

**AGENDA
CONNECTICUT MEDICAL EXAMINING BOARD**

**SPECIAL MEETING
Wednesday, February 2, 2022 at 8:00 AM**

**Department of Public Health
410 Capitol Avenue, Hartford Connecticut**

CALL TO ORDER

NEW BUSINESS

Nami Bayan, MD – Petition No. 2020-1053
Petition For Reconsideration

ADJOURN

Connecticut Medical Examining Board - Special Meeting 2-02-2022 via Microsoft Teams

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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH



Manisha Juthani, MD
Commissioner

Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

PUBLIC HEALTH HEARING OFFICE

January 21, 2022

Nami Bayan, MD
2 Ivy Brook Road Ste. 120
Shelton, CT 06484

VIA EMAIL (nami.bayan.md@gmail.com)
and **FIRST CLASS MAIL**

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

VIA EMAIL ONLY

RE: Nami Bayan, MD - Petition No. 2020-1053

NOTICE OF ORAL ARGUMENT

On January 4, 2022, the Connecticut Medical Examining Board ("Board") mailed a Final Memorandum of Decision ("MOD") to respondent, Nami Bayan, MD. The MOD revoked respondent's license to practice medicine and surgery in Connecticut.

On January 18, 2022, respondent filed a "motion for appeal and reopening of Hearing." The Board is construing what respondent filed as a petition for reconsideration of the decision pursuant to Conn. Gen. Stat. section 4-181a.

The Board will hear oral argument on this motion on **Wednesday, February 2, 2022** at a meeting to begin at **8:00 a.m.** The meeting will be held remotely via Microsoft TEAMS. The parties will be provided information to connect to the meeting by electronic mail.

If the Department of Public Health ("Department") intends to respond in writing to this motion, it must do so by emailing its response to Dr. Bayan by Thursday, January 27, 2022 by 3:00 p.m. Oral argument will be limited to 10 minutes for respondent and 10 minutes for the Department.

Further, the Board notes that respondent's motion references an "appeal", and the Board provides notice to Dr. Bayan that he should seek private legal counsel if he intends to appeal the final decision of the Board and to explore any other legal remedies available to him. The Board notes that neither the Board nor Jeffrey Kardys, the Board's Liaison, are authorized to provide legal advice or provide any guidance regarding the legal remedies and procedures available to Dr. Bayan.

FOR: **CONNECTICUT MEDICAL EXAMINING BOARD**

BY: /s/ Jeffrey A. Kardys
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STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Manisha Juthani, MD
Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

PUBLIC HEALTH HEARING OFFICE

January 26, 2022

Nami Bayan, MD
2 Ivy Brook Road Ste. 120
Shelton, CT 06484

VIA EMAIL ONLY (nami.bayan.md@gmail.com)

Diane Wilan, Staff Attorney
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410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

VIA EMAIL ONLY

RE: Nami Bayan, MD - Petition No. 2020-1053

NOTICE RE: ORAL ARGUMENT

The Connecticut Medical Examining Board (Board) has scheduled oral argument on the petition for reconsideration filed by the respondent, Nami Bayan, M.D., on February 2, 2022 at 8 a.m.

The respondent will be allowed 5 additional minutes of oral argument to respond to the Department of Public Health's argument. The Board will only hear oral argument from the parties in deciding the respondent's motion for reconsideration.

The Board will not hear testimony from the respondent's expert, consider evidence previously excluded in considering the respondent's motion to re-open the hearing, or otherwise hold an evidentiary hearing in deciding this motion.

FOR: CONNECTICUT MEDICAL EXAMINING BOARD

BY: /s/ Jeffrey A. Kardys

Jeffrey A. Kardys, Administrative Hearings Specialist
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From: Nami Bayan <nami.bayan.md@gmail.com>

Sent: Tuesday, January 18, 2022 2:15 PM

To: Kardys, Jeffrey <Jeffrey.Kardys@ct.gov>; Colson, Kerry <Kerry.Colson@ct.gov>; Wilan, Diane <Diane.Wilan@ct.gov>; Sookram, Lavita <Lavita.Sookram@ct.gov>; Shapiro, Daniel <Daniel.Shapiro@ct.gov>; Bannon, Elizabeth <Elizabeth.Bannon@ct.gov>; attorneys@spinella-law.com; Paul E. Knag <PKNAG@murthalaw.com>; Edward B. Spinella <espinella@murthalaw.com>

Subject: Appeal and motion to reopen, Nami Bayan, MD(edited,final)

Exhibit 1

To state of Connecticut Medical Examining Board

Nami Bayan, MD

Petition No.

2020-1053

License No. 046285

Jan/16/2022

My(Nami Bayan,MD) motion for appeal and reopening of Hearing

Initial Summary and introduction

I (Nami Bayan), the respondent, respectfully request for appeal and reopening of hearing against the decision of revoking my license made in May/14/2021(with related Memorandum of decision provided with delay in Sep/2021) and denial to reopen in Dec/2021.

Please note that I have to be strait-forward and direct; given, the provided long lines of evidence have been neglected and wrongfully dismissed by board panel and/or some of DPH related team. Therefore, I would like to apologize in advance; if the provided arguments and facts seem unpleasant and hard on you.

As you already noted, there have been a large body of evidence indicating related DPH team and Board accusations and their actions were legally and ethically wrongful.

The bases of these wrongful actions, in the past 4 years, were premature judgement, bias, false accusation, wrong diagnosis, neglect, alteration of truth, and tampering of the evidence by related DPH team. As such, these actions were an obvious crime and discrimination against me.

Argument/discussion

1. Imprecise and false accusations in the MOD received in Sep/2021, which the hearing was held on May/14/2021 (exhibit 2, pages 4 to 9). This hearing was held to revoke my license; although initially it was suppose to be a compliance hearing, when I was in Iran. Therefore, before any appropriate assessment , and before providing me a chance to represent myself and show them that I was compliant; the board prematurely decided to revoke my license. That is one of the major flaws in Board decision made on May/14/2021.

a. As it's documented in MOD (Memorandum of decision) held in May/14/2021 and was endorsed on hearing for reopening on 12/21/2021. On page 3 of 6 of MOD, which is page 6 on exhibit 2, under findings of fact, item 3: " responded did not file an answer to the charges." According to exhibit 2, page 9, 10, and 11 there are two responses submitted. One dated Jan/25/2021, and the second dated April/30/2021. Therefore, this is an obvious false accusation by board against me.

b. On Page 5 of the same MOD, which is page 8 of exhibit 2, under 'conclusion', paragraph 1 it is read as " the Board finds respondent's failure to engage in the ordered therapy and medication management and provide written therapy reports". This is one of the biggest fraudulent and misleading statement by board. As you can see on page 13 and 14 on exhibit 2, there are 33 listed visits from Oct/2019 to Nov/10/2021. In addition, there are 7 more visits to Dr. Hassan Minhas and Dr. Merrill Mathew afterward. Therefore, there have been 40 sessions with psychiatrists and more than 10 hours of visit to clinical psychologist Dr. Mark Beitel. This massive number of visits was completely neglected by related DPH team and Board members. Of course, if disregarding these evidence was intentional; it's another prove of lack of good faith in Board Panel and related DPH team.

c. Again and again, just like before, the board panel missed the main concept that all of these evaluations indicate that not only the initial diagnosis of Arturo Morales was wrong (which was the basis of all of these actions); but there is no sign of major psychiatric issue and no need for intense psychiatric f/u and treatment.

d. On Dec/21/2021, we tried to help Board and DPH team to understand that they have missed 11 months of evidence of lack of serious psychiatric issue before the May/2021 hearing, and 8 months of f/u by psychiatrist afterward. But they refuse to listen and just dismissed it.

2. A misleading response: Letter by Att. Diane Wilan, the DPH retained attorney, (exhibit 2, page 1, 2, and 3):

a. Exhibit 2, pages 1 and 2, Paragraph 1, line 2 and 3 is read as " Respondent was afforded a fair and full opportunity to present his case at the time of the hearing."

