

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

January 29, 1993

Aziz S. Gourji, Physician
87A Somerset Drive South
Great Neck, New York 11020

Re: Application for Restoration

Dear Dr. Gourji:

Enclosed please find the Commissioner's Order regarding Case No. 92-184-60R which is in reference to Calendar No. 0012844. This order and any decision contained there in goes into effect five (5) days after the date of this letter. In the event you are served with this Order by personal service, the effective date of the Order is the date of personal service.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By: *Gustave Martine*

Gustave Martine
Supervisor

cc: Richard Hendler, Esq.
Kaye Scholer et al
425 Park Avenue, 14th Floor
New York, New York 10022

The University of the State of New York
Education Department



IN THE MATTER

of the

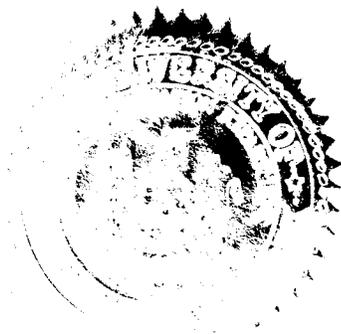
Application of AZIZ S. GOURJI
for restoration of his license to practice
medicine in the State of New York

Case No. 92-184-60R

It appearing that the license of AZIZ GOURJI, 87A Somerset Drive South, Great Neck, New York 11020, was revoked by action of the Board of Regents on May 20, 1988, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on December 18, 1992, it is hereby

ORDERED that the petition for restoration of license No. 100692, authorizing AZIZ GOURJI to practice medicine in the State of New York, is granted.

IN WITNESS WHEREOF, I, THOMAS SOBOL,
Commissioner of Education of the State of New
York, for and on behalf of the State Education
Department, do hereunto set my hand and affix
the seal of the State Education Department at
the City of Albany, this 21st day of January, 1993.



Thomas Sobol

Commissioner of Education

Case No. 92-184-60R

It appearing that the license of AZIZ GOURJI, 87A Somerset Drive South, Great Neck, New York 11020, to engage in the practice of medicine in the State of New York, having been revoked by action of the Board of Regents on May 20, 1988, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendations of the Peer Review Panel, and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on December 18, 1992, it was

VOTED that the petition for restoration of license No. 100692, authorizing AZIZ GOURJI to practice medicine in the State of New York, be granted.

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Medical License

Re: Aziz S. Gourji
Personal Appearance

Attorney: Richard Hendler

Aziz S. Gourji, 87A Somerset Drive South, Great Neck, New York 11020, petitioned for restoration of his medical license. The chronology of events is as follows:

- 02/02/68 Licensed to practice medicine in New York State.
- 08/09/85 Convicted of unlawfully, intentionally, and knowingly causing to be distributed and dispensed, outside the scope of professional medical practice, 48,224 dosage units of Quaalude. (See "Disciplinary History.")
- 04/30/88 Regents Review Committee recommended that license be revoked.
- 05/20/88 Regents voted revocation.
- 06/29/88 Commissioner's Order effective.
- 07/16/90 Petition for restoration submitted. (See "Petition for Restoration.")
- 02/14/92 Peer Panel restoration review. (See "Report and Recommendation of Peer Review Panel.")
- 07/25/92 Report of Peer Review Panel.
- 10/08/92 Report of personal appearance and recommendation of the Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

Disciplinary History. On September 21, 1987, the Department of Health charged Dr. Gourji with professional misconduct in that he had been convicted of committing an act constituting a crime under Federal Law. On or about August 9, 1985, Dr. Gourji was convicted, after trial, in the United States District Court for the Southern District of New York, of one count of unlawfully, intentionally, and knowingly causing to be distributed and dispensed, outside the scope of professional medical practice, approximately 48,224 dosage

units of Quaalude, a Schedule II controlled drug substance. Dr. Gourji was sentenced to two years in jail and fined \$10,000.

On April 30, 1988, the Regents Review Committee (Griffith, Bolin, Picariello) determined that Dr. Gourji was guilty of the charge and recommended that his license be revoked. On May 20, 1988, the Board of Regents voted to revoke Dr. Gourji's license. The Commissioner's Order became effective on June 29, 1988.

Petition for Restoration. In his petition for restoration, dated July 16, 1990, Dr. Gourji described his involvement in the events which ultimately resulted in his criminal conviction and the revocation of his license. He said that his association with the Jorum Clinic, a diagnostic and treatment center specializing in stress therapy and the treatment of sleep disorders, began in 1982. Dr. Gourji stated that he was not a partner, owner, or shareholder of the Clinic and as he was compensated solely on a fixed fee basis, he did not participate in the profits of the Clinic. Dr. Gourji further stated that the professional services that he provided during the three months he was associated with the Clinic amounted, in the aggregate, to only 17 days.

Dr. Gourji explained that methaqualone (Quaalude) was the drug of choice for treating insomnia. Dr. Gourji said that, before accepting his position with the Clinic, he carefully investigated its operation, was impressed by the appearance of the Clinic, and believed the assurances of its counsel that the Clinic was operating in full compliance with the laws of the State of New York. He further explained that each patient at the Clinic was evaluated by a physician's assistant and a nurse, that an extensive personal and medical history was taken, and that each patient was then examined by a physician.

Dr. Gourji contended that, after a short period of employment, he became concerned about the failure of the Clinic's staff to adequately protect against the opportunity for methaqualone abuse, as well as the breakdown of the procedures and policies. He stated that he discussed his concerns with staff at the Clinic, but that in spite of repeated assurances, the conditions at the Clinic were not corrected. He asserted that he, therefore, voluntarily terminated his services. Emphasizing that he left the Clinic because of his own ethical convictions, Dr. Gourji contended that he did not have knowledge of any investigation into the activities of the Clinic.

