

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

FILED
COMMON PLEAS, FRANKLIN COUNTY, OHIO

AHMAD HOSSEINIPOUR, MD

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TERMINATION NO. 18
BY *KT* 2/27/04

Appellant

CLERK OF COURTS

v.

Case No. 03CVF11-13091

STATE MEDICAL BOARD OF OHIO

JUDGE JOHNSON

Appellee

: **FINAL APPEALABLE ORDER**

JUDGMENT ENTRY

This case, pursuant to R.C. 119.12, is before the Court on appeal of the February 11, 1998 order of the State Medical Board permanently revoking the license of Ahmad Hosseinipour, M.D., to practice medicine in Ohio. On January 9, 2004, appellee filed a motion to dismiss the appeal for lack of subject matter jurisdiction due to appellant's failure to timely file a notice of appeal. For the reasons stated in the Court's February 13, 2004 decision, a copy of which is attached hereto and which reasons are incorporated as if fully rewritten herein, it is hereby

ORDERED, ADJUDGED and DECREED that appellee's motion to dismiss is granted and this appeal is hereby dismissed with prejudice. The Costs shall be taxed to appellant.

IT IS SO ORDERED.

Date

DAVID L. JOHNSON, JUDGE

Submitted by:

JIM PETRO (0022096)
Attorney General



GREGORY A. PERRY (0065251)
Assistant Attorney General
Health and Human Services Section
30 East Broad Street, 26th Floor
Columbus, Ohio 43215-3400
(614) 466-8600
Facsimile (614) 466-6090

IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO

AHMAD HOSSEINIPOUR, M.D., :
Appellant, :
v. : Case No. 03CVF11-13091
OHIO STATE MEDICAL BOARD, : Judge Johnson
Appellee. :

DECISION GRANTING APPELLEE'S MOTION TO DISMISS
ADMINISTRATIVE APPEAL, FILED JANUARY 9, 2004
(Case Terminated)

FILED COURT
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2004 FEB 17 AM 10:04
CLERK OF COURTS

Rendered this 13th day of February, 2004.

Johnson, D., J.

I. Administrative Appeals

. . . . An appeal from an administrative agency in Ohio is governed by R.C. 119.12, which states in pertinent part: "The court may affirm the order of the agency complained of in the appeal if it finds, upon consideration of the entire record and such additional evidence as the court has admitted, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it may reverse, vacate, or modify the order or make such other ruling as is supported by reliable, probative, and substantial evidence and is in accordance with law." The court of common pleas is restricted to determining whether the order is so supported.

The evidence required by R.C. 119.12 can be defined as follows: (1) "Reliable" evidence is dependable; that is, it can be confidently trusted. In order to be reliable, there must be a reasonable probability that the evidence is true. (2) "Probative" evidence is evidence that tends to prove the issue in question; it must be relevant in determining the issue. (3) "Substantial" evidence is evidence with some weight; it must have importance and value.

Our Place, Inc. v. Ohio Liquor Control Comm'n (1992), 63 Ohio St. 3d 570, 571 (internal footnotes omitted).

As such, "[t]he appeal to the common pleas court is not a trial de novo because the court is limited to an examination of the record of the hearing before the administrative agency and

such additional evidence as the court, in its discretion, may allow to be presented upon the theory that it is newly discovered." Asad v. State Med. Bd. (Franklin 1992), 79 Ohio App. 3d 143, 146; see Columbia Gas Transmission Corp. v. Dep't of Trans. (Franklin 1995), 104 Ohio App. 3d 1, 4 ("The Court of Comm on Pleas must give due deference to the administrative resolution of evidentiary conflicts.") (quoting Conrad, 63 Ohio St. 2d at 111).

II. Discussion

On November 28, 2003, appellant filed his notice of appeal of appellee's February 11, 1998 order. On January 9, 2004, appellee filed its motion to dismiss the administrative appeal.

Appellee argues that the Common Pleas Court lacks subject-matter jurisdiction because appellant failed to file an original notice of appeal with it within fifteen days, as required by O.R.C. 119.12. Appellant has not filed a response to this motion.

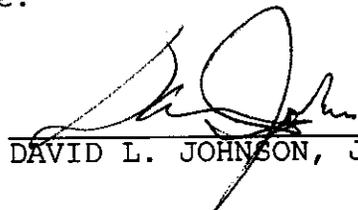
According to Ohio's Administrative Procedure Act,

Any party desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and the grounds of his appeal. A copy of such notice of appeal shall also be filed by the appellant with the court. Unless otherwise provided by law relating to a particular agency, such notices of appeal shall be filed within fifteen days after the mailing of the notice of the agency's order as provided in this section.

O.R.C. 119.12. When "a statute confers a right of appeal . . . strict adherence to the statutory conditions is essential." Harrison v. Ohio St. Med. Bd. (Franklin 1995), 103 Ohio App. 3d 317, 321 (quoting Holmes v. Union Gospel Press (1980), 64 Ohio St. 2d 187, 188).

"The failure to file a copy of the notice of appeal within the fifteen-day period as set forth in R.C. 119.12 deprives the common pleas court of jurisdiction over the appeal." Nibert v. Ohio Dep't of Rehab. & Corr. (1998), 84 Ohio St. 3d 100 (syllabus). Likewise, if the original notice of appeal of an agency's decision is not filed with the agency within the requisite time-period, a court lacks jurisdiction to hear the appeal. See Harrison, 103 Ohio App. 3d at 321 ("appellant failed to comply with R.C. 119.12, in that he failed to file an original notice of appeal with the board within fifteen days"); see also Hayes v. Montgomery Cty. Bd. of Comm'rs (Montgomery 1994), 94 Ohio App. 3d 597, 600 ("The reference to 'such notices of appeal' in the fifteen-day filing requirement is limited to the notice of appeal and does not include the copy."). An administrative appeal is thus properly dismissed if the statutory procedures have not been followed.

Therefore, appellee's motion to dismiss is GRANTED. Counsel for appellee shall prepare an appropriate entry and submit the proposed entry to the adverse party pursuant to Loc. R. 25.01. A copy of this decision shall accompany the proposed entry when presented to the Court for signature.



DAVID L. JOHNSON, JUDGE

Copies to:

Ahmad Hosseinipour, M.D.
Appellant Pro Se

Gregory A. Perry, Esq.
Assistant Attorney General
Attorney for Appellee

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

03CVF11 13091

AHMAD HOSSEINIPOUR, M.D.
3560 Arden Blvd
Youngstown, Ohio 44511

Motion: Delayed
Appeal

Plaintiff

V.

STATE MEDICAL BOARD OF OHIO
THOMAS DILLING
77 S. high St.
17th Floor
Columbus, Ohio 43266-0315
614-466-3934

OHIO STATE MEDICAL BOARD
DEC 15 2003

Defendant

This is a delayed appeal due to plaintiff's illness. The enclosed abstract explain^s the situation.

Respectfully submitted,



Ahmad Hosseinipour MD
3560 Arden Blvd
Youngstown, Ohio 44511
330-788-3759

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
03 NOV 28 AM 6:01
CLERK OF COURTS

1. IN 1991 ST. MICHAEL'S MEDICAL CENTER IN NEWARK NEW JERSEY, SPONSERED BY SETON HALL UNIVERSITY, TERMINATED THE TRANSITIONAL INTERN PRIOR TO HIV SEROCONVERSION VIA NEEDLESTICK INJURY.
2. THE INFECTIOUS DISEASE SPECIALIST IGNORED POST-EXPOSURE PROPHYLAXIS GUIDELINES FOLLOWING HIV NEEDLESTICK INJURY DESPITE 80-90% PREVENTION OF SEROCONVERSION.
3. HIV TESTS WERE CONFIRMED IN STARK COUNTY, OHIO IN 1992 AS WELL AS IN TRUMBULL COUNTY, OHIO IN 1996.
4. THE RESIDENCY PROGRAM FAILED TO DIAGNOSE HIV PRIOR TO TERMINATING THE PGY III.
5. IN 1998 STATE MEDICAL BOARD OF OHIO PERMANANTLY REVOKED HIS MEDICAL LICENSE BY REASON OF MENTAL AND PHYSICAL ILLNESS.
6. IN 1999 THE IRANIAN AMERICAN DOCTOR DEVELOPED FULL-BLOWN AIDS.
7. IN 2000 STATE MEDICAL BOARD OF OHIO REJECTED THE PETITION FOR REINSTATEMENT.
8. IN 2003, IN THE COURT OF CLAIMS OF OHIO, THE JUDGEMENT IS RENDERED IN FAVOR OF STATE MEDICAL BOARD.
9. IN 2003 THE UNITED STATES DISTRICT COURT IN NEW JERSEY DISMISSED THE COMPLAINT AGAINST SETON HALL UNIVERSITY BY THE APPLICABLE STATUTE OF LIMITATIONS.

Ahmad Hosseinipour, MD (Associate); Charles Wilkins, MD; Anil Nalluri, MD, FAPA, CIME, AADEP; Emanuel Vergis, MD, MPH, UPMC;
Northeastern Ohio Universities College of Medicine, Affiliated Hospitals at Youngstown OH.