If we review the provided times in the past 3 years for the hearing we can easily define that for the 'Summary suspension' in Dec/2018, only 5 minutes was given to me; in April/2020, Att. Philip Russell of Fairfield stated that he was not allowed to represent me and was obstructed by DPH staff. In Jun/2020 hearing, I requested extra time, which I was provided with additional 5 min, but total of only 15 minutes to represent and defend myself before Board panel. In Dec/21//2021, Att. Knag was provided with 10 min time to present me, after less than 5 minute one of the board member interfered and did not allow him to continue and finish. These time frames, are obviously too short to provide a the large body of evidence and presentation. Therefore, her statement that 'fair and full opportunity provided' is deceitful and false.

b. The initial more detailed motion to reopen submitted by Att. Knag, exhibit 4, page 3to 7, dated Dec/01/2021, and it's related supporting evidence, was denied and was not allowed to be presented to the panel in the hearing dated Dec/21/2021, by various excuses.

Instead, the presented notes, exhibit 4, page 1 and 2, was presented before the panel, which was insufficient, and contained Att. Knag personal opinion, approval of misinterpretations, and of misconduct of DPH team against me. Therefore, the board missed the opportunity to be reminded and be informed of their wrongful actions. So, they could make a better decision.

c. In May/14/2021, the Board and related DPH staff took an erratic and aggressive motion to revoke my license; instead of properly assessing the true evidence of their wrong decision and my compliance, without partially and bias, and in my presence.

If every person with good faith assesses Lavita Sookram affidavit and DPH letters; he will note that they made these decision before the May14/2021 hearing, and before giving me a chance to defend myself. This premature judgement before the hearing has been a pattern in Board's actions and decisions in the past 4 years.

d. In attorney Wilan letter, dated Dec/06/20, exhibit 2, pages 2, and 3, para 2 to 8, she utterly asked the board to obstruct and decline Att. Paul Knag provided presentation(exhibit 4, pages 3 to 7) and the related large body of evidence, attached as exhibits, by various excuses. As the result, a better

presentation and plenty of evidence we're obstructed. And once more, their team omitted themselves of being informed and reminded of their wrongdoing action against me.

3. False accusations and inaccurate statements in Affidavit of Lavita D. Sookram, exhibit 3, pages 1 and 2, dated Dec/09/2019:

a. Exhibit 3, Page one, item 5.a, Lines 2 to 5 states that: "the board identified that a preponderance of evidence established that during the course of 2018, respondent suffered from an emotional disorder and/or mental illness which does and may affect his ability to safely practicing medicine and surgery." This is a deceitful statement as there was no real evidence:

. The main, so called, evidence was the Arturo Morales, MD wrong diagnosis and false testimony. Although, during the Jan/2019 hearings, I provided the hearing panel with plenty of evidence of Arturo Morales, MD impaired clinical judgement, his delusional memory and perception, imprecise and altered documentation, the contradiction in his diagnosis and management, and his unprofessional act of providing false testimony and false information under the oath in Jan/11/2019. But board disregarded all, and in response, DPH staff tampered the legal documents of hearing.

He claimed that I did not have ADHD which it was an obvious negligence. As all evidence before and after proved that he was wrong.

He stated that I had 'drug induce bipolar disorder' which was wrong. Given, I never had any sign of Bipolar dx. All evaluation and evidence indicates that it was a false diagnosis. He accuse me that the reason was abusing Methylphenidate that I was taking for ADHD. I tapered off and stopped Methylphenidate by the end of Jan/2019, ie for the past 3 years, to prevent any further excuse and false accusation by DPH team. Unfortunate, Board and DPH team, intentionally or by ignorance, missed this important piece of information. And sadly, the Board chose to neglect Dr. Morales dishonesty, psychosis, impairment, false testimony, and wrongful diagnosis. And used these false evidence as the basis of their wrongful action. This is one of the main reason that this actions against me, from the beginning up to now, have been wrongful. The details was provided before, and it's out of scope of this discussion.

. Another of their 'so called evidence' is the accusation of paranoid emails, which was mostly based on real events and my related concern about these unjustifiable actions. Although the hearing panel was provided with evidence and related argument of lack of validity of their accusation; but they chose to disregard them, and instead delete and alter the related evidence, arguments, and conclusions. In addition, one of the panel and related team wrongdoings was bringing words out of the contexts and discussions to create a false image against me.

. In oppose, I provided a the large body of real evidence of wrong diagnosis and false accusation of Arturo Morales and board. But Board not only disregard it, but in response, their team tampered the transcript, mine, and Arturo Morales statements. This was one of the major crime of Board, related DPH team.

. At the time of ethnic dispute which was fueled by Trump administration, I wrote emails against that obvious discrimination and abuse which was mostly correct. My carrier has been severely affected by similar wrong mentations and resulted discrimination in the past 20 years, particularly when I was in training in Oklahoma and center for aging at UCONN(both of these programs were suffering from extreme of prejudice, bias and discrimination). In this country, expression of Ideas is every person's rights. When I faced unjustifiable response, I became upset and mentioned a few things in my emails or verbally, which were not appropriate or were rude. On multiple occasion, I apologized for them. But again and again, some of the DPH staff, particularly Chris Andreson and few other entities, kept the grudge and did not make piece with it.

. I was always a highly functional physician with a high standards of patient care. Being awarded by several organizations, high score on board(which was altered), and very high patient satisfaction is the prove of it. Therefore, the accusation of being impaired or concern with my patients' safety is nothing but a major fabrication against all solid evidence(the related evidence was previously provided and is out of scope of these notes).

b. In the same affidavit, page 2, item 5e, Ms. Sookram states " the therapy reports from October 2019 through June 2020 identified that respondent intermittently complied with with attendance of one or two therapy a month." This is an imprecise assessment , and an utterly false accusation. as you can easily define in exhibit 2, page 12, in less than 9 months, I paid 17 visits to Dr. Minhas, the approved psychiatrist. In some of these months, I saw him 3 times. In November/2019, I could not see him, which was due to his busy schedule and lack of availability; and obviously, it was not was my fault. Once again, DPH team and Board decided to disregard these evidence and fabricate false accusations, and accordingly, talking wrongful action against me.

c. Exhibit 3, page 2, Item 5ei, in October/2019, Dr. Minhas recommended f/u every 3 to 4 weeks, but department refuse to accept this recommendation. This is one of the major faults of DPH staff in disregarding and neglecting psychiatry experts opinion, which happened over and over after aforementioned date. The evidence provided in details previously, and out of scope this letter.

d. Item 5eii, in December 2019 "responded was place of Zoloft". That was minimal dose of 25 mg. I was on SSRI in past for anxiety. But I was off of it when I was on vacation and did not feel that I needed it. Therefore, it was not new, and her statement was imprecise and sign of negligence.

e. One of the deceitful statement of Lavita, in same exhibit, item 5eiii, is that " In April 2020, and May 2020, the psychiatrist recommended that respondent seek a second opinion, which responded considered not to proceed." Wow, this lie is mind blowing. As you can easily find in exhibit 3, pages 3 and 4, this was my suggestion to Dr. Hassan Minhas to gain more evidence against DPH staff false accusations.

