

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

**COMMISSIONER'S
SUMMARY
ORDER**

OF

**RANIA ALMAHAYNI, M.D.
CO-02-05-2294-A**

TO: RANIA ALMAHAYNI, M.D.
 50 Grande Boulevard
 P.O. Box 781
 West Windsor, NJ 08550

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction (The State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs) has made a finding substantially equivalent to a finding that the continued practice of medicine by RANIA ALMAHAYNI, M.D., (the Respondent), who was authorized to practice medicine in New York state on October 28, 1991 by the issuance of license number 187424 by the New York State Education Department, in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in documents of The State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, that are attached hereto as Appendix "A" and made a part of hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, RANIA ALMAHAYNI, M.D., Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine.

Any practice of medicine in the State of New York in violation of this Commissioner's Summary Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530 and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the State of New Jersey. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Summary Hearing, together with a Statement of Charges to be provided to the Respondent after the final conclusion of the New Jersey proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth on this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

**Respondent shall notify the Director of the Office of
Professional Medical Conduct, New York State
Department of Health, 433 River Street, Suite 303, Troy,
NY 12180-2299 via Certified Mail, Return Receipt
Requested, of the final conclusion of the New Jersey
proceeding immediately upon such conclusion.**

**THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO
PRACTICE MEDICINE IN NEW YORK STATE BE
REVOKED OR SUSPENDED, AND/OR THAT
YOU MAY BE FINED OR SUBJECT TO OTHER
SANCTIONS SET FORTH IN NEW YORK PUBLIC
HEALTH LAW SECTION 230-A. YOU ARE
URGED TO OBTAIN AN ATTORNEY FOR THIS
MATTER.**

DATED: Albany, New York

August 29, ,2002



ANTONIA C. NOVELLO, M.D. M.P.H, Dr. P.H.
Commissioner

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

FILED

July 12, 2002

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF:	:	
	:	
RANIA ALMAHAYNI, M.D.	:	ORDER OF TEMPORARY
LICENSE NO. MA 057196	:	SUSPENSION
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Medical Examiners (the "Board") by a March 8, 2002 Order To Show Cause, Verified Complaint and supporting documentation of David Samson, Attorney General, by Jeri L. Warhaftig, Deputy Attorney General. By that application, respondent was required to show cause why an order should not be entered temporarily suspending or otherwise limiting her license to practice medicine and surgery in this State pending final disposition of all charges in the Administrative Complaint. The return date for the Order to Show Cause was twice adjourned at respondent's request and upon her agreement to voluntarily surrender her license and refrain from practice pending the hearing on the Attorney General's application for temporary suspension. The hearing was adjourned until June 12, 2002.

The Verified Complaint in this matter alleges in one count that Dr. Almahayni suffers from a delusional disorder, which is

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uncontrolled, and for which she is unwilling to undergo treatment. The complaint further alleges that the uncontrolled delusional disorder renders respondent incapable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare, constituting a violation of N.J.S.A. 45:1-21(i) and that her continued practice of medicine and surgery absent treatment constitutes a clear and imminent danger to the public, warranting temporary suspension of her license pursuant to N.J.S.A. 45:1-22.

The hearing on the State's application for temporary suspension was held before the Board at its meeting of June 12, 2002. Deputy Attorney General Jeri Warhaftig presented the case on behalf of the Attorney General. Respondent appeared Pro Se. Numerous documents were offered into evidence by the Attorney General as more fully set forth in the Table of Exhibits attached hereto.