This is 35-year-old doctor was hired as a transitional intern at St. Michael's Medical Center, Newark NJ, with no formal interview in July 1991. The needlestick injury occurred in November 1991 and was reported to infectious disease specialist. The infectious disease specialist ignored post exposure prophylaxis. By the end of December 1991, the program director terminated the intern for lack of his competitiveness despite complaining to the director of department of medicine. In late January 1992, HIV seroconversion took place while the intern visited an emergency room due to high fever at Indiana University Medical Center at Indianapolis. The ER physician failed to diagnose the acute retroviral syndrome. The intern was matched at Aultman Hospital in Canton Ohio as PGY1 in Internal medicine in March 1992 after interviewing with several residency programs.

OHIO STATE MEDICAL BOARD
DEC 15 2003

The intern completed his internship (PGY I) successfully and was transferred to Youngstown for his PGY2. As PGY III, he was terminated again from Internal Medicine residency program at YHA, Forum Health three weeks prior to completing finishing the program. He was terminated because of a dispute with his program director. The program director was complaining that the resident (PGYIII) was too critical of his colleague and was suffering from a learning disability. The Following years the resident was charged with telephone harassment and criminal trespassing at the hospital. His criminal activities and behavior were never evaluated as possibly secondary to an organic disorder (CNS manifestation). As a result, the resident spent a month in jail. The state medical board of Ohio hired a psychiatrist who misdiagnosed him with negativistic personality disorder. The state medical board of Ohio revoked his medical license permanently. Even at the state level he was never evaluated for an organic etiology to his behavior including HIV encephalopathy. There was never a history of mental illness in this patient. Over the course of three years the resident was evaluated with three different Psychiatrists and one psychologist and all misdiagnosed him with major depression and negativistic personality disorder. The resident's physical exam was unremarkable until 1999 at which time he developed a wasting syndrome and herpes zoster. Full-blown AIDS was diagnosed for the first time with a CD4 cell count nadir of 150 cells per cubic millimeter and viral load of 164,007. Copies per milliliter. Antiretroviral therapy was initiated with two NRTIs plus a NNRTI in August 1999. The patient experienced an excellent response to these medications with a CD4 cell count of 884 cells per cubic millimeter (CD4%=33) and suppression of the virus at 2003. Incidentally his aberrant behavior has resolved with HIV treatment. We believe that aberrant behavior seen earlier was due to HIV encephalopathy misdiagnosed as a psychiatric disorder. This was not realized until a full-blown AIDS picture developed later and a probable diagnosis of AIDS encephalopathy was made.

OHIO STATE MEDICAL BOARD
DEC 1 2003

OHIO STATE MEDICAL BOARD
DEC 1 2003



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43266-0315 • (614) 466-3934 • Website: www.state.oh.us/med/

February 11, 1998

Ahmad Hosseinipour, M.D.
3560 Arden Blvd.
Youngstown, OH 44511

Dear Doctor Hosseinipour:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Suzanne E. Kelly, 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 11, 1998, 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, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 895 223
RETURN RECEIPT REQUESTED

Mailed 2/24/98

CERTIFICATION

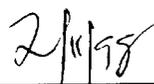
I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Suzanne E. Kelly, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 11 1998, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner 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 Ahmad Hosseinipour, 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.

(SEAL)



Anand G. Garg, M.D.
Secretary



Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

AHMAD HOSSEINIPOUR, M.D.

*

ENTRY OF ORDER

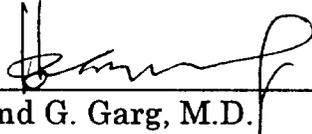
This matter came on for consideration before the State Medical Board of Ohio on February 11, 1998.

Upon the Report and Recommendation of Suzanne E. Kelly, State Medical Board Attorney Hearing Examiner, designated in this Matter 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.

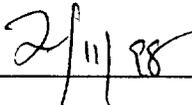
It is hereby ORDERED that the certificate of Ahmad Hosseinipour, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

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

(SEAL)



Anand G. Garg, M.D.
Secretary



Date

93 JAN 16 PM 2:50

**REPORT AND RECOMMENDATION
IN THE MATTER OF AHMAD HOSSEINIPOUR, M.D.**

The Matter of Ahmad Hosseinipour, M.D., came on for hearing before Suzanne E. Kelly, Esq., Hearing Examiner for the State Medical Board of Ohio, on December 1 and 2, 1997.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated July 9, 1997 (State's Exhibit 2), the State Medical Board of Ohio [Board] notified Ahmad Hosseinipour, M.D., that it intended to determine whether to discipline his certificate to practice medicine and surgery for one or more of the following reasons:

By letter hand-delivered on January 28, 1997, the State Medical Board of Ohio notified [Dr. Hosseinipour] of its determination that it had reason to believe that [he] was in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered [him] to undergo a psychiatric examination.... On January 31, 1997, [Dr. Hosseinipour] reported to Martin Macklin, M.D., for purposes of the psychiatric examination as ordered by the Board.... Based upon Dr. Macklin's psychiatric examination of [Dr. Hosseinipour] and his review of materials forwarded to him by the Board, Dr. Macklin diagnosed [Dr. Hosseinipour] as suffering from a personality disorder, not otherwise specified. Dr. Macklin further concluded that [Dr. Hosseinipour] was unable to practice according to acceptable and prevailing standards of care by reason of mental illness.

Further, the Board alleged that between February 1995 and April 29, 1997, Dr. Hosseinipour engaged in repeated acts of criminal trespassing, aggravated menacing, telephone harassment, domestic violence, and probation violations. Additionally, the Board alleged that some of these acts resulted in criminal convictions and sentences.¹

¹ Complete descriptions of the Board's allegations regarding these acts are detailed in the Notice of Opportunity for Hearing, State's Exhibit 2

The Board alleged that Dr. Hosseinipour's acts, conduct, and/or omissions constituted "the violation of any provision of a code of ethics...of a national professional organization,' as that clause is used in Section 4731.22(B)(28)(a), Ohio Revised Code, to wit: Principles III and/or IV of the American Medical Association's Principles of Medical Ethics."

Further, the Board alleged that Dr. Hosseinipour's acts, conduct and/or omissions constituted the "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills,' as that clause is used in Section 4731.22(B)(19), Ohio Revised Code."

The Board further advised Dr. Hosseinipour that he was entitled to a hearing on these matters. (State's Exhibit 1)

- B. On August 8, 1997, Dr. Hosseinipour submitted a written hearing request with the Board. (State's Exhibit 3)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by James McGovern, Assistant Attorney General.
- B. On behalf of the Respondent: The Hearing Examiner apprised Dr. Hosseinipour of his right to be represented by counsel, nevertheless he appeared on his own behalf.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State
 1. Martin Macklin, M.D., Ph.D.
 2. Ahmad Hosseinipour, M.D., as if up on cross-examination
 3. Gene Alan Butcher, M.D.
 4. James P. Evans
 5. Thomas Carchedi
 6. Terry Keith Martin

B. Presented by Respondent

1. Catherine Easton
2. Charles E. Wilkins, M.D.
3. Larry Kline
4. Ahmad Hosseinipour, M.D.

II. Exhibits Examined

In addition to State's Exhibits 2 and 3, noted above, the following exhibits were identified and admitted into evidence:

A. Presented by the State

1. State's Exhibit 1: Copy of January 27, 1997, letter to Dr. Hosseinipour from the Board. (6 pp.)
2. State's Exhibit 4: Copy of August 25, 1997, letter to Dr. Hosseinipour from the Board advising that a hearing had been set for September 3, 1997, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code. (2 pp.)
3. State's Exhibit 5: Copy of August 27, 1997, letter to Dr. Hosseinipour from the Board scheduling the hearing for September 30, 1997. (2 pp.)
4. State's Exhibit 6: Copy of September 23, 1997, Entry reassigning this matter to Suzanne E. Kelly, Attorney Hearing Examiner.
5. State's Exhibit 7: Copy of September 25, 1997, State's Motion for Continuance. (8 pp.).
6. State's Exhibit 8: Copy of September 26, 1997, Entry granting the State's Motion for Continuance.
7. State's Exhibit 9: Copy of October 28, 1997, Respondent's Motion for Continuance. (2 pp.)
8. State's Exhibit 10: Copy of October 29, 1997, Entry granting Respondent's Motion for Continuance and rescheduling the hearing for December 1 and 2, 1997.

