BE HELD BY VIDEO CONFERENCE

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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 April 21, 2020

The Connecticut Medical Examining Board held a meeting on Tuesday, April 21, 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*
Carol Ekonomides, PA – *via phone*
Robert Green, MD – *via phone*
Michele Jacklin – *via phone*
Marilyn Katz, MD – *via phone*
Shawn London, MD – *via phone*
Edward McAnaney, Esq.
Brimal Patel, MD – *via phone*
Jean Rexford – *via phone*
Daniel Rissi, MD – *via phone*
Harold Sauer, MD – *via phone*
David Schwindt, MD – *via phone*
C. Steven Wolf, MD – *via phone*
Andrew Yuan, DO – *via phone*
Peter Zeman, MD – *via phone*

BOARD MEMBERS ABSENT: Raymond Andrews, Jr., Esq
Allyson Duffy, MD
Marie C. Eugene, DO

Ms. Emmett called the meeting to order at 1:30 p.m. All participants were present by telephone conference.

I. MINUTES

The draft minutes of the March 17, 2020 meeting were reviewed. Dr. Sauer made a motion, seconded by Ms. Rexford to approve the minutes. The motion passed with all in favor except Dr. Zeman and Mr. McAnaney 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. Etyna Barnea, MD – Review of License Reinstatement Application

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

Dr. Green made a motion, seconded by Mr. McAnaney, recommending that Dr. Barnea's license reinstatement be approved. The motion passed unanimously.

B. Proposed Memorandum of Decision - Kakara Gyambibi, MD - Petition No. 2017-160

Assistant Attorney General Daniel Shapiro was present to provide counsel to the Board. Dr. Gyambibi was present with Attorney Mary Alice Moore Leonhardt.

Mr. McAnaney made a motion, seconded by Ms. Ekonomides, to adopt the Memorandum of Decision which imposes a reprimand and probation for a period of two years. The motion passed with all in favor except Dr. Sauer who abstained.

C. Request for License Reinstatement Hearing - Nami Bayan, MD - Petition No. 2018-673

Assistant Attorney General Kerry Colson was present to provide counsel to the Board. Attorney Philip Russell was present on behalf of Dr. Bayan. Staff Attorney Diane Wilan was present for the Department of Public Health.

Attorney Russell presented a request and supporting documentation on behalf of Dr. Bayan asking for hearing to reinstate his license which was suspended for two years pursuant to an April 16, 2019 Memorandum of Decision.

During discussion Board members indicate that additional information from Dr. Bayan's current psychiatrist was necessary.

Pursuant to Board member comments, Attorney Russell withdrew the request on behalf of Dr. Bayan at this time.

V. **OFFICE OF LEGAL COMPLIANCE**

A. Michael Kelly, MD - Petition No. 2018-590

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

Mr. McAnaney made a motion, seconded by Dr. Sauer to adopt the Consent Order which imposes a \$5,000.00 civil penalty and probation for a period of two years. The motion passed with all in favor except Dr. Patel who was opposed.

B. Enrique Tello-Silva, MD - Petition No. 2018-1401

Staff Attorney David Tilles, Department of Public Health, presented a Consent Order in this matter. Respondent and his attorney were present.

Dr. Wolf made a motion, seconded by Dr. Green, to adopt the Consent Order which imposes a reprimand, a \$5,000.00 civil penalty and probation for a period of one year. The motion passed unanimously.

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

Staff Attorney David Tilles, Department of Public Health, presented a motion to withdraw the Statement of Charges in this matter.

Respondent was present but was not represented by counsel.

Ms. Jacklin made a motion, seconded by Dr. Wolf, to adopt the Department's motion to withdraw the charges. The motion passed unanimously.

VI. **ADJOURNMENT**

As there was no further business, the meeting was adjourned at 2:10 p.m.

Respectfully submitted,
Kathryn Emmett, Esq., Chairperson

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 May 21, 2020**

The Connecticut Medical Examining Board held a meeting on Tuesday, May 21, 2020 originating from the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Kathryn Emmett, Esq., Chairperson
Raymond Andrews, Jr., Esq
Allyson Duffy, MD
Carol Ekonomides, PA
Robert Green, MD
Marilyn Katz, MD
Shawn London, MD
Edward McAnaney, Esq.
Jean Rexford
Daniel Rissi, MD
Harold Sauer. MD
C. Steven Wolf, MD
Andrew Yuan, DO
Peter Zeman, MD

BOARD MEMBERS ABSENT: Marie C. Eugene, DO
Michele Jacklin
Brimal Patel, MD
David Schwindt. MD

Ms. Emmett called the meeting to order at 10:00 a.m. All participants were present by telephone conference.

