

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

July 14, 2010

Hatem Marwan Dajani, M.D.
5001 Sheboygan Avenue, Apt. 304
Madison, WI 53705

RE: Case No. 09-CRF-129

Dear Doctor Dajani:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Siobhan R. Clovis, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 14, 2010, 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 an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with 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



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3936 3114 1338
RETURN RECEIPT REQUESTED

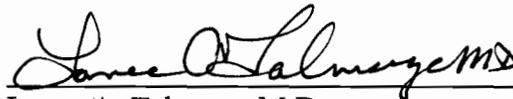
Cc: Leslie W. Jacobs and John R. Mitchell, Esqs.
CERTIFIED MAIL NO. 91 7108 2133 3936 3114 1345
RETURN RECEIPT REQUESTED

Mailed 7-22-10

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Siobhan R. Clovis, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 14, 2010, 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 Hatem Marwan Dajani, M.D., Case No. 09-CRF-129, 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.



Lance A. Talmage, M.D.
Secretary

(SEAL)

July 14, 2010

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 09-CRF-129

HATEM MARWAN DAJANI, M.D .

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on July 14, 2010.

Upon the Report and Recommendation of Siobhan R. Clovis, 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, STAYED; PROBATION:** The certificate of Hatem Marwan Dajani, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for a period of 30 days. Such suspension is STAYED, subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years.
1. **Obey the Law and Terms of Criminal Probation:** Dr. Dajani shall obey all federal, state and local laws; all rules governing the practice of medicine and surgery in the state in which he is practicing; and all terms of probation imposed by the United States District Court, Northern District of Ohio, in criminal case number 1:09CR150-001.
 2. **Personal Appearances:** Dr. Dajani shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Dr. Dajani shall also appear in person upon his request for termination of the probationary period, and/or as otherwise directed by the Board.

3. **Declarations of Compliance:** Dr. Dajani shall submit quarterly declarations under penalty of Board disciplinary action and/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 or before 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.
4. **Evidence of Compliance with the Terms of Criminal Probation:** At the time he submits his declarations of compliance, Dr. Dajani shall also submit declarations under penalty of Board disciplinary action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the United States District Court, Northern District of Ohio, in criminal case number 1:09CR150-001.
5. **Professional Ethics Course(s):** Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Dajani shall submit 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 course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Dajani submits the documentation of successful completion of the course(s) dealing with professional ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

6. **Personal Ethics Course(s):** Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Dajani shall submit 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 course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Dajani submits the documentation of successful completion of the course(s) dealing with personal ethics, he

shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

7. **Tolling of Probationary Period while Out of Compliance:** In the event Dr. Dajani 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 under this Order.

- B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Dajani's certificate will be fully restored.

- C. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Dajani violates the terms of this Order 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.

- D. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**
 1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Dajani shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments. Further, Dr. Dajani shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

In the event that Dr. Dajani provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider, Dr. Dajani shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

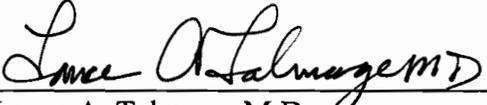
This requirement shall continue until Dr. Dajani receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Dajani shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Dajani shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Dajani receives from the Board written notification of the successful completion of the probation.

3. **Required Documentation of the Reporting Required by Paragraph D:** Dr. Dajani shall provide the Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

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

(SEAL)



Lance A. Talmage, M.D.
Secretary

July 14, 2010

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of

*

Case No. 09-CRF-129

Hatem Marwan Dajani, M.D.,

*

Hearing Examiner Clovis

Respondent.

*

REPORT AND RECOMMENDATION

Basis for Hearing

By letter dated October 14, 2009, the State Medical Board of Ohio [Board] notified Hatem Marwan Dajani, M.D., that it intended to determine whether to take disciplinary action against his certificate to practice medicine and surgery in Ohio, based on an allegation that he had pleaded guilty to, and been found guilty of, one count of Wire Fraud, in violation of 18 U.S.C. Section 1343. The Board further alleged that this plea and finding of guilt constitutes “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Appearances

Richard Cordray, Attorney General, by Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio. Leslie W. Jacobs, Esq., and John R. Mitchell, Esq., on behalf of Dr. Dajani.