9. State's Exhibit 11: Curriculum vitae of Martin Macklin, M.D., Ph.D. (4 pp.)
10. State's Exhibit 12: Copy of January 27, 1997, letter to Dr. Macklin from the Board. (2 pp.)
11. State's Exhibit 13: Copy of April 8, 1997, letter to Dr. Macklin from the Board. (19 pp.)
12. State's Exhibit 14: Copy of April 24, 1997, report of Dr. Macklin regarding Dr. Hosseinipour. (6 pp.)
13. State's Exhibit 15: Copy of June 25, 1997, facsimile transmission to Dr. Macklin from the Board. (3 pp.)
14. State's Exhibit 16: Copy of June 25, 1997, letter to the Board from Dr. Macklin. (3 pp.)
15. State's Exhibit 17: Copy of February 27, 1995, open letter of resignation from Dr. Hosseinipour.
16. State's Exhibit 18: Copy of August 30, 1995, open letter from Dr. Hosseinipour regarding perceived problems with the residency program at Western Reserve Care System [WRCS]. (2 pp.)
17. State's Exhibit 20: Copy of May 2, 1995, letter to Dr. Hosseinipour from Harvey Eisenberg, M.D., Chairman and Professor of WRCS, Department of Internal Medicine.
18. State's Exhibit 21: Copy of October 26, 1995, Decision of the State of Ohio Unemployment Compensation Board of Review regarding the claim of Dr. Hosseinipour against WRCS. (5 pp.)
19. State's Exhibit 22: Copy of November 30, 1995, letter to Dr. Hosseinipour from Gene A. Butcher, M.D., Senior Vice President, Medical and Academic Affairs, WRCS.
20. State's Exhibit 23: Copy of July 6, 1995, Incident Report from WRCS regarding Dr. Hosseinipour.
21. State's Exhibit 24: Copy of undated Incident Report from Security Manager Thomas Carchedi. (2 pp.)

22. State's Exhibit 25: Copy of August 14, 1995, Incident Report from WRCS regarding Dr. Hosseinipour.
23. State's Exhibit 26: Copy of January 21, 1997, Memorandum to Jim Evans from Tom Carchedi regarding Dr. Hosseinipour. (2 pp.)
24. State's Exhibit 27: Copy of September 1, 1995, letter to Dr. Hosseinipour from Maria R. Schimer, General Counsel for Northeastern Ohio University College of Medicine [NEOUCOM].
25. State's Exhibit 28: Copy of November 17, 1995, Incident Report from WRCS regarding Dr. Hosseinipour. (2 pp.)
26. State's Exhibit 29: Copy of November 30, 1995, letter to Martin Hume, Esq., from James P. Evans, Esq., WRCS Vice President & General Counsel, regarding Dr. Hosseinipour.
27. State's Exhibit 30: Copy of January 25, 1996, WRCS memorandum to Jim Evans from Betty Davies regarding Dr. Hosseinipour.
28. State's Exhibit 31: Copy of January 25, 1996, Incident Report from WRCS regarding Dr. Hosseinipour. (2 pp.)
29. State's Exhibit 32: Copy of January 26, 1996, crime report to Youngstown Police Department regarding Dr. Hosseinipour.
30. State's Exhibit 33: Copy of April 26, 1996, letter to Dennis Sarisky, Esq. from Mr. Evans regarding Dr. Hosseinipour. (3 pp.)
31. State's Exhibit 34: Copy of June 16, 1996, letter to Dr. Hosseinipour from Mr. Evans.
32. State's Exhibit 35: Copy of November 1, 1996, letter to Dr. Hosseinipour from Mr. Evans.
33. State's Exhibit 36: Copy of November 4, 1996, memorandum to Mr. Carchedi from Dr. Butcher regarding telephone calls from Dr. Hosseinipour. (2 pp.)
34. State's Exhibit 37: Copy of November 5, 1996, Incident Report Supplement regarding telephone harassment by Dr. Hosseinipour.

35. State's Exhibit 38: Copy of December 19, 1996, Incident Report from WRCS regarding Dr. Hosseinipour. (3 pp.)
36. State's Exhibit 39: Certified copies of complaint and disposition in Case Nos. 95-CR-2234, 96-CR-116, Municipal Court of the City of Youngstown, Mahoning County, Ohio. (7 pp.)
37. State's Exhibit 40: Certified copies of complaint and disposition in Case Nos. 96-CR-116 and 96-CR-117. (11 pp.)
38. State's Exhibit 41: Copy of mitigation evaluation of Dr. Hosseinipour by the Forensic Psychiatric Center of Northeast, Ohio, Inc. (5 pp.)
39. State's Exhibit 42: Copy of April 14, 1996, Ohio Uniform Incident Report, Liberty Police Department. (9 pp.)
40. State's Exhibit 43: Certified copy of case docket for Case Nos. 96-CRB-315A and 96-CRB-315B. (2 pp.)
41. State's Exhibit 44: Copy of Sheriff's Department Trumbull County, Ohio, Incident Report, regarding Dr. Hosseinipour. (4 pp.)
42. State's Exhibit 45: Certified copy of case report for Criminal Case No. 97-CRB01032-01. (3 pp.)

B. Presented by the Respondent

1. Respondent's Exhibit A: Copy of Dr. Hosseinipour's medical records as kept by Anil Nalluri, M.D. (14 pp.) (Sealed to protect confidentiality)
2. Respondent's Exhibit B: Dr. Hosseinipour's curriculum vitae. (2 pp.)
3. Respondent's Exhibit C: Copy of April 15, 1997, letter to Thomas Marnejon, D.O. from Paul D. Bunn, M.D. (2 pp.)
4. Respondent's Exhibit D: Copy of October 22, 1996, letter to Evelyn Pintz, M.D., from Charles E. Wilkins, M.D.
5. Respondent's Exhibit E: Proffered (see Procedural Matters).

6. Respondent's Exhibit F: Copy of April 15, 1994, open letter from Harvey Eisenberg, M.D., Chairman, Dept. of Internal Medicine, WRCS.
7. Respondent's Exhibit G: Copy of March 30, 1993, letter to Lawrence M. Pass, M.D., from Janine L. Janowicz, M.D.
8. Respondent's Exhibit H: Copy of December 10, 1996, letter to Dr. Hosseinipour from Ronald Edwards, Warden, Ross Correctional Institution.
9. Respondent's Exhibit I: Copy of certificates of recommendation for Dr. Hosseinipour that he submitted with his application for Ohio licensure. (7 pp.)
10. Respondent's Exhibit J: Copy of August 9, 1994, open letter from L. Kevin Nash, M.D. regarding Dr. Hosseinipour.
11. Respondent's Exhibit K: Copy of February 13, 1997, open letter from Dr. Hosseinipour. (3 pp.)
12. Respondent's Exhibit L: Copy of certificates from various educational activities completed by Dr. Hosseinipour. (13 pp.)
13. Respondent's Exhibit M: Copy of October 13, 1994, letter to Dr. Eisenberg from Dr. Hosseinipour regarding his schedule and subspecialty rotations.
14. Respondent's Exhibit N: Copy of January 15, 1996, letter to Mr. Hume from William E. Rodak, Accreditation Council for Graduate Medical Education.
15. Respondent's Exhibit O: Copy of March 25, 1996, letter to Mr. Hume from Robert Ballard. (2 pp.)
16. Respondent's Exhibit P: Copy of December 8, 1995, letter to Muriel Horne from Dr. Hosseinipour.
17. Respondent's Exhibit Q: Proffered (see Procedural Matters)
18. Respondent's Exhibit R: Copy of evaluations of Dr. Hosseinipour. (5 pp.)

19. Respondent's Exhibit S: Copy of April 26, 1995, letter to Dr. Bunn from Kathleen Padgitt, M.D.
20. Respondent's Exhibit T: Copy of Appendix A, "Due Process for Residents." (2 pp.)
21. Respondent's Exhibit U: Copies of January 1992 letters of recommendation for Dr. Hosseinipour from various physicians. (3 pp.)
22. Respondent's Exhibit V: Copy of December 15, 1994, memorandum to Dr. Eisenberg and Dr. Padgitt.
23. Respondent's Exhibit W: Copy of August 18, 1994, Clinical Evaluation Exercise of Dr. Hosseinipour. (4 pp.)
24. Respondent's Exhibit X: Copy of WRCS Department of Internal Medicine Southside On-Call Schedule from September 1994 through May 1995, excluding the months of July, August and October. (8 pp.)
25. Respondent's Exhibit Y: Copy of "Program Requirements for Residency Education in Internal Medicine." (20 pp.)
26. Respondent's Exhibit Z: Copy of Resident Agreement between Western Reserve Care System and Dr. Hosseinipour. (3 pp.)

C. Joint Exhibits

Joint Exhibit 1: Copy of Transcript from the Due Process Hearing of Dr. Hosseinipour, held November 7, 1995, at WRCS. (104 pp.)

PROCEDURAL MATTERS

1. The Assistant Attorney General objected to Respondent's Exhibits E and Q due to the absence of the authors' signatures. The Hearing Examiner's attempts to obtain signed copies of these documents were unsuccessful. Accordingly, Respondent's Exhibits E and Q are not admitted, but are proffered for appeal purposes.

