

STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
65 SOUTH FRONT STREET
SUITE 510
COLUMBUS, OHIO 43266-0315

September 11, 1987

Bashar Kahaleh, M.D.
Assistant Professor of Medicine
Medical University of South Carolina
Division of Rheumatology
171 Ashley Drive
Charleston, South Carolina 29425-2229

Dear Doctor Kahaleh:

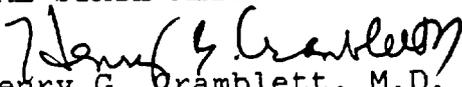
Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Lauren Lubow, Hearing Officer, State Medical Board; a certified copy of the Motions by the State Medical Board, meeting in regular session on September 9, 1987, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board.

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

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas 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.

Our records reflect that your medical license lapsed by operation of law on January 1, 1987 due to failure to renew. If you wish to apply for reinstatement of your license, please contact this office.

THE STATE MEDICAL BOARD OF OHIO


Henry G. Cramblett, M.D.
Secretary

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Enclosures

CERTIFIED MAIL NO. P 158 073 908
RETURN RECEIPT REQUESTED

STATE MEDICAL BOARD OF OHIO

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Lauren Lubow, Hearing Officer, State Medical Board of Ohio; attached copy of the Motions by the State Medical Board, meeting in regular session on September 9, 1987, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board, constitutes a true and complete copy of the Findings and Order of the State Medical Board in the matter of Bashar Kahaleh, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board and in its behalf.

(SEAL)


Henry G. Cramblett, M.D.
Secretary

9/11/87

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

BASHAR KAHALEH, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio the 9th day of September, 1987.

Upon the Report and Recommendation of Lauren Lubow, Hearing Officer, State Medical Board, in this matter designated pursuant to R.C. 119.09, a true copy of which is attached hereto and incorporated herein, which Report and Recommendation was approved and confirmed by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board for the 9th day of September, 1987.

It is hereby ORDERED:

That the charges against Dr. Kahaleh as set forth in the Board's letter dated May 14, 1986 be DISMISSED.

It is further ORDERED that the license of M. Bashar Kahaleh, M.D., to practice medicine and surgery in the State of Ohio continue to remain in full force and effect, without restriction, subject to his continued compliance with all applicable laws of the State of Ohio and all rules promulgated by the State Medical Board of Ohio.

This ORDER shall be effective immediately upon approval by the State Medical Board of Ohio.

(SEAL)


Henry G. Cramblett, M.D.
Secretary

9/11/87

Date

STATE OF OHIO
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION
IN THE MATTER OF M. BASHAR KAHALEH, M.D.

The matter of M. Bashar Kahaleh, M.D., came on for hearing before me, Lauren Lubow, Esq., Hearing Officer for the State Medical Board of Ohio, on the 31st day of October, 1986.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Appearance of Counsel

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General of Ohio, by Christopher J. Costantini, Legal Intern, and Christopher M. Culley, Esq.
- B. The Respondent, having been duly advised of his right to appear on his own behalf or through counsel, or to present his arguments and contentions in writing, did not appear at the hearing, but submitted the document identified as State's Exhibit #7 in support of his position.

II. Jurisdiction

The hearing was held pursuant to the authority vested in the State Medical Board of Ohio by Chapters 4731. and 119. of the Ohio Revised Code and Chapters 4731-1 through 4731-11 inclusive, of the Ohio Administrative Code.

III. Basis of Hearing

- A. By letter dated May 14, 1986, the State Medical Board notified M. Bashar Kahaleh, M.D., that it proposed to take disciplinary action against his license to practice medicine and surgery in the State of Ohio. Dr. Kahaleh was further advised in said letter that he was alleged to have:

1. Engaged in conduct which constituted fraud, misrepresentation or deception for the purpose of obtaining the renewal of his certificate to practice medicine and surgery in the State of Ohio, to wit: having certified to the Board that he had completed the requisite courses of continuing medical education when in fact he had not completed said courses, contrary to and in violation of Section 4731.22(A), Ohio Revised Code.

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2. Failed to complete the required courses in continuing medical education contrary to and in violation of Sections 4731.281 and 4731.22(B)(16), Ohio Revised Code, and Rule 4731-10-03, Ohio Administrative Code.

B. By letter dated June 2, 1986, M. Bashar Kahaleh, M.D., requested a hearing in this matter. The hearing was initially set for June 26, 1986. Upon the Board's own motion the hearing was continued and rescheduled to October 31, 1986.

