

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

IN THE MATTER

COMMISSIONER'S
SUMMARY
ORDER

OF

HANIF A. GOPALANI, M.B.B.S.
CO-01-08-4104-A

TO: HANIF A. GOPALANI, M.B.B.S.
17102 Thatcher Court
Olney, MD 20832

HANIF A. GOPALANI, M.B.B.S.
18141 Marksman Circle
Olney, MD 20832

HANIF A. GOPALANI, M.B.B.S.
Crownsville Hospital Center
Cottage #11
Crownsville, MD 21032

HANIF A. GOPALANI, M.B.B.S.
5906 Park Heights Avenue
Apt. 104
Baltimore, MD 21215

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 Board of Physician Quality Assurance of Maryland) has made a finding substantially equivalent to a finding that the continued practice of medicine by HANIF A. GOPALANI, M.B.B.S., (the Respondent) in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in documents of The Board of Physician Quality Assurance of Maryland, 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, HANIF GOPALANI, M.B.B.S., 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 Maryland. 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 Maryland 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 Maryland
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

September 27, 2001


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

Appendix "A"

IN THE MATTER OF
HANIF A. GOPALANI, M.D.,
RESPONDENT,
LICENSE NO. D37448

BEFORE THE BOARD
OF PHYSICIAN QUALITY
ASSURANCE OF MARYLAND
Case No. 2001-0453

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER FOR SUMMARY SUSPENSION
OF LICENSE TO PRACTICE MEDICINE

The State Board of Physician Quality Assurance (the "Board") hereby SUMMARILY SUSPENDS the license of Hanif A. Gopalani, M.D. (the "Respondent")(D.O.B. 10/23/1952), License No. D37448, to practice medicine in the State of Maryland, said Summary Suspension to be effective as of June 12, 2001.

The Board takes such action pursuant to its authority under Md. State Gov't. art. §10-226(c) Code Ann., and COMAR 10.32.02.05, concluding that the health, welfare, and safety of the public imperatively requires immediate suspension of the Respondent's license and emergency action. The Board bases its conclusion on the results of its investigation, described below, and on the conclusions of law, set forth below:

INVESTIGATIVE FINDINGS

Based on information obtained in the investigation, the Board has reason to believe, and believes, that the following facts are true:

Background

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in Maryland. The Respondent was and is licensed to practice medicine in Maryland under License No. D37448.
2. The Respondent is a psychiatrist.

3. The Respondent has a long history of treatment for, *inter alia*, impulsivity and depression.
4. In 1995, Respondent's wife described a long history of inappropriate behaviors by Respondent to Larry B. Silver, M.D. Dr. Silver stated that Respondent had "a serious psychiatric disorder. . . ."
5. Records of Greenspring of Maryland, dated January 5, 1997, described Respondent as delusional and stated: "Patient will likely restart meds[.] Side effects did influence his work[.]"
6. Records of Greenspring of Maryland, dated May 30, 1997, described a decrease in "[d]elusional" thoughts and "severe depression" that was slowly resolving with medication. Respondent was "concerned about his work" and stated that marital differences were resolving.
7. Records of Greenspring of Maryland, dated September 5, 1998, describe Respondent as having depression and "paranoid sometimes delusional (ideas of reference) in his thinking. . . ."
8. Records of Greenspring of Maryland, dated October 1, 1998, described anxiety and "loss of reality" in Respondent's personal life.
9. The Respondent's marriage of approximately 20 years was deteriorating during this period of time.
10. Records of Greenspring of Maryland, dated March 31, 1999, described "impulsivity. . . ."
11. Records of Harold I. Eist, M.D., dated April 28, 1999, stated: "I went to AA to see if I had an alcohol problem - quit drinking after I saw Dr. Friedman. . . . He considers he does not have a drinking problem."
12. Records of Harold I. Eist, M.D., dated October 21, 1999, stated: "[Respondent] feels additional guilt about a sexual encounter with the mother of a patient 2 - 3 days before coming to America."
13. The Respondent began working as a staff psychiatrist at Clifton T. Perkins Hospital

Center ("CTP") in October 1998.

