

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

ABDULKADER DAHHAN, M.D., :
Appellant, : Case No. 06CVF1275
vs. : JUDGE BESSEY
STATE MEDICAL BOARD OF OHIO, :
Appellee. :

AGREED FINAL JUDGMENT ENTRY

Pursuant to this Court's decision rendered May 2, 2006 granting Appellee The Ohio State Medical Board's Motion to Dismiss Appeal for Failure to Exhaust Administrative Remedies and Failure to State a Claim Upon Which Relief Can Be Granted, Filed February 24, 2006, it is hereby ORDERED, ADJUDGED, and DECREED that the appeal in the instant case is hereby dismissed in its entirety.

It is further Ordered, Adjudged, and Decreed that all costs are taxed to Appellant.

Pursuant to Civ. R. 58, the clerk is hereby ordered to enter this judgment upon the journal and to serve upon all parties a copy of this entry in accordance with Civ. R. 5(B).

IT IS SO ORDERED.

Entered this _____ day of _____, 2006.

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2006 MAY 18 PM 3:03
CLERK OF COURTS - CV

Agreed by:

JOHN P. BESSEY, Judge

JIM PETRO (0022096)
Attorney General

Submitted May 5, 2006 - NO Response
Abdulkadar Dahhan, M.D. *Pro Se*
120 Professional Lane, Suite 101
Harlan, Kentucky 40831
Pro Se Appellant

Barbara J. Pfeiffer

BARBARA J. PFEIFFER (0029609)
Assistant Attorney General
Health & Human Services Section
30 East Broad Street, 26th Floor
Columbus, OH 43215-3400
(614) 466-8600
Attorney for Appellee

STATE MEDICAL BOARD OF OHIO STATE MEDICAL BOARD
COLUMBUS , OHIO OF OHIO

2006 JAN 27 A 9:41

STATE MEDICAL BOARD OF OHIO,
77 S. High Street, 17th Floor
Columbus, Ohio 43215-6127

Plaintiff / Appellee

v.

NOTICE OF APPEAL

ABDULKADAR DAHHAN, M.D.
120 Professional Lane, Suite 101
Harlan, Kentucky 40831

Defendant / Appellant

* * * * *

Notice is hereby given that ABDULKADAR DAHHAN, M.D., Defendant/Appellant, hereby appeals to the Court of Common Pleas of Franklin County, Ohio, from the FINDINGS, ORDER AND JOURNAL ENTRY of the State Medical Board of Ohio (Plaintiff / Appellee) dated January 11, 2006 (a copy of which is attached hereto), revoking Defendant / Appellant's license to practice medicine and surgery in the state Ohio.

As grounds for appeal, Defendant / Appellant states as follows:

Because of an Agreed Order entered in Kentucky with the Kentucky Board of Medical Licensure requiring Defendant / Appellant to attend an anger management course and making his license subject to said Agreed Order for two years, the State Medical Board of Ohio notified Defendant /Appellant it would take reciprocal action. The Defendant / Appellee did not request a hearing because the Kentucky Agreed Order is a very mild form of disciplinary action, and Defendant / Appellant assumed Ohio would follow suit. Instead

State Medical Board of Ohio revoked Defendant / Appellant's Ohio license. The Agreed Order speaks for itself; it is not harsh. The decision of the State Medical Board of Ohio to revoke Defendant / Appellant's Ohio license is extreme, unwarranted, arbitrary and capricious.

The attorney or party signing this notice hereby certifies that the Order herein appealed from is a final and appealable agency action. A copy of this Notice of Appeal is being filed in the Franklin County Court of Common Pleas.

This 26th day of January, 2006.



ABDULKADAR DAHHAN, M.D.
120 Professional Lane, Suite 101
Harlan, Kentucky 40831
(606) 573-1085
Defendant / Appellant
(Appearing pro se)

STATE MEDICAL BOARD
OF OHIO
2006 JAN 27 A 9:41



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

January 11, 2006

Abdulkader Dahhan, M.D.
120 Professional Lane
Suite 101
Harlan, KY 40831

Dear Doctor Dahhan:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on January 11, 2006.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

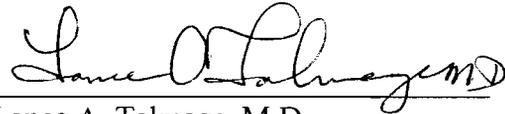
CERTIFIED MAIL RECEIPT NO. 7003 0500 0002 4332 5985
RETURN RECEIPT REQUESTED

Mailed 1-12-06

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on January 11, 2006, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Abdulkader Dahhan, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.