NEW BUSINESS

Oden Cohen, MD – Review of License Application

Celeste Dowdell, License and Applications Analyst, Department of Public Health presented a licensure application for Oden Cohen, MD for a determination that his post-graduate training is equivalent to training in a program accredited by the American Council on Graduate Medical Education.

Dr. Wolf made a motion, seconded by Dr. Green, recommending that Dr. Cohen 's application for licensure be approved. The motion passed with all in favor except Dr. Sauer who abstained.

OTHER BUSINESS

Ms. Emmett reported that Carol Ekonomides, PA. has submitted her resignation as a Board member.

Ms. Ekonomides stated she is resigning due to her license expiring on May 31, 2020. Ms. Ekonomides was thanked for her service.

ADJOURNMENT

As there was no further business, the meeting was adjourned at 10:11 a.m.

Respectfully submitted,
Kathryn Emmett, Esq., Chairperson

**CONNECTICUT MEDICAL EXAMINING BOARD
PENDING CASES**

As of 6/16/2020

FYI

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
Richard Kravitz, MD	08/10/2018	06/17/2019	11/26/2019							203	Hearing Panel Needed
Nimrod Lavi, MD	05/11/2016	02/02/2018	05/07/2018	07/02/2018	07/08/2019	2/13/2020				771	Hearing to be rescheduled
Murray Wellner, MD	10/04/2018	8/29/2019	12/20/2019							179	Prehearing Review Scheduled
Paul Willette	10/24/2019	06/08/2018	10/25/2018	01/30/2019						600	Hearing continued at Respondent's requests Hearing rescheduled to December 15, 2020
Yuting Xiong, MD	1/15/2016		12/06/2019	01/03/2020						193	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>		
<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	12/15/2020 - 9:00 a.m.
<u>Michele Jacklin</u>	Yuting Xiong, MD	to be rescheduled
<u>Marilyn Katz, MD</u>		
<u>Shawn London, MD</u>		
<u>Edward McAnaney</u>	Nimrod Lavi, MD Paul Willette, MD	to be rescheduled. 12/15/2020 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 12/15/2020 - 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.

STATE OF CONNECTICUT
CONNECTICUT MEDICAL EXAMINING BOARD
SI-HOI LAM, M.D. LICENSE #024800
PETITION #2009-2009101

May 8, 2020

REQUEST FOR MODIFICATION OF LICENSE RESTRICTION

The Respondent, Si-Hoi Lam, M.D., respectfully requests that this Board modify the restriction that was placed on his license on or about October 16, 2013 that required the presence of a female chaperone during any examination or treatment of a female patient.

The Respondent makes this request now, almost 7 years having passed, because of the impact this restriction has had on the conduct of his practice; his reputation within the community; the collateral administrative consequences that have financially impacted on him; and that this restriction is no longer required to assure competent medical treatment provided by the Respondent to his patients.

The Respondent requests that the Board take into consideration the factors listed below.

1. An order of this Board was issued on or about October 16, 2013. That order was based on the Board's findings that Dr. Lam had acted inappropriately in his dealings with a female patient. The resulting order required, inter alia, a six-month period of probation; a monetary fine of \$5,000.00; and in particular as relevant to this request, a restriction on

Respondent's license requiring the presence of a chaperone during any treatment or examination of a female patient.

2. At all times prior to issuance of the Board's order and for all times since, the Respondent has fully complied with all requirements for maintaining his medical license. He was never previously disciplined in any way. He has served and successfully completed the period of probation imposed. He has paid the requisite fine. Importantly, he has conducted himself appropriate with the presence of the chaperone in all instances since the date of imposition of that restriction.

3. The restriction has significantly impacted Dr. Lam's practice. The practical effect is, that because of staffing needs, he sees fewer patients. It also means that there has been an increase in the costs of maintaining his practice and a decline in his earnings.

