



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.

Commissioner

Dennis P. Whalen

Executive Deputy Commissioner

REISSUE

REISSUE

REISSUE

February 1, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Rania Almahayni, M.D.
50 Grande Boulevard
P.O. Box 781
West Windsor, New Jersey 08550

Robert Bogan, Esq.
NYS Department of Health
Office of Professional Medical Conduct
433 River Street – 4th Floor
Troy, New York 12180

RE: In the Matter of Rania Almahayni, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 05-23) of the Hearing Committee in the above referenced matter. A copy of this decision was sent out on January 31, 2005 with the incorrect Appendix I attached. Please discard the January 31, 2005 copy and replace with the attached decision. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in cursive script that reads "Sean D. O'Brien".

Sean D. O'Brien, Director
Bureau of Adjudication

SDO:cah

Enclosure

COPY

IN THE MATTER
OF
RANIA ALMAHAYNI, M.D.

DETERMINATION

AND

ORDER

BPMC #05-23

A hearing was held on January 19, 2005, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated December 14, 2004, were served upon the Respondent, **Rania Almahayni, M.D.** Pursuant to Section 230(10)(e) of the Public Health Law, **Michael R. Golding, M.D.**, Chairperson, **Alexander M. Yvars, M.D., F.A.C.S.**, and **Mr. Thomas W. King, Jr., M.P.A., P.E.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **John Wiley, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Donald P. Berens, Jr., Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent appeared in person and represented herself at the hearing.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

BACKGROUND

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a

violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Rania Almahayni, M.D.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. Rania Almahayni, M.D., the Respondent, 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 (Petitioner's Ex. 7).

2. On September 18, 2002, effective June 12, 2002, the New Jersey Department of Law and Public Safety, Division of Consumer Affairs, Board of Medical Examiners ("New Jersey Board"), by an Amended Order of Temporary Suspension ("New

Jersey Order”), temporarily suspended the Respondent’s license to practice medicine until further proceedings could be completed. New Jersey Order 1 was based on the Respondent’s suffering from an uncontrolled delusional disorder rendering her incapable of discharging the functions of a physician. (Petitioner’s Ex. 8).

3. On November 18, 2004, the New Jersey Board, by a Consent Order of Limited Reinstatement of License (“New Jersey Order 2”), immediately reinstated the Respondent’s license to practice medicine on conditions including that she practice only as a staff physician in an institutional setting and that she continue to participate in counseling or psychotherapy. New Jersey Order 2 was based on the delusional disorder described in finding of fact 2 and the progress the Respondent had made in controlling the condition. (Petitioner’s Ex. 9).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to New York Education Law Section 6530(8) - “... having a psychiatric condition which impairs the licensee’s ability to practice...”

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

“Respondent violated New York Education Law Section 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state...”

VOTE: Sustained (3-0)

SECOND SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(d) by having her license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

In 2002, while the Respondent was practicing medicine and residing in New Jersey, her mental problems were brought to the attention of the New Jersey Board. At that time, the Respondent believed that she was the victim of a government conspiracy led by former President William Clinton and Senator Hillary Clinton. She blamed this conspiracy for, among other things, her repeated failure to pass the Internal Medicine Board certification examination. At that time, the Respondent denied that she had a delusional disorder and was resistant to treatment for it. Because of the Respondent's mental illness, New Jersey Order 1 was issued.

After issuance of New Jersey Order 1, the Respondent received treatment for her disorder and her condition improved considerably. In a December 29, 2004 letter from Louis E. Baxter, Sr., M.D., Executive Medical Director of New Jersey's Physicians' Health Program, to Peter D. Van Buren, Dr. Baxter wrote that the Respondent's "delusions resolved and she is now more than two and a half years in stable documented continuous recovery." (Respondent's Ex. B). The New Jersey Board, recognizing the progress that the Respondent had made, reinstated her license to practice medicine in New Jersey Order 2. However, the Respondent's license was restricted to practicing as a staff physician in an institutional setting with an employment monitor required to provide

periodic reports to the New Jersey Board. The New Jersey Board also required the Respondent to continue psychotherapy and her medications. New Jersey Order 2 also required that the Respondent cause the therapist to submit reports to the New Jersey Board.

This Hearing Committee recognizes the progress that the Respondent has made regarding her mental illness, and, therefore, sees no reason to revoke or suspend her New York State license to practice medicine. However, the severity of the mental illness that the Respondent experienced makes it imperative that her license be limited to practicing in an institutional setting. (The Respondent acknowledged during the hearing that such a limitation on her license was the most prudent choice available to the Hearing Committee.) If the Respondent returns to the practice of medicine in New York State, she will be placed on probation for five years and will have her license limited to practice in an institutional setting during her probation.

ORDER

IT IS HEREBY ORDERED THAT:

1. If the Respondent intends to resume the practice of medicine in New York State, she shall inform the Office of Professional Medical Conduct ("OPMC") (NYS Department of Health, Office of Professional Medical Conduct, Hedley Park Place, 433 River Street, Troy, New York 12180) of this intention in writing three months prior to the date that she intends to resume practicing in New York State. Prior to the resumption of practice in New York State, the Respondent shall submit to OPMC a psychiatric evaluation from a psychiatrist acceptable to OPMC stating that the Respondent's mental illness does not make the practice of medicine by the Respondent inadvisable. The Respondent will then commence a five-year period of probation under the terms stated in paragraphs 2 through 10 of this Order.