14. In October 1998, Respondent's wife moved out of the marital home.

15. The Respondent has demonstrated problematic behavior at CTP since May 2000. That behavior included lateness and inattentiveness to treatment team responsibilities.

16. At a point believed to be approximately July 2000, the Respondent's wife was engaged in legal action to terminate the marriage.

17. The Respondent was divorced in August 2000.

18. On August 28, 2000, the Respondent's supervisor at CTP wrote that Respondent's lateness, absenteeism, and lack of attention were repetitive problems and that they put others at risk and in danger.

19. The Respondent was treated by Lawrence Sachs, M.D. He had been treated by Stanley Friedman, M.D., many years before. During the course of treatment by Dr. Sachs, the Respondent would drive from Maryland to Dr. Friedman's New Jersey residence and knock on Dr. Friedman's door, unannounced. The Respondent also went to Dr. Sach's home unannounced.

The Complaint That Preceded the Investigation

20. The Respondent is currently incarcerated and awaiting trial that is scheduled for June 11, 2001.

21. A Complaint was filed by M. Richard Fragala, M.D. The Complaint is for unprofessional conduct at CTP pursuant to §14-404(a) of the Health Occupations article of the MD Code Ann.

22. One of the Respondent's co-workers at CTP is a female Assistant Attorney General ("AAG"). The AAG is assigned to duties and is physically located some or all of the time at CTP.

23. The Respondent began contacting the AAG against her wishes.

24. The AAG requested that the Respondent not contact her.

25. The Respondent ignored the requests of the AAG that the Respondent not contact the AAG.

26. The Respondent was counseled and directed by his superiors at CTP not to contact the AAG. The Respondent ignored this counseling and violated these directives.

27. The Respondent was suspended by CTP twice, in an effort to present a graduated response to Respondent's misconduct. The suspensions were of no effect and Respondent continued to contact the AAG.

28. The AAG had made her home telephone number available to CTP employees because there was a job-related need for CTP employees to contact the AAG at her home. The Respondent used that home telephone number, provided for job-related purposes, to call and harass the AAG at her home.

29. The Respondent has been charged with trespassing, telephone misuse, stalking, harassment and failure to comply with a court order. It is believed that the stalking charge may have been dismissed before trial.

30. The Respondent was ordered by a court not to contact the AAG. The Respondent violated this Court order.

31. The Respondent is unable to conform his conduct to a court order.

32. The Respondent has been charged with violation of a court order dated January 16, 2001.

33. The Respondent repeatedly asked the AAG to date him and told the AAG that he loved her, despite having been clearly and unequivocally told that the AAG wanted nothing to do with him.

34. The actions of the Respondent, including the actions taken by him against the AAG at work and during working hours, led to the investigation.

35. The actions of the Respondent interfered with the ability of the AAG to perform professional legal services at work.

36. The actions of the Respondent, occurring at CTP and in connection with a co-worker, were immoral and unprofessional conduct in the practice of medicine.

Current Investigation

37. Interviews were conducted and records obtained pursuant to subpoena.

38. On May 25, 2001, the Board voted to summarily suspend the Respondent pursuant to §10-226 of the State Government article of the MD Code Ann.

39. An independent psychiatric evaluation of the Respondent was conducted by Ellen G. McDaniel, M.D., a licensed psychiatrist. Dr. McDaniel's report is attached hereto and incorporated herein, UNDER SEAL.

40. Based on the investigation:

A. The Respondent has a serious mental disorder.

B. The Respondent is not competent to practice medicine.

C. The Respondent cannot live alone in the community as a responsible citizen. He needs around-the-clock structure and supervision and long-term psychiatric treatment. An individual in this condition cannot practice psychiatry.

D. The Respondent has a long history of non-compliance with medication and cannot be expected to voluntarily follow recommended medical treatment.

E. The Respondent's mental illness seriously impairs his judgment.

F. The Respondent's academic problems in medical school, his inability to pass Part II of his Boards, and his impaired cognition, as seen during his interview with Dr. McDaniel, raise serious questions as to his accumulated knowledge and skills in psychiatry. The Respondent's mental illness affects his cognitive presentation.

41. Although he is currently incarcerated, if the Respondent is released after his June 11, 2001, court appearance, he may practice medicine in the State of Maryland pursuant to License No. D37448.

