

AGENDA
CONNECTICUT MEDICAL EXAMINING BOARD
Tuesday, February 16, 2021 at 1:30 PM

Department of Public Health
410 Capitol Avenue, Hartford Connecticut

CALL TO ORDER

I. APPROVAL OF MINUTES

January 19, 2021

II. OPEN FORUM

III. UPDATES

A. Chair Updates

B. DPH Updates

IV. NEW BUSINESS

A. Motion to Withdraw Request for Modification of License Restriction
Si Ho Lam, MD - Petition No. 2009-2009101

V. OFFICE OF LEGAL COMPLIANCE

A. Roozbeh Badii, M.D.- Petition No. 2016-1045

Presentation of Consent Order - Presented by Brittany Petano, Staff Attorney, DPH

ADJOURN

This meeting will be held by video conference at the following link

Connecticut Medical Examining Board via Microsoft Teams

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: 516 423 690#

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 January 19, 2021**

The Connecticut Medical Examining Board held a meeting on Tuesday, January 19, 2021 by video conference.

BOARD MEMBERS PRESENT: Kathryn Emmett, Esq., Chairperson
Raymond Andrews, Jr., Esq.
Allyson Duffy, MD
Marie C. Eugene, DO
Robert Green, MD
Michele Jacklin
William C. Kohlhepp, DHSc, PA-C
Edward McAnaney, Esq.
Brimal Patel, MD
Jean Rexford
Daniel Rissi, MD
Harold Sauer, MD
C. Steven Wolf, MD
Andrew Yuan, DO
Peter Zeman, MD

BOARD MEMBERS ABSENT: Marilyn Katz, MD
Shawn London, MD
David Schwindt, MD

Ms. Emmett called the meeting to order at 1:30 p.m.

I. MINUTES

The draft minutes of the January 19, 2021 meeting were reviewed. Ms. Rexford made a motion, seconded by Dr. Sauer to approve the minutes. The motion passed with all in favor except Dr. Green who abstained.

II. OPEN FORUM

None

III. UPDATES

A. Chair Updates
None

B. Department of Public Health
None

IV. NEW BUSINESS

A. Kenneth Kaplove, MD – Review of License Reinstatement Application

Celeste Dowdell, License and Applications Analyst, Department of Public Health presented a license reinstatement application for Kenneth Kaplove, MD

Dr. Green made a motion, seconded by Mr. McAnaney, to recommend license. The motion passed unanimously.

V. OFFICE OF LEGAL COMPLIANCE

A. Thomas Knutson, M.D. - Petition No. 2019-1297

Staff Attorney Brittany Petano, Department of Public Health, presented a Consent Order in this matter. Respondent was not present and was not represented. Dr. Wolf made a motion, seconded by Dr. Green, to approve the Consent Order which imposes a reprimand and probation for a period of six months. The motion passed unanimously.

A. Matthew Rogalski, M.D. - Petition No. 2020-137

Staff Attorney Brittany Petano, Department of Public Health, presented a Consent Order in this matter. Attorney Craig Fontaine was present on behalf of Dr. Rogalski. Ms. Rexford made a motion, seconded by Dr. Sauer, to approve the Consent Order which imposes a reprimand. The motion passed unanimously.

VI. ADJOURNMENT

As there was no further business, the meeting was adjourned at 1:46 p.m.

Respectfully submitted,
Kathryn Emmett, Esq., Chairperson

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

Si-Hoi Lam, M.D.

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Petition No. 2009-2009101

February 2, 2021

RESPONDENT'S MOTION TO WITHDRAW REQUEST FOR MODIFICATION OF LICENSE RESTRICTION

Si-Hoi Lam, M.D. ("Respondent") respectfully files this motion to voluntarily withdraw his prior request of May 8, 2020 to the Department of Public Health (hereinafter "the Department") to modify the current restriction on his license under the Memorandum of Decision in the above captioned petition dated October 15, 2013 upon the assumption that the hearing held on October 7, 2021 will be closed without a decision being rendered.