2. Although Dr. Macklin testified as to the content of the American Medical Association's Principles of Medical Ethics, the State did not submit a copy of these Principles. Upon motion of the Hearing Examiner, a copy of the AMA's Principles of Medical Ethics is included as Board Exhibit 1.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. Ahmad Hosseinipour, M.D., came to the United States from Iran in 1975. Dr. Hosseinipour earned his civil engineering degree in December 1978 from Purdue University. Dr. Hosseinipour continued his studies at Purdue, earning his Master's Degree in May 1981. Although Dr. Hosseinipour began his Ph.D. in civil engineering, he did not complete it. Instead, Dr. Hosseinipour entered medical school in the Phillipines. Dr. Hosseinipour earned his medical degree in 1987 from Southwestern University in the Phillipines. (Respondent's Exhibit [Res.Ex.] B; Tr. 59-63)

In 1989, Dr. Hosseinipour returned to the United States and spent a year at Indiana University studying physiology. In 1991, Dr. Hosseinipour began but did not complete a transitional residency in Newark, New Jersey. Dr. Hosseinipour testified that he left the residency due to his inadequate level of medical knowledge. (Res. Ex. B, I, L; Tr. 64)

2. In March 1992, Dr. Hosseinipour entered a subinternship in Canton, Ohio, to remedy his knowledge deficiency. From July 1992 through June 1993, he completed his one year internal medicine internship, at Aultman and Timken Hospital in Canton, Ohio. Upon the recommendation of his program director, Dr. Hosseinipour moved to the Western Reserve Care System [WRCS] in Youngstown, Ohio, to begin his post-graduate residency program year two [PGY-II]. (Res. Ex. B, G, L; Tr. 65-68)
3. Gene Alan Butcher, M.D. testified that he currently holds the position of senior vice-president for medical and academic affairs at WRCS. As part of his position, Dr. Butcher oversees the residency programs and serves as an advocate for the residents at WRCS. Dr. Butcher met Dr. Hosseinipour when Dr. Hosseinipour began his PGY-II at WRCS. Dr. Butcher testified that the faculty of WRCS had expressed concern about Dr. Hosseinipour's interpersonal

relations and his medical knowledge. However, Dr. Hosseinipour received a standard contract for his PGY-III year. (Res. Ex. Z; Tr. 68, 196-201)

4. Dr. Butcher testified that Dr. Hosseinipour expressed several concerns to him during his PGY-III year. These concerns included the amount of time Dr. Hosseinipour spent on the ward, his inability to moonlight, the frequency of his call schedule, and concerns about faculty and the new program director, Dr. Eisenberg. (St. Ex. 13; Res. Ex. K, M-P; Tr. 79-87, 201-210) As a result of these concerns, Dr. Hosseinipour submitted a one line resignation letter in February 1995. (St. Ex. 17) Dr. Butcher investigated Dr. Hosseinipour's claims and found no basis for them. However, Dr. Butcher elected not to act immediately on Dr. Hosseinipour's resignation. (Tr. 209-211)
5. In the spring of 1995, Dr. Hosseinipour received permission and funds from the WRCS Internal Medicine Department to attend a board review class in Cincinnati, Ohio. In April 1995, Dr. Hosseinipour received notice that his permission to attend the conference had been rescinded. Dr. Hosseinipour testified that he was told that he had to remain at WRCS to attend to his patients. (Tr. 89-93)

Despite this, Dr. Hosseinipour attended the Cincinnati board review seminar during the first week of May 1995. While at the conference, Dr. Hosseinipour contacted WRCS to inform them of his whereabouts. Dr. Hosseinipour explained that he was depressed and needed to get away. Dr. Hosseinipour's chief resident informed him that he should not have gone, but did not tell him to return.

Following the Cincinnati conference, Dr. Hosseinipour went to a conference at Northeastern Ohio College of Medicine [NEOUCOM] in Rootstown. In response to a page from WRCS, Dr. Hosseinipour returned and met with Drs. Eisenberg and Bunn. Dr. Butcher accepted Dr. Hosseinipour's previously tendered resignation as a result of this unexcused absence, Dr. Hosseinipour testified that he had told Dr. Butcher to tear up his February resignation shortly after he submitted it. (St. Ex. 20; Tr. 90-100)

6. On July 6, 1995, Dr. Hosseinipour went to the Northside campus of the WRCS. Security asked him to leave. Later that same day, Dr. Hosseinipour went to the Southside Campus of the WRCS. Again, security officers asked him to leave and not return. (St. Ex. 23; Tr. 284-286, 311-312)
7. On August 3, 1995, Dr. Hosseinipour visited Liberty Firearms. After reviewing the inventory of weapons, Dr. Hosseinipour asked a store employee how to

purchase a gun and whether he could purchase a machine gun. Dr. Hosseinipour then inquired whether he could send arms to Iran. Dr. Hosseinipour testified that he was simply curious and “didn’t mean anything by it.” After the store employee informed Dr. Hosseinipour that it was illegal to send arms out of the country, Dr. Hosseinipour asked if he gave the employee \$5,000.00, could the arms be shipped to Iran. The employee reiterated that it was illegal to send arms out of the country. Dr. Hosseinipour testified that he then left the store. However, the store employee reported to the Bureau of Alcohol Tobacco and Firearms that Dr. Hosseinipour also inquired about the availability of books and materials for the construction of bombs. (St. Ex. 24; Tr. 110-116, Tr. 287-290)

Subsequently, Dr. Hosseinipour spoke with agents from the Bureau of Alcohol, Tobacco, and Firearms. The agents searched his home in August. The agents found no guns or explosives. After the search, agents informed Dr. Hosseinipour of the laws regarding firearms. (St. Ex. 24; Tr. 115-116, 287-292, 312-314)

8. On August 14, 1995, Dr. Hosseinipour again entered the property of WRCS. Security stopped him and informed Dr. Hosseinipour that if he continued to trespass on WRCS property, he would be arrested and charged. (St. Ex. 25; Tr. 117-118, 314-316)
9. On August 21, 1995, Dr. Hosseinipour telephoned a Federal Bureau of Investigation [FBI] agent. Dr. Hosseinipour had established a pattern of calling a particular agent to discuss his problems with WRCS and alleged discrimination. During this conversation, Dr. Hosseinipour stated that he wanted to place a bomb in the Medical Education Building at the Northside Medical Center of WRCS. (Tr. 119-124) At hearing, Dr. Hosseinipour testified that:

It might be some angry words I mentioned, but I really didn’t mean that.... I say I’ll kill you, it means, you know, I need your help, I need your attention.” (Tr. 120-121)

The [FBI] contacted security for WRCS regarding Dr. Hosseinipour’s threats and actions. (St. Ex. 24; Tr. 115-116, 287-292, 312-314)

10. In August 1995, Dr. Hosseinipour went to the Ohio Bureau of Employment Services [OBES] to search for a job. Terry Martin, security manager for WRCS, testified that an officer from OBES contacted him regarding vague threats made by Dr. Hosseinipour. At hearing, Dr. Hosseinipour denied that he made

any threatening remarks to the staff at OBES. "I believe this information came from the security of [WRCS], which they are everywhere I go. They contacted them...Terry Martin...sort of spied on me..." (Tr. 126-127; 313-314)

11. On September 1, 1995, the Northeastern Ohio University College of Medicine [NEOUCOM] provided written notice to Dr. Hosseinipour that due to his recent harassing behavior and his lack of respect for security personnel, he was no longer permitted on the Rootstown campus of NEOUCOM. NEOUCOM did not detail the specific harassing behavior. Dr. Hosseinipour admitted that he had received this letter. (St. Ex. 27) However, subsequent to receiving this letter, Dr. Hosseinipour testified that he went to NEOUCOM to ask for help with his situation at WRCS. Dr. Hosseinipour also testified that he called the dean of NEOUCOM repeatedly. (Tr. 128-133)

12. James P. Evans, the vice-president and general counsel for WRCS, reviewed the situation with Dr. Hosseinipour's trespassing and telephone calls. He suggested a due process hearing as an opportunity for Dr. Hosseinipour to air his grievances in a public forum. WRCS provided a due process hearing to him on November 7, 1995. (St. Ex. 20; Joint Exhibit [Jt. Ex.] 1; Res. Ex. K, S, T, V, X Tr. 89-93, 102, 211-212) A resident from the pathology program, a faculty member of the family practice department, and the associate program director of the pediatrics program composed the panel. The panel heard testimony from Dr. Eisenberg, Dr. Hosseinipour, Dr. Butcher, Dr. Bunn, and Dr. Nash. On November 30, 1995, the panel upheld the decision of the Department of Internal Medicine regarding Dr. Hosseinipour's termination from the residency program. Although the staff of WRCS had hoped that Dr. Hosseinipour would stop calling after the hearing, his telephone calls and harassing behavior intensified. (St. Ex. 22; Jt. Ex. 1; Tr. 217-223, 257-268)

Dr. Hosseinipour testified that in his opinion, the due process hearing panel was not fairly composed. (St. Ex. 20; Joint Exhibit [Jt. Ex.] 1; Res. Ex. K, S, T, V, X Tr. 89-93, 102, 211-212)

13. On November 17, 1995, Dr. Hosseinipour went to the WRCS Northside campus to complete a class in advanced pediatric life support. At the end of the second day, Dr. Hosseinipour left the classes, went to restricted areas, and spoke to Dr. Butcher. WRCS security detained Dr. Hosseinipour and contacted the Youngstown Police Department who charged Dr. Hosseinipour with criminal trespassing. (St. Ex. 28, 29, 39; Tr. 133-140, 230-234, 262-265, 294-299)

Dr. Hosseinipour testified that he had only been looking for his certificate of completion. (Tr. 133-140)

Subsequently, the Youngstown Municipal Court dismissed the charge against Dr. Hosseinipour after he agreed to refrain from coming on the premises of WRCS. (St. Ex. 29 & 39; Tr. 138-143, 265-267) At hearing, Dr. Hosseinipour testified that he “did not take [the letter and arrest] seriously.” (Tr. 144-145)