At the outset of the proceeding the Attorney General represented that when the Order To Show Cause was filed there was a specification that many of the items attached were to be "sealed," and she indicated to the Board that the State would not object to any of the items entered into evidence being sealed as some contained sensitive and intimate information which could be misunderstood and mishandled. The Board went into Executive Session and considered the application to seal all of the exhibits attached to the Attorney General's complaint. The Board determined that it would seal Exhibit A (S-1) - an attachment to the certification of Deputy Attorney General Warhaftig; and Exhibit D (S-4) which is a report of a psychiatric evaluation of respondent, except to the extent these documents are relied upon by the Board in any order that may issue stemming from the hearing of June 12, 2002. An additional copy of the psychiatric evaluation attached to S-8, is also sealed. The Board ruled that the balance of the documents are not traditionally sealed and ordinarily are open to public inspection; indeed many consist of documents which are already in the public domain. The Board invited the parties to make appropriate motions to seal any exhibits the parties intended to present at the hearing which were not yet before the Board. No such additional motions were made.

The Attorney General relied upon exhibits introduced into evidence supportive of its application. Specifically, S-2 and S-3 are letters authored by Dr. Almahayni to the Board of Internal Medicine (dated October 1, 2001) and to the President of the American Board of Internal Medicine (dated October 25, 2001), respectively. In S-2, Dr. Almahayni describes taking the Internal Medicine Board examination on four (4) occasions. As to her first attempt to pass the examination in 1993, she attributes her failure to the following:

after answering exactly fifty questions my brain was not able to concentrate any further (Id.).

As to her second failure of the examination in 1996 she indicates " I tried the exam again and exactly after fifty questions I again was not able to concentrate at all any further." She mentions as to the 1999 administration of the examination that " I managed to answer exactly 68 percent of the questions ... which made my chance of passing impossible. The questions ... would not be finished in the time given." She again mentions as to her failure in 2000 that the examination "still would not be finished within the time given." (Id.)

Dr. Almahayni further recounts in the letter that:

my brain was attacked quit [sic] bitterly and quit [sic] severely with an intention to hurt, for unclear reasons by people that I do not know, the night before the exam for over an hour and a half. I had to beg and beg these people to leave me alone until they did.

This affected my concentration the first day of the exam. I did answer better in the previous exam but still I am almost confident I passed this test with the questions I answered. But the score I received from your office was below my expectations. I am almost confident it did not reflect my actual performance.

* * *

the above is causing me profound pain. Is [sic] affecting my life bitterly and severely. ... somebody managed to kill years of real hard work of mine and managed to murder my career. ... somebody is making a profound error hurting me truly in my deepest core. I think this is profound and this person(s) must be found and punished and my life has to be restored to where it should belong. (Id.)

The Attorney General pointed out that in S-3, her letter to the President of the American Board of Internal Medicine, once again relating her failures to pass the Board examination, Dr. Almahayni writes:

I am being attacked by a terroristic mob, nourished, supported, and protected by the Clintons for ten years that I am aware of now and probably for more. This mob is attacking everything in my life and especially my medical career because it is becoming a weapon in my hands that can and able [sic] to bring each and every person of this mob to justice for punishment.

Over the past few years I have witnessed how these people smashed my life and the lives of many others in quite insane, criminal, and barbaric manner, so they can release terroristic and insane desires and wishes and to get to power and money. (S-3)

Dr. Almahayni goes on to assert a government conspiracy that extends to the new presidential administration, and the letter includes Dr. Almahayni's thoughts that Hillary Clinton is a

paranoid schizophrenic with an "empire of prostitutes..." and that Bill Clinton is a manic depressive. (S-3)

The Attorney General also points to the psychiatric evaluation of Dr. Almahayni performed at the request of Dr. Baxter of the Physicians Health Program), by Ricardo J. Fernandez, M.D., a diplomate of the American Board of Psychiatry and Neurology, and certified by the American Society of Clinical Psychopharmacology. The Attorney General recounted that Dr. Fernandez was requested to perform the evaluation due to the letters received from the Board of Internal Medicine described above.