As the result, He referred me to Dr. Charles Dike around May/12/2020, and I immediately communicated with him. Then, on Dec/24/2020, he responded and declined the second opinion due to his overwhelming schedule. So, there was no negligence on Dr. Minhas and my behave. Again, another evidence of fabrication and lack of good faith by related DPH team.

f. In same affidavit, exhibit 2 page 2, items 5e. iv and v, Lavita Sookram States that responded canceled his appointment in July and " in august, the psychiatrist informed the department that respondent understands the Board's order and would not comply at this time". Again, another major fabrication by Ms. Sookram. As you can note in exhibit 3, page 6, there is an email dated Aug/12/2021 to Lavita Sookram, Dr. Minhas and others, while I was in Iran. Item one, clearly states that " I'm out of the country. Therefore, I can not pay a visit to the psychiatrist." At the time, I was on the other side of world, in Iran. Therefore, Lavita Sookram statement was nothing but deceit, although, she was well aware that I was in Iran. Later on, DPH staff accused me that I did not informed them that I was in Iran, which of course it was another false accusation. Then, they stated that I needed to get permission before going to Iran, which was another nonsense, given it was not mentioned in any of the orders. Again, another baseless excuse.

g. Item 5e. vi, exhibit 3, psychology evaluation, October/2019, " indicates that presence of turbulent, compulsive, hysterical personality themes, which are likely to be exacerbated at times and can lead to undesirable outcome. However, this mood state states and personality traits do not appear to raise to the level of diagnosable pathology." This statement clearly points out that there is no diagnosable pathology. In addition, in the same report, Dr. Mark Beitel states that the only diagnosis is ADHD, and there was no major psychiatric issues. The matter of " likely to be exacerbated" was only his own speculation, and not a fact found on his evaluations.

In addition, I already knew, and also, I asked several psychiatrists, doctors, and a psychologist on this matter. The consensus was that every normal person has traits of some personality themes. There is no 100 percent standard for normal personality. One more important thing is that the expertise of Dr. Mark Beitel and reason for consult was “comprehensive neuropsychological evaluation” but not providing recommendation on plan of treatment. For example, the Tova test showed possible sleep apnea. He stated that I should have seen a neurologist which was not a precise recommendation. In addition, sleep apnea is not a psychiatric diagnosis, and not a reason to hold a practitioner license. Anxiety and dysphoria was mostly due to stress inflicted by DPH.

To my regret, the DPH staff disregarded the main message of this comprehensive evaluation and other evaluations that there was no major psychiatric issue and stick to the recommendations which was not part of Dr. Beitel work and the reason for consultation. This is one of the evidence of misinterpretation, incompetence, and possible ill intention of related DPH team.

h. Exhibit 3, Item 6 was already responded above. This is an absolute false accusation.

4. Again and again, The decision of board to pay a visit to the treating psychiatrist two times a month for 4 years is a sign of poor judgement and possible ill intention of those who made this decision, and is an obvious inappropriate order.

As I surveyed several doctors and asked them that “ if they have ever recommended to any of their patients to pay a visit to them a fix number of ‘two times a month for 4 years”, they all denied, disapproved, and found it inappropriate; even some called it ridiculous.

In addition, every medically lay person, with a sound common sense, can easily define that the number of visit or admission to hospital is depend on a patient’s condition. If a patient condition deteriorates he might need more medical attention and if improves less. No doctor, and secondarily, no board can predict this for 4 years that a person should f/u with psychiatrist no matter what. On the top of that, all evidence indicates that Arturo Morales was wrong and I did not have any major psychiatric issue or any need for frequent visitation.

Therefore, this order is logically, medically, and legally unacceptable. This is unfair, and unjustifiable. On several occasion, I tried to help the Board panel and related DPH team to gain the insight to their nonsense and illegitimate decisions and orders, but unfortunately they were ignorant and hard headed. One other possibility is that there was a foul intention; given compliance to this order is exhausting, impractical, and destructive for anybody, including me.

5. One of the major flaws in DPH staff orders, and affidavits, is that there is no mention that the reason for interruption of seeing the psychiatrist, from July/2020 to feb/2021, was my travel to Iran; and also, due frustration caused by obvious ignorance and lack of good faith of Board and DPH related team. This was completely deleted from these orders and affidavits. Although, I provided the logic and explanation of obstacles with communicating with the entities in the USA, particularly governmental organizations, from Iran for an American Citizen. Some of these obstacles are the internet filters, blocks, surveys by governmental agencies; and also the possibility of false accusation of spying for the US government. But once again, DPH staff and board panel disregarded the provided information and explanation; and instead, deleted this important data and provided me various excuses.

6. One of my main concern is that Board members and related DPH team preferred an obvious false diagnosis and dishonest testimony of an impaired doctor, Arturo Morales, base on only two visits, to the large body of evidence against their wrongful decision based on hours of evaluation of well grounded psychiatrists and psychologist.

7. Another concern, is that I was always a highly functional physician, I was never impaired and never have had any major psychiatric issues, as it's evident. On the other hand, Arturo Morales has been an impaired and schizophrenic doctor who provided false testimony to board under oath; and showed incompetence and was not able to formulate a correct diagnosis, and also, provided a controversial and unnecessary treatment. But, He has been practicing. Suspending and revoking my license, and maintaining his license is an obvious act of discrimination against me.

8. Apparently and as it's evident by data provided by DPH, Board panel and All DPH staff failed to differentiate and identify the difference between non-significant, mild, and common issues; with major psychiatric issues. As we all know different studies have shown that the prevalence of anxiety is 20 to 25 percent in general population and , ADD is seen in at least 5 percent of general population. That mean that in any chosen sample of individuals, including board members, DPH staff, other physicians, most likely, several individuals have anxiety and/or ADD. As long as, these mild conditions are controlled and don't cause trouble, there is no reason to make false assumption and without real evidence destroy anybody's carrier and life. This is another base for discrimination against me.

9. As I mentioned earlier, I'm not an attorney. One of the wrongdoing of Board and related DPH staff was that on multiple occasions, they denied and refuse to provide information related to procedures and instead, used my lack of legal knowledge to make excuses and obstruct justice. As every body knows and according to law, this is their duty to provide directions in regard to their own procedure to me and to my retained Attorneys.

10. On several occasions, there was months of delay and gap between Board hearings , and final MOD and orders, which was a violation to every citizen's rights. This is well evident by hearing held on May/14/2021 and related MOD in Sep/2021, which was issues several months after hearings. The same to MOD, dated May/17/2019, and related hearing of Jan/2019.

Conclusion

In summary and briefly, I would like to list the wrongful actions, and crimes of some of the DPH staff, particularly Medical Examining Board against me:

- . Accusation of my 'impairment as a doctor and patient safety concern' which was false. The fact was that there was no real evidence, other than false accusations, false testimonies, misdiagnosis, and unrelated email to my work as a doctor. In oppose, there is a large body of evidence of being highly functional, being an outstanding internist, and very high patient satisfaction.
- . Pattern of negligence of DPH staff and dismissal of provided solid evidence by various minor excuses.
- . Missing many major concepts, points, and data; and being obsessed with unimportant minor pitfalls.
- . False accusation that I did not file response, and deceitful statement that I failed to engage with psychiatric Evaluation and treatment. As a large body of evidence shows exactly opposite of their claim.
- . Alteration of truth, and tampering of legal evidence, hearing records and transcripts. Which is one of the major crime by related DPH staff.
- . Evidence of misinterpretation of provided data, incompetence, poor judgement, and lack of good faith by some of the DPH team and some of the board members.
- . Evidence of obvious bias, wrong mentation, and discrimination against me.

As the result of these false accusations and crimes against me, my medical practice and my carrier was destroyed. This has inflicted a serious damage to my carrier, my personal life, and my family.

Suggestions and Negotiation

I, respectfully, would like to ask you to change this unjustifiable pattern of bias, prejudice and negligence; and also, ask you to revisit and to revise your wrongful decisions and actions against me.

Please, pay attention to the major provided evidence of your wrongdoing, instead of being focus on finding minor flaws in procedures, providing excuses, altering the truth, and committing various legally controversial acts.

In addition, I request the reinstatement of my license immediately and unconditionally; as all real evidence indicates that you were wrong. Also, I request a letter of explanation containing details and your acceptance to your wrong decision and wrongful actions against me.

Although, the damage you inflicted on me, my carrier, and my family is not limited to finances; but, you kindly provide me with at least the financial damage that your action caused by far and in future. Albeit, the spiritual, professional, and financial damages you caused, will stay with me and my loved one for ever.