Dr. Hosseinipour testified that he continued to have contact with the individuals at WRCS, although the contact was mostly telephonic. (Tr. 145) Dr. Hosseinipour characterized his telephone calls as every other day. Dr. Hosseinipour admitted contacting multiple medical and administrative staff members. (Tr. 145-148)

Mr. Evans testified that Dr. Hosseinipour began calling the staff of WRCS within the same week that the charges were dismissed. Repeated letters from Mr. Evans reminding Dr. Hosseinipour of his agreement did not stop the telephone calls. (St. Ex. 34, 35; Tr. 261-263)

14. Dr. Hosseinipour admitted that on January 25, 1996, he contacted the secretary of Gary Kaatz, president of WRCS. (Tr. 147-149) When the secretary informed Dr. Hosseinipour that Mr. Kaatz was unavailable, he left the following message:

This is going to be a disaster...it is very important that I talk with him...Kaatz, Dr. Eisenberg, and Dr. Butcher are my target...if he doesn't call me back, justice will be served. (St. Ex. 30)

Dr. Hosseinipour testified that he did not intend to threaten the individuals and that the secretary misinterpreted his message. (Tr. 149-151) Dr. Butcher testified that after he learned of Dr. Hosseinipour's interactions with the Liberty Firearms, he began to take Dr. Hosseinipour's threats seriously. Dr. Butcher testified that the secretaries and staff in the medical education building were “absolutely terrified.” (Tr. 234-239) As a result of the January 25, 1996, telephone call, Dr. Hosseinipour was charged with three criminal counts of aggravated menacing, violations of Section 2903.21(A), Ohio Revised Code. Additionally, the previous charges of criminal trespassing was reinstated. (St. Ex. 31; Tr. 150-154, 316-320)

On March 25, 1996, after plea negotiations, one count of aggravated menacing was reduced to disorderly conduct, the other two counts were dismissed. Dr. Hosseinipour pleaded no contest to criminal trespassing and disorderly conduct. The Court gave Dr. Hosseinipour a suspended sentence and placed him on probation. The terms of Dr. Hosseinipour's probation required him to

remain in counseling, to refrain from contact with any of the parties involved in the criminal charges, and to refrain from entering the land or premises of WRCS, NEOUCOM, or St. Elizabeth Hospitals or clinics. (St. Ex. 39 & 40; Tr. 156-160)

15. On April 12, 1996, Mr. Evans wrote a letter to Dr. Hosseinipour. The letter stated in pertinent part:

I am writing in follow-up to your recent telephone calls to Dr. Butcher and me. Although we sympathize with your unfortunate situation and inability to find a job, we have no specific suggestions for you.... I need to remind you that you are not to call anyone associated with WRCS. This is a condition of your probation. You are only to call me if you have a legitimate purpose. The issues you raised have all been discussed before and are considered closed from WRCS's perspective. If you continue to call, I will have no choice but to report this matter to the City Prosecutor. (St. Ex. 33)

16. On April 14, 1996, the Liberty Police arrested Dr. Hosseinipour and charged him with domestic violence. Dr. Hosseinipour reportedly had physically assaulted his wife by striking her in the left shoulder, kicking her in the stomach, and threatening her with a large kitchen knife. (St. Ex. 42; Tr. 179-180)
17. On April 26, 1996, Mr. Evans contacted the Youngstown City Prosecutor and informed him that, in addition to the telephone calls noted in the April 12, 1996, letter, Dr. Hosseinipour had called Mr. Kaatz three times at his home. (St. Ex. 33)

On May 8, 1996, the Youngstown Municipal Court issued a writ of capias for Dr. Hosseinipour for having violated the terms of his probation. After a probation violation hearing on June 4, 1996, the Youngstown Municipal Court returned Dr. Hosseinipour to probation status. (St. Ex. 39; Tr. 179-180)

Additionally, on May 24, 1996, the Girard Municipal Court charged Dr. Hosseinipour with aggravated menacing and telephone harassment for additional calls he made to Dr. Pass. The charges were eventually dismissed because he agreed to stop calling Dr. Pass. (St. Ex. 40; Tr. 179-180)

18. Dr. Hosseinipour continued to contact the staff at WRCS. (St. Ex. 34, 35, 36 & 37; Tr. 299-301) The individuals that he called described the impact of the telephone calls:

- Dr. Butcher testified that his conversations with Dr. Hosseinipour tended to be repetitious. In these calls, received at the office and at home, Dr. Hosseinipour complained that he had been wronged and pleaded for help. Dr. Hosseinipour also threatened Dr. Butcher. Dr. Butcher patiently repeated that WRCS would not allow Dr. Hosseinipour to return, that Dr. Hosseinipour should utilize the skills that he had to support his wife and child, and that he should work on his interpersonal skills to create opportunities for himself. These constant calls caused great fear among Dr. Butcher's staff and family. (St. Ex. 36; Tr. 224-229, 239-242)
- Mr. Evans testified that he attempted to coordinate WRCS' response to Dr. Hosseinipour. Mr. Evans described Dr. Hosseinipour's calling pattern:

[Dr. Hosseinipour] started a pattern of calling in numerous times.... [H]e would call Dr. Eisenberg...six, seven, a dozen times a day, just in a constant pattern of phone calls.... [Dr. Hosseinipour] began calling on kind of a relentless basis to internal medicine.... (Tr. 255-256)

Mr. Evans then became the contact for Dr. Hosseinipour to relieve the stress on the medical staff. Mr. Evans described Dr. Hosseinipour's telephone calls as a "barrage." (Tr. 256) Mr. Evans testified that Dr. Hosseinipour's conversations could be categorized as pleading for his job, asking for credit for his third year, and threatening tirades. Mr. Evans tried to explain the position of WRCS, but Dr. Hosseinipour just kept repeating himself. (Tr. 257-268)

Although Dr. Hosseinipour's telephone calls have decreased in intensity, they have never stopped. Mr. Martin estimated that Dr. Hosseinipour has made hundreds of telephone calls to various departments. Mr. Evans testified that Dr. Hosseinipour called WRCS as recently as the week before the Board's hearing. Dr. Butcher testified that Dr. Hosseinipour had called him as recently as the past thirty days. Dr. Hosseinipour's repeated telephone calls and harassing behavior have caused fear and concern in the staff members of WRCS. At hearing Dr. Hosseinipour admitted that he has continued to call WRCS. (Tr. 273-278, 322-323, 469-470)

At hearing, Dr. Hosseinipour insisted that he called only to obtain recommendations and credit for his third year residency, and that he had no intention of threatening anyone. (Tr. 120-123 132-133, 144-147, 152-153, 166-169, 476-479)

19. On December 19, 1996, Dr. Hosseinipour telephoned Mr. Evans from a pay phone located in the Jewish Community Center across the street from WRCS. When Mr. Evans' secretary informed Dr. Hosseinipour that Mr. Evans was unavailable, Dr. Hosseinipour requested to be transferred. The secretary refused and told him that no other staff member could speak to him. Dr. Hosseinipour replied that Dr. Bunn was fooling around with him. Dr. Hosseinipour then told the secretary that he was coming to the hospital. The secretary informed Dr. Hosseinipour that he would be arrested, but Dr. Hosseinipour professed that he did not care. (St. Ex. 37 & 38; 301-303, 320-321)

Subsequent to this call, Dr. Hosseinipour exited the Jewish Community Center parking lot and proceeded west on a public road that is directly across from the emergency entrance of WRCS. WRCS security stopped Dr. Hosseinipour who resisted arrest by screaming, falling to the ground, and swinging his arms. The Youngstown Police picked up Dr. Hosseinipour on outstanding warrants for violation of his probation. (St. Ex. 38; Tr. 171-179; 301-306)

20. On December 23, 1996, the Youngstown Municipal Court ordered Dr. Hosseinipour submit to a psychiatric examination. The court-appointed psychiatrist made the following findings:

It is my opinion, with reasonable psychological certainty, that Dr. Hosseinipour suffers from a serious mental illness, for which he is presently receiving treatment to good effect. That is, Dr. Hosseinipour has a major depression, which is mild in its severity.... essentially his symptoms of depression are in good control and do not affect his day-to-day behavior at the present time.

It is also my opinion, with reasonable psychological certainty, that Dr. Hosseinipour's mental illness does not reach such a level that his ability to distinguish right from wrong, or to control his behavior, is impaired. However, he does appear to have some coping behaviors which seriously impair his ability to extricate himself from his current legal difficulties....

In my judgment, these coping behaviors are long-standing and they are likely to be highly resistant to change. They are passive-aggressive in nature and also self-defeating. Essentially, Dr. Hosseinipour's narcissism does not allow him to appreciate how he comes across so that, when it is important, he can successfully modify his behavior to get what he wants.