Hearing Date: April 26, 2010

SUMMARY OF THE EVIDENCE

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

1. Hatem Marwan Dajani, M.D., received a Bachelor’s of Science degree in pharmacy in 1998 from Oregon State University. He attained his medical degree in 2005 from Oregon Health Sciences University. In 2008, he completed an internal medicine residency at the Medical College of Wisconsin. He began a three-year cardiology fellowship in July 2008 at MetroHealth Medical Center in Cleveland, Ohio. In March 2010, he was forced to leave the program early, upon his notification to his Program Director and Chairman of the criminal conviction that is the subject of this proceeding. (Hearing Transcript [Tr.] at 15 -17).
2. Dr. Dajani testified that he had worked as a retail pharmacist for a few years after graduating from college. He continued to work as pharmacist during medical school and his residency, as his schedule allowed. (Tr. at 15-16, 20-21).

3. Dr. Dajani testified that, during his residency, he had worked for Walgreens as a “floater pharmacist” covering various locations in Wisconsin as needed. He advised that he had worked about 8 hours a week, on average. Dr. Dajani would report by telephone his work time for payment purposes. (Tr. at 20-22).
4. Dr. Dajani ceased working for Walgreens after beginning his fellowship in July 2008; however, he continued to call and fraudulently report hours worked, even though he had performed no work. He said that he had done this about 8 times, from May through September of 2008. Dr. Dajani received \$55,863.26 in net pay (\$86,517.61 gross) to which he was not entitled due to these fraudulent reports. (State’s Exhibits [St. Ex.] 3, 4; Tr. at 22-24).
5. Dr. Dajani testified that he is married and has children. His wife is in her final year of a medical residency in Wisconsin. During his time with the cardiology fellowship, Dr. Dajani lived in Cleveland, alone and apart from his family. He testified that he had stolen from Walgreens because he had been under a lot of financial stress due to maintaining two households. He also admitted that he had had a problem of spending money excessively to feel better while alone and away from his family. He further admitted to poor money management and spending habits. (Tr. at 17-19, 35-36).
6. Dr. Dajani testified that, in October 2008, he had been initially confronted by Walgreens about his fraudulent activity, and that he had admitted it immediately. Later that month, he met and cooperated with FBI agents, without legal counsel, about the accusations against him. Dr. Dajani was eventually charged with Wire Fraud in an Information dated March 26, 2009, filed in the United States District Court for the Northern District of Ohio. (St. Ex. 3; Respondent’s Exhibit [Resp. Ex.] C; Tr. at 24-26)
7. On July 13, 2009, in the United States District Court, Northern District of Ohio, Dr. Dajani pleaded guilty to, and was adjudicated guilty of, one count of violating 18 U.S.C. Section 1343, Wire Fraud, as charged in the information. (St. Ex. 4).
8. Dr. Dajani testified that, with the help of family and friends, he had reimbursed Walgreens for the wrongfully obtained net pay by December 2008, before he had been charged with a crime. He advised that he has no outstanding restitution or fines owed; indeed, the court did not impose either as a part of his sentence. (St. Ex. 4; Tr. at 29-30).
9. Dr. Dajani was sentenced to two years of probation, with special conditions including the following: that he provide his probation officer access to all requested financial information; that he shall not incur new credit card charges or open additional lines of credit without his probation officer’s approval; that he volunteer medical services at a charitable organization; that he continue counseling with Abraham W. Wolf, Ph.D.; that he take a consumer credit counseling course; and that he submit regularly to his probation officer his credit card and bank statements, as well as a financial plan. (St. Ex. 4).
10. Dr. Dajani explained that Dr. Wolf has been counseling him for his depression and the circumstances leading to his excessive spending. In a letter to the Board, Dr. Wolf reports that he had begun treating Dr. Dajani on November 29, 2009, for Depressive Disorder and Impulse-

Control Disorder Not Otherwise Specified. Dr. Wolf further advises that Dr. Dajani continues to respond to therapy, is not currently on medication, and demonstrates a genuine resolve to change his life. Dr. Wolf also opines that “[g]iven [Dr. Dajani’s] progress over the past year, neither his past conduct nor his psychological issues indicate a risk to his patients or the public.” (Resp. Ex. E; Tr. at 42-43).

11. Dr. Dajani testified that, as part of his probation, he had worked at The Free Clinic in Cleveland, from July 2009 through March 2010, and is currently searching for a volunteer position in Wisconsin. He submitted a letter from Marlene Weinstein, M.D., the Medical Director of the Free Clinic, which states, “[Dr. Dajani] is attentive to patients, conscientious in his care and a pleasure to work with. He has helped us with Cardiology related questions, EKGs and it has not been below him to help us out in our STD Clinic.” (Resp. Ex. F; Tr. at 31-32).
12. Dr. Dajani submitted two supportive letters from the judge who sentenced him, and one from the Assistant U.S. Attorney who prosecuted him. In his letters, Judge Christopher A. Boyko emphasizes that Dr. Dajani’s crime appears to be an aberration in an otherwise exemplary life, and urges the Board to allow Dr. Dajani to continue to practice medicine so as to further his rehabilitation and the resolution of his financial problems. John D. Sammon, the Assistant U.S. Attorney, states in his letter that he agrees with Judge Boyko that Dr. Dajani’s crime was an aberration, and praises Dr. Dajani for his cooperation with authorities. (Resp. Ex. A, B, C).
13. Dr. Dajani holds current medical licenses in Wisconsin and Indiana. Dr. Dajani testified and provided a letter stating that the licensing authority in Wisconsin has decided not to take any action against his license based upon the charge of Wire Fraud. (Resp. Ex. D; Tr. at 13, 33).
14. Dr. Dajani submitted evidence about CME programs he has recently attended in “Medical Ethics” and “Personal & Professional Ethics”. He testified that these had not been required by his probation, but that he felt he had needed to review those principles. (Resp. Ex. I, J; Tr. at 38, 46-48)
15. Dr. Dajani advised that he had moved back to Wisconsin after being discharged from his fellowship in March 2010, but said that his ultimate goal is to return to Ohio. (Tr. at 14, 39).

FINDING OF FACT

On July 13, 2009, in the United States District Court, Northern District of Ohio, Hatem Marwan Dajani, M.D., pleaded guilty to, and was adjudicated guilty of, one count of violating 18 U.S.C. Section 1343, Wire Fraud. The facts underlying the guilty plea included that Dr. Dajani fraudulently received from his employer gross pay, to which Dr. Dajani was not entitled, totaling approximately \$86,517.61, and net pay of approximately \$55,863.26.

CONCLUSION OF LAW

The plea of guilty, as well as the judicial finding of guilt, of Hatem Marwan Dajani, M.D., as set forth in the above Finding of Fact, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Rationale for Proposed Order

A physician must be trusted to accurately report his services for purposes of billing his patients, insurance companies, and Medicare and Medicaid. Accordingly, although Dr. Dajani’s crime of defrauding his former employer may not have been directly related to the practice of medicine, it is certainly significant and relevant to the question of Dr. Dajani’s continued licensure in this state. However, Dr. Dajani appeared truly remorseful and committed to addressing the personal problems that caused his crime, which appears to have been an aberration in his life. Accordingly, probation seems appropriate.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE, STAYED; PROBATION:** The certificate of Hatem Marwan Dajani, M.D., to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for a period of 30 days. Such suspension is **STAYED**, subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least two years.
1. **Obey the Law and Terms of Criminal Probation:** Dr. Dajani shall obey all federal, state and local laws; all rules governing the practice of medicine and surgery in the state in which he is practicing; and all terms of probation imposed by the United States District Court, Northern District of Ohio, in criminal case number 1:09CR150-001.
 2. **Personal Appearances:** Dr. Dajani shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Dr. Dajani shall also appear in person upon his request for termination of the probationary period, and/or as otherwise directed by the Board.
 3. **Declarations of Compliance:** Dr. Dajani shall submit quarterly declarations under penalty of Board disciplinary action and/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 or before 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.

4. **Evidence of Compliance with the Terms of Criminal Probation:** At the time he submits his declarations of compliance, Dr. Dajani shall also submit declarations under penalty of Board disciplinary action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the United States District Court, Northern District of Ohio, in criminal case number 1:09CR150-001.
5. **Professional Ethics Course(s):** Before the end of the first year of probation, or as otherwise approved by the Board, Dr. Dajani shall submit 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 course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Dajani submits the documentation of successful completion of the course(s) dealing with professional ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

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In addition, at the time Dr. Dajani submits the documentation of successful completion of the course(s) dealing with personal ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

7. **Tolling of Probationary Period while Out of Compliance:** In the event Dr. Dajani 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 under this Order.

- B. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Dajani's certificate will be fully restored.
- C. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Dajani violates the terms of this Order 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.
- D. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Dajani shall provide a copy of this Order to all employers or entities with which he is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments. Further, Dr. Dajani shall promptly provide a copy of this Order to all employers or entities with which he contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where he applies for or obtains privileges or appointments.

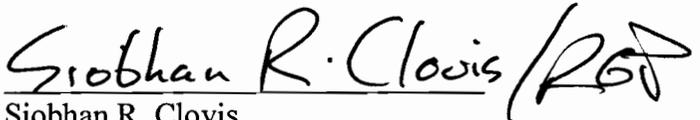
In the event that Dr. Dajani provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider, Dr. Dajani shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Dr. Dajani receives from the Board written notification of the successful completion of his probation.

2. **Required Reporting To Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Dajani shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Also, Dr. Dajani shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Dajani receives from the Board written notification of the successful completion of the probation.
3. **Required Documentation of the Reporting Required by Paragraph D:** Dr. Dajani shall provide the Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (1)

the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

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


Siobhan R. Clovis
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

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EXCERPT FROM THE DRAFT MINUTES OF JULY 14, 2010

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Amato announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Amato asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Alfred Larry Boulware, M.D.; Kevin Wayne Bowers, D.O.; Calvin Richard Brown, M.D.; Hatem Marwan Dajani, M.D.; Adam Lee Fowler; Eleese Michelle Fulgham; Joseph James Koenigsmark, D.O.; Rhonda Kay Masci; Kwabena Mawulawde, M.D.; Giovanni A. Pupillo, M.D.; and Stephen Alan Straubing, M.D. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

Dr. Amato 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:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

Dr. Amato 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. They may, however, participate in the matter of Ms. Masci, as that case is not disciplinary in nature and concerns only Ms. Masci's qualifications for licensure. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

Dr. Amato reminded all parties that no oral motions may be made during these proceedings.

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

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HATEM MARWAN DAJANI, M.D.

.....
Dr. Talmage exited the meeting during this discussion.

.....
Dr. Steinbergh moved to approve and confirm Ms. Clovis' Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Hatem Marwan Dajani, M.D. Dr. Madia seconded the motion.

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

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Mr. Albert	- abstain
	Dr. Madia	- aye
	Dr. Suppan	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

The motion carried.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

October 14, 2009

Case number: 09-CRF- *129*

Hatem Marwan Dajani, M.D.
1300 Bobby Lane, Apartment 201
Westlake, OH 44145

Dear Doctor Dajani:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] 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 you or place you on probation for one or more of the following reasons:

- (1) On or about July 13, 2009, in the United States District Court, Northern District of Ohio, you pleaded guilty to, and were adjudicated guilty of, one count of violating 18 U.S.C. Section 1343, Wire Fraud. The facts underlying the guilty plea included that you fraudulently received from your employer gross pay totaling approximately \$86,517.61 and net pay of approximately \$55,863.26 to which you were not entitled.

Your plea of guilty or the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty 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.

Mailed 10.15.09

Hatem Marwan Dajani, M.D.

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In the event that there is no request for such hearing received within thirty 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 you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, 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,



Lance A. Talmage, M.D.
Secretary

LAT/KHM/flb

Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3070 4152
RETURN RECEIPT REQUESTED

cc: Leslie W. Jacobs, Esq. or
John R. Mitchell, Esq.
Thompson Hine, LLP
3900 Key Tower
127 Public Square
Cleveland, Ohio 44114-1291

CERTIFIED MAIL #91 7108 2133 3936 3070 4145
RETURN RECEIPT REQUESTED