4. Respondent was previously actively associated with the Yale School of Medicine for many years. In fact, prior to 2013 Dr. Lam was a highly regarded community office preceptor for residents of the Yale Medical School and Yale New Haven Hospital. He earned a "Best Teacher" award from the Residency Program at Yale in 2011. Dr. Lam enjoyed and continues to enjoy an excellent reputation within the medical community.

5. Since the imposition of the restriction on his license, Dr. Lam has been precluded from participating and assisting in the training of residents at Yale. Dr. Lam took great pride in his ability to teach and in the teaching exercise itself. The Best Teacher Award is an indication of that. Many

graduates of the Yale residency programs have gone on to be successful physicians, having learned at Dr. Lam's elbow. Dr. Lam wishes to resume his teaching of residents and internal medicine. Dr. Stephen Holt has submitted a letter in support of the removal of the restriction for this very purpose. (See Exhibit A attached).

6. There are additional collateral consequences. Dr. Lam held and holds a license from New York, even though he does not practice in New York. Nevertheless, with the imposition of the restriction on its Connecticut license, there followed reciprocal action by New York authorities which, in a very complicated way, impacted Dr. Lam's ability to participate in certain federal programs. That, then, illogically, perhaps, required him to engage the services of counsel to rectify the New York licensing situation so that that license, once revived as the result of the Connecticut sanctions, now similarly lists Dr. Lam as restricted in New York as he is in Connecticut. As illogical as this is, that license holds the potential for further impacting Dr. Lam in the future.

7. The imposition of the restriction on his license has impacted Dr. Lam further with respect to his medical malpractice – the fees have gone up – and has the potential for limiting his listing as an accepted internal medicine practitioner on many insurance policies.

8. In addition Dr. Lam in the past volunteered to accommodate the University of Chicago Medical School Graduates who were visiting Yale in New Haven by providing residential assistance to them. Because of the restrictions on his license, that opportunity has been denied him.

9. The present COVID pandemic only emphasizes the need for available qualified physicians who can serve the public.

Conclusion.

Dr. Lam has been sanctioned by this Board's ruling in October, 2013. We submit that his conduct prior to that ruling and his conduct since that ruling has been in all aspects honorable and appropriate. We submit that the need to protect Dr. Lam's patients by requiring a chaperone no longer exists based on his prior record and present record of conduct. We submit as well that to continue the restriction on Dr. Lam's record will adversely impact him and his practice out of proportion to the claims which gave rise to the October 2013 order. We request that the Board instead view these past six plus years as an extended probationary period.

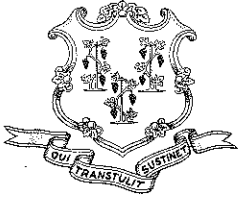
We request, then, that the order be modified and the restriction be removed.

RESPECTFULLY SUBMITTED,

THE RESPONDENT

By _____

William F. Dow, III
JACOBS & DOW, LLC
350 Orange Street
New Haven, CT 06511
Telephone: (203) 772-3100
Facsimile: (203) 772-1691



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING OFFICE

October 16, 2013

William F. Dow III, Esq.
Jacobs & Dow, LLC
350 Orange Street
New Haven, CT 06503-0606

Certified Mail RRR #91-7199-9991-7033-0326-2563

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

Via EMAIL

RE: Si Hoi Lam, MD - Petition No. 2009-2009101

Dear Attorney Dow 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,

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

c: Jewel Mullen, MD, MPH, MPA, Commissioner, Department of Public Health
Kerry Colson, Assistant Attorney General
Wendy Furniss, Branch Chief, Healthcare Systems
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations
Lynn A. Rioux, Paralegal Specialist II, Office of the Attorney General
Bonnie Pinkerton, RN, Nurse Consultant, Department of Public Health

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410 Capitol Avenue - MS # **13 PHO**

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STATE OF CONNECTICUT
CONNECTICUT MEDICAL EXAMINING BOARD

Si Hoi Lam, M.D.
License No.: 024800

Petition No. 2009-2009101

MEMORANDUM OF DECISION

I. BACKGROUND

On January 30, 2012, the Department of Public Health ("Department") presented a Statement of Charges ("Charges") to the Connecticut Medical Examining Board ("Board") against license number 024800 of Si Hoi Lam, M.D. ("Respondent"). Board Exhibit ("Bd Ex.")