In return to your proper response and compensations, I promise to waive my rights to take you to court of justice(which I hope it exists) for your crime and damages you caused. Thanks for your considerations!

Best Regards,
Nami Bayan, MD
Internal Medicine
Cell# (860)754-7407

Exhibit 2

From: Paul E. Knag <PKNAG@murthalaw.com>
Subject: Fwd: [EXTERNAL] Nami Bayan MD Petition No. 2020-1053
Date: Dec 6, 2021 at 11:39:55 AM
To: Nami Bayan <nami.bayan.md@gmail.com>

Sent from my iPhone

Begin forwarded message:

PAUL E. KNAG | PARTNER
Direct: 203-653-5407 | Fax: 860-240-5711 | PKNAG@murthalaw.com

MURTHACULLINA

Murtha Cullina LLP | Attorneys at Law | www.murthalaw.com
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From: "Wilan, Diane" <Diane.Wilan@ct.gov>
Date: December 6, 2021 at 11:02:10 AM EST
To: "Kardys, Jeffrey" <Jeffrey.Kardys@ct.gov>
Cc: "Paul E. Knag" <PKNAG@murthalaw.com>
Subject: [EXTERNAL] Nami Bayan MD Petition No. 2020-1053

Dear Mr. Kardys,

The Department hereby objects to the Respondent's Motion to Reopen Hearing and Submit Additional Evidence in the above-referenced matter.

As grounds for its objection, the Department states the following:

There is no basis for reopening the hearing in this matter in order to provide additional testimony or to submit additional records, as respondent is requesting. Respondent was

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afforded a fair and full opportunity to present his case at the time of the hearing. Additional evidence, testimony and argument should not be considered after the hearing has been closed, and the Board has conducted its fact finding and reached its conclusions. The fact that respondent chose not to retain counsel and did not appear at the hearing or call witnesses is not an acceptable reason for reopening the record. Respondent was represented by two prior attorneys since this matter began, and he was clearly capable of making those decisions regarding his representation at the time the May 14, 2021 hearing was held.

Para
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The Department strongly objects to the following documents being provided to the Board at this time as there is currently no hearing pending and it is inappropriate to submit additional exhibits directly to the Board outside of the hearing process:

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Section entitled "Facts to Support Dr. Bayan's Motion" on pages 3-5 of the respondent's Motion. None of the information discussed has been properly entered as evidence during a hearing, and it is irrelevant to the Statement of Charges. In addition, the referenced therapy reports are dated months after the conclusion of the hearing.

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Respondent's Exhibit 2 - Respondent's request for reinstatement (actually a request to lift the suspension of his license) which was already considered twice by the Board and denied.

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Respondent's Exhibit 3 - Therapy reports dated 10/27/21 and 11/10/21, which are dated well after the close of the May 14, 2021 hearing.

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Respondent's Exhibit 5 - photos of awards and general reference letters which were entered into evidence at the 1/4/2019 hearing and are not relevant to the Statement of Charges in the 2020 petition, which alleges the respondent's failure to comply with the Board's Memorandum of Decision between 7/2020 and 3/2021.

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Respondent's Exhibit 7 - Additional general reference letters.

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Respondent's Exhibit 8 - Therapy reports dated 5/19/2021, 6/23/21, 7/7/21, 7/20/21, 8/10/21, 8/25/21, 9/13/21, 9/29/21, 10/13/21, 10/27/21 and 11/10/21, all of which are dated after the close of the May 14, 2020 hearing. Also, all therapy reports from 11/6/19 through 6/30/20, and 3/17 and 3/29/21 were already entered into evidence at the hearing.

Wherefore, the Department requests that the respondent's Motion to Reopen the Hearing and Submit Additional Evidence be denied.

Respectfully submitted,

Diane Wilan, Staff Attorney
Office of Legal Compliance
Department of Public Health
410 Capitol Avenue, MS #12LEG
P.O. Box 340308
Hartford, CT 06134

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STATE OF CONNECTICUT
CONNECTICUT MEDICAL EXAMINING BOARD

Nami Bayan, M.D.
License No. 046285

)
Petition No. 2020-1053

MEMORANDUM OF DECISION

Procedural Background

On March 19, 2021 the Department of Public Health ("Department") filed a Statement of Charges ("Charges") with the Connecticut Medical Examining Board ("Board") against license number 046285 for Nami Bayan, M.D. ("Respondent"). Board Exhibit ("Bd. Ex.") 1. The Charges allege that Respondent's license is subject to disciplinary action pursuant to §§ 19a-17 and 20-13c, including but not limited to 20-13c(4) of the Connecticut General Statutes ("Statutes"). Bd. Ex. 1.

Respondent did not file an Answer to the Charges. Transcript pages ("Tr., pp.") 14, 15.

On April 6, 2021 at 4:54 p.m., the Notice of Hearing and Notice for Submissions were sent to Respondent by electronic mail ("e-mail") to nami.bayan.md@gmail.com, his last known e-mail address of record.¹ Bd. Ex. 2. The Notice of Hearing gave notice that the hearing would be held remotely and was scheduled for May 14, 2021. Bd. Ex. 2.

On April 6, 2021 at 11:20 p.m., Respondent replied by e-mail that he would not be present or provide a representative for the hearing. Bd. Ex. 3. On May 13, 2021, the link to connect to the virtual hearing at 9:00 a.m. on May 14, 2021 via Microsoft TEAMS was sent via e-mail to Respondent. Bd. Ex. 6.

¹ Pursuant to Order of the Commissioner of the Department of Public Health on May 27, 2020, "Section 19a-9-18 of the Regulations of Connecticut State Agencies is modified to permit delivery of notices of hearing to be by email only, and to deem such notice to be effective and sufficient if sent to the party's last known email address of record on file with the Department."

² In accordance with § 19a-89 of the Statutes, "Whenever any person holding a license ... issued by the Department of Public Health changes his office or residence address, he shall, within thirty days thereafter notify said department of his new office or residence address." In this case, Respondent did not provide the Department any notification of a change of address as required by § 19a-89 of the Statutes. Therefore, notice was sent to Respondent's last known e-mail address of record, and service of notice to such address is deemed sufficient.

The hearing convened on May 14, 2021, before a duly authorized panel of the Board ("Panel") comprised of Peter Zeman, M.D., Daniel Rissi, MD, and Michele Jacklin. Bd. Ex. 2; Tr., pp. 1-39; Tr. (Executive Session), pp. 1-6 (sealed).

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 failed to appear and was not represented by counsel. 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 and/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 is of Shelton, Connecticut and was issued Connecticut medicine and surgery license number 046285 on March 6, 2008.
2. In paragraph 2 of the Charges, the Department alleges that following a hearing in Petition No. 2018-673, on April 16, 2019, the Connecticut Medical Examining Board issued a Memorandum of Decision ("MOD") which included a finding that a preponderance of the evidence established 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 said MOD, effective May 1, 2019, suspended Respondent's license for two years with concurrent probation, followed by an additional probationary period of two years.

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4. In paragraph 4 of the Charges, the Department alleges that said MOD ordered in paragraph 2A that "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") ... for the entire probationary period...." and in paragraph 2A(4) ordered that "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 the probation...."
5. In paragraph 5 of the Charges, the Department alleges that Respondent is in violation of paragraph 2A of the MOD Order in that he has failed to engage in individual therapy or medication management with a psychiatrist and/or has failed to provide written reports from a therapist to the Department between approximately July 2020 and March 17, 2021.
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, §§19a-17 and/or 20-13c, including but not limited to § 20-13c(4).

Findings of Fact

1. The Department provided Respondent with reasonable and adequate written notice of the May 14, 2021 hearing and the allegations contained in the Charges. Bd. Exs. 1-6.
2. On May 14, 2021, the Board convened the scheduled hearing. Respondent did not appear at the hearing, nor did he request a continuance. Bd. Ex. 3; Tr., pp. 1-39; Transcript Executive Session, pp. 1-6 (sealed).
3. Respondent did not file an Answer to the Charges. Tr., pp. 14, 15.
4. The factual allegations contained in paragraphs 1 through 6 of the Charges are deemed admitted and true. Bd. Ex. 1; Tr., pp. 14, 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).