Lance A. Talmage, M.D.

Secretary

(SEAL)

January 11, 2006

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

ABDULKADER DAHHAN, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

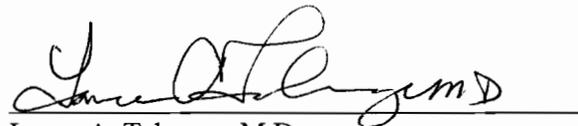
By letter dated November 9, 2005, notice was given to Abdulkader Dahhan, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in the State of Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the address of record of Dr. Dahhan, that being 120 Professional Lane, Suite 101, Harlan, Kentucky 40831.

A signed certified mail receipt was returned to the Medical Board offices documenting proper service of the notice. However, no hearing request has been received from Dr. Dahhan and more than thirty (30) days have now elapsed since the mailing of that notice.

WHEREFORE, having reviewed the November 9, 2005, Notice of Opportunity for Hearing, including the Agreed Order of the Commonwealth of Kentucky, Board of Medical Licensure, and the affidavit of Debra L. Jones, Continuing Medical Education and Renewal Officer, which are attached hereto and incorporated herein, the Board hereby finds that there is reliable, probative and substantial evidence to support the allegations as set forth in the notice of opportunity for hearing issued on November 9, 2005. Further, the Board hereby ORDERS that the license of Abdulkader Dahhan, M.D., to practice medicine and surgery in the State of Ohio be REVOKED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 11th day of January 2006 and the original thereof shall be kept with said Journal.



Lance A. Talmage, M.D.
Secretary

(SEAL)

January 11, 2006
Date

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <i>[Signature]</i></p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery <i>11-14-05</i></p>
<p>1. Article Addressed to:</p> <p>Abdulkader Dahhan, M.D. 120 Professional Lane Suite 101 Harlan, KY 40831</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7003 0500 0002 4333 3867 <i>CITE</i></p>
<p>PS Form 3813 August 2001 Domestic Return Receipt PSN 7530-02-100-9000</p>	

7003 0500 0002 4333 3867

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE *JAM*

<i>CITE</i> Postage	\$ 1.06
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.11

COLUMBUS OH 43215
NOV 14 2005
Postmark
USPS - CPU #18

Sent To	Abdulkader Dahhan, M.D.
Street, Apt. or PO Box	120 Professional Lane
City, State	Suite 101
	Harlan, KY 40831

PS Form 3813 August 2001 Domestic Return Receipt PSN 7530-02-100-9000

AFFIDAVIT

The State of Ohio
Franklin County, SS

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and say that:

- 1) I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) I serve the Board in the position of Continuing Medical Education and Renewal Officer.
- 3) In such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code.
- 4) I have this day carefully examined the records of the Board pertaining to Abdulkader Dahhan, M.D.
- 5) Based on such examination, I have found the last known address of record of Abdulkader Dahhan, M.D., to be:

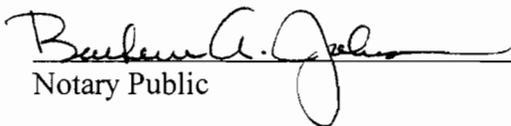
120 Professional Lane
Suite 101
Harlan, Kentucky 40831

- 6) Further, Affiant Sayeth Naught.



Debra L. Jones
Continuing Medical Education and Renewal
Officer

Sworn to and signed before me, Barbara A. Jacobs, Notary
Public, this 13th day of December, 2005.



Notary Public

BARBARA ANN JACOBS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

November 9, 2005

Abdulkader Dahhan, M.D.
120 Professional Lane
Suite 101
Harlan, KY 40831

Dear Doctor Dahhan:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about June 20, 2005, you entered into an Agreed Order with the Kentucky Board of Medical Licensure [Kentucky Board]. By signing said Agreed Order, you agreed to the following: your license to practice medicine in Kentucky shall be subject to the terms of the Agreed Order for two years; you are to complete an anger management course within six months of the entry of the Agreed Order; and the Kentucky Board will conduct a follow-up inquiry at Harlan Appalachian Regional Hospital, in one year, as to whether further grievances have been filed against you. A copy of the Agreed Order is attached hereto and fully incorporated herein.

The Kentucky Board of Medical Licensure Agreed Order, as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is

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Abdulkader Dahhan, M.D.

Page 2

permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", with a stylized flourish at the end.

Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7003 0500 0002 4333 3867
RETURN RECEIPT REQUESTED

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 974
ADMINISTRATIVE ACTION NO 04-KBML-0527

FILED OF RECORD

JUN 20 2005

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY ABDUL KADER DAHHAN, M.D., LICENSE NO. 17192, 120 PROFESSIONAL LANE, #101, HARLAN, KENTUCKY 40831

AGREED ORDER

Comes now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Hearing Panel A, and Abdul Kader Dahhan, M.D., and, based upon their mutual desire to fully and finally resolve the pending Complaint in this case without formal evidentiary proceedings hereby ENTER INTO the following Agreed Order:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, Abdul Kader Dahhan, M.D., (hereafter "the licensee"), was licensed and continues to be licensed by the Board to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is Internal Medicine.
3. In February 2004, the Board received a grievance from Joan Riebel, attorney for the Kentucky Nurses Association, regarding the licensee's treatment of nursing staff at Harlan Appalachian Regional Hospital (ARH). Ms. Reibel reported that the licensee had been counseled by the administration at the hospital regarding the offensive language and demeaning manner he used when speaking with nurses. Ms. Riebel reported that she had also received a list of grievances from nurses at

the hospital regarding the licensee's use of foul language many times directed toward nurses and in the presence of patients and staff.

4. Michael Layfield, CEO, Harlan ARH, confirmed that he had spoken with the licensee, specifically in July 2002, October 2003 and February 2004, regarding the licensee's use of offensive language in the hospital setting. Mr. Layfield stated that after each discussion, the licensee would comply but then the complaints from staff would resurface and require him to speak with the licensee again.
5. Mr. Layfield, through counsel, reports that the licensee has not demonstrated any of the complained of behaviors nor has the hospital received any grievances concerning the licensee since the last meeting he had with the licensee in February 2004.
6. During an interview with the Board Investigator, the licensee admitted that he might sometimes curse at nurses when telling them to be more responsive to patient's needs and promoting patient care. The licensee also provided a written response to the allegations of abusive behavior towards nurses and explained that sometimes he may "bark" at nurses under the stress of emergency situations.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for the Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.

2. While the licensee denies engaging in any unprofessional or illegal conduct generally, he agrees that based upon the fact issues raised by the grievance and if the parties proceeded to a hearing there may be a sufficient basis for the Board to find a violation for the Board to find a violation of KRS 311.595 and/or 311.597. Accordingly, there are legal bases for this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve the pending Complaint through an informal resolution, such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending Complaint without an evidentiary hearing, the parties hereby ENTER INTO the following

AGREED ORDER:

1. The license to practice medicine held by Abdul Kader Dahhan, M.D., is hereby subject to the terms of this Agreed Order for a period of two (2) years, or until further Order of the Board, with that period to commence upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order, the licensee may continue with the full active practice of medicine in the Commonwealth of Kentucky under the following terms and conditions:
 - a. The licensee SHALL complete an anger management program approved and utilized by the Court system or other suitable program approved in advance and in writing by the Panel Chair. The licensee SHALL complete such program within six (6) months from entry of this Agreed Order.
 - b. The licensee SHALL provide written proof that he has successfully completed the an anger management program to the Board's agent

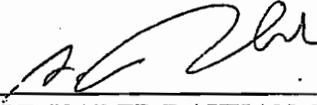
assigned to supervise his compliance with the terms and conditions of this Agreed Order and the Board's General Counsel or Assistant General Counsel.

- c. The Board will conduct a follow-up inquiry with the Harlan ARH administration in one (1) year from entry of this Agreed Order as to whether or not further grievances regarding the licensee have been made. This information will be provided to the Panel for its consideration and appropriate action.

3. The licensee expressly agrees that if the licensee should violate any term or condition of the Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Agreed Order, the Acting Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Acting Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.
4. The licensee understands and agrees that any violation of this Agreed Order may serve as the basis for additional disciplinary action pursuant to KRS 311.595(13), including revocation of his Kentucky medical license.

SO AGREED on this 20th day of JUNE, 2005.

FOR THE LICENSEE:

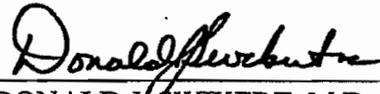


ABDUL KADER DAHHAN, M.D.

LORETTA G. LEBAR, ESQ
H. KENT HENDRICKSON, ESQ.
COUNSEL FOR DR. DAHHAN



FOR THE BOARD:



DONALD J. SWIKERT, M.D.
CHAIR, HEARING PANEL A



L. CHAD ELDER
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-8046

Entered: 06/20/2005