1. The Charges allege that Respondent's license is subject to disciplinary action under Connecticut General Statutes ("Statutes") § 20-13c, including, but not limited to, § 20-13c (4). Bd Ex. 1.

On or about March 12, 2011, the Department sent the Charges and a Notice of Hearing regarding the Charges to Respondent, through his attorney, by certified mail, return receipt requested. Bd Exh. 2.

The Notice of Hearing directed Respondent to appear before a duly authorized panel of the Board on May 15, 2012, for a formal hearing regarding the Charges. Bd Ex. 2. The Panel consisted of Daniel Rissi, MD, Edward McAnaney, Esq., and Richard Bridburg, M.D., (the "Panel"). Bd Ex. 2. On May 15, 2012, Dr. Bridburg was replaced as a Panel Member by Denise Ward, P.T. Bd. Ex. 4.

Respondent filed an Answer to the Charges. Bd Ex. 3.

On May 15, 2012 and June 18, 2013, the Board, through its duly authorized Panel held an administrative hearing, in accordance with § 4-166 et seq. of the Statutes and § 19a-9a-1 et seq. of the Regulations of Connecticut State Agencies ("the Regulations"), to adjudicate Respondent's case. During the hearing, Respondent and the Department were represented by legal counsel and afforded the opportunity to present witnesses and evidence, examine and cross-examination witnesses, and provide argument on all issues.

All Panel members involved in this decision received copies of the entire record and attest that they either 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).

II. ALLEGATIONS

1. Paragraph one of the Charges alleges that Respondent of New Haven is, and has been, at all times referenced in the Charges, the holder of Connecticut medicine and surgery license number 024800. Charges, ¶ 1; Bd Ex. 1.
2. Paragraph two of the Charges alleges that “[o]n or about December 19, 2008, [R]espondent performed an examination of patient S.M. during which he made inappropriate physical and/or sexual contact with patient S.M.” Charges, ¶ 2; Bd Ex. 1.
3. Paragraph three of the Charges alleges that “[t]he above-described facts constitute grounds for disciplinary action pursuant to § 20-13c of the General Statutes of Connecticut, including but not limited to, § 20-13c(4) of the Statutes.” Charges, ¶ 3; Bd Ex. 1.

III. FINDINGS OF FACT

1. Respondent of New Haven is and has been, at all times referenced in the Charges, the holder of Connecticut medicine and surgery license number 024800. Bd Exs. 1, 3 (Charges and Answer, respectively).
2. On December 19, 2008, Respondent performed a pre-operative examination of patient S.M. Bd Exs. 1, 3 (Charges and Answer, respectively). Bd Ex. 3; Respondent Exhibit (“Resp. Ex.”) A, p. 133 (sealed); Hearing Transcript (“Tr.”) 5/15/12, pp. 17, 139 (sealed).
3. On December 19, 2008, during his examination of S.M., Respondent made inappropriate physical and sexual contact with patient S.M. Tr. 5/15/12, pp. 17-21, 138-140, 148, 149 (sealed); Tr. 6/18/13, pp. 18-20; Dept. Exh. 3 (sealed); Resp. Ex. A, p. 135 (sealed).

IV. DISCUSSION

The “[B]oard 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 . . . (4) illegal, incompetent or negligent conduct in the practice of medicine.” Conn. Gen. Stat. § 20-13c(4).

In this administrative proceeding, the Department bears the burden of proving its case by a preponderance of the evidence. Jones v. Connecticut Medical Examining Board, SC #18843 (2013); Goldstar Medical Services, Inc., et al. v. Department of Social Services, 288 Conn. 790, 821 (2008).

As discussed below, the Board finds that the Department met its burden of proof with respect to paragraphs 1 and 2 of the Charges.

Paragraph 1 of the Charges is not in dispute. Respondent admits that he is from New Haven and holds Connecticut license No. 024800 to practice medicine and surgery. Bd Ex. 3. With respect to paragraph 2 of the Charges, Respondent admits that on or about December 19, 2008, he performed an examination of patient S.M., but denies that he made inappropriate physical and/or sexual contact with patient S.M. Id.