In accordance with § 19a-9-20 of the Regulations, a hearing shall proceed, "at the time and place specified in the notice of hearing, notwithstanding any failure of Respondent to file an answer within the time provided. If no answer has been timely filed, the allegations shall be deemed admitted." In this case, Respondent failed to file an Answer to the Charges and did not appear for the hearing to contest the allegations. Bd. Ex. 1; Tr., p. 4. Therefore, the allegations are deemed admitted, and the record establishes that the Department sustained its burden of proof with respect to all of the allegations in the Charges. Department Exhibit ("Dept. Ex") 1, pp. 1-37, 59-87; Dept. Ex. 1, pp. 38-58 and 88-132 (sealed); Dept. Ex. 2 (sealed); Dept. Ex. 3; Tr., pp. 14, 15.

In addition to the fact that the allegations have been deemed admitted, the Department proved by a preponderance of evidence that: 1) Respondent is of Shelton, Connecticut and was issued Connecticut medicine and surgery license number 046285 on March 6, 2008 (Dept. Ex. 1, p. 9); 2) Following a hearing in Petition No. 2018-673, on April 16, 2019, the Board issued an MOD which included a finding that a preponderance of the evidence established 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 (Dept. Ex. 1, pp. 8-18); 3) The MOD, effective May 1, 2019, suspended Respondent's license for two years with concurrent probation, followed by an additional probationary period of two years (Dept. Ex. 1, pp. 15-18); 4) The MOD ordered in paragraph 2A that "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")... for the entire probationary period..." and in paragraph 2A(4) ordered that "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 the probation..." (Dept. Ex. 1, pp. 15-17); and 5) Respondent failed to engage in individual therapy or medication management with a psychiatrist and failed to provide written reports from a therapist to the Department between approximately July 2020 and March 17, 2021, in violation of paragraph 2A of the MOD Order and § 20-13c(4) of the Statutes. (Dept. Ex. 1, pp. 19, 27-29, 31, 34; Dept. Ex. 1, pp. 32, 33 (sealed)).

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Conclusion

The Board finds Respondent's failure to engage in the ordered therapy and medication management with a psychiatrist and provide written therapy reports as ordered in the MOD to be not only extremely concerning, but in violation of the Board's previous Order, which was issued as a 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. Because Respondent violated the Board's previous order, the Board lacks the information to find that Respondent can practice medicine with reasonable skill and safety.

In conclusion, the Department sustained its burden of proof with regards to allegations numbered 1 through 5 of the Charges. Accordingly, with respect to allegation numbered 6 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(4) of the Statutes, warranting the following Order.

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. 2020-1053 warrant the following disciplinary action. The Board further finds that the conduct alleged and proven is severable and each proven allegation warrants the disciplinary action imposed by this Order:

1. Respondent's license number 046285 to practice medicine and surgery in the State of Connecticut is hereby **REVOKED**.
2. This Memorandum of Decision becomes effective upon signature.

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The Connecticut Medical Examining Board hereby informs Respondent, Nami Bayan, and the Department of this decision.

Dated at Stamford, Connecticut this 21st day of December, 2021.

CONNECTICUT MEDICAL EXAMINING BOARD

By Kathryn Emmett
Kathryn Emmett, Esq., Chair



From: Nami Bayan nami.bayan.md@gmail.com
Subject: Re: My defense at the hearing
Date: Jan 25, 2021 at 4:27:06 PM
To: Wilan, Diane Diane.Wilan@ct.gov
Cc: Lavita Sookram Lavita.Sookram@ct.gov, Ladan
driadanhamd@gmail.com, Dr. Minhas info@minhaspsychiatry.com

Dear Att. Wilan,

I will not attend your compliance meeting, but here is my response in my defense at the meeting. Please forward this to all board members:

1. I have never had any major psychiatric issue. The 10 months evaluation by Dr. Minhas and comprehensive neuropsychological evaluation is the prove of it.
2. In oppose to Dr. Morales evaluation that he was adamantly insisting on lack of ADHD. The evaluation indicates that I have had ADD. This is compatible with my medical history and previous psychiatrist evaluations and Dr. Minhas evaluation. And one of the prove of questionable clinical judgement of Arturo Morales.
3. No body suspend or revoke license of a practitioner for ADD. This is one of the prove of your wrongful action.
4. One of the prove of your criminality is tampering the hearing records and altering the transcript. Particularly, Dr. Morales false testimony. But you have been showing persistent lack of insight to your wrongdoing.
5. For diagnosis of OSAH(sleep apnea), the neuropsychological test does not have validity. Again, nobody suspend a doctor license, even if this diagnosis is valid. In addition, his recommendation to see a neurologist for OSAH is wrong. This is a pulmonologist job who is trained in sleep study.
6. The main medical treatment for ADHD is stimulant medications. Therefore, Dr. Morales statement that I did not have ADD and I was abusing stimulant medication was false. But again, I provided you with a negative UDS(urine drug screening) test. In addition, I mentioned several time that I have not used any stimulant since Jan/2019, which is a prove of my compliance.

My only real serious issue is that I'm a straightforward person and I speak my mind. As I mentioned earlier over and over, this is you guys who show lack of insight to your wrong decision and criminality. I hope you find the answer to your



From: Nami Bayan nami.bayan.md@gmail.com
Subject: Re: Medical Board Hearing - Nami Bayan, MD, response
Date: Apr 30, 2021 at 12:24:21 PM
To: Diane Wilan diane.wilan@ct.gov, Colson Kerry Kerry.Colson@ct.gov,
Jeffrey Kardys Jeffrey.Kardys@ct.gov, Lavita Sookram
Lavita.Sookram@ct.gov
Cc: Ladan drladanhamd@gmail.com, Hassan M. Minhas
info@minhaspsychiatry.com

Dear Mr. Kardys, and other DPH staff,

As I mentioned earlier, I will not present or provide a representative to your meeting.

These are some of the reasons for my decision,

1. The board members have proved that they suffer from extreme of bias. As their falsified interpretation of facts and evidence are the prove of this claim.
2. The board has been provided with large body of evidence in regard to their wrongful decision against me. But they chose to disregard them all.
3. Some of the DPH staff committed perjury against me through altering the hearing records and transcript. Which is the best evidence of criminality and lack of legitimacy of this board and some of the DPH staff.

The best example for aforementioned claims is that, all evaluations for more that 24 visits and neuropsychological evaluations indicate that the diagnosis, of a dishonest and schizophrenic psychiatrist, Arturo Morales, which was based on only two sessions, was wrong. But the board chose to disregard these solid evidence and go with the false accusation of Arturo Morales. Although, even before these evaluations, I proved that he was provided false testimony. But the transcript and hearing records were altered by some Dishonest DPH staff to cover for this criminal act against me.

In summary, no matter what the evidence and facts indicate; the board disregards the truth and facts, and goes with their biased opinion against me.

Therefore, I do not see any use for the presentation at your meeting. I can only hope that you guys gain the insight to your crime against me.



Please consider this email as my response to this meeting; or, if you prefer, disregard it as usual.