In truth, I doubt that Dr. Hosseinipour will be able to stop his persistent seeking of a resolution with [WRCS], regardless of the legal ramifications. Because he denies any genuine evil intent and because he has no serious mental illness, I must say that I do not consider him immediately dangerous. However, I do think he will continue to be a source of harassment. I would encourage the hospital and Dr. Hosseinipour's attorney to reach a resolution of his claim as quickly as possible so that his tenacity can be redirected. (St. Ex. 41)

The Youngstown Municipal Court continued his probation. (St. Ex. 40)

21. On April 29, 1997, Dr. Hosseinipour called the office of Trumbull County, Ohio Domestic Relations Judge Pamela Rintala, who was the presiding judge for Dr. Hosseinipour's pending divorce case. Judge Rintala answered the phone, but did not identify herself as the judge. In response to Dr. Hosseinipour's demands, Judge Rintala informed him that he was not allowed to have conversations with the judge. Dr. Hosseinipour became upset and began yelling. Eventually, Dr. Hosseinipour stated that he was going to get a machine gun, come down to the courthouse, and shoot everybody. Judge Rintala ended the conversation. Approximately ten minutes later, Dr. Hosseinipour called again. Dr. Hosseinipour repeated his demands to speak to the judge. When he was denied that opportunity, Dr. Hosseinipour said he was "coming down." (St. Ex. 44; Tr. 181-186)

Later that day, Dr. Hosseinipour entered the Trumbull County Courthouse with his father. Dr. Hosseinipour was arrested and charged with aggravated menacing for his telephone calls to Judge Rintala. (St. Ex. 44; Tr. 181-186) After thirty days in jail, Dr. Hosseinipour posted bond. On July 28, 1997, Dr. Hosseinipour pleaded no contest and was found guilty of a reduced charge. The judge imposed a sentence of ninety days with sixty days suspended, and probation until July 1999. (St. Ex. 45; Tr. 181-186)

22. At hearing, Dr. Hosseinipour presented several character witnesses. Catherine Easton, his neighbor, testified that Dr. Hosseinipour has been a good and helpful neighbor for the year he has lived next door. (Tr. 334-337) Larry Kline, senior pastor of Trinity United Methodist Church, testified that Dr. Hosseinipour sought advice and counsel, assisted Mr. Kline and his family during a family medical crisis, and joined his church. Mr. Kline admitted that he was unaware of Dr. Hosseinipour's difficulties at WRCS or his criminal charges. (Tr. 364-372)
23. Charles E. Wilkins, M.D., testified that he has known Dr. Hosseinipour for approximately eighteen months. Dr. Wilkins interacted with Dr. Hosseinipour

as a fellow physician and a friend. Dr. Wilkins found Dr. Hosseinipour to be kind and have a basic level of professional competence. (Tr. 339-341) On cross-examination, Dr. Wilkins testified that he realized that Dr. Hosseinipour's problems at WRCS would be hard to overcome. Dr. Wilkins attributed many of Dr. Hosseinipour's problems to his depression. However, Dr. Wilkins admitted that he was unaware of the magnitude of Dr. Hosseinipour's contact with staff at WRCS or that the contact had continued to the present. (St. Ex. 13; Res. Ex. D; Tr. 347-350, 358-362)

24. Dr. Hosseinipour has received psychiatric treatment from Ralph G. Walton, M.D., who diagnosed depression in May 1995. Dr. Walton started Dr. Hosseinipour on Paxil. Dr. Hosseinipour took Paxil from June 1995 through March 1996. Dr. Hosseinipour stopped seeing Dr. Walton due to his conflicts with WRCS. (St. Ex. 13; Tr. 71-74)

In January 1996, Dr. Hosseinipour began treatment with Anil Nalluri, M.D. Dr. Hosseinipour testified that currently he only sees Dr. Nalluri on an "as needed" basis. (Tr. 74-77) Dr. Hosseinipour testified that he did not discuss his criminal history and behavioral problems with Dr. Nalluri. Their sessions have been devoted to Dr. Hosseinipour's depression and involvement with the Board. Dr. Hosseinipour promised to submit copies of the evaluation completed by the Board's expert psychiatrist to Dr. Nalluri. (Tr. 77-78, 480-484)

25. After two days of hearing, Dr. Hosseinipour attributed his behavior to "I really believe the way [WRCS] terminated me and the way they left me alone is causing this behavior.... I blame Dr. Eisenberg." (Res Ex. A; Tr. 471-476) Between May 1995 and December 1996, Dr. Hosseinipour provided intermittent *in locum tens* support for the Ohio Department of Rehabilitation and Corrections. Since December 1996, Dr. Hosseinipour has not practiced medicine. (Res. Exs. B, L-O, R-S, U, W, Z; Tr. 68-69) Dr. Hosseinipour currently works on a friend's farm. (Tr. 482-483)

Testimony of Martin Macklin, M.D., Ph.D., State's Expert

1. Martin Macklin, M.D., Ph.D., earned his bachelor and master's degrees in engineering from Cornell University in 1958. In 1967, he completed his Ph.D. in biomedical engineering at Case Western Reserve University. Subsequently, Dr. Macklin pursued a medical degree from Case Western Reserve University and graduated in 1977. Dr. Macklin completed his residency in psychiatry in 1981. (St. Ex. 11; Tr. 22)

From 1981 until 1994, Dr. Macklin practiced psychiatry full time. In 1994, Dr. Macklin became vice-president of medical affairs at Geauga Hospital in Chardon, Ohio, and continued practicing psychiatry part-time. Dr. Macklin has held board certification in psychiatry since 1983. (St. Ex. 11; Tr. 23-25)

2. Dr. Macklin evaluated Dr. Hosseinipour for four hours on January 31, 1997. Dr. Macklin reviewed records maintained by Dr. Hosseinipour's treating physicians, various letters written by Dr. Hosseinipour, and a summary of additional reports received by the Board regarding Dr. Hosseinipour's conduct toward individuals affiliated with Western Reserve Care System, prior to preparing his report on Dr. Hosseinipour. (St. Ex. 13-14; Tr. 29-30, 33-34)

Dr. Macklin tested Dr. Hosseinipour through mental status testing and a Minnesota Multiphasic Personality Inventory [MMPI]. This testing revealed that Dr. Hosseinipour exhibits immature, impulsive, and rebellious characteristics. He tends to seek pleasure and self-gratification. The testing ruled out major psychiatric disorders. Following Dr. Macklin's initial report, the Board provided him additional information regarding Dr. Hosseinipour's interactions with the domestic relations court. (St. Exs. 13-16; Tr. 28-33, 43-45)

Dr. Macklin applied two diagnoses to Dr. Hosseinipour: adjustment disorder with depressed mood, in remission; and a personality disorder not otherwise specified [NOS]. (St. Exs. 13-16; Tr. 25-26) Dr. Macklin testified that depression in remission does not cause dysfunction. (Tr. 26-27)

3. Dr. Macklin testified that Dr. Hosseinipour's ability to practice medicine according to acceptable and prevailing standards of care was impaired by reason of his personality disorder, NOS. The Diagnostic and Statistics Manual IV [DSM-IV] identifies passive aggressive disorder as a "Personality Disorder-Not Otherwise Specified." The seven criteria described in the DSM-IV for passive aggressive disorder are as follows:

A pervasive pattern of negativistic attitude and passive resistance to demands for adequate performance, beginning by adulthood and present in a variety of contexts, as indicated by four or more of the following:

1. passively resists fulfilling routine social and occupational tasks.
2. complains of being misunderstood and unappreciated by others
3. is sullen and argumentative
4. unreasonably criticizes and scorns authority

5. expresses envy and resentment toward those apparently more fortunate
6. voices exaggerated and persistent complaints of personal misfortune
7. alternates between hostile defiance and contrition (St. Ex. 14)

Dr. Hosseinipour's incessant calling, trespassing and threatening while perceiving himself as the helpless victim, fulfills several of the characteristics. Dr. Macklin testified that a physician with a passive aggressive personality disorder would not be open to constructive criticism. Further, Dr. Hosseinipour abandoned his patients to attend a medical conference and ignored the effect of his depression on his ability to care for his patients. (St. Ex. 14; Tr. 38-46, 48-41)

Dr. Macklin explained that insight-oriented psychoanalysis is the treatment for individuals with passive aggressive personality disorder. However, there must be "a feeling or a change in the perception of the individual with the personality disorder to make these approaches successful.... The only difficulty is it's time consuming and can be expensive.... Two or three years, typically." Dr. Macklin recommended that when Dr. Hosseinipour returns to practice he should be monitored. Dr. Macklin also recommended that Dr. Hosseinipour leave the Youngstown, Ohio, area to reduce his opportunities to confront WRCS staff. (St. Exs. 14 & 16; Tr. 48-51)

4. The American Medical Association [AMA] has adopted Principles of Medical Ethics. These principles are not laws, but standards of conduct which define the essentials of honorable behavior for the physician. The pertinent Principles are as follows:

III. A physician shall respect the law....

IV. A physician shall respect the rights of patients, of colleagues, and of other health professionals.... (Board Exhibit A)

Dr. Macklin testified that Dr. Hosseinipour's harassing behavior violated Principles III and IV. (St. Ex. 13-14, 16; Tr. 42-43)

FINDINGS OF FACT

1. On January 31, 1997, Martin Macklin, M.D., examined Dr. Hosseinipour as ordered by the Board. Dr. Macklin concluded that Dr. Hosseinipour suffers from personality disorder not otherwise specified and adjustment disorder with depressed mood, now resolved secondary to treatment with Paxil. Dr. Macklin identified Dr. Hosseinipour's behavior as demonstrating an extreme form of passive-aggressive personality disorder.
2. Dr. Macklin noted that Dr. Hosseinipour's behavior over the past two years has demonstrated an inability to conform to the usual behavior pattern expected of a physician practicing in Ohio.
3. Dr. Macklin assessed that Dr. Hosseinipour's ability to practice according to acceptable and prevailing standards of care was impaired by reason of his personality disorder, NOS. Dr. Macklin also opined that it is mandatory that Dr. Hosseinipour's practice of medicine be monitored to determine whether Dr. Hosseinipour will be capable of practicing medicine in a safe and effective manner.
4. Between February 1995 and December 1997, Dr. Hosseinipour engaged in conduct that reflected his personality disorder, not otherwise specified. Dr. Hosseinipour impulsively resigned from his residency program based on perceived unfair treatment. Dr. Hosseinipour abandoned his patients to attend a medical seminar after being told not to attend. After WRCS terminated Dr. Hosseinipour from the residency program in May 1995, Dr. Hosseinipour repeatedly telephoned individuals employed at WRCS and came on the property of WRCS. Dr. Hosseinipour continued this contact despite oral and written warnings to desist, criminal charges, criminal convictions, probation terms, and incarceration. His telephone calls numbered in the hundreds.