Dr. Almahayni reported to Dr. Fernandez that she still firmly believed that the events she referred to in her letter to the president of the American Board of Internal Medicine are ongoing, and related the event to her parents who she describes as "my enemies." Dr. Fernandez concludes that Dr. Almahayni is "clearly delusional... with significant and persistent impairment of reality testing." Given the currently active nature of her delusional state, Dr. Fernandez opines that she is not competent to practice medicine until she has accepted and responded to treatment. Finally, Dr. Fernandez indicates that with compliance to a proper plan, Dr. Almahayni might be able to return to medical practice at some point in the future.

The Attorney General also pointed to events that have occurred since the evaluation by Dr. Fernandez was completed on January 28, 2002. Specifically, the Attorney General points to S-5, a voice -

mail message left by Dr. Almahayni at the Physicians Health Program in which she states as to the report of Dr. Fernandez:

I got the diagnosis that he desired to give me. And I think this is terrorism and I truly think my health cannot bear this terrorism and I truly think I am not trained to fight this kind of terrorism, American terrorism and I am not even American. ...this man stole my money, harassed me, assault [sic] me and I think this is not fair. This is criminal. It is to be reported and my health cannot bear this terrorism, American terrorism any further. (S-5)

The Attorney General's submission also includes a voice-mail message of February 15, 2002 by Dr. Almahayni in which she requests an appointment to meet with Dr. Baxter as soon as possible and referring to her encounter with Dr. Fernandez when he performed an evaluation states that:

there is an extreme terror that has been attacking me since this physician has seen me two (2) weeks ago and it is very homicidal and it is very - It is really urgent. I feel like dying. I swear that I feel like I am going to be killed at any second. So, I would appreciate your scheduling an appointment for me as soon as possible then I would find out what is this insane, this terrorist and this homicidal person decided I have. I have no clue what is in his evaluation but I think this man is insane, he is a terrorist and he is quite homicidal. (S-5)

Also entered into evidence is a certification of Ricardo Fernandez, M.D. (S-8 in evidence) in which he recounts a telephone call of Dr. Almahayni of February 26, 2002 in which she claimed that the police were at her house, requested Dr. Fernandez to

confirm "terrorism" and that the police were to be contacted because of potential threats made by Dr. Almahayni against him.

Finally, the Attorney General presented a letter of Dr. Lewis Baxter, Medical Director of the Physicians Health Program (S-6) in which he reports that as of March 8, 2002 Dr. Almahayhi has refused to undergo psychiatric treatment including pharmacotherapy recommended by Dr. Fernandez for the diagnosis of delusional disorder. Dr. Baxter opines that Dr. Almahayni is not safe to practice medicine as of the date of his certification. (S-6)

Dr. Almahayni, appearing Pro Se, testified and argued on her own behalf. Dr. Almahayni testified that she has an illness called "abuse syndrome" and that she has been abused by people connected with the government. She described herself as "being in excruciating pain almost crippling [my] brain." She claimed she has always had a psychiatrist to consult, however, as she has moved to a new area she has not had time to find a new psychiatrist. She stated that something was happening every day or two so she sent a letter to the Board of Internal Medicine that she believed that she was being "really killed" by "Iranian people having homicidal ideations."

Dr. Almahayni took the position that the psychiatric report written by Dr. Fernandez is wrong, "fabricated," that she was "threatened by him," that he is "confused and disturbed," and that it really is "terrorism." She claimed to be currently treated by a psychiatrist named Ayman Ramsey who chose not to give her a letter to present to the Board, and that Dr. Baxter of the Physicians

Health Program is supportive and was supposed to come to the hearing (although he was not present).

Dr. Almahayni reiterated many of the statement which were made in the letters which were introduced into evidence, including her claim that she was "attacked" by the Clintons for years, has tried every agency in the country, and sends everything to the President of the United States (presently President Bush) because he is "functioning at the highest level." She also reiterated her difficulties in taking the American Board of Internal Medicine Examination as previously recounted from her letters claiming that when she attempted to take the tests "my brain stopped functioning," that after answering fifty questions on the 2002 administration of the exam her brain became "blocked" and even though the questions "were easy and reasonable" she "couldn't function anymore." Dr. Almahayni went on to explain that at her prior residence at which she lived with her parents as an adult, she believed that the house was connected with the White House, and they heard her. She described the Clintons as "slaughter[ing] her and claimed they were attacking her life, but since she moved from that house everything stopped.