Best Regards,
Nami Bayan, MD
Internal Medicine
H and B Quality Medical Care
Cell# (860)754-7407
Phone# (203)513-2642

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On Apr 30, 2021, at 10:02 AM, Kardys, Jeffrey <Jeffrey.Kardys@ct.gov> wrote:

Medical Board Hearing - Nami Bayan, MD via Microsoft

Join on your computer or mobile app
[Click here to join the meeting](#)

Or call in (audio only)

+1 860-840-2075

Phone Conference ID: 455 432 31#

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Exhibit 3

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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
PRACTITIONER LICENSING AND INVESTIGATIONS SECTION

AFFIDAVIT OF LAVITA D. SOOKRAM, RN, BSN

Re: Nami Bayan, MD

Petition No.: 2020-1053

Lavita D. Sookram, RN, 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 based on personal knowledge and a review of the monitoring file.
3. I am employed by the Practitioner Licensing and Investigations Section within the Department of Public Health (hereinafter "the Department") as a Nurse Consultant.
4. As part of my professional duties, I have the responsibility for monitoring Nami Bayan, MD, ("respondent") under the terms of the Memorandum of Decision (MOD), Petition No. 2018-673, dated April 16, 2019.
5. Respondent's monitoring history consists of the following:
 - a. On April 16, 2019, the Connecticut Medical Examining Board ("Board") issued the above referenced MOD, which placed Respondent's license on probation. The Board identified that a preponderance of the evidence established 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. The Board further identified that the MOD was not a punitive measure but a means to provide Respondent with a rehabilitative path for his return to practice and ensure that his return to practice of medicine does not pose a threat to the health and safety of his patients.
 - b. On May 1, 2019, Respondent's terms of probation became effective and included suspension of his license for a period of two (2) years with concurrent probation, followed by an additional probationary period of 2 years. Further, Respondent shall engage in therapy twice per month for the entire four years of probation.
 - c. In August 2019, Respondent was referred to the Office of Licensure Regulation and compliance for violation of paragraph 2A of the Memorandum of Decision in that Respondent did not meet any of the conditions of probation regarding therapy with a psychiatrist. There was no documented evidence that Respondent obtained the services of a psychiatrist and engaged in individual therapy and medication management until October 2019. In November 2019, the Monitoring Program was directed to continue with monitoring Respondent as he had now come into compliance with the terms of his probation.
 - d. During the period from October 2, 2019 through June 30, 2020, Respondent engaged in therapy with Hassan Minhas, MD, a psychiatrist.

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- e. The therapy reports from October 2019 through June 2020 identified that Respondent intermittently complied with attendance of one or two therapy sessions a month. The psychiatrist noted no issues regarding Respondent's ability to practice medicine safely and competently. The reports documented Respondent underwent a full neuropsychological testing. Respondent was diagnosed with underlying ADHD but no other major psychiatric disorder.
 - i. In October 2019, the psychiatrist recommended decreasing therapy sessions to every 3-4 weeks. The Department did not support the request for reduction in therapy.
 - ii. In December 2019, Respondent was placed on Zoloft.
 - iii. In April 2020 and May 2020, the psychiatrist recommended that Respondent seek a second opinion, which Respondent considered and decided not to proceed with it in July 2020 due to his confidence that there were no psychiatric issues.
 - iv. In July 2020, Respondent emailed his psychiatrist stating that he was cancelling his appointment. Therefore, no therapy reports were submitted to the Department.
 - v. In August 2020, the psychiatrist informed the Department that Respondent understands the Board's Order and would not comply at this time.
 - vi. The evaluator of the Psychological Report dated October 15, 2019 identified that the Millon Clinical Multiaxial Inventory, Fourth Edition "indicates the presence of turbulent, compulsive, and hysterical personality themes, which are likely to be exacerbated at times and can lead to undesired outcomes. However, these mood states and personality traits do not appear to raise to the level of diagnosable pathology at this time."
 - 1) The evaluator recommended that psychiatric supervision should continue, to consider a computer-based intervention for attention deficit, regular physical exercise, and to consult with neurologist and sleep physician.
- 6. A notice of non-compliance letter dated November 4, 2020 was issued to Respondent for failure to engage in therapy and medication management with a licensed psychiatrist during the probationary period.
- 7. The attached documents are true and accurate copies of documents either created or acquired by me during the course of my activities in this case.
 - a. Investigation Report
 - b. Memorandum of Decision, Petition No. 2018-673
 - c. Non-Compliance Letter, Therapy Reports and Correspondence

12/9/20
Date

Lavita D. Sookram
Lavita D. Sookram, RN, BSN

Subscribed and sworn to before me this 9 day of December 2020.

[Signature]
Notary Public
My Commission Expires 4/30/2021

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From: Nami Bayan nami.bayan.md@gmail.com
Subject: Re: Therapy Report-Missing
Date: Aug 12, 2020 at 1:18:38 AM
To: Lavita.Sookram@ct.gov, Colson Kerry Kerry.Colson@ct.gov, Diane Wilan Diane Wilan@ct.gov, Jeffrey Kardys Jeffrey.kardys@ct.gov
Cc: Hassan M. Minhas info@minhaspsychiatry.com, Ladan drladanhamd@gmail.com, Villa Sharif villa.sharif@yahoo.ca, shahlamoghadam3@optimum.net

Lavita,

It's unfortunate that DPH is unresponsive to facts and evidence. I patiently complied with your insane order for close to a year, and provided you guys with enough evidence that your action was wrongful. But this ruthless board has been persistent on their criminal conduct against me.

Current facts, which likely you will disregard as previous facts, are:

1. I'm out of the country. Therefore, I can not pay a visit to the psychiatrist.
 2. If you review the last letter and evidence I provided to the board, it speaks for itself. There is no need for biweekly psychiatric f/u. There is no active psych issue that needs such an intense f/u. There is no major therapy or medical treatment. There is no major psychiatric diagnosis. I don't understand what is hard for you guys to digest here. But, I feel sorry for myself and other doctors who have to deal with you guys insanity and lack of understanding.
 3. One of the basis of psychosis is detachment from reality. This is the main issue this board has been showing. What you have been showing is a mass psychosis. I will not waste any of my valuable time on your detachment from reality, and insensitivity to justice and truth.
 4. If I go back to state, the only way to settle this matter is taking this insane board and your unjustifiable decision to court of law.
- I hope this email is clear enough!

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From: [Wilan, Diane](#)
To: [Kardys, Jeffrey](#)
Cc: [Nami Bayan](#)
Subject: DPH Petition 2020-1053 - Dept's Objection to Respondent's Petition for Reconsideration
Date: Thursday, January 27, 2022 10:36:16 AM
Attachments: [Bayan D-3.pdf](#)

Dear Mr. Kardys:

The Department hereby objects to the Respondent's Petition for Reconsideration made pursuant to Connecticut General Statutes Section 4-181a.

As grounds for its objection, the Department states the following:

Respondent's petition, in its introduction, argument and conclusion, relates to a large extent to his objection to the Board's Memorandum of Decision ("MOD") and order in the underlying 2018 case (Petition #2018-673). Connecticut General Statutes Section 4-181a provides that a party may file a petition for reconsideration of a final decision *within fifteen days* after the personal delivery or mailing of the final decision. The MOD in the 2018 case was issued April 16, 2019, therefore Section 4-181a does not allow the respondent to relitigate the earlier issues during oral argument in a subsequent case, or to continue to dispute that final decision several years later.

Under Section 4-181a(a), valid reasons for granting a respondent's petition for reconsideration of a final decision would be if an error of fact or law should be corrected, new evidence has been discovered which materially affects the merits of the case and which for good reasons was not presented in the agency proceeding, or for other good cause. In the current proceeding, the Board may only consider any such information as it pertains to the final MOD issued in DPH Petition 2020-1053, which was mailed to the respondent on January 4, 2022.

The Statement of Charges in Petition No. 2020-1053 alleged, in pertinent part, that "Respondent is in violation of paragraph 2A of the MOD Order in that he has failed to engage in individual therapy or medication management with a psychiatrist and/or has failed to provide written reports from a therapist to the Department between approximately July 2020 and March 17, 2021". The Board found that the Department proved this charge by a preponderance of evidence that and concluded that revocation was appropriate on that basis. Respondent's current petition has not provided any information to the contrary, or any new information which would allow the Board to now reconsider its decision.

