



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

February 16, 1996

Moorthy S. Ram
43865-053
Housing Unit 5741-3
F.C.I. Fort Dix East
P.O. Box 2000
New Jersey 08640

Dear Doctor Ram:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Suzanne E. Kelly, Esq., Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 14, 1996, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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.

THE STATE MEDICAL BOARD OF OHIO

Thomas E. Greter, M.D.

Secretary

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Enclosures

CERTIFIED MAIL RECEIPT NO. P 348 887 300
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Mailed 2-20-96



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

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 Suzanne E. Kelly, Esq., Attorney Hearing Examiner, State Medical Board; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 14, 1996, including Motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Moorthy S. Ram, 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 of Ohio and in its behalf.

Thomas E. Greter, M.D.
Secretary

(SEAL)

2/15/96

Date



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

MOORTHY A. RAM, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 14th day of February, 1996.

Upon the Report and Recommendation of Suzanne E. Kelly, Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Moorthy S. Ram, M.D., to practice medicine and surgery in the State of Ohio, shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

Thomas E. Gretter, M.D.

Secretary

(SEAL)

2/15/96

Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF MOORTHY S. RAM, M.D.**

The Matter of Moorthy S. Ram, M.D., came on for hearing by Suzanne E. Kelly, Esq., Hearing Examiner for the State Medical Board of Ohio, on December 12, 1995.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated September 6, 1995 (State's Exhibit 4), the State Medical Board of Ohio [Board] notified Moorthy S. Ram, M.D., that it intended to determine whether to take disciplinary action against his certificate to practice medicine and surgery in the State of Ohio based upon the following factual allegations:

"On or about September 30, 1994, in the United States District Court for the Eastern District of New York, [Dr. Ram was] found guilty of five (5) felony violations of 18 USC 1341, Fraud, one felony violation of 18 USC 844(i), Arson, and two felony violations of 18 USC 1512(b)(1), Witness Tampering, for which [he was] sentenced, with concurrent sentences, to imprisonment for 84 months (seven years)." The Board alleged that the findings of guilt, as alleged above, individually and/or collectively, constitute "(a) plea of guilty to, or a judicial finding of guilt of, a felony, as that clause is used in Section 4731.22(B)(9), Ohio Revised Code."

The Board advised Dr. Ram of his right to request a hearing in this Matter.

- B. Dr. Ram submitted a written hearing request on September 28, 1995. (State's Exhibit 3)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Patrick Beatty, Assistant Attorney General.
- B. Although notified of his right to be present or submit written contentions on his behalf, Dr. Ram did not appear.

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EVIDENCE EXAMINED

I. Testimony Heard

No testimony was presented.

II. Exhibits Examined

In addition to State's Exhibits 3 and 4, the State identified the following exhibits which were admitted into evidence:

- A. State's Exhibit 1: October 23, 1995, letter to Dr. Ram from the Board scheduling the formal hearing for December 12, 1995. (3 pp.)
- B. State's Exhibit 2: October 13, 1995, letter to Dr. Ram from the Board advising that a hearing had been set for September 22, 1995, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code.
- C. State's Exhibit 5: Certified copy of the judgment and commitment order in the case of *United States v. Moorthy S. Ram*, Criminal Docket No. 93 CR 1046 (JS). (8 pp.)
- D. State's Exhibit 6: Certified copy of the indictment in the case of *United States v. Moorthy S. Ram*, Criminal Docket No. 93 CR 1046 (JS). (9 pp.)
- E. State's Exhibit 7: November 11, 1993, article from the New York Times, by Jonathan Rabinovitz, "Doctor Indicted in Arson After Office is Destroyed." (2 pp.)
- F. State's Exhibit 8: November 18, 1993, article from the Wheeling, West Virginia, Intelligencer, by Meredith Lewis, "Physician is Arraigned." (2 pp.)

III. Post-Hearing Admissions to the Record

On the Hearing Examiner's own motion, the following exhibits are hereby admitted into evidence.

A. Board Exhibits

- 1. Board Exhibit A: Copy of 18 USC 1341, Fraud, a class D felony.

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2. Board Exhibit B: Copy of 18 USC 844(i), Arson, a class C felony.
3. Board Exhibit C: Copy of 18 USC 1512(b)(1), Witness Tampering, a class C felony.