Dr. Almahyani continued that she has been " a scapegoat" by some of her medical school classmates and reiterated that a large number of people are attacking her. She also claims to be abused "mostly by my immediate family" and that when things get severe she goes to a psychiatrist. She further claims that of the thirteen psychiatrists she has dealt with, "twelve of them are really

criminals - I think that it is cultural shock" and she acknowledged being treated (psychiatrically) both in-patient and out-patient at the Bergen Regional Medical Center and at the Helene Fuld Crisis Center. Despite her statements about psychiatrists, she stated that Dr. Ramsey seems to be helping her although he has "weird ideas and strange ideas." She repeatedly referred to herself as being diagnosed with an "abuse syndrome" and when questioned acknowledged this was a diagnosis given to her by a lawyer, and then stated "it's really violence that's going on." Dr. Almahayni summarized her testimony by saying that she is not delusional or a danger to anyone, and that she's under psychiatric care and not dangerous to the public.'

The Attorney General concluded that the record is clear that Dr. Almahayni has been diagnosed with a delusional disorder, has not brought anything to the attention of the Board which would indicate that she has competence to practice at this time and when faced with the opinion of the head of the Physicians Health Program in this state that she presents a danger, together with the psychiatric evaluation, the Board must take steps necessary to temporarily suspend her license which was voluntarily surrendered only until the date of the hearing. Dr. Almahayni concluded by stating she has never misused her license and her new psychiatrist

' She also submitted two positive performance reviews from her part-time position as a bookseller at Barnes & Nobles, dated 9/00 and 9/01 respectively, in support of the proposition that she was functioning well and did not pose a danger.

needs to know more and therefore cannot give her a letter for the Board at this time.

DISCUSSION

The Board had an opportunity to observe respondent's demeanor and affect at the June 12, 2002 meeting at which respondent appeared and testified in response to the Order to Show Cause. Based upon the appearance of Dr. Almahayni at the hearing, the issues raised in the material submitted by the Attorney General, are confirmed. The Board, in accordance with the expert opinion of Dr. Fernandez and in exercising its own expertise in analyzing letters written by respondent and her testimony, finds that however sincerely respondent believes her claims that she is being persecuted and abused and receiving terroristic threats, she is suffering from a delusional disorder. Without treatment and assurances sufficient to convince the Board that she can safely practice, the Board has no alternative but to temporarily suspend the license of Dr. Almahayni pending review by the Board of the result of the plenary proceedings in this matter. The Board was concerned by the bizarre claims of respondent, repeated over and over again, that she is somehow the focus of a terroristic conspiracy, led at the highest level of our government, against her successful passage of the Internal Medicine Certification Board examination. Respondent acknowledges that she has received all nine of the major psychiatric diagnoses in "text books," and despite her description that she has seen at least thirteen psychiatrists (twelve of whom she refers to as "criminal" without any support whatsoever), she has refused and

failed to obtain treatment for her current disorder. Despite her belated claim at the time of the hearing that she is under treatment, she admitted that she could not even obtain a letter of support from her new psychiatrist to provide to the Board. Similarly she was unable to produce any document of the claimed support of Dr. Baxter. The fact that Dr. Almahayni apparently functioned well enough as a bookseller to obtain positive performance reviews in September of 2000 and September of 2001 does not convince us that she can function as a physician at this time. To ignore Dr. Almahayni's delusional state would be to abrogate our responsibility to protect the public.

Although Dr. Almahayni has not been practicing for some time, without treatment and assurances sufficient to convince the Board she can safely practice, the Board has no alternative but to temporarily suspend her license pending review by the Board of the result of the plenary proceeding in this matter. The Board will not consider any application to lift the temporary suspension until it receives evidence that respondent has secured sufficient psychiatric treatment, and is fit and competent to practice.