Respondent's failure to attend the hearing on May 14, 2021 is also not a valid reason for reconsideration. Respondent claims that "although initially it was suppose [sic] to be a compliance hearing, when I was in Iran. Therefore, before any appropriate assessment , and

before providing me a chance to represent myself and show them that I was compliant; the board prematurely decided to revoke my license.” In fact, respondent was offered several opportunities for a compliance conference, as evidenced by the attached emails (Dept. Attachment 1) and the Department’s Hearing Exhibit D-3, also attached:

On January 19, 2021, the Department pursuant to Sec. 4-182(c) offered respondent a telephone compliance conference for February 9, 2021 (D-3 pgs. 2-3.)

Respondent informed the Department he could not communicate by phone (D-3 p.1).

A compliance conference via Teams videoconference was then also offered for February 9, 2021 (Attachment 1 p.7).

Respondent then requested that the compliance conference be delayed and rescheduled for a date after he returned to the U.S. (Attachment 1 p.5).

This was granted and the compliance conference was rescheduled for March 19, 2021 at 10:00 a.m., (Attachment 1 p. 3), to which he agreed (Attachment 1 p. 2).

On March 19, 2021 at 9:19 a.m., respondent then notified the Department that he would not attend that compliance conference (Attachment 1 pp. 1-2).

The Teams link to the meeting was made available as scheduled and left open for additional time, but he did not attend (Attachment 1 p.1).

On April 6, 2021, respondent received a Notice of Hearing via email from the Public Health Hearing Office, which scheduled the hearing for May 14, 2021. Respondent sent an email reply stating that he would not be present or provide a representative (D-3 p.10). He did not attend. He had ample time to retain counsel if he had chosen to do so, as he had done in the past. His choice not to obtain legal representation is also not an appropriate reason to reconsider the MOD.

Wherefore, the Department requests that the respondent’s Petition for Reconsideration be denied.

Respectfully submitted,

Diane Wilan, Staff Attorney
Office of Legal Compliance
Department of Public Health
410 Capitol Avenue, MS #12LEG
P.O. Box 340308

Hartford, CT 06134

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Wilan, Diane

From: Nami Bayan <nami.bayan.md@gmail.com>
Sent: Saturday, January 23, 2021 6:00 PM
To: Wilan, Diane; Sookram, Lavita
Cc: Ladan; Dr. Minhas
Subject: Fwd: Compliance Conference Pet. No. 2020-1053

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Miss Wilan

I just want you to know that when I return to the US; I will resume seeing Dr. Minhas or another psychiatrist. Although, if you has been minimally impartial; you might have noted that other than taking methylphenidate, which was stopped in January/2019; I have never had any major psychiatric issues. In addition, as you noted, the neuropsychological evaluation indicated that I have had ADHD. In oppose to persistence of Arturo Morales in the absence of ADD, which was a false statement.

I have been out of the states for the past 6 months and as you know I already informed Miss Sookram for the matter.

Best Regards,
Nami Bayan, MD
Internal Medicine
H and B Quality Medical Care
Cell# (860)754-7407
Phone# (203)513-2642

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Begin forwarded message:

From: Nami Bayan <nami.bayan.md@gmail.com>
Date: January 20, 2021 at 4:52:51 PM GMT+3:30
To: "Wilan, Diane" <Diane.Wilan@ct.gov>
Cc: Ladan <drladanhamd@gmail.com>, Lavita Sookram <Lavita.Sookram@ct.gov>
Subject: Re: Compliance Conference Pet. No. 2020-1053

Dear Miss Wilan,

As I notify Miss Lavita Sookram earlier, I have been out of the country for the past 6 months. Therefore, I'm not able to attend any session or communicate with you guys, other than with email. As long as I was in state, I was compliant to your order. I provided you with 10 months of normal psychiatric evaluations and normal comprehensive neuropsychiatric evaluations, which you disregarded.

The current evidence indicates that your decision and the false testimony of Arturo Morales was wrong. In addition, you committed perjury against me, by altering the hearing records and transcripts of the hearings. I suppose to peruse your wrongful action against myself by a legal action. But I decided to go back to my original country. Given, after providing a high quality of care to my patients, and also being one of the americas top doctors; you committed crime against me and damaged my carrier by false accusation and perjuries.

Best Regards,
Nami Bayan, MD
Internal Medicine
H and B Quality Medical Care
Cell# (860)754-7407
Phone# (203)513-2642

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On Jan 19, 2021, at 10:12 PM, Wilan, Diane <Diane.Wilan@ct.gov> wrote:

Re: Compliance Conference Petition No.: 2020-1053

Dear Dr. Bayan:

The Practitioner Licensing and Investigations section of the Department of Public Health has been investigating the above-cited petition involving your practice as a physician in the State of Connecticut. The petition has been referred to the Department's Office of Legal Compliance. I am the attorney within the Department's Office of Legal Compliance assigned to this petition. Pursuant to §4-182(c) of the Connecticut General Statutes, I have scheduled a compliance conference for Tuesday, February 9, 2021 at 10:00 a.m. This conference will be held by telephone as our office is currently working remotely. **Please provide me with the phone number where I can reach you at that time.**

I have attached a draft Statement of Charges that sets forth the facts and/or conduct that the Department alleges may warrant the initiation of formal charges against your license. The compliance conference provides you with an opportunity to review the alleged violations and demonstrate compliance with all legal requirements for the retention of your license. I have also enclosed for your reference and review a copy of the Department's Investigative Report and affidavit of Lavita Sookram.

Subsequent to the compliance conference, you will have the opportunity to discuss the possibility of settling the petition without the necessity of holding a hearing that would include the formal issuance of a statement of charges against your license to practice medicine and surgery in Connecticut. It is not mandatory for you to attend this compliance conference. However, if you do not attend, this office will have no

recourse but to file a Statement of Charges and move forward with formal proceedings. Such proceedings would be conducted before the Connecticut Medical Examining Board pursuant to §19a-14 of the Connecticut General Statutes and could result in disciplinary action against your license, including, but not limited to, revocation of your license. If you so desire, you may be accompanied by an attorney during the compliance conference.

Sincerely,

Diane Wilan, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
P.O. Box 340308
Hartford, CT 06134

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<image001.png>

<image002.png>

<Bayan SOC 1.19.21.pdf>

<BAYAN-Invest Rpt 11.4.20.pdf>

<BAYAN-LS Affidavit 12.9.20.pdf>

Wilan, Diane

From: Nami Bayan <nami.bayan.md@gmail.com>
Sent: Monday, January 25, 2021 4:18 PM
To: Wilan, Diane
Cc: Sookram, Lavita; Ladan; Dr. Minhas
Subject: Re: My defense at the hearing

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Dear Att. Wilan,

I will not attend your compliance meeting, but here is my response in my defense at the meeting. Please forward this to all board members:

1. I never has had any major psychiatric issues. The 10 months evaluation by Dr. Minhas and comprehensive neuropsychological evaluation is the prove of it.
2. In oppose to Dr. Morales evaluation that he was adamantly insisting on lack of ADHD. The evaluation indicates that I have had ADD. This is compatible with my medical history and previous psychiatrist evaluations and Dr. Minhas evaluation. And one of the prove of questionable clinical judgement of Arturo Morales.
3. No body suspend or revoke license of a practitioner for ADD. This is one of the prove of your wrongful action.
4. One of the prove of your criminality is tampering the hearing records and altering the transcript. Particularly, Dr. Morales false testimony. But you have been showing persistent lack of insight to your wrongdoing.
5. For diagnosis of OSAH(sleep apnea), the neuropsychological test does not have validity. Again, nobody suspend a doctor license, even if this diagnosis is valid. In addition, his recommendation to see a neurologist for OSAH is wrong. This is a pulmonologist job who trained is sleep study.
6. The main medical treatment for ADHD is stimulant medications. Therefore, Dr. Morales statement that I did not have ADD and I was abusing stimulant medication was false. But again, I provided you with a negative UDS(urine drug screening) test. In addition, I mentioned several time that I did not use any stimulant since Jan/2019, which is a prove of my compliance.