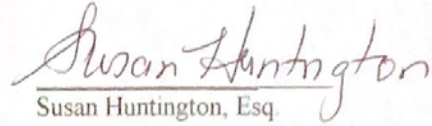
Respectfully Submitted on Behalf of
Respondent,



Susan Huntington, Esq.
Partner,
Day Pitney LLP

CERTIFICATION

This is to certify that on this day of February 2, 2021, the foregoing Respondent's Motion to Withdraw A Request for Modification was sent via email to the Department of Public Health Hearing Office, to [Jeffrey Kardys@ct.gov](mailto:Jeffrey.Kardys@ct.gov), with a copy sent via email to Attorney Diane Wilan at Diane.Wilan@ct.gov and Daniel Shapiro, Assistant Attorney General at Daniel.Shapiro@ct.gov.



Susan Huntington, Esq.
Partner,
Day Pitney LLP

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

Respondent: Roozbeh Badii, M.D.

Petition No. 2020-417

BIOGRAPHICAL INFORMATION:

Medical School: George Washington University

Year of Graduation: 2003

07/01/04-06/30/07

Internal
medicine
resident

New York Medical College
(Westchester) Valhalla, N.Y.

Current employment: Telehealth medicine on various platforms

License: 045831

Issued: September 5, 2007

Note 1: Respondent has licenses in ten other states and the District of Columbia

Note 2: Respondent does not have a controlled substance registration in Connecticut

Note 3: Respondent has been excluded by the Department of Health and Human Services, based on the events in issue in Petition 2016-1421.

Type of Practice: Internal medicine

Board Certification: Internal medicine (2007)

Malpractice History: None known to DPH

Past History with DPH: Consent Order in Connecticut in Petition No. 2016-1421

(reprimand based on out-of-state discipline for improper pre-written prescription). In addition, the present case has led to completed or pending actions in every jurisdiction where respondent is licensed.

Investigation Commenced: May 27, 2020

THIS CONSENT ORDER DISCIPLINE:

- Restriction: May not practice in-person clinical medicine in Connecticut without ninety day notice and documentation of satisfactory completion of clinical skills evaluation
- Probation for two years with chart review of telehealth practice to verify reasonable skill and safety and compliance with Connecticut telehealth statutes.

DEPARTMENT SUMMARY OF THE CASE:

- NPDB, following a Memorandum of Decision by the Maryland Board of Physicians
- The Maryland Board attempted to investigate a complaint against respondent's internet-based prescribing. Respondent did not provide the requested records, and did not respond to a subpoena to attend an interview with the Board. Respondent disclosed certain mental health issues. The Board held a hearing and found that

respondent had failed to cooperate with the investigation and was not able to practice safely as he was not compliant with his own prescribed medications. Subsequently, a forensic evaluation in December 2020 found that respondent is compliant with his treatment and can practice safely and effectively.

In the present petition, respondent's license is summarily suspended pending hearing. The Consent Order will terminate the suspension.

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

- Yes

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

In re: Roozbeh Badii, M.D.

Petition No. 2020-417

CONSENT ORDER

WHEREAS, Roozbeh Badii, M.D., of Coronado, California (hereinafter "respondent") has been issued license number 045831 to practice as a physician and surgeon by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. That the respondent has certain mental health conditions that, if not appropriately managed, do and/or may affect his practice as a physician and surgeon. On or about April 20, 2020, the Maryland Board of Physicians issued a Final Decision and Order regarding respondent's license in which it found that respondent had failed to cooperate with its investigation of a complaint against him and secondly that he is "professionally, physically, or mentally incompetent" to practice as a physician. On or about October 20, 2020, the Circuit Court for Baltimore City affirmed the Final Decision and Order. Said decision of the Circuit Court is presently appealed in the Maryland Court of Special Appeals. On or about October 31, 2020, respondent underwent a comprehensive psychiatric and psychological evaluation pursuant to an order issued by the California Board of Medicine, by a Board-approved forensic psychiatrist. On or about December 2, 2020, said psychiatrist issued the evaluation report, which found that said mental health conditions are currently treated appropriately, and concluded that Dr. Badii can practice medicine safely and effectively if he remains in appropriate treatment.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c(2) and §19a-17(f).

WHEREAS, Respondent has not practiced in-person clinical medicine since 2017. Since that time, he has practiced telemedicine through various telehealth platforms, including occasionally for persons located in Connecticut. Some or all of respondent's telemedicine practice in other states may or may not meet the statutory requirements for telehealth practice in Connecticut.

