

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

March 13, 1987

Rita Dashairya, M.D.
2207 N. Linville
Westland, Michigan 48185

Dear Doctor Dashairya:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Lauren O. Lubow, Hearing Examiner, Medical Board; a certified copy of the Motions by the State Medical Board, meeting in regular session on March 12, 1987, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board.

You are hereby notified that you may appeal this Order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as stated above, you must file a notice of appeal with the Board setting forth the Order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the Court. Such notices of appeal shall be filed within fifteen (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD OF OHIO


Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

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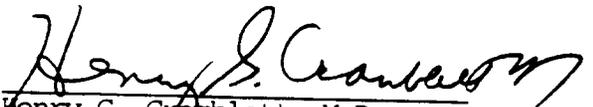
STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

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 O. Lubow, Hearing Examiner, State Medical Board of Ohio; and the attached copy of the Motions by the State Medical Board, meeting in regular session on March 12, 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 Rita Dashairya, 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

March 13, 1987

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *
 *
RITA DASHAIRYA, M.D. *

ENTRY OF ORDER

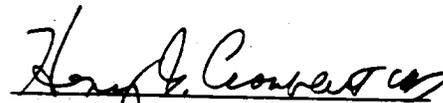
This matter came on for consideration before the State Medical Board of Ohio the 12th day of March, 1987.

Upon the Report and Recommendation of Lauren O. Lubow, Hearing Examiner, 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 12th day of March, 1987.

It is hereby ORDERED:

1. That Rita Dashairya, M.D., be REPRIMANDED for misrepresentation of fact in her application for licensure by examination.
2. That upon completion of a reapplication form and payment of all accompanying fees, Rita Dashairya, M.D., be permitted to sit for the June, 1987 FLEX examination in the State of Ohio.

(SEAL)


Henry G. Cramblett, M.D.
Secretary

March 13, 1987

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF RITA DASHAIRYA, M.D.

The matter of Rita Dashairya, M.D., came on for hearing before me, Lauren Lubow, Attorney Hearing Examiner for the State Medical Board of Ohio, on December 19, 1986.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Mode of Conduct

- A. During the course of this hearing, rules of evidence were relaxed and both the State and the Applicant were given great latitude in demonstrating the relevancy and materiality of testimony and exhibits offered, as well as in attempting to discredit testimony and evidence presented by the opposing party.

II. Basis for Hearing

- A. By letter of November 6, 1986, the State Medical Board of Ohio notified Dr. Dashairya that it proposed to deny her application for licensure by examination on the basis of alleged violations of Section 4731.22(A) and 4731.08, Ohio Revised Code. These allegations were based upon the Applicant's having responded to the question on her March 25, 1985 FLEX application, "List all FLEX exams which you have taken..." that she had taken the exam on six specified dates in three different specified states. In fact, the Board had been advised by the Federation of State Medical Boards that prior to March 1985, Dr. Dashairya had taken the FLEX examination on nine occasions. Dr. Dashairya's application also indicated that she had taken the June 1982 examination in both Michigan and Indiana.
- B. On November 25, 1986, the State Medical Board received a letter from Dr. Dashairya requesting a hearing in this matter.

III. Appearance of Counsel

- A. On behalf of the State of Ohio: Anthony J. Celebrezze, Attorney General, by Christopher M. Culley, Assistant Attorney General.
- B. The Applicant appeared pro se, and acknowledged that she was

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DR. RITA DASHAIRYA
M.D.

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aware of her right to be represented by counsel.