Dr. Hosseinipour made repeated threats involving guns and bombs towards WRCS, the Ohio Bureau of Employment Services, and the Trumbull County Domestic Relations Court. Further, Dr. Hosseinipour physically attacked his wife.

5. Although Dr. Hosseinipour has participated in treatment with Dr. Nalluri, Dr. Hosseinipour did not disclose the extent of his behavioral problems to Dr. Nalluri. Further, Dr. Hosseinipour has not complied with the terms of any court required probation regarding contact with WRCS individuals.
6. Dr. Hosseinipour failed to respect the laws of the State of Ohio.

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7. Dr. Hosseinipour failed to respect the rights of his patients, colleagues, and other health professionals by abandoning his patients to attend a medical conference and harassing his colleagues and their staff by incessant telephone calls and threats.

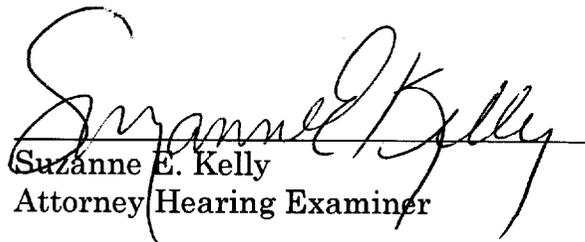
CONCLUSIONS OF LAW

1. Dr. Hosseinipour's acts, conduct, and/or omissions, as set forth in Findings of Fact 1-7 constitute the "[v]iolation of any provision of a code of ethics...of a national professional organization," as that clause is used in Section 4731.22(B)(28)(a), Ohio Revised Code, to wit: Principles III and/or IV of the AMA's Principles of Medical Ethics.
2. Dr. Hosseinipour's acts, conduct, and/or omissions, as set forth in Findings of Fact 1-5 constitute the "[i]nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED that the certificate of Ahmad Hosseinipour, 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



State Medical Board of Ohio

100 East Broad Street, Columbus, Ohio 43260-1000
614.464.3333

EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 11, 1998

REPORTS AND RECOMMENDATIONS

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

Dr. Buchan 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: Ahmad Hosseinipour, M.D.; Kettering Cardiothoracic & Vascular Surgeons, Inc.; Donald A. Koehler, P.A.; and Kolli Prasad, M.D.

A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egnor	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

Dr. Stienecker recused himself from consideration of the Hosseinipour case.

Dr. Garg indicated that he would recuse himself from two cases. He will announce which at the time the Board considers them.

Dr. Buchan 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. Heidt	- aye
	Dr. Egnor	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Buchan	- 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 these matters.

Dr. Buchan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

AHMAD HOSSEINIPOUR, M.D.

Dr. Garg indicated that he has a conflict of interest in this case and must abstain from discussion and voting.
.....

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

A vote was taken on Dr. Agresta's motion to approve and confirm:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- nay
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- abstain
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

The motion carried.

Dr. Garg	- aye
Dr. Steinbergh	- aye
Dr. Buchan	- aye

Dr. Stienecker recused himself from consideration of the Hosseinipour case.

Dr. Garg indicated that he would recuse himself from two cases. He will announce which at the time the Board considers them.

Dr. Buchan 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. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Buchan	- 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 these matters.

Dr. Buchan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

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

AHMAD HOSSEINIPOUR, M.D.

Dr. Garg indicated that he has a conflict of interest in this case and must abstain from discussion and voting.

Dr. Buchan directed the Board's attention to the matter of Ahmad Hosseinipour, M.D. He advised that objections to Hearing Examiner Kelly's Report and Recommendation were filed and previously distributed to Board members. Dr. Buchan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board members present.

Dr. Buchan noted that materials included with the objections in this matter are being construed as a request to admit additional evidence into the record. He asked for the Board's direction.

DR. BHATI MOVED TO ADMIT THE LETTER FROM ANIL CHOUDARY NALLURI, M.D., INTO THE HEARING RECORD. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- nay
	Dr. Egner	- nay
	Mr. Sinnott	- nay
	Dr. Stienecker	- abstain
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

The motion carried.

Dr. Buchan continued that a request to address the Board has been made by Dr. Hosseinipour, but was not made in a timely manner.

DR. AGRESTA MOVED TO GRANT DR. HOSSEINIPOUR'S REQUEST TO ADDRESS THE BOARD. DR. BHATI SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- nay
	Dr. Stienecker	- abstain
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- nay
	Dr. Buchan	- aye

The motion carried.

Dr. Buchan stated that five minutes would be allowed for that address.

Dr. Hosseinipour thanked the Board for the opportunity to address it. He stated that his statement will be short. He believes he was depressed at the time he attended the medical conference. He was not aware, nor was anyone else, of the depression. He became more angry and over-reacted. Dr. Hosseinipour stated that he was wrong and would like to apologize for his behavior. He is very sorry and it should not be repeated

anymore. He asked the Board for another chance to return to practice.

Dr. Buchan asked whether the Assistant Attorney General wished to respond.

Mr. McGovern asked that the Board, when considering Dr. Nalluri's letter, remember that Dr. Nalluri did not present himself at hearing, and was not available for cross-examination concerning statements made in his letter.

Mr. McGovern stated that the Report and Recommendation summarizes all of the evidence and Dr. Hosseinipour's numerous misdeeds. He added that he doesn't know whether revocation is a typical sanction in (B)(19) cases. Mr. McGovern asked that the Board consider whether it is appropriate in this case.

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

Dr. Buchan stated that he would now entertain discussion in the above matter.

Mr. Sinnott stated that his reaction to the record is that it involves not only professional misconduct, but societal misconduct. Revocation is appropriate in this case.

Dr. Heidt stated that there wasn't just one problem, there were a lot of things involved, including guns, threatening to blow up hospitals, medical education, threats, and phone calls. This shows a serious mental disease problem. He agreed that revocation is appropriate.

Dr. Bhati stated that revocation is probably in order in this case, but he is hesitant to impose a revocation in cases involving mental conditions. Dr. Hosseinipour might get better with treatment, and might be salvageable. All of his acts indicate his mental status.

Dr. Steinbergh stated that she agrees with Mr. Sinnott. She sees overwhelmingly antisocial behavior in this case. She doesn't feel that it is an impairment problem, and she can't consider this case in that way. She spoke in support of the Proposed Order.

Dr. Egner agreed, stating that when she read the record, she didn't attribute Dr. Hosseinipour's acts to depression. She was disappointed to hear Dr. Hosseinipour say that he did the things he did because he was depressed. She doesn't feel that his acts are the signs of depression. These acts were repeated. Dr. Hosseinipour is a physician who knew what his position was. He acted irresponsibly by leaving the hospital and going out of town when he was told not to. He made threats to vulnerable people. The Board is not revoking his license because he has a mental disease, but because his actions deserve revocation.

A vote was taken on Dr. Agresta's motion to approve and confirm:

VOTE: Mr. Albert - abstain

Dr. Bhati	- nay
Dr. Heidt	- aye
Dr. Egner	- aye
Mr. Sinnott	- aye
Dr. Stienecker	- abstain
Dr. Agresta	- aye
Dr. Garg	- abstain
Dr. Steinbergh	- aye
Dr. Buchan	- aye

The motion carried.

KETTERING CARDIOTHORACIC & VASCULAR SURGEONS, INC.

Dr. Buchan directed the Board's attention to the matter of Kettering Cardiothoracic & Vascular Surgeons, Inc. He advised that objections to Hearing Examiner Murphy's Report and Recommendation were filed and previously distributed to Board members. Dr. Buchan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board members present.

DR. HEIDT MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF KETTERING CARDIOTHORACIC & VASCULAR SURGEONS, INC. DR. STEINBERGH SECONDED THE MOTION.

Dr. Buchan stated that he would now entertain discussion in the above matter.

Dr. Garg stated that he thought the Board approved the insertion of venous lines for this group. He thought that the only things at issue were insertion of arterial pressure monitoring lines, Swan Ganz catheters and central venous infusion.

Dr. Buchan stated that he believes the three items were considered together previously.