SUMMARY OF THE EVIDENCE

1. Moorthy S. Ram, M.D., maintained a practice in the State of New York under the name of Wavecrest Medical Services, P.C. [Wavecrest]. His offices were located on the basement level of a multi-story residential apartment building that housed 200 residents. In 1988, Dr. Ram obtained business insurance from Allstate Insurance Company which insured Wavecrest for loss from theft, vandalism and fire. In 1989, Dr. Ram increased his coverage from \$200,000.00 to \$300,000.00. In August 1989, Dr. Ram reported that items from his office were stolen and vandalized. Days after this report, an early morning fire destroyed Dr. Ram's office. According to newspaper accounts, the fire could have destroyed the entire apartment building in which over seventy families were sleeping. (State's Exhibits [St. Ex.] 6-8)
2. In the summer of 1993, Dr. Ram became an administrator at the emergency department of the East Ohio Regional Hospital. Six weeks later, on September 20, 1993, the United States District Court for the Eastern Division of New York [federal court], Grand Jury indicted Dr. Ram on five counts of Fraud, violations of 18 USC 1341, a class D felony; one count of Arson, a violation of 18 USC 844(i), a class C felony; and two counts of Witness Tampering, a violation of 18 USC 1512(b)(1), a class C felony. Dr. Ram took an administrative leave of absence from the hospital after his indictment. (St. Exs. 6 & 8; Board Exhibits A-C)
3. Dr. Ram's case went to trial in the federal court. On February 15, 1994, a jury found Dr. Ram guilty on all eight counts of the indictment. The jury found that Dr. Ram knowingly and willfully devised a scheme to defraud Allstate and to obtain money and property from Allstate by means of false and fraudulent pretenses. The facts supporting these findings are as follows. From August 21-24, 1989, Dr. Ram damaged furniture and medical equipment located at his medical office, and removed various items of medical and office equipment to other locations for safekeeping. He then submitted false claims to Allstate and made false reports to the New York City Police Department. On August 25, 1989, he destroyed the office by fire. Dr. Ram falsely claimed a

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lack of knowledge of the theft, vandalism and fire to the New York City Police and Fire Departments and the Allstate Insurance Company. In an attempt to execute his scheme to defraud, Dr. Ram mailed five letters to Allstate Insurance Company to collect insurance proceeds on his losses. (St. Exs. 5 & 6)

The jury also found that Dr. Ram willfully and corruptly persuaded or attempted to persuade two other people with intent to influence, delay, and prevent the testimony of these people in a federal grand jury proceeding. (St. Exs. 5 & 6)

4. On September 30, 1994, after a presentence investigation, the court sentenced Dr. Ram to sixty months on counts one through five; eighty-four months on count six; and sixteen months on counts seven and eight. All sentences are to be served concurrently. Upon release from imprisonment, Dr. Ram shall be on supervised release for a term of three years. The court also ordered Dr. Ram to pay the sum of \$25,400.00 in fines and special assessment. No information was received regarding whether Dr. Ram had paid the fines or special assessment. The federal district court gave Dr. Ram a sentence within the federal sentencing guidelines. (St. Ex. 3 & 5)
5. Dr. Ram is currently incarcerated at Fort Dix, New Jersey. (St. Exs. 3)
6. Dr. Ram filed his appeal on July 10, 1995. It is still pending in the United States Court of Appeals, Second Circuit. Dr. Ram offered to voluntarily surrender his license to practice medicine and surgery in Ohio until his appeal was resolved. (St. Ex. 3)

FINDINGS OF FACT

1. On February 15, 1994, in the United States District Court for the Eastern District of New York, a jury found Dr. Ram guilty of five (5) felony violations of 18 USC 1341, Fraud, one felony violation of 18 USC 844(I), Arson, and two felony violations of 18 USC 1512(b)91), Witness Tampering.
2. On or about September 30, 1994, the judge of the United States District Court for the Eastern District of New York sentenced Dr. Ram to imprisonment for 84 months (seven years) with concurrent sentences, to be followed by three

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years of supervised release. The judge also imposed a fine and special assessment of \$25,400.00.