Despite Respondent’s denial, the Board finds that the Department sustained its burden of proof with respect to paragraph 2 of the Charges. Specifically, the Board finds that Respondent failed to meet the standard of care when he made inappropriate physical and/or sexual contact during his examination of S.M.

The preponderance of the evidence establishes that S.M. had been a patient of Respondent for over 10 years and referred her family to him. Tr. 5/15/12, pp. 14, 56, 57 (sealed). On December 19, 2008, S.M. went to Respondent’s office for a pre-operative examination prior to breast surgery. Resp. Ex. A, p. 133 (sealed); Tr. 5/15/12, pp. 17, 139, 171 (sealed). S.M. testified that after the nurse administered an electrocardiogram, Respondent entered the room and the nurse left. Tr. 5/15/12, pp. 18, 19 (sealed). During her examination, S.M. stated that Respondent conducted a breast examination that consisted of caressing, rather than the normal breast exam S.M. was used to. Tr. 5/15/12 p. 19 (sealed). Following the breast exam, S.M. testified that after she informed Respondent that she had tripped over a vacuum cleaner and hit her upper chest area, Respondent asked her to stand up, pulled her pants down to her knees, and said he was checking for bruises on her legs. Tr. 5/15/12, p. 20 (sealed). S.M.

testified that Respondent began to massage the inside of her thighs, then the outside of her underwear over her clitoral area, and then moved his hand underneath her underwear and continued to massage. Tr. 5/15/12, p. 20 (sealed). Respondent did some paperwork, then returned to S.M. and repeated the massage of her clitoral area until she questioned whether he needed to keep doing it. Tr. 5/15/12, p. 21 (sealed).

S.M. testified, and Respondent conceded, that Respondent had conducted breast examinations on S.M. during previous physical examinations. Tr. 5/15/12, pp. 19, 174-178 (sealed). However, S.M. testified that the breast examination conducted by Respondent on December 19, 2008, felt "more like a caress." Tr. 5/15/12, p. 19 (sealed); Resp. Ex. A, pp. 112, 113 (sealed). S.M. also had an examination of her inguinal lymph nodes conducted on September 26, 2008, but the examination by Respondent of her inguinal lymph nodes on December 19, 2008, made her feel "in shock." Tr., 5/15/12, pp. 20, 21, 177-179 (sealed); Dept. Exh. 3 (sealed); Resp. Ex. A, pp. 112, 113 (sealed).

Respondent claims that as part of the pre-operative clearance requested by S.M.'s surgeon, he examined S.M.'s breasts, and examined her legs for blood clots and her lymph nodes located in the groin area, but denied that his examinations were inappropriate. Tr. 5/15/12, pp. 138-140, 148, 149 (sealed); Resp. Ex. A, p. 133 (sealed).

A preponderance of the evidence establishes that S.M. went to Respondent for a pre-operative examination because she was scheduled to undergo a lumpectomy. Tr. 5/15/12, p. 139 (sealed). The Board finds that although S.M. had other breast examinations conducted by Respondent (Tr. 5/15/12, pp. 13, 14, 19, 174-178 (sealed)), her interpretation of his pre-operative examination on December 19, 2008, in preparation for an impending lumpectomy, does not constitute a preponderance of the evidence to support a finding that such examination was not the appropriate standard of care. Moreover, the Department's expert, Dr. Jane Doyle, testified that the words "massaging motion," used by S.M. to describe Respondent's examination of her breasts are very subjective. Tr., 6/18/13, pp. 15, 16. Thus, the Board finds that there is insufficient evidence to establish that Respondent's examination of S.M.'s breasts was a breach of the standard of care.

The Board does, however, find that Respondent significantly deviated from the standard of care while examining S.M.'s inguinal lymph nodes. Respondent claims that he examined S.M.'s legs for blood clots and her lymph nodes located in the groin area, while S.M. testified

that Respondent massaged the outside of her underwear over her clitoral area, and then moved his hand underneath her underwear and continued to massage. Tr. 5/15/12, pp. 20, 21, 138-140, 148, 149 (sealed); Resp. Ex. A, p. 135 (sealed). The Board finds S.M.'s testimony is credible and reliable. Tr. 5/15/12, pp. 20, 21, 138-140, 148, 149 (sealed).