Dr. Garg stated that he has concerns with this case. The Proposed Order lists conditions under which the P.A.s would be permitted to perform these duties, including requiring that the supervising physician be within sight of the P.A. when the duties are being performed. Dr. Garg stated that the Board has held long discussions on these requested duties, and he would not be in favor of allowing the P.A. to perform them. If the physician has to be within sight of the P.A., why doesn't the physician just do them himself.

Dr. Steinbergh agreed with Dr. Garg. She noted that Kettering's objections include the fact that they don't want to require the supervising physician to be within sight of the P.A. during the performance of these duties. The Board has discussed these procedures, and has decided that these ought to only be done by physicians. She expressed concern over the concept of hospital credentialing committees making the determination as to whether or not P.A.s can do these duties. She stated that those committees look to the Board. This becomes a hot topic. Committees are put under pressure by groups to approve duties, and



STATE MEDICAL BOARD OF OHIO

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

July 9, 1997

Ahmad Hosseinipour, M.D.
4118 Monticello Blvd., Apt. 202
Youngstown, OH 44505

Dear Doctor Hosseinipour:

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)(A) By a letter hand-delivered on January 28, 1997, the State Medical Board of Ohio notified you of its determination that it had reason to believe that you were in violation of Section 4731.22(B)(19), Ohio Revised Code, and ordered you to undergo a psychiatric examination.

(B) This determination was based upon one or more of the following reasons:

(1)(a) In or about February 1995, after complaining to the program director and others about matters including what you perceived as unfair scheduling, psychological abuse, corruption, discrimination, and quality of training, you submitted a letter of resignation to the Western Reserve Care System (hereinafter WRCS) in Youngstown, Ohio, where you were a third year resident.

In or about April 1995, after having been directly advised not to attend, you took an unauthorized leave of absence from your residency to attend an educational conference. Thereafter, on or about May 2, 1995, you were notified by WRCS that your resignation was being accepted.

You later reported that you had no intention of resigning and that you had scribbled your letter of resignation while in a state of depression.

(b) On or about July 6, 1995, you went on to WRCS property (Northside Medical Center) and were asked to leave. Later the same day, you again went on to WRCS property (Southside Medical Center) and were asked to leave.

mailed 7/10/97

- (c) On or about August 3, 1995, you went to Liberty Firearms and began looking over the inventory of weapons. At that time, you also asked a store employee how you could acquire firearms without having to complete any paper work, stating that you wanted the firearms for exportation to Iran and asking the employee if he knew a way to ship firearms without being detected. You offered the employee \$5,000.00 to handle the transaction. You also inquired about machine guns and books about making bombs and other explosive devices.

Thereafter, you were interviewed by a representative of the Bureau of Alcohol, Tobacco and Firearms and advised of the law regarding the export of firearms to prohibited nations.

- (d) On or about August 14, 1995, you entered on to the land of WRCS. At that time, you were advised by the security manager that if you continued to come on to hospital property without permission, you would be arrested for criminal trespassing.
- (e) On or about August 21, 1995, you telephoned an Agent of the Federal Bureau of Investigation (hereinafter FBI), and expressed bewilderment over your release from WRCS. During your conversation with this FBI Agent, you also stated that you would like to place a bomb in the Medical Education Building at Northside Medical Center.
- (f) By letter of September 1, 1995, you were advised that "due to your recent harassing behavior and your lack of respect for security personnel, you will no longer be permitted on the Rootstown campus of Northeastern Ohio Universities College of Medicine."
- (g) On or about November 17, 1995, after having previously been advised that you were not permitted on hospital property, you went to Northside Medical Center. When you began to wander about the hospital you were detained by security and later arrested for criminal trespassing. You thereafter entered into an agreement with WRCS, in which WRCS agreed to drop the criminal trespassing charge and you acknowledged the following points:

1. That you had been advised by the hospital, prior to the November 17 (1995) incident, and understood and agreed, that you were not permitted on hospital property and that

failure to abide by this restriction could subject you to possible arrest.

2. That you reaffirm such understanding and agree not to come on hospital property unless you first notify the hospital and receive permission.

- (h) On or about January 25, 1996, you telephoned an executive secretary at WRCS and requested to speak with Gary Kaatz, Chief Executive Officer. When the secretary told you that such administrator was not available, you stated: "This is going to be a disaster. Mr. Kaatz, Dr. Eisenberg, and Dr. Butcher are my target. If he doesn't call me back, justice will be served."

Then, on or about January 26, 1996, in the Youngstown Municipal Court, you were charged with three counts of aggravated menacing and the previous one count criminal trespassing charge was reinstated. However, when the police went to your home to arrest you, your wife stated that you had left the country.

- (i) On or about March 25, 1996, in the Youngstown Municipal Court, you pleaded no contest to one count of criminal trespassing and to one amended count of disorderly conduct. Counts two and three, charging you with aggravated menacing, were dismissed. You were sentenced to thirty days in the county jail, time suspended, on condition that you adhere to the following probationary terms:

1. You remain in counseling.
2. You have no contact with any of the parties to the actions.
3. You do not enter onto the land or premises of WRCS, NEOUCOM, or St. Elizabeth Hospitals or Clinics unless an emergency situation arises.

- (j) On or about May 8, 1996, a writ of capias was issued by the Youngstown Municipal Court as you had violated your probation with that court. On or about June 4, 1996, you were returned to probationary status.

- (k) In or about mid-December 1996, you were jailed at the Mahoning County Justice Center and charged with having violated term #2 of your probation with the Youngstown Municipal Court, which

required that you have no contact with parties to certain actions. (See paragraph (i) above.) Then, on or about December 23, 1996, in the Youngstown Municipal Court, you admitted to a probation violation, and the court determined that you would undergo a psychological and psychiatric examination prior to sentencing.

- (2) On or about April 14, 1996, you were arrested and charged with domestic violence after it was reported that you had physically assaulted your wife. Such assault reportedly involved your having struck your wife in the left shoulder, kicked her in the stomach, and threatened her with a large kitchen knife. You were reportedly being treated for an emotional disorder at this time.
- (3) On or about May 24, 1996, you were arrested and, in the Girard Municipal Court, charged with aggravated menacing and telephone harassment. After you failed to appear at a hearing regarding these charges on September 5, 1996, a bench warrant was issued. When you later contacted the court, the bench warrant was dropped. Further, a hearing on these charges was held on October 28, 1996, at which time the aggravated menacing and telephone harassment charges were dismissed because "Defendant has left [the] complaining witness alone without further incident and the Defendant states that he has undergone counseling for the alleged offenses."
- (4) On two occasions, you went to the Ohio Bureau of Employment Services (hereinafter OBES) and demanded to receive unemployment checks as soon as possible. When speaking with an OBES employee, you stated that you would use a gun and shoot someone if you did not receive your checks as soon as possible.
- (2) On January 31, 1997, you reported to Martin Macklin, M.D., for purposes of the psychiatric examination as ordered by the Board.
- (3) Subsequently, the Board received additional information concerning your repeated initiation of contacts with individuals affiliated with the Western Reserve Care System, continuing into December 1996, in violation of your court ordered probation. Further, the Board also received confirmation that on December 19, 1996, you had been arrested for violating your probation with the Youngstown Municipal Court by telephoning Northside Medical Center from a building across the street.

- (4) Further, on or about April 29, 1997, you telephoned the office of Judge Pamela Rintala, Trumbell County Family Court, who was presiding over your divorce case. During this call, you stated that you were going to get a machine gun and go down to the family court building and shoot everybody. Approximately twenty-five minutes later, you again telephoned Judge Rintala's office, stating that you were "coming down."

A few hours later, you entered the family court building and were arrested for aggravated menacing.

Additionally, you had been escorted from the family court building by deputies on two prior occasions, on or about February 3, 1997, and April 25, 1997.

- (5) Based upon Dr. Macklin's psychiatric examination of you and his review of materials forwarded to him by the Board, Dr. Macklin diagnosed you as suffering from a personality disorder, not otherwise specified. Dr. Macklin further concluded that you are unable to practice according to acceptable and prevailing standards of care by reason of mental illness.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (3) and (4) above, individually and/or collectively, constitute "(t)he violation of any provision of a code of ethics . . . of a national professional organization," as that clause is used in Section 4731.22(B)(18)(a), Ohio Revised Code, to wit: Principles III and/or IV of the AMA's Principles of Medical Ethics.

Your acts, conduct, and/or omissions as alleged in paragraphs (1), (3) and (4) above, individually and/or collectively, constitute "(i)nability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills," as that clause is used in Section 4731.22(B)(19), 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.

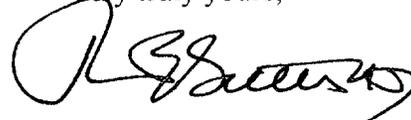
Ahmad Hosseinipour, M.D.

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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 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. Gretter', written in a cursive style.

Thomas E. Gretter, M.D.
Secretary

TEG/dkt
Enclosures

CERTIFIED MAIL # Z 395 587 561
RETURN RECEIPT REQUESTED

Duplicate mailing to:

3560 Arden Blvd.
Youngstown, OH 44511

CERTIFIED MAIL # Z 395 587 562
RETURN RECEIPT REQUESTED