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

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

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 045831 to practice as a physician and surgeon in the State of Connecticut is hereby restricted such that he will not provide in-person clinical care in Connecticut nor in-person clinical care to any person in Connecticut without first providing the Department not less than ninety days advance notice of his intention to commence such a practice, which notice shall include an evaluation of the respondent demonstrating ability to provide safe and competent clinical care such as through the Colorado Post-Licensure Evaluation Program or similar program.
3. Respondent's license shall be placed on probation for a period of two years upon the following terms and conditions:
 - a. Every ninety (90) days, respondent shall provide a list of Connecticut residents for whom he has provided telehealth services.
 - b. Respondent shall obtain at respondent's own expense, the services of a physician who is licensed in Connecticut and who board certified in either family medicine or internal medicine, pre-approved by the Department (hereinafter "supervisor"), to conduct a quarterly review of the chart of each person identified in paragraph 3.a.

- (1) Respondent shall provide a copy of this Consent Order to respondent's practice supervisor. Respondent's supervisor shall furnish written confirmation to the Department of the supervisor's engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
- (2) Respondent's supervisor shall conduct such review and meet with respondent not less than once every quarter for the duration of respondent's probationary period. Said meetings may be in person or by electronically by concurrent two-way audio and video communication.
- (3) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which the supervisor deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
- (4) Respondent shall be responsible for providing written supervisor reports directly to the Department following each such meeting and review of charts.

Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and statement as to whether respondent is practicing with reasonable skill and safety and in accord with section 19a-906 of the Connecticut general statutes, and that respondent's documentation adequately supports the appropriateness of the prescription. A supervisor report indicating that respondent is not practicing with reasonable skill and safety, is not in compliance with section 19a-906 of the Connecticut general statutes, or has not adequately documented the appropriateness of one or more prescriptions shall be deemed to be a violation of this Consent Order.

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

Lavita Sookram, R.N., Nurse Consultant
Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

5. All reports required by the terms of this Consent Order shall be due according to a

- schedule to be established by the Department of Public Health.
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 Consent Order.
 8. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8.a.above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Commission by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
 9. In the event respondent does not practice in Connecticut as a physician and surgeon for periods of ninety (90) consecutive days or longer, including but not limited to the provision of telehealth services to any resident of Connecticut regardless of where respondent is located, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes practice as a physician and surgeon, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to practice as a physician and surgeon without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional

documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Respondent agrees that any return to practice as a physician and surgeon without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

10. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
11. Legal notice shall be sufficient if sent by first class mail 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, or by e-mail to respondent's e-mail address of record. Respondent is responsible for updating both his mail and his e-mail address in the Department's licensure file. Respondent shall not claim in any action by the Department or the Board that he did not receive notice if notice were sent to either his mail address or his e-mail address of record.
12. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
13. This Consent Order is a public document. Respondent understands and agrees that the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which his compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services, and shall be reported on his Connecticut Physician profile pursuant to section 20-13j of the Connecticut general statutes..
14. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a physician and surgeon, upon request by the Department, with notice to the Commission, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period

shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

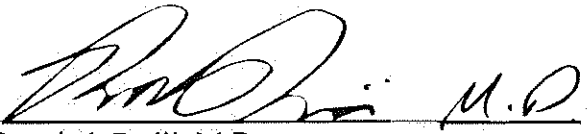
15. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
16. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
17. 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.
18. 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.

19. Respondent has the right to consult with an attorney prior to signing this document.
20. 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.
21. 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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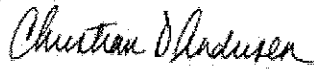
I, Roozbeh Badii, M.D., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Roozbeh Badii, M.D.

Subscribed and sworn to before me this 22nd day of January 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 26th day of January 2021, 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 State Dental Commission on the _____ day of _____ 2021, it is hereby ordered and accepted.

Kathryn Emmett, Esq., Chairperson
Connecticut Medical Examining Board

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SAN DIEGO)

On JANUARY 22, 2021 before me, KATHY LYNN PRICE, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared ROOZBEH BADI
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in
his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the
person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Kathy Lynn Price (Seal)