Dr. Gourji noted that, despite the fact that he was a salaried employee, he was indicted and charged along with the physician owners of the Clinic. He stated that he was incarcerated at the Allenwood Correctional Facility for seven months and then confined to his home, without monitoring, for two years.

Dr. Gourji said he would like to practice in a group setting. He asserted that he has paid his debt to society and that patients should not be deprived of his talent and vast experience. Dr. Gourji contended that prior to his "wrongful and naive" association with the Clinic, he had a 40 year unblemished record in the practice of medicine. He stated that he regretted his past conduct, and was remorseful.

In support of his application for restoration, Dr. Gourji discussed his background and quoted sections of letters submitted by several individuals on his behalf.

Dr. Gourji contended that his clinical skills are best judged by his overall history of training and experience.

The Office of Professional Discipline contacted five of the numerous references submitted as part of Dr. Gourji's petition. Four individuals confirmed their support for Dr. Gourji. However, Dr. Vincent Marzulli, despite a written statement recommending Dr. Gourji "highly for relicensure," said that he did not really know Dr. Gourji well, and could not vouch for him in a positive or negative fashion.

When asked what he had done to maintain his professional skills, Dr. Gourji stated that he read current medical journals and attended open-round conferences at North Shore and Long Island Jewish Hospitals, but did not have documentation to show that he attended these conferences. Both hospitals were contacted and stated that they did not have any record of his attendance. They explained that although attendance sheets were available, guests were not required to sign. Subsequently, Dr. Gourji submitted a letter from Long Island Jewish Medical Center indicating that he had attended six of their Surgical Grand Rounds presentations.

Report and Recommendation of Peer Review Panel. The Peer Review Panel (Iraj, Lucariello, Santiago) met on February 14, 1992. Dr. Gourji appeared personally and was represented by Richard Hendler, Esq. Dr. Gourji was also accompanied by his wife, Clarisse Gourji, his daughter, Alina Hendler, and his son, Sol Gourji. The Office of Professional Discipline was represented by Claudia J. Stern, Esq.

Dr. Gourji said that he thought his medical career was over after his criminal conviction. However, after talking with members of his community and his rabbi, he realized that while he had made a big mistake he was wanted and needed as a physician.

Dr. Gourji recounted his efforts at maintaining his medical education, and detailed his involvement with over-prescribing medication for patients at the Jorum Clinic. Responding to a question, Dr. Gourji stated that if allowed to return to practice, he would not treat patients for insomnia, but would refer them to a psychiatrist.

Dr. Sol Gourji testified on his father's behalf, and stated that he felt significant guilt because his attendance at medical school created a need for his father to earn extra income. Dr. Sol Gourji said that he had seen his father suffer in a way that his father could not himself express, and knows that his father wishes this whole thing had never happened. He believes that his father knows that what he did was wrong, and has been punished for it but, if given another chance, his father would use the opportunity to benefit the community, his patients, and his family.

Ms. Stern took no position on the restoration petition but stated she believed that Dr. Gourji understands that what he did was wrong, is contrite, and would never do it again. She did, however, question whether Dr. Gourji had kept current with the practice of medicine.

In its report, dated July 25, 1992, the Peer Panel concluded that Dr. Gourji had demonstrated that he knows what he did was wrong, that he believes the punishment was

fair, and that he is properly remorseful. The Panel believed that he had kept current in medicine by attending grand rounds and reading medical journals. The Panel stated that it was reasonably satisfied with returning Dr. Gourji to his medical practice, and that this judgment was bolstered by the fact that Dr. Gourji would be practicing with his son, who would be a substantial support system in not allowing his father to do anything wrong. Therefore, the Peer Review Panel unanimously recommended that Dr. Gourji's medical license be restored.

Recommendation of the Committee on the Professions. On October 8, 1992, the Committee on the Professions (Cantres, Fernandez, Muñoz) reviewed the petition of Aziz S. Gourji for the restoration of his license as a physician. Dr. Gourji appeared personally and was represented by his attorney, Richard Hendler, Esq.

The Committee has reviewed the Peer Review Panel report and the record accompanying it, and has determined that the findings and conclusions of the Peer Review Panel are amply supported by the record. Dr. Gourji explained that he has dedicated his life to the profession of medicine for over forty years, and that he is deeply remorseful for the mistake that he made in overprescribing Quaalude when he worked at a clinic that specialized in sleep disorders. Dr. Gourji stated that he had joined the clinic as a means of supplementing his income to meet his family's expenses, but that he left the clinic when he realized that it was not following proper policies and procedures for assessing patients' real needs for Quaalude. Dr. Gourji repeatedly stressed that it had been a great error of judgment for him to have been involved with the practices at the clinic, and that he was rightfully convicted for such involvement. Dr. Gourji stated that he would never associate himself with such practices again.

The Committee found that Dr. Gourji had kept his medical knowledge current by regularly attending grand rounds at various hospitals and by reading medical journals. Dr. Gourji explained that he wished to enter a group practice in his community. Dr. Gourji said that he would now refer patients with insomnia to a psychiatrist for treatment rather than attempt to treat them himself.

Based upon all the foregoing, the Committee unanimously found that Dr. Gourji has demonstrated the remorse, rehabilitation, and re-education essential to restoration of his license as a physician. Accordingly, the Committee unanimously recommended that Dr. Gourji's petition for restoration of his license as a physician be granted.

Lizette A. Cantres, Chair

Henry A. Fernandez

Frank Muñoz