The Board finds that regardless of Respondent's claimed intent, the standard of care for the examination of inguinal lymph nodes requires basic standards of practice that were not executed during Respondent's examination of S.M. on December 19, 2008. The Department's expert, Dr. Jane Doyle, testified credibly that although a pre-operative examination of the thigh and groin area for blood clots is within the standard of care (Tr. 6/18/13, pp. 21-23), there is no legitimate reason for a physician to massage a patient's clitoral area while conducting a pre-operative examination of the inguinal lymph nodes. Tr. 6/18/13, pp. 18, 19. Furthermore, the Board finds that although Dr. Doyle agreed with Respondent's argument that patients undergoing surgery have a certain level of anxiety that may affect their perception (Tr. 6/18/13, pp. 24, 25), no evidence was presented to establish that anxiety affected S.M.'s ability to determine that her clitoris was being massaged.

The Board also considered several additional factors in reaching its conclusions. Specifically, during the December 19, 2008 pre-operative examination of S.M., Respondent: 1) failed to have an assistant present; Tr. 5/15/12, p. 18, 19 (sealed); 2) failed to explain to S.M. what type of touching he would be doing during the examination; Tr. 5/15/12, pp. 172, 173 (sealed); and, 3) failed to document his examination of S.M.'s breasts or lymph nodes on December 19, 2008. Tr. 5/15/12, p. 160.

The Board finds that Respondent's made inappropriate physical and/or sexual contact with patient SM when he examined her inguinal lymph nodes on December 19, 2008. The Board finds that Respondent violated the standard of care and § 20-13c(4) of the Statutes, in that Respondent acted illegally, incompetently and/or negligently in the practice of medicine. Accordingly, Respondent's license is subject to disciplinary action pursuant to §§ 19a-17 and 20-13c of the Statutes as detailed below.

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 §§ 19a-17 and 20-13c of the Statutes, the Board finds that the misconduct alleged and proven warrants the disciplinary action imposed by this order. The Board hereby orders the following with regard the Connecticut physician license number 024800 held by Si Hoi Lam, M.D:

1. Respondent must 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 (2009-2009101) on the face of the check, and shall be payable within thirty days of the effective date of this Decision.
2. Respondent's license shall be placed on probation for a period of six months under the following terms and conditions:
 - a. Respondent shall attend and successfully complete an on-line or classroom course in Ethics and Boundaries, pre-approved by the Department. Within 30 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. Note: If Respondent has already successfully completed a course in the Ethics and Boundaries and such course complies with the Department's approval, then the Board will accept such course completion as satisfaction of this requirement under probation.
3. Respondent's license to practice medicine is hereby permanently restricted in that Respondent shall have a female employee ("chaperone") present during any examination or treatment of a female patient.
 - a. For each such appointment, Respondent shall maintain as part of the patient's medical record, the name of the chaperone, and the patient's and chaperone's signatures attesting to the presence of the chaperone on the said date.
 - b. Respondent shall permit the Department to conduct random, unannounced reviews of all records identified in paragraph 3a above, as well as the patient log of appointments, to ensure compliance with this provision.

4. All correspondence related to this Memorandum of Decision and payment of the civil penalty must be mailed to:

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

5. The Board reserves the right to take additional disciplinary action pursuant to §§ 19a-17 and 20-13c of the Statutes should Respondent fail to comply with this Order.
6. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
7. Respondent shall pay all costs necessary to comply with this Decision.
8. In the event respondent is not employed as a physician for periods of 30 consecutive days or longer, or is employed as a physician for less than 20 hours per week, or is employed outside of the State of Connecticut, Respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Decision.
9. 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.
10. 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.
11. This Memorandum of Decision is effective upon signature of the Board.

10/15/13

Date



By: Kathryn Emmett, Esq., Chairperson

CERTIFICATION

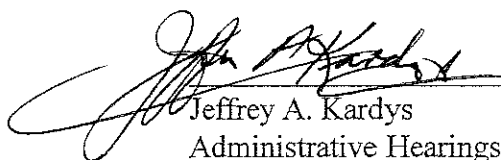
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 16th day of October 2013, by certified mail, return receipt requested to:

William F. Dow III, Esq.
Jacobs & Dow, LLC
350 Orange Street
New Haven, CT 06503-0606

Certified Mail RRR #91-7199-9991-7033-0326-2563

and via email to:

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



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

Exhibit 1

Exhibit 1

Jeffrey A. Kardys
Administrative Hearing Specialist Board Liaison
410 Capitol Avenue, MS 13PHO P.O. Box 340308
Hartford, CT 06134-0308
Re: Nami Bayan, MD reinstatement of medical license Petition # 2018-673

Dear Mr. Kardys and respected Board members,

Please accept this letter as my request for reinstatement of my license. Respectfully, I would like the medical examiner board to give me a second opportunity to represent myself at the next hearing. Accordingly, the evidence was not provided properly by my Attorney at previous hearing. Therefore, the board members were not convinced to reinstate my medical license.

I have been compliant to your order. I have been paying a visit 2 times a month to the psychiatrist, Dr. Hasan Minhas.

This request is according to a large body of evidence which indicates that there has been no pertinent psychiatric issue that has been holding back the reinstatement of my license.

These include,

. Exhibit 6, Page 26, the 'return to work letter': most importantly, Dr. Hassan Minhas, who is a double board certified in psychiatry, including forensic psychiatry, and a faculty member at Yale University, gives the approval and clearance to me to 'return to work'.

. In exhibit 2, pages 3 to 14, you would note the report of 'Comprehensive Neuropsychological evaluation'. According to most experts, this evaluation is one of the most reliable objective measures of a person's psychological status. In this report, by Dr. Mark Beitel, who is a clinical psychologist and faculty at Yale university, we can easily discern that:

A. In oppose to written report and verbal testimony of Dr. Arturo Morales who reluctantly denied the presence of ADD. In Exhibit 2, page 13, lines 24 and 25, This test indicates the presence of 'attention deficit disorder'. As you can recall, during his testimony, we had a long debate over his incorrect diagnosis, and his denial of obvious history, signs, and symptoms of ADD, which he was provided with.

B. In oppose to the diagnosis of Arturo Morales, who claimed that I suffered from Psychosis or Bipolar disorder. As you can note in Exhibit 2, page 13, lines 18 and 19 of this report, 'there is no significant psychiatric pathology and hence diagnosis'.

. In exhibit 3, pages 16 and 17, According to Dr. Minhas evaluation (whom I have seen him for several months by your order), the only treatment I have received was minimal dose of Sertraline, a 'Selective Serotonin Reuptake Inhibitor', for my 'situational and social anxiety'. I have had no major mood disorder, or any other major psychiatric issue. There has been no need to make any change in the treatment. There has been no intense psychiatric treatment. As I pointed out during hearing, I have never had any hard psychiatric issue in my life. But again, my voice was not heard.

. I have not used any prescribed stimulant medication since January 2019. Although due to my confirmed ADD, it is indicated. But, after discussion with Dr. Minhas and to prevent any confusion, we decided to stay away from any stimulant. Exhibit 4, page 19, indicates a negative quantitative 'Drug Screening Test' result, proving that I have stayed away from this class of medications.

Of note, the action which was taken against me was based on the diagnosis of Dr. Arturo Morales in Nov/2018, and also inappropriate comments made in my emails at the time. It had nothing to do with my skills as a clinician and the care I provided to my patients; although it was tagged as such. As you note in the exhibit 7, pages 29 to 53, there is a large Number of support letters showing my patients' favorable opinion on the care I provided to them, and the high standard of care I was holding. Exhibit 5, pages 21 to 24, is my CV, which indicates my awards for the care I provided to my patients.

In conclusion, even if the board is persistent on the obviously incorrect diagnosis which made by Dr. Arturo Morales. At present time, there is a large body of evidence that exclude the presence of any sign of significant psychiatric issue that might put a hold on my license. In addition, I have been holding a high standard for patient safety. There is no evidence that support the claim of any concern for my patient's safety! Other that false diagnosis by Dr. Arturo Morales, and possibly some back biting and false report that was not provided in my presence at the time of previous hearings, likely due to invalidity of them.

On the other hand, current situation resulted is significant emotional and financial burden on me and my family. Although, I scored very high on ABIM exam and it's recertifications, and fulfilled their requirements; And also was providing a high standard of patient care; but my ABIM certificate is suspended due to loss of state license. This situation resulted in not being able to work in other states also.