IV. Testimony Heard

A. Presented by the State:

1. State's Exhibit #1 - Applicant's August 1984 application for licensure by examination.
2. State's Exhibit #2 - Applicant's March 1985 application for licensure by examination.
3. State's Exhibit #3 - August 20, 1985 letter from the State Medical Board to Dr. Dashairya, concerning her performance on the June 1985 FLEX examination.
4. State's Exhibit #4 - Applicant's September 1985 supplement to application.
5. State's Exhibit #5 - February 18, 1986 letter from the State Medical Board to Dr. Dashairya concerning her performance on the December 1985 FLEX examination.
6. State's Exhibit #6 - Applicant's March 1986 supplement to application.
7. State's Exhibit #7 - August 20, 1986 letter from the State Medical Board to Dr. Dashairya concerning her performance on the June 1986 FLEX examination.
8. State's Exhibit #8 - August 27, 1986 FLEX status report concerning Dr. Dashairya from the Federation of State Medical Boards.
9. State's Exhibit #9 - Applicant's August 1986 supplement to application.
10. State's Exhibit #10 - November 6, 1986 letter from the State Medical Board to Dr. Dashairya proposing to deny her application for licensure by examination.
11. State's Exhibit #11 - November 24, 1986 letter from Dr. Dashairya to the State Medical Board requesting a hearing in this matter.
12. State's Exhibit #12 - December 2, 1986 letter from the State Medical Board to Dr. Dashairya advising her that the hearing was originally set for December 5, 1986 and had been postponed on the Board's own motion pursuant to Section 119.09, Ohio Revised Code.

B. Presented by the Applicant:

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1. Applicant's Exhibit A - December 23, 1981 letter of recommendation from Harvey Rosen, M.D., Detroit Psychiatric Institute.
2. Applicant's Exhibit B - December 29, 1981 letter from Linn A. Campbell, M.D., Wayne State University.
3. Applicant's Exhibit C - April 3, 1984 letter from Morris Weiss, M.D., Hawthorn Center.
4. Applicant's Exhibit D - December 4, 1986 letter from Harold L. Wright, M.D., Hawthorn Center.
5. Applicant's Exhibit E - December 15, 1986 letter from Carole M. Van Handel, M.D., Hawthorn Center.
6. Applicant's Exhibits F through F-5 - December 5, 1986 cover letter from the Federation of State Medical Boards and enclosures consisting of copies of Applicant's FLEX applications for December 1985, June 1986, December 1986, June 1985, and December 1984.

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FINDINGS OF FACT

1. The answer of Rita Dashairya, M.D., to question 1(b), Section 4 of her March 1985 Application for Medical or Osteopathic Licensure was incorrect or incomplete in the manner and to the extent specifically described in the Board's November 6, 1986 letter of proposed denial.

This fact is established by State's Exhibits #2 and #8, and by the testimony of Dr. Dashairya, Transcript at 16-21.

CONCLUSIONS

A comparison of Dr. Dashairya's application to sit for the June 1985 FLEX examination in Ohio and the information provided by the Federation of State Medical Boards leaves no doubt that Dr. Rita Dashairya did provide incorrect information on her Ohio application, as alleged by the State. However, the operative factor in this case is clearly one of careless and neglect.

This conclusion is based upon the fact that Dr. Dashairya did

disclose the correct number of times she had taken the FLEX exam on the portion of the application forwarded to the Federation of State Medical Boards in Texas, which she initially sent to the Ohio Board. Dr. Dashairya explained that on her Ohio application she had provided a sampling, rather than a complete listing, of the FLEX exams she had previously taken because of the limited space for that information on the application form. It was the doctor's assumption that, because both the Ohio and Federation FLEX applications had come from and been returned by her to the Ohio Board, the Ohio Board would be cognizant of the information contained in both. That assumption is reasonable. Accordingly, although there has been a misrepresentation made in violation of Section 4731.22(A), Ohio Revised Code, the evidence is insufficient to support a finding that Dr. Dashairya lacks the good moral character required of licensure applicants in Section 4731.08, Ohio Revised Code.

To some extent, the Board's ability to carry out its function is dependent upon the accuracy and reliability of the information provided by candidates for licensure. Carelessness and neglect must not be seen as an acceptable standard. Consequently, this Hearing Examiner recommends adoption of the Proposed Order set forth below.