2. A limitation is placed on the Respondent's license. The Respondent shall practice medicine only in a supervised setting, such as a facility licensed by New York State, where close practice oversight is available on a daily basis and where quality assurance and risk management protocols are in effect. The Respondent shall not practice medicine until OPMC has approved in writing the supervised setting proposed by the Respondent. The Respondent shall propose a supervisor or administrator in the supervised setting, who shall be subject to the written approval of OPMC. The Respondent shall cause the supervisor or administrator to submit quarterly reports to OPMC regarding the Respondent's overall quality of medical practice.

3. The Respondent shall enroll in the Committee for Physicians' Health ("CPH") and shall enter a contract with CPH that fully describes the terms and conditions of a recovery program. The duration of the contract shall be the duration of the Respondent's probation. The Respondent shall comply fully with the contract. The Respondent shall provide a written authorization for CPH to provide OPMC with all information or documentation requested by OPMC to determine whether the Respondent is in compliance with the contract. The Respondent shall cause CPH to report to OPMC if the Respondent refuses to comply with the contract, if the Respondent refuses to submit to treatment, or if treatment ceases to alleviate the Respondent's mental illness. CPH shall report immediately to OPMC if the Respondent is regarded at any time to be an imminent danger to the public.

4. The Respondent shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by her profession. If, during the period of probation, the Respondent commits professional misconduct as enumerated in New York State Education Law Sections 6530 or 6531, such act shall be deemed a violation of

probation and an action may be taken against the Respondent's license pursuant to New York State Public Health Law Section 230(19).

5. The Respondent shall submit to OPMC written notification of any change in employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.

6. The Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of the Respondent's compliance with the terms of this Order and shall personally meet with a person designated by OPMC when so requested.

7. The period of probation shall be tolled during periods in which the Respondent is not engaged in the active practice of medicine in New York State. The Respondent shall notify OPMC, in writing, if the Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of 30 consecutive days or more. The Respondent shall notify OPMC again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon the Respondent's return to practice in New York State.

8. The Respondent's professional performance may be reviewed by OPMC. This review may include, but shall not be limited to, a review of office records, patient records and hospital charts, interviews with the Respondent and persons with whom the Respondent works. Such interviews may take place at practice locations or OPMC offices.

9. The Respondent shall bear all costs related to compliance with the terms of

probation.

10. Upon receipt of evidence of noncompliance with the terms of probation, OPMC or the State Board for Professional Medical Conduct may initiate a violation of probation proceeding and/or any other proceeding against the Respondent as may be authorized by law.

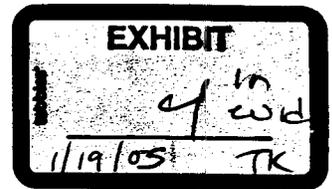
11. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: New York, New York
27 Jan 2005, 2005


Michael R. Golding, M.D.
Chairperson

Alexander M. Yvars, M.D., F.A.C.S.
Thomas W. King, Jr., M.P.A., P.E.

APPENDIX I



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

ORIGINAL

IN THE MATTER

NOTICE OF

OF

REFERRAL

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

PROCEEDING

TO: RANIA ALMAHANI, M.D.
50 Grande Blvd.
P.O. Box 781
West Windsor, NJ 08550-0781

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 19th day of January 2005, at 10:00 in the forenoon of that day at the Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered that would show that the conviction would not be a crime in New York state. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. SEAN O' BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before January 10, 2005.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before January 10, 2005, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION
THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR
EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN
ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

Dec. 14, 2004


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

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

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

IN THE MATTER
OF
RANIA ALMAHAYNI, M.D.
CO-02-05-2294-A

STATEMENT
OF
CHARGES

RANIA ALMAHANI, M.D., the Respondent, 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.

FACTUAL ALLEGATIONS

A. On or about September 18, 2002, Nunc Pro Tunc July 9, 2002, effective June 12, 2002, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, (hereinafter "New Jersey Board"), by an Amended Order of Temporary Suspension (hereinafter "New Jersey Order 1"), temporarily suspended Respondent's license to practice medicine until such time as the New Jersey Board reviews the results of plenary proceedings, based on suffering from an uncontrolled delusional disorder which renders her incapable of discharging the functions required under her license.

B. On or about November 18, 2004, the New Jersey Board, by a Consent Order of Limited Reinstatement of License (hereinafter "New Jersey Order 2"), immediately reinstated Respondent's license to practice medicine on conditions, inter alia, that the practice of medicine is limited solely to a position as a house officer or staff physician in an institutional setting, where she will ensure that a plenary physician in a supervisory position will take on supervising and dairy employment monitoring responsibility and that she continue to take her medications and continue to participate in counseling or psychotherapy, based on suffering from an uncontrolled delusional disorder which renders her incapable of discharging the functions required under her license.

C. The conduct resulting in the New Jersey Board's disciplinary actions against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(8) (having a psychiatric condition which impairs the licensee's ability to practice).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A, B, and/or C.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530 (9)(d) by having her license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A, B, and/or C.

DATED: *Dec 14*, 2004
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct