

BEFORE THE STATE MEDICAL BOARD OF OHIO

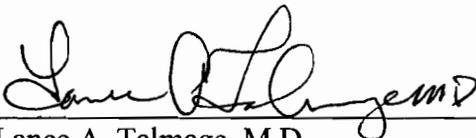
IN THE MATTER OF :  
:  
HANY MAURICE ISKANDER, M.D. :

**ENTRY OF ORDER**

On January 6, 2010, Hany Maurice Iskander, M.D., executed a Surrender of his license to practice medicine and surgery in Ohio with consent to revocation, which document is attached hereto and fully incorporated herein.

Wherefore, upon ratification by the Board of the surrender, it is hereby ORDERED that Certificate No. 35-074030 authorizing Hany Maurice Iskander, M.D., to practice medicine and surgery in the state of Ohio be permanently REVOKED, effective January 13, 2010.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13<sup>th</sup> day of January 2010, and the original thereof shall be kept with said Journal.

  
\_\_\_\_\_  
Lance A. Talmage, M.D.  
Secretary

(SEAL)

\_\_\_\_\_  
January 13, 2010  
Date

**STATE OF OHIO  
THE STATE MEDICAL BOARD  
SURRENDER OF CERTIFICATE  
TO PRACTICE MEDICINE AND SURGERY**

I, Hany Maurice Iskander, M.D., a.k.a. Hany Maurice Iskander Ibrahim, am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, Hany Maurice Iskander, M.D., acknowledge that I have not been legally authorized to practice medicine and surgery in the state of Ohio since October 1, 2008, the date upon which my certificate expired due to non-renewal. Further, I do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, License No. 35.074030, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein I will not be permitted to practice medicine and surgery in any form or manner in the state of Ohio in the future.

I agree that I shall be ineligible for, and shall not apply for, reinstatement or restoration of certificate to practice medicine and surgery License No. 35.074030 or issuance of any other certificate pursuant to the authority of the State Medical Board of Ohio, on or after the date of signing this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, License No. 35.074030, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I, Hany Maurice Iskander, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate

Surrender of Certificate  
Hany Maurice Iskander, M.D.

organizations, data banks and governmental bodies. I, Hany Maurice Iskander, M.D., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

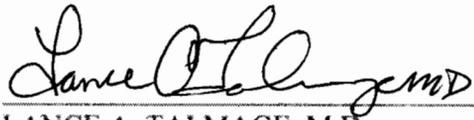
I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Section 4731.22(B)(9), Ohio Revised Code, based upon my recent conviction and/or guilty plea in the United States District Court, Northern District of Ohio, Eastern Division, for the following: Destruction, Alteration, or Falsification of Records in Federal Investigations, in violation of Title 18, Sections 1519 and 2, United States Code; Obstruction of Criminal Investigations of Health Care Offenses, in violation of Title 18, Sections 1518 and 2, United States Code; Alteration, Destruction, Mutilation, and Concealment of Records, in violation of Title 18, Sections 1512(c) and 2, United States Code; Concealment of Records, in violation of Title 18, Sections 1512(c) and 2, United States Code; Conspiracy to Obstruct Justice, in violation of Title 18, Section 371, United States Code; and Health Care Fraud, in violation of Title 18, Section 1347, United States Code.

**EFFECTIVE DATE**

It is expressly understood that this Surrender of Certificate is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.



\_\_\_\_\_  
HANY MAURICE ISKANDER, M.D.



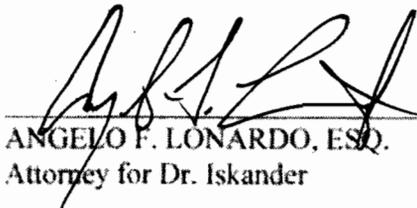
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LANCE A. TALMAGE, M.D.  
Secretary

1/6/2010

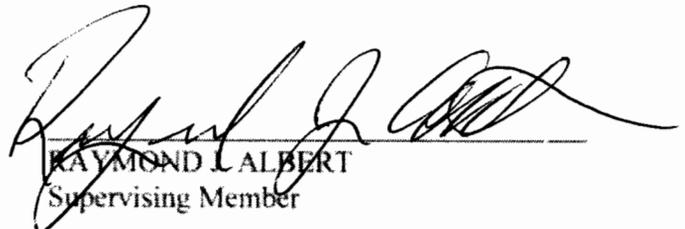
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1-14-10

\_\_\_\_\_  
DATE



\_\_\_\_\_  
ANGELO F. LONARDO, ESQ.  
Attorney for Dr. Iskander



\_\_\_\_\_  
RAYMOND J. ALBERT  
Supervising Member

1-6-10

\_\_\_\_\_  
DATE

1/14/10

\_\_\_\_\_  
DATE

Surrender of Certificate  
Hany Maurice Iskander, M.D.



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DANIEL S. ZINSMaster, ESQ.  
Enforcement Attorney

1/14/2010

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DATE



# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

December 12, 2001

Hany M. Iskander, M.D.  
8592 St. Rt. 7  
Proctorville, OH 45669

Dear Doctor Iskander:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Daniel Roberts, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 12, 2001, 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 must be taken to the Franklin County Court of Common Pleas.

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

THE STATE MEDICAL BOARD OF OHIO

*Anand G. Garg, M.D.*  
Anand G. Garg, M.D. *AGG*  
Secretary

AGG:jam  
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5147 2002  
RETURN RECEIPT REQUESTED

Cc: Kevin P. Byers, Esq.  
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5147 1975  
RETURN RECEIPT REQUESTED

*Mailed 12.28.01*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Daniel Roberts, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on December 12, 2001, 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 Hany M. Iskander, 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.

Anand G. Garg, M.D. / TAD  
Anand G. Garg, M.D.  
Secretary

(SEAL)

December 12, 2001  
Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF \*

\*

HANY M. ISKANDER, M.D. \*

**ENTRY OF ORDER**

This matter came on for consideration before the State Medical Board of Ohio on December 12, 2001.

Upon the Report and Recommendation of Daniel Roberts, 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:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Hany M. Iskander, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 30 days.
- B. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Iskander's certificate to practice medicine and surgery unless all of the following conditions are met:
1. **Application and Fees:** Dr. Iskander shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
  2. **Evidence of Professional Ethics Course:** Dr. Iskander shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical

Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.

3. **Personal Ethics Course**: Dr. Iskander shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.
4. **Absence from Practice**: In the event that Dr. Iskander has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to the submission of his application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Iskander's fitness to resume practice.

C. **PROBATIONARY TERMS**: Upon reinstatement or restoration, Dr. Iskander's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:

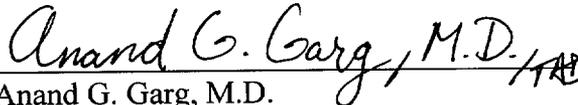
1. **Obey the Law**: Dr. Iskander shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the states in which he is practicing.
2. **Quarterly Declarations**: Dr. Iskander shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which Dr. Iskander's certificate to practice is reinstated or restored. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Appearances**: Dr. Iskander shall appear in person for quarterly interviews before the Board or its designated representative, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

4. **Presence of Third Party:** Dr. Iskander shall have a third party present while examining or treating female patients.
  5. **Absence from Ohio:** In the event that Dr. Iskander should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Iskander must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Order, unless otherwise determined by the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
  6. **Violation of Probation; Discretionary Sanction Imposed:** If Dr. Iskander violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
  7. **Tolling of Probationary Period while Out of Compliance:** In the event Dr. Iskander is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.
- D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Iskander's certificate will be fully restored.
- E. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Iskander shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Iskander shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- F. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Iskander shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Iskander shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or

reinstatement or restoration of any professional license. Further, Dr. Iskander shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)

  
Anand G. Garg, M.D.  
Secretary

December 12, 2001  
Date

STATE MEDICAL BOARD  
OF OHIO

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**REPORT AND RECOMMENDATION  
IN THE MATTER OF HANY M. ISKANDER, M.D.**

The consolidated Matters of Hany M. Iskander, M.D., were heard by Daniel Roberts, Attorney Hearing Examiner for the State Medical Board of Ohio, on September 10, 2001.

**INTRODUCTION**

I. Basis for Hearing

- A. By letter dated June 13, 2001, the State Medical Board of Ohio [Board] notified Hany M. Iskander, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in this state based on the following allegations:

On or about February 9, 2001, the Virginia Board of Medicine [Virginia Board] entered a Consent Order that accepted the surrender of Dr. Iskander's privilege to renew his Virginia license, which had lapsed on July 31, 2001. [sic] Dr. Iskander agreed not to seek reinstatement for a period of one year and to present evidence that he is capable of practicing medicine in a safe and competent manner.

The Virginia Board adopted Findings of Fact with regard to Dr. Iskander's conduct with two female patients and one female employee during 1999 at the Roanoke Pain Center, Roanoke, Virginia. The Virginia Board concluded that Dr. Iskander had violated Va. Code Ann. §54.1-2915(3) [unprofessional conduct], as further defined in §54.1-2914(A)(9), "[c]onducts his practice in a manner contrary to standards of ethics of his branch of the healing arts" and in §54.1-2914(A)(16), "[e]ngages in sexual contact with a patient concurrent with and by virtue of the practitioner/patient relationship or otherwise engages at any time during the course of the practitioner/patient relationship in conduct of a sexual nature that a reasonable patient would consider lewd and offensive."

Dr. Iskander did not admit the truth of the Virginia Findings of Fact, however, he waived the right to contest them in a future proceeding before the Virginia Board and consented to the Order affecting his Virginia license.

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The Board alleged that the Virginia Consent Order constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, as in effect prior to April 10, 2001.”

Accordingly, the Board advised Dr. Iskander of his right to request a hearing in this matter. (State’s Exhibit 1A)

- B. On July 13, 2001, Kevin P. Byers, Esq., submitted a written hearing request on behalf of Dr. Iskander. (State’s Exhibit 1B)
- C. By letter dated July 11, 2001, the Board notified Dr. Iskander that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in this state based on the following allegations:

On or about May 1, 2000, Dr. Iskander signed and submitted to the Board his application for renewal of his Ohio certificate to practice medicine and surgery. He certified, under penalty of loss of his right to practice in the State of Ohio, that the information provided on this application for renewal was true and correct in every respect.

Dr. Iskander responded “No” to the question “At any time since signing your last application for renewal of your certificate have you:

- 5.) [b]een notified by any board, bureau, department, agency, or other body, including those in Ohio, other than this board, of any investigation concerning you, or any charges, allegations or complaints filed against you?”

On or about January 29, 2000, Dr. Iskander was notified, in the presence of his counsel Charles B. Phillips, Esq., by a senior investigator of the Enforcement Division, Virginia Department of Health Professions, of an investigation concerning Dr. Iskander. He was informed of the specific allegations and complaints against him. This matter was ultimately addressed in the 2001 Virginia Consent Order referenced above.

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The Board alleged that Dr. Iskander's acts, conduct, and/or omissions as alleged above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code."

The Board further alleged that, Dr. Iskander's acts, conduct, and/or omissions as alleged above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to April 10, 2001.

- D. On July 31, 2001, Mr. Byers submitted a written hearing request on behalf of Dr. Iskander and a Request for Consolidation of Hearings for the matters addressed by the June 13 and July 11 Notices of Opportunity for Hearing. This Request was granted on August 6, 2001. (State's Exhibits 1G and 1J)

## II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Hanz R. Wasserburger, Assistant Attorney General.
- B. On behalf of the Respondent: Kevin P. Byers, Esq.

## EVIDENCE EXAMINED

### I. Testimony Heard

- A. Presented by the State

Hany M. Iskander, M.D., as on cross-examination.

- B. Presented by the Respondent

Hosny Gabriel, M.D.

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II. Exhibits Examined

A. Presented by the State:

1. State's Exhibits 1A-1M: Procedural exhibits.
2. State's Exhibit 2: Certified copy of May 1, 2000, Ohio Renewal Applications for Hany M. Iskander, M.D. [NOTE: Dr. Iskander's Social Security Number was redacted from this exhibit.]
3. State's Exhibit 3: Certified copy of February 9, 2001, Consent Order of the Virginia Board concerning Dr. Iskander. [NOTE: This exhibit consists of only five pages. The remaining pages referred to in the certification were not introduced at hearing. (Hearing Transcript at pages 11-13)]
4. State's Exhibit 5: July 6, 2001, letter to the Board from the Virginia Board.
5. State's Exhibit 6: Copy of February 24, 2000 letter to the Virginia Board from Dr. Iskander.
6. State's Exhibit 7: September 13, 2001, State's Motion to Admit Additional Evidence and excerpts from the Code of Virginia.
7. State's Exhibit 8: October 23, 2001, State's Memorandum in Opposition to Respondent's Motion to Supplement the Record.

B. Presented by the Respondent:

1. Respondent's Exhibit A: Dr. Iskander's curriculum vitae.
2. Respondent's Exhibit B: August 15, 2001, letter to Kevin Boyers, Esq., [sic] from David L. Epperly, Jr., Esq.
3. Respondent's Exhibit C: Copy of September 7, 2001, letter to Dr. Iskander from the Virginia Board.
4. Respondent's Exhibit D: Copy of September 6, 2001, letter to the Board from Fr. Bishoy Fahmy, St. Mary's Coptic Orthodox Church.

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5. Respondent's Exhibit E: Copy of April 26, 2001, letter "To Whom It May Concern" from Timothy Canterbury, M.D., Chief, Surgery Service Line, Department of Veterans Affairs Medical Center, Huntington, West Virginia [VAMC-H].
6. Respondent's Exhibit F: Copy of November 29, 2000, letter "To Whom It May Concern" from Lisa Sifford, L.P.N., VAMC-H.
7. Respondent's Exhibit G: Copy of October 5, 2000, letter "To Whom it May Concern" from Ingrid Bartram-Rutherford, Medical Management Specialist, Surgery Service, VAMC-H.
8. Respondent's Exhibit I: Copy of January 27, 2000, letter to the Virginia Board from George Abraham, M.D.
9. Respondent's Exhibit J: Respondent's October 22, 2001, Motion to Supplement the Record.
10. Respondent's Exhibit K: September 27, 2001, Motion for Judgment in the Circuit Court for the City of Roanoke, Virginia, *[Patient A] v. Hany M. Iskander, M.D., Carilion Medical Center and Carilion Health System, Case No. CL910960*. [NOTE: This exhibit is sealed to protect patient confidentiality.]

### PROCEDURAL MATTERS

The record in this matter was held open to allow the State to submit an additional exhibit, which was submitted, and the record first closed on September 24, 2001.

On October 22, 2001, the Respondent submitted a Motion to Supplement the Record with evidence that Patient A had subsequently filed a lawsuit against Dr. Iskander. On October 23, 2001, the State submitted a Memorandum in Opposition. On October 24, 2001, the Attorney Hearing Examiner Granted the Respondent's Motion. The Record was reopened and the Respondent was ordered to provide the supplemental exhibit by October 31, 2001. The State was ordered to file a reply, if any, no later than November 7, 2001. The State did not file a response and the record closed accordingly on November 7, 2001.

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### 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. Hany M Iskander, M.D., testified at hearing that he had graduated from “American school” in Egypt in 1985. He further testified that he had joined Mansoura University Hospital as an anesthesia resident and had completed a master’s degree in anesthesia. Subsequently he worked in the Middle East and Europe before coming to the United States in 1995. Dr. Iskander explained that he had completed multiple residencies because of his work in various countries. Dr. Iskander stated that he had completed four years of residency in the United States including one transitional year at Temple University and three years of anesthesia residency at the Cleveland Clinic and at University Hospitals in Cleveland. (Hearing Transcript [Tr.] at 39-41; Respondent’s Exhibit [Resp. Ex.] A)

Dr. Iskander stated that, subsequent to completing his training in Cleveland, he had accepted a position in Virginia, which involved working in clinics in Roanoke, Staunton, and Harrisonburg. He remained at the Virginia position for about ten weeks. After being terminated from that position on October 1, 1999, he began employment at the Veterans Affairs Medical Center at Kansas City. He remained in Kansas City until accepting full time employment at the Veterans Affairs Medical Center, Huntington, West Virginia, [VAMC-H] in February 2000. (Tr. 41-44; Resp Ex. E)

Dr. Iskander testified that he currently works full time as an anesthesiologist at VAMC-H. He explained that his full time employment involves pre operative evaluation of patients, administration of anesthesia, supervision of nurse-anesthetists, and postoperative care. In addition, Dr. Iskander covers anesthesia calls at hospitals in Ohio and Kentucky on a contract basis. He testified that he is currently licensed in the states of Georgia, Pennsylvania, Kansas, West Virginia, Ohio, and Kentucky. (Tr. 21-22)

At hearing, Dr. Iskander testified that his curriculum vitae, as contained in Respondent’s Exhibit A, is current and accurate. Dr. Iskander’s curriculum vitae states that he completed his training at Case Western Reserve University Hospitals on July 1, 1999, and that he began work in Kansas City in July 1999. However, he testified that he had not begun working in Kansas City until after October 1, 1999. Dr. Iskander’s curriculum vitae does not disclose his Virginia employment. (Tr. 39; 41-43; Resp. Ex. A)

2. Sandra Barton, Senior Investigator, Virginia Department of Health Professions, interviewed Dr. Iskander on January 29, 2000. Dr. Iskander explained at hearing that Ms. Barton had asked him questions about sexual allegations against him by two patients

and a coworker. Dr. Iskander stated that his legal counsel, Charles Phillips, had represented him during this interview. He also stated that he had taken the Barton interview seriously because it was a serious matter. He testified that he had not admitted any wrongdoing. By letter to the Virginia Board, dated February 24, 2000, Dr. Iskander explained his position concerning the patient and coworker complaints against him. Dr. Iskander suggested that false allegations had been raised against him to benefit his former employer. (Tr. 24-27, 29-30, 43-45, 50, St. Ex 6; Resp. Ex. C)

3. On or about May 1, 2000, Dr. Iskander signed and submitted to the Board an application for renewal of his Ohio certificate to practice medicine and surgery. He certified, under penalty of loss of his right to practice in the State of Ohio, that the information provided on this application for renewal was true and correct in every respect. (Tr. 21, 23-24, 30-33, 46-48; St. Ex. 2)

Dr. Iskander responded “No” to the question, “At any time since signing your last application for renewal of your certificate have you:

- 5.) [b]een notified by any board, bureau, department, agency, or other body, including those in Ohio, other than this board, of any investigation concerning you, or any charges, allegations or complaints filed against you?”

(Tr. 23-24, 30-33, 46-48; St. Ex. 2)

The Virginia Board did not contact Dr. Iskander between January and September 2000. Dr. Iskander testified that, during this period, he had not known if the Virginia investigation was active. Dr. Iskander further testified that he had consulted with colleagues and they had told him that the Virginia Board would not notify him if it closed the matter. (Tr. 27-28, 48-50; St. Ex. 6; Resp. Ex. C)

Dr. Iskander testified that he now realizes that his answer to question five had been incorrect. He explained that he “wasn’t careful.” and that he “didn’t read it carefully, and [he] didn’t take time obviously and [he] should have answered yes.” Dr. Iskander did not contact the Board or an attorney to ask for a clarification of question five before completing his Ohio renewal application. (Tr. 23-24, 30-33, 46-48, 64-66; St. Ex. 2)

4. By letter dated December 29, 2000, the Virginia Board notified Dr. Iskander of his right to a formal administrative hearing concerning allegations that he may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia. (St. Ex. 3)

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On February 2, 2001, Dr. Iskander signed a Consent Order with the Virginia Board in lieu of hearing. The Consent Order became effective February 9, 2001. Dr. Iskander did not admit the Findings of Fact contained in the Consent Order. However, he waived the right to contest them in any proceeding before the Virginia Board. (Tr. 33-35, 58-61; St. Ex. 3)

In the Consent Order, the Virginia Board accepted the surrender of Dr. Iskander's privilege to renew his Virginia license. However, the Virginia Board also allowed him the opportunity to seek reinstatement of his Virginia license after one year, provided that he present evidence that he was capable of practicing medicine in a safe and competent manner. Dr. Iskander testified that he does not intend to apply for the reinstatement of his Virginia license. (Tr. 36-37, 58-61; St. Ex. 3)

The Virginia Board found that Dr. Iskander had spoken inappropriately to Patient A. The Virginia Board further found that he had inappropriately touched the breasts of Patients A and B as well as Individual C, a coworker. The Virginia Board also found that Dr. Iskander had inappropriately touched the buttocks of Patient A and Individual C. (Tr. 58-62; St. Ex. 3)

Dr. Iskander stated that he had in fact hugged Individual C on the day he had learned he had passed his board. He explained that he had hugged everybody in the clinic that day. Dr. Iskander noted that he had not heard any other complaints about his conduct on that day. (Tr. 60-61, 67-68, 73)

The Virginia Board found that Dr. Iskander had been licensed to practice medicine in Virginia, but that his license had lapsed on July 31, 2000, due to Dr. Iskander's failure to renew it. The Virginia Board further found that between July 19 and October 1, 1999, Dr. Iskander had engaged in unprofessional conduct with two patients and Individual C, which violated Va. Code Ann. §54.1-2915(3), as further defined in §54.1-2914(A)(9), and §54.1-2914(A)(16). (St. Ex. 3)

At the times relevant to the Consent Order, Va. Code Ann. §54.1-2914(A) stated in part that "[a]ny practitioner of the healing arts regulated by the [Virginia] Board shall be considered guilty of unprofessional conduct if he:

[9.] Conducts his practice in a manner contrary to standards of ethics of his branch of the healing arts.

\* \* \*

[16.] Engages in sexual contact with a patient concurrent with and by virtue of the practitioner/patient relationship or otherwise engages

at any time during the course of the practitioner/patient relationship in conduct of a sexual nature that a reasonable patient would consider lewd and offensive.”<sup>1</sup>

(St. Exs. 3 and 7)

Dr. Iskander testified that he had read the Consent Order before signing it. However, Dr. Iskander further testified that he does not know the meaning of the word “lewd.” (Tr. 51; St. Exs. 3 and 7)

5. Dr. Iskander testified that two of the alleged victims had refused to cooperate with the Virginia Board. The record is unclear as to which two individuals Dr. Iskander asserts refused to cooperate. At hearing in Ohio, Dr. Iskander asserted that Individual C later denied having any memory of his alleged misconduct towards her. He further asserted that there had been no proof of the Virginia allegations. Nevertheless he explained that it had been “their word against mine” and that it was “really risky for me to go through a formal hearing” in a sexual harassment case. He further explained that the stress on himself and his family of the pending matter in Virginia provided additional motivation to close the matter as quickly as possible. (Tr. 60-61, 63-64)

Dr. Iskander testified that he had relied on the advice of his attorney in signing the Consent Order. He explained that it been his understanding that the Consent Order would resolve the matter. Dr. Iskander testified that he had not believed that the Consent Order would be disclosed to other state boards, would affect his employment, or that it was a disciplinary action. However, Dr. Iskander conceded that the Consent Order does not indicate that there would be no other consequences. (Tr. 38, 45-46, 57-58, 64-66, 68-72)

6. Dr. Iskander testified that David L. Epperly, Jr., Esq., had represented him before the Virginia Board. By letter dated August 15, 2001, Mr. Epperly responded to questions addressed to him by Mr. Byers. Mr. Epperly stated that Dr. Iskander had agreed to the Consent Order to avoid the risk of a formal hearing and that the Virginia Board might have imposed a more severe sanction than that in the Consent Order. He also stated that Dr. Iskander had wanted to get the Virginia matter behind him and get on with his professional life. Mr. Epperly noted that Dr. Iskander had not intended to resume practice in Virginia. However, he had preserved the opportunity to return to Virginia upon an appropriate showing that he was capable of practicing medicine in a safe and competent manner. Mr. Epperly contended that the Virginia Board “took no disciplinary action

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<sup>1</sup> Va. Code Ann. §51.1-2914(A) was amended in 2001. Subsection (9) was renumbered (7) and subsection (16) was renumbered (14). No substantive changes relevant to this matter were made at that time. However, the copy of this statute contained in State’s Exhibit 7 contains the newer version of the statute with the new numbering.

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against Dr. Iskander's license, such as revoking it." Dr. Iskander, referring to Mr. Epperly's statement, testified that this had also been his understanding of the Consent Order. He elaborated that this had been the "main reason" he had signed the Consent Order. Dr. Iskander testified that the Consent Order had been the least damaging way out of his difficulties in Virginia. (Resp. Ex. B; Tr. 46, 55-56, 62-63, 65-67) (Note: The State of Ohio did not have the opportunity to cross-examine Mr. Epperly.)

7. Hosny Gabriel, M.D., testified on behalf of Dr. Iskander. Dr. Gabriel graduated from Alexander University in Egypt in 1968 and came to the United States in 1980. He was a resident at Methodist Hospital Brooklyn for three years and then completed a fellowship in cardiothoracic anesthesia at the Cleveland Clinic Foundation in 1984. Since 1985, Dr. Gabriel has been with the Huntington Anesthesiology Group. Dr. Gabriel also serves as a clinical professor of anesthesiology at the Marshall University, Joan C. Edwards Medical School [Marshall]. Dr. Gabriel's employment brings him into VAMC-H. He has also served as a consultant to VAMC-H. (Tr. 77-78)

Dr. Gabriel testified that he had met Dr. Iskander during the process that led to Dr. Iskander's employment at VAMC-H. Since that time he has had the opportunity to observe and evaluate Dr. Iskander's work. Dr. Iskander also joined Dr. Gabriel's church. Dr. Gabriel noted that Dr. Iskander subsequently joined the faculty at Marshall and is currently a clinical assistant professor. Dr. Gabriel is familiar with Dr. Iskander's reputation among his peers. He explained that there is significant overlap among those who work with VAMC-H, Marshall and private hospitals in Huntington. (Tr. 78-84)

Dr. Gabriel advised the Board that he has never had any reason to be suspicious of Dr. Iskander's patient care. Dr. Gabriel opined that Dr. Iskander is a competent, qualified anesthesiologist. Dr. Gabriel added that he had not heard anything to the contrary from physicians or nurses in the local medical community. (Tr. 81-84)

Dr. Gabriel has discussed the Consent Order with Dr. Iskander. He testified that the Consent Order did not change his opinion of Dr. Iskander's clinical capabilities or his practice as a physician. Dr. Gabriel does not know the specifics of the Consent Order. However, he is aware that it is based on sexual allegations made by three different individuals and that Dr. Iskander does not have a current Virginia license. (Tr. 84, 88-91)

Dr. Gabriel explained that Dr. Iskander had asked for his advice in making his decision about the then proposed Consent Order. Dr. Gabriel participated in a telephone call to Dr. Iskander from his Virginia attorney. Dr. Gabriel testified that he had understood from that conversation that the Consent Order was the least damaging option Dr. Iskander had. Dr. Gabriel also testified that he had understood that the Consent Order would not be a disciplinary action. (Tr. 84-91)

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8. By letter dated September 6, 2001, Father Bishoy Fahmy, St. Mary's Coptic Orthodox Church, Pittsburgh, Pennsylvania, addressed the Board. Dr. Iskander testified that Fr. Fahmy is the priest of his church and that he comes to Huntington frequently. Fr. Fahmy stated that he has been acquainted with Dr. Iskander for several years and is familiar with many persons, both inside and outside the church, who are acquainted with Dr. Iskander. Fr. Fahmy explained that he had never heard any negative comments about Dr. Iskander from these individuals. He further explained that he had worked closely with Dr. Iskander within the church and believed him to be an honest, trustworthy man. Fr. Fahmy noted that he had been a physician himself and that he understands the trouble Dr. Iskander is facing. He expressed concern that some of Dr. Iskander's difficulties may be the result of language and cultural differences. (Tr. 52; Resp. Ex. D) (Note: The State of Ohio did not have the opportunity to cross-examine Fr. Fahmy.)
9. Three colleagues from VAMC-H provided Dr. Iskander with letters of support. These letters were written prior to the initiation of the current action. The record does not disclose the specific purpose(s) of these letters. The State of Ohio did not have the opportunity to cross-examine the authors of these letters.

By letter dated April 26, 2001, Timothy Canterbury, M.D., Chief, Surgery Line, stated that he is familiar with Dr. Iskander's work since February 27, 2000. Dr. Canterbury further stated that Dr. Iskander has excellent credentials and provides patients at VAMC-H with services that would not otherwise be available. Dr. Canterbury added that Dr. Iskander's work at VAMC-H is in the public interest. (Tr. 52-53; Resp. Ex. E)

By letter dated November 29, 2000, Lisa Sifford, L.P.N., stated that she has worked with Dr. Iskander since February 2000. She described Dr. Iskander as kind, compassionate, and willing to help with any problems that arise. She stated that patients and nursing staff speak positively of Dr. Iskander and get along well with him. Ms. Sifford noted that Dr. Iskander has always strictly enforced a rule that a third party be present when he is treating female patients. (Tr. 52-53; Resp. Ex. F)

By letter dated October 5, 2000, Ingrid Bartram-Rutherford, Medical Management Specialist, stated that Dr. Iskander has been employed at VAMC-H since February 27, 2000. She restated some of Dr. Iskander's qualifications and described his general duties and responsibilities. She opined that Dr. Iskander, with his unique combination of qualifications, is critical to the VAMC-H surgery service. (Tr. 52-53; Resp. Ex. G)

10. George Abraham, M.D., addressed the Virginia Board by letter dated January 27, 2000. Dr. Abraham stated that his family and Dr. Iskander's family had been members of St. Mark's Coptic Church in Roanoke and that Dr. Abraham's office had been in the same building as the clinic where Dr. Iskander had worked. (Tr. 53-54; Resp. Ex. I)

Dr. Abraham stated that he had been surprised to learn from Dr. Iskander the nature of the complaints against him before the Virginia Board. Dr. Abraham elaborated that Dr. Iskander is a trustworthy and respectable person and that Dr. Abraham had never heard any complaints against Dr. Iskander. (Tr. 53-54; Resp. Ex. I)

Dr. Abraham stated that he had been aware of difficulties Dr. Iskander had had with the practice in Virginia and had discussed them with Dr. Iskander. At hearing, Dr. Iskander testified that the difficulties Dr. Abraham refers to involved financial, legal, and ethical challenges Dr. Iskander had faced in the Virginia practice. He elaborated that he had been asked to engage in illegal and unethical activity involving improper billing and the improper use of other employees. Dr. Iskander testified that he had objected to these requests. He further testified that he had discussed these problems with Dr. Abraham. However he had not reported them to any government agency. (Tr. 54-55; Resp. Ex. I)

11. On September 27, 2001, Patient A filed a Motion for Judgment in the Circuit Court for the City of Roanoke, Virginia, titled [*Patient A*] v. *Hany M. Iskander, M.D., Carilion Medical Center and Carilion Health System, Case No. CL910960*. Notice of this Motion was mailed to Dr. Iskander on October 15, 2001. In addition to procedural and jurisdictional allegations, Patient A alleged that she presented herself for treatment by Dr. Iskander on September 30, 1999. She further alleged that Dr. Iskander had “assaulted and/or battered” her while performing his duties as a physician. She also alleged that she had suffered and will continue to suffer great physical and mental pain and anguish. Patient A alleged that she had expended and would be required to continue to expend large sums in an attempt to alleviate her pain and suffering and that her ability to attend to her usual duties and to work has been diminished. The remaining allegations by Patient A concern the conduct of Carilion, the organization that had employed Dr. Iskander, alleging primarily that they had been negligent in employing him. (Resp. Ex. K)

#### FINDINGS OF FACT

1. On or about February 9, 2001, the Virginia Board entered a Consent Order that accepted the surrender of the privilege of Hany M. Iskander, M.D., to renew his Virginia license, which had lapsed on July 31, 2000. Dr. Iskander agreed not to seek reinstatement for a period of one year. If Dr. Iskander wishes to seek reinstatement he is required to present evidence that he is capable of practicing medicine in a safe and competent manner.
2. The Virginia Board adopted Findings of Fact with regard to Dr. Iskander’s conduct with two female patients and one female coworker during 1999 at the Roanoke Pain Center, Roanoke, Virginia. The Virginia Board concluded that Dr. Iskander had violated Va. Code Ann. §54.1-2915(3) [unprofessional conduct], as further defined in §54.1-

2914(A)(9), “[c]onducts his practice in a manner contrary to standards of ethics of his branch of the healing arts” and in §54.1-2914(A)(16), “[e]ngages in sexual contact with a patient concurrent with and by virtue of the practitioner/patient relationship or otherwise engages at any time during the course of the practitioner/patient relationship in conduct of a sexual nature that a reasonable patient would consider lewd and offensive.”

3. Dr. Iskander did not admit the truth of the Virginia Findings of Fact, however, he waived the right to contest them in a future proceeding before the Virginia Board and consented to the Order affecting his Virginia license.
4. On or about May 1, 2000, Dr. Iskander signed and submitted to the Board his application for renewal of his Ohio certificate to practice medicine and surgery. He certified, under penalty of loss of his right to practice in the State of Ohio, that the information provided on this application for renewal was true and correct in every respect.
5. Dr. Iskander responded “No” to the question “At any time since signing your last application for renewal of your certificate have you:
  - 5.) [b]een notified by any board, bureau, department, agency, or other body, including those in Ohio, other than this board, of any investigation concerning you, or any charges, allegations or complaints filed against you?”
6. On January 29, 2000, Dr. Iskander was notified, in the presence of his counsel, Charles Phillips, Esq., by a senior investigator of the Virginia Department of Health Professions, of an investigation concerning Dr. Iskander. Dr. Iskander was informed of the specific allegations and complaints against him. This matter was ultimately addressed in the Consent Order described in Findings of Fact 1 through 3.

### CONCLUSIONS OF LAW

1. The Virginia Consent Order concerning Hany M. Iskander, M.D., as described in Findings of Fact 1 through 3 constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, as in effect prior to April 10, 2001.

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2. The acts, conduct, and/or omissions of Dr. Iskander, as described in Findings of Fact 4 through 6, individually and/or collectively, constitute “fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(A), Ohio Revised Code.
3. Dr. Iskander’s acts, conduct, and/or omissions as described in Findings of Fact 4 through 6, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to April 10, 2001.

\* \* \* \* \*

At hearing, Dr. Iskander argued that his failure to disclose the Virginia investigation on his 2000 Ohio Renewal Application was merely the result of carelessness. Dr. Iskander’s argument is not persuasive. A review of the record supports the Conclusions of Law.

Particularly disturbing in the exhibits in this record is Dr. Iskander’s curriculum vitae. Dr. Iskander testified that his curriculum vitae is current and accurate. This document does not contain a mere date error. In this document, Dr. Iskander falsely states that he had begun work in Kansas City immediately after completing his training in Cleveland. This could be construed as an attempt to hide his Virginia experiences. This document casts doubt concerning the credibility of Dr. Iskander’s testimony at hearing.

The record supports Dr. Iskander’s contention that he has consistently denied committing any of the acts which led to the Virginia Consent Order. However, he is bound by the Findings of Fact in the Virginia Consent Order.

### **PROPOSED ORDER**

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Hany M. Iskander, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than six months.

B. **INTERIM MONITORING:** During the period that Dr. Iskander's certificate to practice medicine and surgery in Ohio is suspended, Dr. Iskander shall comply with the following terms, conditions, and limitations:

1. **Obey the Law:** Dr. Iskander shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the states in which he is practicing.
2. **Quarterly Declarations:** Dr. Iskander shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
3. **Appearances:** Dr. Iskander shall appear in person for quarterly interviews before the Board or its designated representative, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Iskander's certificate to practice medicine and surgery unless all of the following conditions are met:

1. **Application and Fees:** Dr. Iskander shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Continued Compliance with Interim Monitoring Conditions:** Dr. Iskander shall have maintained continuing compliance with all terms of Paragraph B of this Order, unless otherwise determined by the Board.
3. **Evidence of Professional Ethics Course:** Dr. Iskander shall provide acceptable documentation of successful completion of a course or courses dealing with professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.

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4. **Personal Ethics Course**: Dr. Iskander shall provide acceptable documentation of successful completion of a course or courses dealing with personal ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education acquisition period(s) in which they are completed.
  5. **Absence from Practice**: In the event that Dr. Iskander has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to the submission of his application for reinstatement or restoration, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Iskander's fitness to resume practice.
- D. **PROBATIONARY TERMS**: Upon reinstatement or restoration, Dr. Iskander's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five years:
1. **Terms, Conditions, and Limitations Continued from Suspension Period**: Dr. Iskander shall continue to be subject to the terms, conditions, and limitations specified in paragraph B of this Order.
  2. **Presence of Third Party**: Dr. Iskander shall have a third party present while examining or treating female patients.
  3. **Absence from Ohio**: In the event that Dr. Iskander should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Iskander must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Order, unless otherwise determined by the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
  4. **Violation of Probation; Discretionary Sanction Imposed**: If Dr. Iskander violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
  5. **Tolling of Probationary Period while Out of Compliance**: In the event Dr. Iskander is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such

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period(s) of noncompliance will not apply to the reduction of the probationary period.

- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Iskander's certificate will be fully restored.
- F. **REQUIRED REPORTING BY LICENSEE TO EMPLOYERS AND HOSPITALS:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Iskander shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Iskander shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- G. **REQUIRED REPORTING BY LICENSEE TO OTHER STATE LICENSING AUTHORITIES:** Within thirty days of the effective date of this Order, unless otherwise determined by the Board, Dr. Iskander shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Iskander shall also provide a copy of this Order by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration of any professional license. Further, Dr. Iskander shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt, unless otherwise determined by the Board.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective immediately upon the mailing of notification of approval by the Board.

  
\_\_\_\_\_  
Daniel Roberts  
Attorney Hearing Examiner



# State Medical Board of Ohio

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## EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 12, 2001

### REPORTS AND RECOMMENDATIONS

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

Dr. Bhati 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 matter of Hany M. Iskander, M.D.; Charles H. Pierce, M.D.; and Edward J. Urban, D.O. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Bhati	- aye

Dr. Bhati 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. Egner	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Bhati	- aye

Dr. Bhati noted that, in accordance with the provision in Section 4731.22(F)(2), 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. Bhati 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.

Dr. Garg left the meeting at this time.

HANY M. ISKANDER, M.D.

Dr. Bhati directed the Board's attention to the matter of Hany M. Iskander, M.D. He advised that objections were filed to Hearing Examiner Roberts' Report and Recommendation and were previously distributed to Board members.

Dr. Bhati continued that a request to address the Board has been timely filed on behalf of Dr. Iskander. Five minutes would be allowed for that address.

Dr. Iskander was accompanied by counsel, Kevin P. Byers.

Mr. Byers stated that he is certain that the Board members have had the opportunity to consider the objections, as well as the full record. He at this time allowed Dr. Iskander the remainder of time to address the Board.

Dr. Iskander stated that he believes that these are the most important five minutes of his life, and he appreciates the Board's time and attention. He's here because he made a misguided decision in Virginia to surrender his right to renew his license for one year. There are many reasons for his decision. Mainly, he was following legal advice. He did not have a current license in Virginia at that time, and he had moved out of state and had a full-time job in another state. Considering the "he said" versus "she said" type of case this was, with no proof of the allegations, he just made what he considers to be a wrong decision not to contest the allegations at the time. Dr. Iskander stated that had he known the consequences he might face regarding his other licenses, he wouldn't have even considered settling this case.

Dr. Iskander stated that sometimes the truth is buried from reality and from view by some legalities. He thought that he specifically denied the allegations in the Virginia Consent Order, and he kept his right to renew his license after one year. He thought that meant what it said, but obviously it didn't. The legal impact of not contesting was almost like a conviction. He didn't know all of that when he entered into the Consent Order.

Dr. Iskander stated that, considering the shameful type of allegation he faced there, he would implore the Board to consider the evidence, not the mere unproven allegations by unreasonable patients. He was not guilty of misconduct in Virginia. He's said that for two years, and he won't say anything else now. He accepts full responsibility for the mistake he made on the Ohio license renewal card. He had felt, based on his attorney's advice, that he didn't have any discipline in Virginia. He didn't perceive the depths of the question talking about investigations and not just outcome.

Dr. Iskander stated that he did make a mistake, and he regrets that. He will accept all the responsibility for that. He learned a painful but valuable lesson from this. Dr. Iskander assured the Board that the next time he renews he will be very meticulous about this.

Dr. Iskander continued that the allegations occurred in September 1999, more than two years ago. In the ten years preceding that, he practiced in Ohio for three years with no complaints. For more than two years after he left Ohio there were no complaints. He now works at the V.A. Medical Center in Huntington, WV. Because he is offering that service in the public's interest, his visa status has been changed. He's working in an underserved area. Now he is doing a 100% operating room anesthesia practice, unlike the six weeks he spent in Virginia doing pain management in an office. He understands the Board's mission is to protect the public from bad doctors, but he doesn't believe that there is evidence in the record to show that he's a risk to the public. For 27 months there have been no problems at all, with no restriction.

Dr. Iskander stated that the last point he wants to make is that when he came to the United States, he filed an asylum case. To get his new visa status here, he had to drop his asylum case. His Ohio license is his primary license. If he loses his active Ohio license, he will have no legal status to stay in this country. He expressed concern about the consequences he will face if he has to return to his country.

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

Mr. Wasserburger noted that Dr. Iskander just made the comment that his behavior in Virginia involved no risk to patients. Mr. Wasserburger referred to the Virginia Consent Order, highlighting a few things that were found in that Consent Order. The Virginia Consent Order found that Dr. Iskander "(c)onducts his practice in a manner contrary to standards of ethics of his branch of the healing arts;" it found that Dr. Iskander had engaged "in sexual contact with a patient concurrent with and by virtue of the practitioner/patient relationship or otherwise engages at any time during the course of the practitioner/patient relationship in conduct of a sexual nature that a reasonable patient would consider lewd and offensive." Those were the findings that Dr. Iskander did not dispute. Mr. Wasserburger stated that if you don't dispute allegations and those allegations are later adopted by the Board as findings and conclusions, as a matter of law, those things happened. That's the situation that Dr. Iskander left in Virginia. Mr. Wasserburger continued that, encompassed in the Virginia Consent Order was a requirement that Dr. Iskander not apply for renewal of his license in that state for a year. Mr. Wasserburger stated that he would submit that that is every bit as much a discipline as had he been suspended for a year.

Mr. Wasserburger further advised that, in January 2000, Dr. Iskander was interviewed at length by an investigator of the Virginia Medical Board relating to the allegations that eventually led to this case. It was a rather lengthy, voluminous interview. A couple of months after that interview, Dr. Iskander had to answer a question on his Ohio application. Dr. Iskander made reference to that question in his statement, stating that he made a mistake. Mr. Wasserburger stated that question #5 asks whether Dr. Iskander had “(b)een notified by any board, bureau, department, agency, or other body, including those in Ohio, other than this board, of any investigation concerning you, or any charges, allegations or complaints filed against you.” Mr. Wasserburger stated that it is difficult to understand how Dr. Iskander could have been subjected to a detailed investigation just a few months prior to answering that question and then come before this Board and say that he didn’t understand that the question meant “investigation.” Mr. Wasserburger stated that he doesn’t believe Dr. Iskander’s claim holds a lot of water.

Mr. Wasserburger stated that he believes that the Hearing Examiner’s Proposed Order is a fair and proper determination of the facts of this case. He added that he has every confidence that this Board will act accordingly.

**DR. AGRESTA MOVED TO APPROVE AND CONFIRM MR. ROBERTS’ PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF HANY M. ISKANDER, M.D. DR. STEINBERGH SECONDED THE MOTION.**

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

Dr. Steinbergh stated that she has read this case, as well as Dr. Iskander’s objections, which she felt were reasonable. Dr. Iskander has outlined his defense of the case. This Board continuously disagrees with the concept that a physician could apply for licensure in this state and not understand what the questions meant. The Board looks to physicians as high-level professionals with many years of education. Reading those questions is clear. When physicians answer the questions incorrectly, the Board believes that the question is answered incorrectly for a reason. The reason in general is that if they don’t answer it correctly, maybe they won’t get caught. It’s fraud in the application.

Dr. Steinbergh stated that in this particular case, she does support the Proposed Order, except that she would amend by removing paragraph B, the interim monitoring conditions. She doesn’t see that the Board needs to monitor Dr. Iskander for any reason during his suspension period. She would also amend the Probationary Terms by deleting the current paragraph D.1., and by inserting subparagraphs 1, 2 and 3 of deleted paragraph B, into paragraph D.1, under the title “Terms, Conditions and Limitations”. Other than that, she supports the Proposed Order.

Dr. Stienecker stated that he also believes that Dr. Iskander and Mr. Byers presented some very good objections. He has great difficulty with cases that involve inappropriate touching, sexual boundary cases that are perceived by somebody that have really not been brought to anything other than an acceptance of allegations in another state. The other thing that concerned him is that Dr. Iskander signed a consent agreement which accused him of lewd activity. Dr. Iskander testified that he didn’t know what the word,

“lewd,” meant at the time he signed it. Dr. Stienecker stated that he has great difficulty in having people railroaded into doing something because it looks like the easy way out that they don’t understand, and getting themselves into down-the-stream trouble, which he believes is what happened in this case.

Dr. Stienecker stated that he believes that Dr. Iskander, in fact, perhaps as a way of denial, did not intend to let the Board know about the Virginia action. Dr. Iskander testified that his C.V. was accurate and correct, when, in fact, he never even mentioned the fact that he’d been in Virginia in that C.V. Dr. Stienecker stated that he thinks that that was “I hope this goes away and never surfaces again” kind of thinking.

Dr. Stienecker stated that he would be inclined to reprimand Dr. Iskander for that activity. He added that a stayed suspension and reprimand would be more in keeping with this case than to take Dr. Iskander out of practice for six months.

Dr. Egner stated that she wants to speak to Dr. Iskander’s honesty in answering the question. It is hard for her to believe that Dr. Iskander didn’t know that he was answering the question inappropriately. She believes that he meant to do that, and that’s also substantiated by the C.V. Dr. Egner stated that she believes that there’s a reason that Dr. Iskander left Virginia off the C.V. He meant to leave it off the C.V. and he doesn’t want to think about it. Even here today he minimizes the time that he spent in Virginia, saying that he was there for six weeks when he was there from July to October. Dr. Egner stated that she does question Dr. Iskander’s ethics and integrity, and for that reason she would be more supportive of the Proposed Report and Recommendation.

Dr. Buchan asked whether Dr. Steinbergh’s proposed amendment would keep the six-month suspension.

Dr. Steinbergh stated that it would.

**DR. STIENECKER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF HANY M. ISKANDER, M.D., AS FOLLOWS: LOWER THE MINIMUM SUSPENSION PERIOD IN PARAGRAPH A TO THIRTY (30) DAYS; DELETE PARAGRAPH B, THE INTERIM MONITORING CONDITIONS; AMEND THE PROBATIONARY TERMS BY DELETING THE CURRENT PARAGRAPH D.1., AND BY INSERTING SUBPARAGRAPHS 1, 2 AND 3 OF DELETED PARAGRAPH B, INTO PARAGRAPH D.1, UNDER THE TITLE “TERMS, CONDITIONS AND LIMITATIONS”. DR. SOMANI SECONDED THE MOTION.**

Dr. Agresta stated that he would support the amendment, only because he’s not convinced that he has enough information to say otherwise. The matter occurred out of state and there were some questions that were not answered in the hearing record. Obviously something happened in Virginia, but the Board isn’t exactly sure what happened. These kinds of sexual boundary cases always put the Board in a very difficult position. Certainly Dr. Iskander is guilty of fraud and not being truthful in other areas. The Board must make note of that.

Dr. Steinbergh stated that she has a problem with the 30-day suspension. She doesn’t feel that that is

appropriate for fraud in the application. She appreciates Dr. Agresta's comments, but Dr. Iskander did sign a Consent Order with Virginia. Even though Dr. Iskander now verbally denies it, the bottom line is that he did sign that; that happened. She feels uncomfortable with a 30-day suspension.

Noting the minimum 30-day suspension, Mr. Dilling stated that part of the Order that remains after the amendment requires Dr. Iskander to present evidence of having successfully completed a professional ethics course, approved in advance by the Board. In 30 days Dr. Iskander will have to come to the Board to ask for approval of this course. He's just clarifying that there is no way that Dr. Iskander can fulfill this condition in 30 days. It will take at least 60 days to get back to the Board for reinstatement; approval of a course will have to wait until the next meeting at least. Mr. Dilling stated that he just wants to make it clear for the record that the Board understands that.

Dr. Bhati stated that the term used is "a minimum of 30 days."

A vote was taken on Dr. Stienecker's motion to amend:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- nay
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Buchan	- aye
	Mr. Browning	- nay
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Steinbergh	- nay
	Dr. Bhati	- aye

The motion carried.

**DR. STIENECKER MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF HANY M. ISKANDER, M.D. DR. TALMAGE SECONDED THE MOTION.** A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Steinbergh	- nay

EXCERPT FROM THE DRAFT MINUTES OF DECEMBER 12, 2001  
IN THE MATTER OF HANY M. ISKANDER, M.D.

Dr. Bhati - aye

The motion carried.



# State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

July 11, 2001

Hany M. Iskander, M.D.  
8592 State Route 7  
Proctorville, Ohio 45669

Dear Doctor Iskander:

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, permanently 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 May 1, 2000, you signed and submitted to the State Medical Board of Ohio your application for renewal of your Ohio certificate to practice medicine and surgery. You certified, under penalty of loss of your right to practice in the State of Ohio, that the information provided on this application for renewal was true and correct in every respect.

You responded "No" to the question "At any time since signing your last application for renewal of your certificate have you:

- 5.) [b]een notified by any board, bureau, department, agency, or other body, including those in Ohio, other than this board, of any investigation concerning you, or any charges, allegations or complaints filed against you?"

In fact, on or about January 29, 2000, you were notified, in the presence of your counsel Charles B. Phillips, Esq., by a senior investigator of the Enforcement Division, Virginia Department of Health Professions, of an investigation concerning you. You were informed of the specific allegations and complaints against you. This matter was ultimately addressed in the Virginia Board of Medicine Consent Order entered February 9, 2001, a copy of which is attached hereto and incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraph one (1) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph one (1) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or

*Mailed 7-12-01*

Hany M. Iskander, M.D.

Page 2

attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code, as in effect prior to April 10, 2001.

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, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is 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 consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.  
Secretary

AGG/jag  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 0340  
RETURN RECEIPT REQUESTED

Veterans Affairs Medical Center  
1540 Spring Valley Drive  
Huntington, West Virginia 25704

CERTIFIED MAIL # 7000 0600 0024 5140 0333  
RETURN RECEIPT REQUESTED

**OHIO STATE MEDICAL BOARD**  
**MAY 17 2001**

**VIRGINIA:**

**BEFORE THE BOARD OF MEDICINE**

**IN RE: HANY M. ISKANDER, M.D.**  
**License No. 0101- 840550**

**CONSENT ORDER**

Pursuant to a letter dated September 12, 2000, Hany M. Iskander, M.D., was noticed to appear before an Informal Conference Committee ("Committee") of the Virginia Board of Medicine ("Board") on October 12, 2000. This Notice set forth allegations indicating that he may have violated certain laws and regulations governing the practice of medicine in Virginia. On October 12, 2000, the Committee convened and found that Dr. Iskander was in violation of certain laws and regulations. Based on these findings, the Committee determined that suspension or revocation of Dr. Iskander's license may be justified, and pursuant to Section 54.1-2919 of the Code of Virginia (1950) as amended, voted unanimously to present its findings to the Board. On October 24, 2000, the Board's President approved the Committee's recommendation that this matter proceed to a formal hearing.

By letter dated December 29, 2000, the Board noticed Dr. Iskander for a formal administrative hearing to inquire into allegations that he may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia.

In lieu of proceeding to this formal administrative hearing, the Board and Dr. Iskander, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Iskander to practice medicine in Virginia.

**FINDINGS OF FACT**

For the purposes of this Consent Order, the Board adopts the following findings in this matter:

1. Dr. Iskander previously held License No. 0101-840550 to practice medicine in the Commonwealth of Virginia, which lapsed on July 31, 2000, due to his failure to renew his license.
2. On or about September 27, 1999, Patient A presented to Roanoke Pain Center, Roanoke, Virginia for

Hany M. Iskander, M.D.

physical therapy services. While Patient A was waiting for her appointment, Dr. Iskander talked with her in the waiting room, asked about her boyfriend, and told her that she looked young and attractive, or words to that effect, and he rubbed Patient's A's hand while talking to her.

3. On or about September 30, 1999, Patient A presented to the Roanoke Pain Center for physical therapy services. Patient A asked Dr. Iskander about swelling in her leg. He took Patient A into the physical therapy room and massaged her shoulders. He told her she was pretty and asked about her boyfriend. Dr. Iskander then examined her leg, noted edema and suggested Lasix. He asked Patient A to stand up. As she stood up, she felt Dr. Iskander's fingers on the upper part of her right chest and then he massaged her left breast and asked if there was any swelling there. Dr. Iskander then asked Patient A to bend over and he pressed the front of his pants against her buttocks. He pulled down her pants and examined her, which Patient A described as the "usual exam." Dr. Iskander told Patient A she was pretty and that he would like to be her boyfriend. Immediately after this interaction, Patient A began crying and told staff members in Dr. Iskander's office of this incident. On or about October 4, 1999, Patient A sought psychiatric treatment due to trauma associated with sexual assault.
4. On one occasion between on or about July 19, 1999 and October 1, 1999, Dr. Iskander touched Patient B's breasts. Patient B reported that she felt his touching of her was sexual in nature.
5. On or about September 16, 1999, Dr. Iskander, after learning he had passed his boards, approached Individual C, an employee of Roanoke Pain Center, from behind while she was in an examination room and touched her buttocks. He then put his arms across her breasts and pressed himself against her. Individual C told Dr. Iskander not to touch her again and he left the room.

**CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, the Board concludes that Dr. Iskander is in violation of Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A (9) and (16) of the Code.

**CONSENT**

I, Hany M. Iskander, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code;
3. I have the following rights, among others:
  - a. the right to a formal fact-finding hearing before the Board;
  - b. the right to representation by counsel; and
  - c. the right to cross-examine witnesses against me.
4. I waive all rights to a formal hearing;
5. I do not admit the truth of the above Findings of Fact; however, I waive the right to contest the above Findings of Fact in any future proceeding before the Board; and
6. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

**ORDER**

WHEREFORE, on the basis of the forgoing Findings of Fact and with the consent of the licensee, it is hereby ORDERED that the Board accepts the SURRENDER of the privilege of Hany Iskander, M.D., to renew his license to practice medicine in the Commonwealth of Virginia.

Upon entry of this consent order, the privilege to renew the license of Hany Iskander, M.D., will be

Hany M. Iskander, M.D.

recorded as surrendered. Hany Iskander, M.D. shall not seek reinstatement for a period of 1 (one) year following the entry of this ORDER.

Should Dr. Iskander seek reinstatement of his license to practice medicine, he shall be noticed to appear before the Board, in accordance with the Administrative Process Act, and present evidence that he is capable of practicing medicine in a safe and competent manner. Consistent with the terms of this Consent Order, in the event that Dr. Iskander seeks reinstatement of his license, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

Pursuant to Section 9-6.14:14 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

William L. Harp, M.D.  
William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine  
2/9/01  
ENTERED

SEEN AND AGREED TO:

H. ISKANDER  
HANY M. ISKANDER, M.D.

Karen W. Perrine  
**A TRUE COPY TESTE:**  
KAREN W. PERRINE, DEPUTY EXECUTIVE DIRECTOR  
VIRGINIA BOARD OF MEDICINE

COMMONWEALTH/STATE OF Ohio  
COUNTY/CITY OF Lawrence, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth/State of Ohio, at large, this 2 day of Feb, 2001, by Hany M. Iskander, M.D.

Paula S. Reynolds  
Notary Public

My commission expires: 3-29-2005

**PAULA S. REYNOLDS**  
Notary Public, State of Ohio  
My Commission Expires 3-29-2005



# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

June 13, 2001

Hany M. Iskander, M.D.  
8592 State Route 7  
Proctorville, Ohio 45669

Dear Doctor Iskander:

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, permanently 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 February 9, 2001, the Virginia Board of Medicine (hereinafter the Virginia Board) entered a Consent Order that accepted the surrender of the privilege to renew your license which lapsed on July 31, 2001. Further, you agreed not to seek reinstatement for a period of one (1) year and, should you seek reinstatement, you will be required to present evidence that you are capable of practicing medicine in a safe and competent manner.

The Virginia Board adopted Findings of Fact with regard to your conduct with two female patients and one female employee during 1999 at the Roanoke Pain Center, Roanoke, Virginia. That conduct is more fully set forth in the Virginia Board Consent Order, a copy of which is attached and incorporated herein.

The Virginia Board concluded that you were in violation of Va. Code Ann. §54.1-2915(3) [unprofessional conduct], as further defined in §54.1-2914(A)(9), “[c]onducts his practice in a manner contrary to standards of ethics of his branch of the healing arts” and in §54.1-2914(A)(16), “[e]ngages in sexual contact with a patient concurrent with and by virtue of the practitioner/patient relationship or otherwise engages at any time during the course of the practitioner/patient relationship in conduct of a sexual nature that a reasonable patient would consider lewd and offensive.”

You did not admit the truth of the above Findings of Fact, however, you waived the right to contest them in a future proceeding before the Virginia Board and consented to the matters affecting your Virginia license.

The Virginia Board Consent Order, as alleged in paragraph one (1) above, individually and/or collectively, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other

*Mailed 6/14/01*

reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, as in effect prior to April 10, 2001.

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.

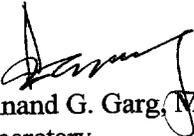
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

  
Anand G. Garg, M.D.  
Secretary

AGG/jag  
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 0487  
RETURN RECEIPT REQUESTED

Veterans Affairs Medical Center  
1540 Spring Valley Drive  
Huntington, West Virginia 25704

CERTIFIED MAIL # 7000 0600 0024 5140 0470  
RETURN RECEIPT REQUESTED

**MAY 17 2001****VIRGINIA:****BEFORE THE BOARD OF MEDICINE****IN RE: HANY M. ISKANDER, M.D.  
License No. 0101- 840550****CONSENT ORDER**

Pursuant to a letter dated September 12, 2000, Hany M. Iskander, M.D., was noticed to appear before an Informal Conference Committee ("Committee") of the Virginia Board of Medicine ("Board") on October 12, 2000. This Notice set forth allegations indicating that he may have violated certain laws and regulations governing the practice of medicine in Virginia. On October 12, 2000, the Committee convened and found that Dr. Iskander was in violation of certain laws and regulations. Based on these findings, the Committee determined that suspension or revocation of Dr. Iskander's license may be justified, and pursuant to Section 54.1-2919 of the Code of Virginia (1950) as amended, voted unanimously to present its findings to the Board. On October 24, 2000, the Board's President approved the Committee's recommendation that this matter proceed to a formal hearing.

By letter dated December 29, 2000, the Board noticed Dr. Iskander for a formal administrative hearing to inquire into allegations that he may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia.

In lieu of proceeding to this formal administrative hearing, the Board and Dr. Iskander, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Iskander to practice medicine in Virginia.

**FINDINGS OF FACT**

For the purposes of this Consent Order, the Board adopts the following findings in this matter:

1. Dr. Iskander previously held License No. 0101-840550 to practice medicine in the Commonwealth of Virginia, which lapsed on July 31, 2000, due to his failure to renew his license.
2. On or about September 27, 1999, Patient A presented to Roanoke Pain Center, Roanoke, Virginia for

Hany M. Iskander, M.D.

physical therapy services. While Patient A was waiting for her appointment, Dr. Iskander talked with her in the waiting room, asked about her boyfriend, and told her that she looked young and attractive, or words to that effect, and he rubbed Patient's A's hand while talking to her.

3. On or about September 30, 1999, Patient A presented to the Roanoke Pain Center for physical therapy services. Patient A asked Dr. Iskander about swelling in her leg. He took Patient A into the physical therapy room and massaged her shoulders. He told her she was pretty and asked about her boyfriend. Dr. Iskander then examined her leg, noted edema and suggested Lasix. He asked Patient A to stand up. As she stood up, she felt Dr. Iskander's fingers on the upper part of her right chest and then he massaged her left breast and asked if there was any swelling there. Dr. Iskander then asked Patient A to bend over and he pressed the front of his pants against her buttocks. He pulled down her pants and examined her, which Patient A described as the "usual exam." Dr. Iskander told Patient A she was pretty and that he would like to be her boyfriend. Immediately after this interaction, Patient A began crying and told staff members in Dr. Iskander's office of this incident. On or about October 4, 1999, Patient A sought psychiatric treatment due to trauma associated with sexual assault.
4. On one occasion between on or about July 19, 1999 and October 1, 1999, Dr. Iskander touched Patient B's breasts. Patient B reported that she felt his touching of her was sexual in nature.
5. On or about September 16, 1999, Dr. Iskander, after learning he had passed his boards, approached Individual C, an employee of Roanoke Pain Center, from behind while she was in an examination room and touched her buttocks. He then put his arms across her breasts and pressed himself against her. Individual C told Dr. Iskander not to touch her again and he left the room.

**CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, the Board concludes that Dr. Iskander is in violation of Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A (9) and (16) of the Code.

**CONSENT**

I, Hany M. Iskander, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code;
3. I have the following rights, among others:
  - a. the right to a formal fact-finding hearing before the Board;
  - b. the right to representation by counsel; and
  - c. the right to cross-examine witnesses against me.
4. I waive all rights to a formal hearing;
5. I do not admit the truth of the above Findings of Fact; however, I waive the right to contest the above Findings of Fact in any future proceeding before the Board; and
6. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

**ORDER**

WHEREFORE, on the basis of the forgoing Findings of Fact and with the consent of the licensee, it is hereby ORDERED that the Board accepts the SURRENDER of the privilege of Hany Iskander, M.D., to renew his license to practice medicine in the Commonwealth of Virginia.

Upon entry of this consent order, the privilege to renew the license of Hany Iskander, M.D., will be

Hany M. Iskander, M.D.

recorded as surrendered. Hany Iskander, M.D. shall not seek reinstatement for a period of 1 (one) year following the entry of this ORDER.

Should Dr. Iskander seek reinstatement of his license to practice medicine, he shall be noticed to appear before the Board, in accordance with the Administrative Process Act, and present evidence that he is capable of practicing medicine in a safe and competent manner. Consistent with the terms of this Consent Order, in the event that Dr. Iskander seeks reinstatement of his license, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

Pursuant to Section 9-6.14:14 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

William L. Harp, M.D.  
William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine

2/9/01  
ENTERED

SEEN AND AGREED TO:

H. ISKANDER  
HANY M. ISKANDER, M.D.

Karen W. Perrine  
**A TRUE COPY TESTE:**  
KAREN W. PERRINE, DEPUTY EXECUTIVE DIRECTOR  
VIRGINIA BOARD OF MEDICINE

COMMONWEALTH/STATE OF Ohio  
COUNTY/CITY OF Lawrence, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth/State of Ohio, at large, this 2 day of Feb, 2001, by Hany M. Iskander, M.D.

Paula S. Reynolds  
Notary Public

My commission expires: 3-29-2005

**PAULA S. REYNOLDS**  
Notary Public, State of Ohio  
My Commission Expires 3-29-2005