In considering disposition of this case, it should be noted that, due to Dr. Dashairya's carelessness and the necessity for this hearing, she has already been prevented from sitting for the December, 1986 FLEX examination.

PROPOSED ORDER

It is hereby ORDERED:

1. That Rita Dashairya, M.D., be reprimanded for misrepresentation of fact in her application for licensure by examination.
2. That upon completion of a reapplication form and payment of all accompanying fees, Rita Dashairya, M.D., be permitted to sit for the June, 1987 FLEX examination in the State of Ohio.



Lauren Lubow, Esq.
Hearing Examiner

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EXCERPT FROM THE MINUTES OF MARCH 12, 1987

REPORT AND RECOMMENDATION IN THE MATTER OF RITA DASHAIRYA, M.D.

Dr. Stephens asked if each member of the Board had received, read, and considered the hearing record, the proposed findings and order, and any objections filed to the proposed findings and order in the matter of Rita Dashairya, M.D. A roll call was taken:

ROLL CALL:

Dr. Cramblett	- aye
Dr. Lancione	- aye
Dr. Buchan	- aye
Dr. Lovshin	- aye
Dr. Rothman	- aye
Dr. Rauch	- aye
Dr. O'Day	- aye
Ms. Rolfes	- aye

.....

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

ROLL CALL VOTE:

Dr. Cramblett	- abstain
Dr. Lancione	- aye
Dr. Buchan	- aye
Dr. Lovshin	- aye
Dr. Rothman	- aye
Dr. Rauch	- aye
Dr. O'Day	- aye
Ms. Rolfes	- aye

The motion carried.

DR. BUCHAN MOVED TO APPROVE AND CONFIRM MS. LUBOW'S PROPOSED ORDER IN THE MATTER OF RITA DASHAIRYA, M.D. DR. LOVSHIN SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:

Dr. Cramblett	- abstain
Dr. Lancione	- aye
Dr. Buchan	- aye
Dr. Lovshin	- aye
Dr. Rothman	- aye
Dr. Rauch	- aye
Dr. O'Day	- aye
Ms. Rolfes	- aye

The motion carried.

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

November 6, 1986

Rita Dashairya, M.D.
2207 North Linville
Westland, Michigan 48185

Dear Doctor Dashairya:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board proposes to deny your application for licensure for the following reasons:

1. On or about March 25, 1985 you filed an application to sit for the June 1985 examination for purposes of Ohio licensure. In addition you filed re-examination applications on or about September 13, 1985, March 17, 1986, and August 27, 1986.

In response to Question 1(b) of Section 4 of the March 1985 application you indicated that you had taken the FLEX examination in the following states on the following dates:

<u>State</u>	<u>Date</u>
Michigan	June 1981
Michigan	December 1981
Michigan	June 1982
Indiana	December 1982
Indiana	June 1982
West Virginia	December 1984

Question 1(b) of Section 4 states: "List all FLEX exams which you have taken. Indicate whether you took all three days or whether you took only part of the exam." Lines are provided for the State of examination, date, whether full or partial examination, and whether passed or failed.

In fact, the Board has now been advised by the Federation of State Medical Boards that prior to March 1985 you sat for the FLEX examination in Michigan on the following dates: June 1980, June 1981, December 1981, June 1982, and December 1983. You sat for the FLEX exam in Indiana in December 1982, June 1983, and June 1984. You sat for the FLEX exam in West Virginia in December 1984.

Your acts, conduct and omissions as alleged in paragraph 1 constitute a violation of Section 4731.22(A), Ohio Revised Code, to wit: committing fraud,

November 6, 1986

Rita Dashairya, M.D.

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misrepresentation, or deception in applying for or securing any license or certificate issued by the Board.

Further, your acts, conduct and omissions as listed in paragraph 1 establish a failure to furnish satisfactory proof of good moral character as required by Section 4731.08, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, please be advised that you may request a hearing on 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.

A copy of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

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