CONCLUSIONS

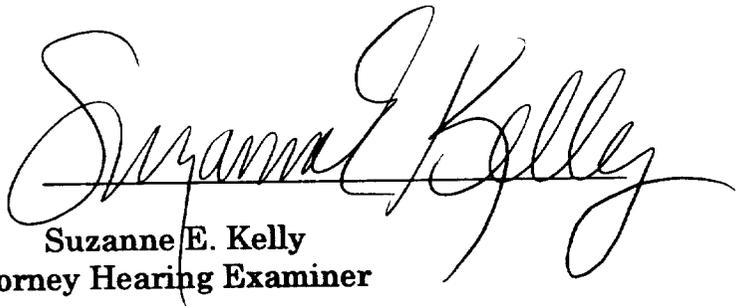
1. Findings of Fact 1 and 2 support a conclusion that the federal court's findings of Dr. Ram's guilt, as alleged above individually and/or collectively, constitute "...a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Moorthy S. Ram, M.D., to practice medicine and surgery in the State of Ohio, shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.



Suzanne E. Kelly
Attorney Hearing Examiner



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EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 14, 1995

REPORTS AND RECOMMENDATIONS

Dr. Stienecker announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Stienecker asked whether 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: William H. Allen, Jr., M.D.; Carolyn T. Beyer, D.O.; John B. Gardiner, D.O.; Stephen W. Gilreath, M.D.; Alexander D. Hassard, M.D.; Neal E. Holleran, M.D.; Peter M. Ilievski, M.D.; James L. Kegler, M.D.; Albert S. Miller, M.D.; Venus Navarro-Julian, M.D.; Moorthy S. Ram, M.D.; Ronald J. Richter, M.D.; Arvind M. Talati, M.D.; and Stephen J. Weiss, M.D.

A roll call was taken:

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| ROLL CALL: | Mr. Albert | - aye |
| | Dr. Bhati | - aye |
| | Dr. Gretter | - aye |
| | Dr. Egner | - aye |
| | Dr. Agresta | - aye |
| | Dr. Buchan | - aye |
| | Ms. Noble | - aye |
| | Mr. Sinnott | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |
| | Dr. Stienecker | - aye |

Dr. Stienecker asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

| | | |
|------------|-------------|-------|
| ROLL CALL: | Mr. Albert | - aye |
| | Dr. Bhati | - aye |
| | Dr. Gretter | - aye |
| | Dr. Egner | - aye |
| | Dr. Agresta | - aye |
| | Dr. Buchan | - aye |
| | Ms. Noble | - aye |

| | |
|----------------|-------|
| Mr. Sinnott | - aye |
| Dr. Garg | - aye |
| Dr. Steinbergh | - aye |
| Dr. Stienecker | - aye |

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of this matter.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
REPORT AND RECOMMENDATION IN THE MATTER OF MOORTHY S. RAM, M.D.

.....
DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. KELLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF MOORTHY S. RAM, M.D. DR. BHATI SECONDED THE MOTION.

.....
A vote was taken on Dr. Steinbergh's motion:

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| VOTE: | Mr. Albert | - abstain |
| | Dr. Bhati | - aye |
| | Dr. Gretter | - abstain |
| | Dr. Egner | - aye |
| | Dr. Agresta | - aye |
| | Dr. Buchan | - aye |
| | Ms. Noble | - aye |
| | Mr. Sinnott | - aye |
| | Dr. Garg | - aye |
| | Dr. Steinbergh | - aye |

The motion carried.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

September 6, 1995

Moorthy S. Ram, M.D.
87 Stamm Circle
Wheeling, WV 26003

Dear Doctor Ram:

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) On or about September 30, 1994, in the United States District Court for the Eastern District of New York, you were found guilty of five (5) felony violations of 18 USC 1341, Fraud, one felony violation of 18 USC 844(i), Arson, and two felony violations of 18 USC 1512(b)(1), Witness Tampering, for which you were sentenced, with concurrent sentences, to imprisonment for 84 months (seven years).

The findings of guilt, as alleged in paragraph (1) above, individually and/or collectively, constitute "(a) plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), 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 (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 by such other representative as is 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 (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon

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September 6, 1995

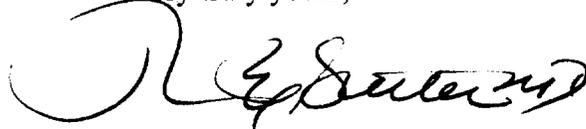
Moorthy S. Ram, M.D.

Page 2

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 the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. E. Gretter", written in a cursive style.

Thomas E. Gretter, M.D.

Secretary

TEG/bjm
Enclosures

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

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