IT IS THEREFORE ON THIS 9th DAY OF JULY, 2002,

After the close of the hearing, a submission was received from Dr. Baxter indicating that the Physicians Health Program would only recommend that respondent's license be reinstated when she is deemed fit to return to practice by a treating psychiatrist, and agrees to other specified participation in the Physicians Health Program. Although the Attorney General indicates no objection to the submission being a part of the record in this matter, it was received after the Board's deliberations in this matter, and Dr. Almahayni has not indicated a position. Therefore the record was closed without consideration of Dr. Baxter's letter. We note however that the document supports the result reached herein.

ORDERED:

1. The license of Raina Almahayni is temporarily suspended effective as of the oral announcement of the Board's decision on the record on June 12, 2002, and until such time as the Board reviews the results of the plenary proceedings in this matter. ;

2. Respondent's original medical license, current biennial registration, New Jersey Controlled Dangerous Substances (CDS) registration and Drug Enforcement Administration (DEA) registration shall continue to be held in escrow by Dr. Louis Baxter, Executive Medical Director of the Physicians' Health Program of the Medical Society of New Jersey pending further order of the Board.

3. Until further order of the Board, respondent shall comply with the Directives Regarding Licensees who have been disciplined, which is attached hereto and made a part hereof.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By:

William Harrer M.D. B.L.D.

William Harrer, M.D., B.L.D.
President

EXHIBITS

S-1 (Exhibit A) - Letter of February 11, 2002 by Louis Baxter, M.D., FASAM, Executive Medical Director, Physicians Health Program (sealed)

S-2 - October 1, 2001 letter to American Board of Internal Medicine signed by Rania Almahayni, M.D.

S-3 - October 25, 2001 letter to Harry Kimble, M.D., President American Board of Internal Medicine signed by Rania Almahayni, M.D.

S-4* (Exhibit D) - Faxed cover sheet of the Physicians Health Program and attached psychiatric evaluation of Rania Almahayni, M.D. authored by Ricardo J. Fernandez, M.D. (sealed by order of the Board June 12, 2002)

S-5 - Transcript of voice mail messages of 1/29/02 and 2/15/02

S-6 - Letter of Louis Baxter, M.D. to Jeri Warhaftig, Deputy Attorney General dated March 8, 2002.

S-7 - June 23, 2001 letter signed "Victim" and directed to Mr. William Roeder, Executive Director, New Jersey State Board of Medical Examiners

S-8 - "Certification of Ricardo J. Fernandez, M.D. dated 5/03/02 (with attached copy of February 15, 2002 report of Dr. Fernandez which is sealed)

R-1 - April 16, 2002 letter to New Jersey State Board of Medical Examiners signed by Dr. Almahayni

R-2 - Curriculum Vitae of Dr. Almahayni

R-3 - Faxed cover sheet dated 2/25/2002 to Louis Baxter, M.D. from Rania Almahayni, M.D.; Certificate of Health regarding Rania Almahayni signed by A. Nizar Kahf, M.D.; prescription blank of A. Nizar Kahf, M.D. dated 12/27/99 regarding Dr. Almahayni

These documents were sealed at the time of hearing upon application of the parties.

The Board ordered only the attachment - the February 15, 2002 report, sealed.

R-4 - December 10, 2001 letter to Thabet Mahayni from Donald Grasso, counselor at law; fax cover sheet dated December 15, 2001 to Mr. Donald Grasso from Rania Almahayni, M.D.; December 21, 2001 letter to Donald Grasso from Rania Almahayni; December 17, 2001 letter to Mr. William Roeder, Executive Director, New Jersey State Board of Medical Examiners, from Rania Almahayni

R-6 - Bookseller performance review regarding Rania Almahayni
9/27/00

R-7 - Bookseller performance review regarding Rania Almahayni
9/13/01