With all respect, I would like to deeply apologize for any inappropriate comment that I made, in the past, via email or verbally. In addition, I am regretful for being upset at the time; even though, it was mostly reactive to unfair situation that was rendered against me.

I have been a dedicated internist to the community, and would like to serve people of this country, and provide them with the best quality of care in my capability. I wish I could have been helpful during the COVID-19 pandemic; but regretfully, my license has been suspended.

Of importance, I would like to assure you that I will avoid any disrespect or friction, even in the worse case scenarios, in the future, at the work place and in the community.

I would like to thank you for your considerations; and I look forward to hearing from you!

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

Respondent: Glen S. Rosenfeld, M.D.

Petition No. 2019-44

BIOGRAPHICAL INFORMATION:

Medical School: New York University School of Medicine

Year of Graduation: 1991

07/01/1991-06/30/1992	Internal Medicine	<i>Intern</i>	Sinai Hospital, Baltimore, MD
07/01/1992-06/30/1995	Anesthesiology	<i>Resident</i>	John's Hopkins Medical Institute, Baltimore, MD

Current employment: Unknown

License: 041323 Issued: 4/4/2003

Type of Practice: Anesthesiology

Board Certification: American Board of Anesthesiology

Malpractice History: November 2008 (Average) and May 2013 (Below Average)

Past History with DPH: None

Investigation Commenced: 1/16/2019

THIS CONSENT ORDER DISCIPLINE:

Civil Penalty of Five Thousand Dollars (\$5,000.00)

DEPARTMENT SUMMARY OF THE CASE:

- The Department's Facility Licensing and Investigations Section (FLIS) made a referral to the Department's Practitioner Licensing and Investigations Section (PLIS) after a FLIS investigation determined that respondent performed an eye block and a femoral block on the wrong site.
- Respondent admits that in October 2016 he performed a retro bulbar block on the wrong eye of a patient and that in November 2017 he performed a pre-operative femoral nerve block on the wrong side of a patient. Both errors were discovered prior to surgery.
- The discipline in this Consent Order is consistent with prior order of the Connecticut Medical Examining Board for similar conduct.

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: Glen S. Rosenfeld, M.D.

Petition No. 2019-44

CONSENT ORDER

WHEREAS, Glen S. Rosenfeld of West Hartford, Connecticut (hereinafter "respondent") has been issued license number 041323 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, respondent admits that:

1. On or about October 18, 2016, respondent performed a retro bulbar block on the wrong eye of patient #1; and
2. On or about November 29, 2017, respondent performed a pre-operative femoral nerve block on the wrong side of patient #2.
3. 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, in consideration of this Consent Order, has chosen not to contest this matter and/or whether disciplinary action is warranted in 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 respondent's right to a hearing on the merits of this matter.
2. 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.
3. Respondent shall comply with all state and federal statutes and regulations applicable to respondent's licensure.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. 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.
6. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Board.
7. Respondent understands and agrees that this Consent Order shall be deemed a public document and the above admitted violations shall be deemed true in any proceeding before the Board in which respondent's compliance with this Consent Order or with Chapter 370 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 respondent's physician profile pursuant to Connecticut General Statutes 20-13j.

8. 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 respondent may have under the laws of the State of Connecticut or of the United States.
9. 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.
10. 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.

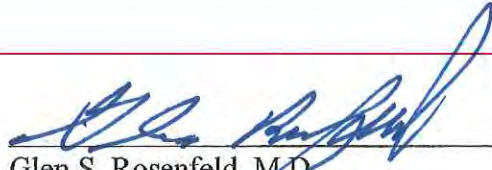
11. Respondent has the right to consult with an attorney prior to signing this document.
12. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred 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.
13. 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.

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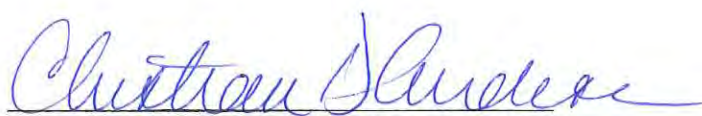
I, Glen S. Rosenfeld, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Glen S. Rosenfeld, M.D.

Subscribed and sworn to before me this 6th day of February 2020.


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 24th day of February 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 _____ on the _____ day of _____ 2020, it is hereby ordered and accepted.

Connecticut Medical Examining Board