CONCLUSIONS OF LAW

42. Based on the investigative facts, the Board has reason to believe, and believes that the Respondent is guilty of unprofessional conduct in the practice of medicine, including, but not limited

to, telephone misuse and harassment, directed at a fellow employee and co-worker, on CTP property, during work hours.

43. Based on the investigative facts, the Board has reason to believe, and believes that the Respondent is guilty of immoral conduct in the practice of medicine, including, but not limited to, use of a telephone number provided for purposes of patient treatment to harass and annoy a fellow employee and co-worker.

44. Based on the investigative facts, the Board has reason to believe, and believes that the Respondent is professionally, physically, and/or mentally incompetent, as is set forth below:

A. The Respondent has a serious mental disorder.

B. The Respondent is not competent to practice medicine.

C. The Respondent cannot live alone in the community as a responsible citizen. He needs around-the-clock structure and supervision and long-term psychiatric treatment. An individual in this condition cannot practice psychiatry.

D. The Respondent has a long history of non-compliance with medication and cannot be expected to voluntarily follow recommended medical treatment.

E. The Respondent's mental illness seriously impairs his judgment.

F. The Respondent's academic problems in medical school, his inability to pass Part II of his Boards, and his impaired cognition, as seen during his interview with Dr. McDaniel, raise serious questions as to his accumulated knowledge and skills in psychiatry. The Respondent's mental illness affects his cognitive presentation.

45. Based on the foregoing facts and conclusions of law, pursuant to §10-226(c) of the State Government article of the MD Code Ann., and, based on COMAR 10.32.02.05(B)(7), the Board has determined that the health, welfare and safety of the public require immediate suspension of the Respondent's license and that, in view of the fact that the Respondent has been incarcerated from the date of the Board's action to the present, notice and an opportunity to be heard before the action

were not feasible.

46. A COMAR 10.32.02.05(B)(7)(c) postdeprivation hearing will be conducted within 15 days of the date of this summary suspension and the Board has scheduled such a hearing for 2 o'clock p.m., on June 27, 2001, said hearing to be conducted in accordance with, *inter alia*, COMAR 10.32.02.05(C, D, and E).

ORDER

Accordingly, it is this 11 day of June, 2001, by the Board of Physician Quality Assurance of Maryland. ORDERED:

1. That, pursuant to the authority vested in the Board by §10-226 and COMAR 10.32.02.05, License No. D37448, issued to Hanif A. Gopalani, M.D., be, and hereby is. SUMMARILY SUSPENDED with the effective date of said Summary Suspension to be June 12, 2001;

2. That an initial postdeprivation hearing shall be conducted before the Board, located at Room 109, 4201 Patterson Ave., Baltimore, MD 21215-0095, at 2 o'clock p.m., on June 27, 2001;

3. That, at the conclusion of the foregoing hearing, the Respondent, if dissatisfied with the result of the hearing, may request within ten (10) days an evidentiary hearing, such a hearing to be held within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, MD 21031-1301, by filing a request for appeal and serving the same on the Board;

4. That, on June 12, 2001, the Respondent SHALL SURRENDER to the Board staff the following:

- A. Original License No. D37448;
- B. The current renewal certificate for License No. D37448;
- C. His federal DEA certificate of registration;
- D. His Maryland Controlled Substance Registration;
- E. All prescription forms and pads in his possession, custody, or control; and,

F. All prescription pads on which his name and DEA are imprinted.

5. That a copy of this Order for Summary Suspension shall be filed at the Board immediately in accordance with MD Health Occ. art. §14-407 Code Ann., and served upon the Respondent forthwith;

6. Dr. McDaniel's report, attached hereto and incorporated herein, is placed UNDER SEAL.

7. That Michael D. Berman, Esq., Deputy Chief, Civil Litigation, Office of the Attorney General, is appointed as the Administrative Prosecutor in this matter; and,

8. That a copy of this Order for Summary Suspension shall be sent to Michael D. Berman, Esq., Deputy Chief, Civil Litigation, Office of the Attorney General, 200 St. Paul Place, 20th Floor, Baltimore, MD 21202.


C. Irving Pinder, Jr.
Executive Director
Maryland State Board of Physician
Quality Assurance