HEARD BY
OHIO STATE
MEDICAL BOARD

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IV. Testimony Heard

The only witness called by either party was Kay Rieve, who having been called by the State testified as follows:

1. That at all times relevant she had been employed as Chief, CME, Records and Renewal, State Medical Board of Ohio. (Tr. at pages 8 and 9)
2. That in her official capacity she had made inquiries of the Continuing Education Department and Rheumatology Division of the Medical University of South Carolina regarding Dr. Kahaleh's course of continuing medical education. (Tr. at pages 9 through 12)
3. That said inquiries were undertaken in an effort to clarify discrepancies between the number of Category I C.M.E. hours credited to Dr. Kahaleh as set forth in a computer printout from the Medical University of South Carolina (State's Exhibit #10) versus those hours credited to Dr. Kahaleh in a letter dated May 28, 1986 from Dr. E. Carwile Leroy, Professor of Medicine, Medical University of South Carolina (State's Exhibit #6).
4. That in her opinion Dr. Kahaleh had completed the required 40 hours of Category I C.M.E.

V. Exhibits Examined

A. Presented by the State:

1. State's Exhibit #1: May 17, 1985 letter from the Board to Dr. Kahaleh requesting that he complete and return within three weeks time a log documenting his completion of the required C.M.E. hours for the 1983-1984 biennium.

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2. State's Exhibit #2: August 6, 1985 letter of second request from the Board to Dr. Kahaleh for documentation of C.M.E. hours completed.
3. State's Exhibit #3: August 26, 1985 letter from Dr. Kahaleh to the Board outlining his activities as an associate professor of medicine and relating the same to the requirements for C.M.E.
4. State's Exhibit #4: January 15, 1986 letter from the Board to Dr. Kahaleh requesting him to authorize release to the Board of his C.M.E. records on file at the University of South Carolina.
5. State's Exhibit #5: May 14, 1986 citation letter and notice of opportunity for hearing from the Board to Dr. Kahaleh.
6. State's Exhibit #6: May 28, 1986 letter from Dr. E. Carwile Le Roy, Professor of Medicine, Medical University of South Carolina, to the Board certifying Dr. Kahaleh as being eligible to receive 48 Category I credit hours of C.M.E. for the 1983-1984 biennium.
7. State's Exhibit #7: June 2, 1986 letter from Dr. Kahaleh requesting a hearing, advising of his inability to attend the same, and setting forth his case in written form.
8. State's Exhibit #8: June 24, 1986 letter from the Board to Dr. Kahaleh acknowledging receipt of the request for hearing, and scheduling and continuing the hearing.
9. State's Exhibit #9: September 24, 1986 letter from the Board scheduling Dr. Kahaleh's hearing for October 31, 1986.
10. State's Exhibit #10: Copy of an August 12, 1985 computer generated transcript from the Medical University of South Carolina setting forth Dr. Kahaleh's C.M.E. credits from 1981 through August 12, 1985.

B. Presented on behalf of the Respondent, Dr. Kahaleh

1. State's Exhibit #7: Identified above

FINDINGS OF FACT

1. The State Medical Board of Ohio sent two separate requests, dated May 17, 1985 and August 6, 1985, to Dr. M. Bashar Kahaleh, for documentation of C.M.E. hours earned during the 1983-1984 biennium. Dr. Kahaleh responded on August 26, 1985.

This fact is established by State's Exhibits #1, #2, and #3.

2. Dr. Kahaleh completed at least 60 hours of Category II C.M.E. hours during the 1983-1984 biennium.

This fact is established by State's Exhibit #3.

3. Dr. Kahaleh completed 40 hours of Category I C.M.E. during the 1983-1984 biennium.

This fact is established by State's Exhibits #6 and #10 and by the testimony of Kay Rieve (Tr. at p. 12, line 21 through p. 13, line inclusive).

4. At the time Dr. Kahaleh certified to the Board that he had completed the required hours of C.M.E. for the 1983-1984 biennium he had, in fact, done so.

This fact is established by State's Exhibits #3, #6 and #10 and by the testimony of Kay Rieve (Tr. at p. 12 line 21 through p. 13, line 8, inclusive).

CONCLUSIONS OF LAW

1. Dr. Kahaleh completed the requisite C.M.E. hours for the 1983-1984 biennium, and is consequently not in violation of Section 4731.281, Ohio Revised Code or Rule 4731-10-03, Ohio Administrative Code, as alleged.
2. Dr. Kahaleh did not violate Section 4731.22(A), Ohio Revised Code as alleged. Dr. Kahaleh's conduct in certifying that he had completed the requisite C.M.E. hours was neither fraudulent, misrepresentative, nor deceptive.

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OHIO STATE
MEDICAL BOARD

PROPOSED ORDER

It is hereby ORDERED that the charges against Dr. Kahaleh as set forth in the Board's letter dated May 14, 1986 be dismissed.

It is further ORDERED that the license of M. Bashar Kahaleh, M.D., to practice medicine and surgery in the State of Ohio continue to remain in full force and effect, without restriction, subject to his continued compliance with all applicable laws of the State of Ohio and all rules promulgated by the State Medical Board of Ohio.

This Order shall be effective immediately upon approval by the State Medical Board of Ohio.



Lauren Lubow, Esq.
Hearing Officer
State Medical Board of Ohio

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STATE OF OHIO
MEDICAL BOARD

EXCERPT FROM THE MINUTES OF SEPTEMBER 9, 1987

REPORTS AND RECOMMENDATIONS

Mr. Culley and Ms. Nestor left the meeting at this time.

Dr. Stephens asked if each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Dr. Roy D. Goodwin, Dr. Bashar Kahaleh, Dr. Prasad Athota, Dr. Robert Green, Dr. Joseph C. Woofter, Dr. Nilda Lopez-Mata, and Dr. Robert L. Westerheide. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- aye
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- nay
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Johnston	- abstain
	Dr. Stephens	- aye

Dr. Rothman stated that he will abstain from matters concerning Dr. Joseph C. Woofter and Dr. Robert L. Westerheide because he did not read the materials.

REPORT AND RECOMMENDATION IN THE MATTER OF BASHAR KHALEH, M.D.

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DR. BARNES MOVED TO APPROVE AND CONFIRM MS. LUBOW'S FINDINGS OF FACT IN THE MATTER OF BASHAR KHALEH, M.D. DR. BUCHAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Johnston	- abstain

The motion carried.

.....

DR. RAUCH MOVED TO APPROVE AND CONFIRM MS. LUBOW'S CONCLUSIONS IN THE MATTER OF BASHAR KAHALEH, M.D. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Johnston	- abstain

The motion carried.

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DR. LANCIONE MOVED TO APPROVE AND CONFIRM MS. LUBOW'S PROPOSED ORDER IN THE MATTER OF BASHAR KAHALEH, M.D. DR. ROTHMAN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. Lancione	- aye
	Dr. Barnes	- aye
	Dr. Buchan	- aye
	Dr. Lovshin	- aye
	Dr. Rothman	- aye
	Dr. Rauch	- aye
	Mr. Albert	- aye
	Dr. O'Day	- aye
	Ms. Rolfes	- aye
	Mr. Johnston	- abstain

The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

May 14, 1986

Bashar Kahaleh, M.D.
Associate Professor of Medicine
Medical University of South Carolina
Division of Rheumatology
171 Ashley Avenue
Charlestown, South Carolina 29425

Dear Doctor Kahaleh:

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

- (1) In completing your renewal application card for registration of your certificate to practice medicine or surgery for the current biennial registration period, you did certify that you completed during the last biennium the requisite hours of continuing medical education, as required by Section 4731.281, Ohio Revised Code.
- (2) By letter dated May 17, 1985, the State Medical Board of Ohio instructed you to provide documentation of your continuing medical education completed during the last biennium. A second notice was mailed to you on August 6, 1985. Although by letter dated August 26, 1985 you responded with documentation of at least sixty (60) hours of Category II credit, you provided no documentation of Category I credit. By letter dated January 15, 1986, and again by letter dated March 27, 1986, you were instructed to authorize the release of your Category I credit record by the Medical University of South Carolina. This record, received on April 10, 1986, documents only twenty-four (24) Category I credits completed by you during the 1983-1984 biennium. The Continuing Medical Education Program certified by the Ohio State Medical Association and approved by the Ohio State Medical Board pursuant to Section 4731.281, Ohio Revised Code, a copy of which Program is attached hereto and incorporated by reference herein, requires the completion of one-hundred (100) hours of Continuing Medical Education, at least forty (40) hours of which shall be in Category I.

Your failure to complete the requisite Continuing Medical Education, as alleged in the above Paragraph (2), constitutes a violation of Section 4731.281, Ohio Revised Code.

May 14, 1986

Further, such failure to obtain the requisite Continuing Medical Education constitutes "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provisions of (Chapter 4731., Ohio Revised Code) or any rule promulgated by the Board", as that clause is used in Section 4731.22(B)(16), Ohio Revised Code, to wit: Section 4731.281, Ohio Revised Code, and Rule 4731-10-03, Ohio Administrative Code.

Further, your acts in certifying to the State Medical Board that you had completed the statutorily required continuing medical education, as set forth in the above Paragraph (1), when you had not, in fact, done so, constitutes "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

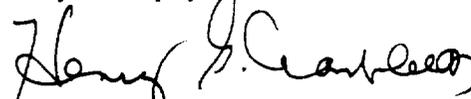
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, 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 made within thirty (30) 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, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of Sections 4731.22 and 4731.281, Ohio Revised Code, and Rule 4731-10-03, Ohio Administrative Code, are enclosed for your information and review.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC/nwg
Enclosures

CERTIFIED MAIL #P 569 363 447
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