My only real serious issue is that I'm a straightforward person and I speak my mind. As I mentioned earlier over and over, this is you guys who show lack of insight to your wrong decision and criminality. I hope you find the answer to your questions.

Best Regards,
Nami Bayan, MD
Internal Medicine
H and B Quality Medical Care
Cell# (860)754-7407
Phone# (203)513-2642

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On Jan 26, 2021, at 12:15 AM, Nami Bayan <nami.bayan.md@gmail.com> wrote:

Dear Att. Wilan,

If you read Dr. Mark Beitel notes, his diagnosis is Attention Deficit disorder, and sleep apnea. No body suspend a doctor for ADHD and sleep apnea. I never have had any major psychiatric issues. I don't understand why you don't gain the insight to your wrong decision and wrongful action against me.

One of the main treatment for ADD is stimulant medications. If you read doctor Morales notes; you would realize that he got it all wrong. You are still insisting on your wrongful decision.

Best Regards,
Nami Bayan, MD
Internal Medicine
H and B Quality Medical Care
Cell# (860)754-7407
Phone# (203)513-2642

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On Jan 25, 2021, at 11:57 PM, Nami Bayan <nami.bayan.md@gmail.com> wrote:

OK!

Best Regards,
Nami Bayan, MD
Internal Medicine
H and B Quality Medical Care
Cell# (860)754-7407
Phone# (203)513-2642

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On Jan 25, 2021, at 11:49 PM, Wilan, Diane <Diane.Wilan@ct.gov> wrote:

Dear Dr. Bayan,
Please refer to the compliance conference letter below which I previously sent you. It explains the reason for the conference, which is required by statute. I am in receipt of your earlier emails which you have also attached below. Thank you for that information.

The Department will be sending you a link to a Teams meeting, as another option for you to attend the compliance conference.

Sincerely,

Diane Wilan, Staff Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
P.O. Box 340308
Hartford, CT 06134

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<image001.png>

<image002.png>

From: Nami Bayan <nami.bayan.md@gmail.com>
Sent: Monday, January 25, 2021 3:06 PM
To: Wilan, Diane <Diane.Wilan@ct.gov>; Sookram, Lavita <Lavita.Sookram@ct.gov>
Cc: Ladan <drladanhamd@gmail.com>; Dr. Minhas <info@minhaspsychiatry.com>
Subject: Concern about you lack of response

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Att. Wilan,

I just sent you the following email, and several emails before. But you have been refusing to respond properly.

There has been a pattern of lack of response to informations, detachment from reality, and disregarding the truth, since I have been facing you guys. Your refusal to acknowledge the inputs is really concerning. Again, please respond to these email ASAP.

Hello Att. Wilan,

Since you did not responded to my emails which seems inappropriate; I'm emailing you again. I hope you read the content of email I sent you. Again, I'm out of the country; therefore, I'm not able to attend this session or any live psych evaluation.

Please respond to the following questions,

1. Considering the above data; do you still want to hold compliance hearing? If so why?

2. Did you noticed that all data indicate the false testimony and your false accusation; and also you guys attempted to tamper the legal evidence?

Please respond to these questions ASAP. Thanks and regards!

Best Regards,
Nami Bayan, MD
Internal Medicine
H and B Quality Medical Care
Cell# (860)754-7407
Phone# (203)513-2642

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On Jan 24, 2021, at 2:29 AM, Nami Bayan
<nami.bayan.md@gmail.com> wrote:

Dear Miss Wilan

I just want you to know that when I return to the US; I will resume seeing Dr. Minhas or another psychiatrist. Although, if you has been minimally impartial; you might have noted that other than taking methylphenidate, which was stopped in January/2019; I have never had any major psychiatric issues. In addition, as you noted, the neuropsychological evaluation indicated that I have had ADHD. In oppose to persistence of Arturo Morales in the absence of ADD, which was a false statement.

I have been out of the states for the past 6 months and as you know I already informed Miss Sookram for the matter.

Best Regards,
Nami Bayan, MD
Internal Medicine
H and B Quality Medical Care
Cell# (860)754-7407
Phone# (203)513-2642

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Wilan, Diane

From: Nami Bayan <nami.bayan.md@gmail.com>
Sent: Thursday, April 8, 2021 2:05 PM
To: Wilan, Diane; Sookram, Lavita
Cc: Ladan; Colson, Kerry; Hassan M. Minhas
Subject: Another example of misinterpretation and lack of understanding

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Dear Diane,

As you note in the email Lavita sent, You can see an obvious misinterpretation and disregarding of critical informations, as usual:

1. I notified Lavita and you, several times, that I was out of country for the period I did not see Dr. Minhas. But you have disregarded it.
2. According the original order, I supposed to see psychiatrist, Dr. Minhas, twice a month, initially, and then once a month. But in the email, Lavita mentioned two times a month for 4 years which is not compatible with your original order.
3. If it's not so troublesome, I suggest you guy to read the notes Dr. Minhas sent you. They are all normal and shows no significant abnormality. Again you are disregarding the most important piece of information, that there has been no significant psychiatric issue.
4. All evidence shows that Dr. Morales provided false testimony and made a false diagnosis. But again, you chose to disregard and interpreted all information in prove of your bias, and against truth.

Hello Dr. Bayan,

The Department received information that you have not engaged in therapy with Dr. Minhas since 6/30/20. You resumed therapy on 3/17/21 and a report was submitted to the Department. As you know, the Board has ordered that you "shall engage in psychiatric therapy with the therapist at least twice per month for the duration of the entire four year probationary period." Please follow up with Dr. Minhas and ensure that he submits a report for your second therapy session in March 2021 ASAP.

Thank you,

Lavita D. Sookram, RN, BSN

Nurse Consultant

Practitioner Licensing and Investigations Section

Connecticut Department of Public Health

410 Capitol Avenue, MS#12HSR

P.O. Box 340308

Hartford, CT 06134

Best Regards,
Nami Bayan, MD
Internal Medicine
H and B Quality Medical Care
Cell# (860)754-7407
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Wilan, Diane

From: Nami Bayan <nami.bayan.md@gmail.com>
Sent: Tuesday, April 6, 2021 11:21 PM
To: Kardys, Jeffrey
Cc: Ladan; Colson, Kerry; Wilan, Diane; Sookram, Lavita; Hassan M. Minhas
Subject: Re: Hearing - Connecticut Medical Examining Board

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hello Mr. Kardys,

As I mentioned earlier, I will not present or provide a representative to your meeting. My problem with the board and their decision is fundamental. As frequently I brought to you attention, a few of these issues are:

1. Providing false testimony by Arturo Morales
2. Perjury committed by DPH, particularly alteration of transcript and hearing records
3. Obvious misjudgment by board members and DPH staff
4. Misinterpretation and disregarding the evidence you were provided with

In summary you conduct has been criminal and the crime you committed resulted in destruction of my practice and carrier. The evidence shows that you destroy an out standing medical practice over your false accusations.

Best Regards,
Nami Bayan, MD
Internal Medicine
H and B Quality Medical Care
Cell# (860)754-7407
Phone# (203)513-2642

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On Apr 6, 2021, at 4:54 PM, Kardys, Jeffrey <Jeffrey.Kardys@ct.gov> wrote:

RE: Nami Bayan, MD – Petition No. 2020-1053

Attached is a Notice of Hearing in the referenced matter.

Jeffrey A. Kardys
Administrative Hearings Specialist

State of Connecticut
Department of Public Health
Legal Office/Public Health Hearing Office
410 Capitol Avenue, MS 13PHO
PO Box 340308
Hartford, CT 06134-0308
860-509-7566 Fax 860-707-1904
Jeffrey.kardys@ct.gov

www.ct.gov/dph/hearingoffice

<image001.jpg>

<image002.png>

<Nami Bayan, MD - NOH, SOC 4-06-2021.pdf>