



State Medical Board of Ohio

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May 10, 2006

Sonia Shetal Shah, M.D.
1147 Fireside Trail
Broadview Heights, OH 44147

Dear Doctor Shah:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 10, 2006, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

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, MD
Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 7003 0500 0002 4329 9576
RETURN RECEIPT REQUESTED

Cc: Kevin P. Byers, Esq.
CERTIFIED MAIL NO. 7003 0500 0002 4329 9545
RETURN RECEIPT REQUESTED

*SECOND MAILING 9-8-06
Mailed 6/20/06*

Sonia Shetal Shah, M.D.
Page 2

Second mailing: 1147 Fireside Trail
Broadview Heights, OH 44147
CERTIFIED MAIL NO. 7003 0500 0002 4330 1163
RETURN RECEIPT REQUESTED

Cc: Kevin P. Byers, Esq.
CERTIFIED MAILNO. 7003 0500 0002 4330 1170
RETURN RECEIPT REQUESTED

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 10, 2006, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Sonia Shetal Shah, 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.

Lance A. Talmage MD
Lance A. Talmage, M.D. *ROW*
Secretary

(SEAL)

May 10, 2006
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

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SONIA SHETAL SHAH, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on May 10, 2006.

Upon the Report and Recommendation of Sharon W. Murphy, 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 modification, 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.

The request of Sonia Shetal Shah, M.D., to withdraw her application for a certificate to practice medicine and surgery in the State of Ohio is GRANTED.

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

(SEAL)

Lance A. Talmage MD
Lance A. Talmage, M.D. *RAW*
Secretary

May 10, 2006
Date

2006 APR 18 P 4: 38

**REPORT AND RECOMMENDATION
IN THE MATTER OF SONIA SHETAL SHAH, M.D.**

The Matter of Sonia Shetal Shah, M.D., was heard by Sharon W. Murphy, Esq., Hearing Examiner for the State Medical Board of Ohio, on November 15, 2005.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated May 18, 2005, the State Medical Board of Ohio [Board] notified Sonia Shetal Shah, M.D., that it had proposed to deny her application for licensure or to take disciplinary action against her certificate to practice medicine and surgery in Ohio. The Board based its proposed action on allegations that Dr. Shah had acted inappropriately and made misrepresentations during her residency training. The Board further alleged that Dr. Shah's conduct constitutes "[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, podiatric medicine and surgery, 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 [and] a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, Ohio Revised Code."

In addition, the Board alleged that Dr. Shah is ineligible for licensure because she has failed to submit "evidence satisfactory to the Board that she has successfully completed not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as determined by the Board" as required by Sections 4731.091 and 4731.14(B)(2), Ohio Revised Code.

Accordingly, the Board advised Dr. Shah of her right to request a hearing in this matter. (State's Exhibit 1A)

- B. On June 17, 2005, the Board received a written hearing request submitted by Kevin P. Byers, Esq., on behalf of Dr. Shah. (State's Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Jim Petro, Attorney General, by Tara L. Berrien, Assistant Attorney General.
- B. On behalf of the Respondent: Kevin P. Byers, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

Sonia Shetal Shah, M.D.

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A through 1O: Procedural exhibits.
2. State's Exhibit 2: Certified copies of documents regarding Dr. Shah maintained by the Board.
3. State's Exhibit 3: Certified copies of documents regarding Dr. Shah maintained by the Akron General Medical Center Family Medicine Residency Program.
4. State's Exhibit 4: A March 29, 2005, affidavit of Mark H. Belfer, D.O., Director of the Family Practice Residency Program at Akron General Medical Center.
5. State's Exhibit 5: An April 1, 2005, affidavit of David R. Karas, M.D., Akron Children's Hospital.
6. State's Exhibit 6: An April 6, 2005, affidavit of Todd O. Kettering, D.O., Clinical Associate Director of the Family Practice Residency Program at Akron General Medical Center.
7. State's Exhibit 7: An April 6, 2005, affidavit of Anita Marie Bellante, M.D., Akron General Medical Center.

B. Presented by the Respondent

1. Respondent's Exhibit A: Copy of a February 11, 2003, letter addressed to "To Whom It May Concern" from Jane R. Freeman, L.I.S.W., Associate Director of Behavioral Sciences, Westside Family Practice Center, Akron, Ohio.
2. Respondent's Exhibit B: Copy of a March 6, 2003, letter addressed to "To Whom It May Concern" from Suresh A. Patel, M.D., Behavioral Psychiatric Consultants, Inc., Canton, Ohio. (Note: This exhibit is sealed to protect patient confidentiality.)

3. Respondent's Exhibit C: Copy of a November 1, 2005, letter to the Board from Marie Budev, D.O., Assistant Medical Director, Lung Transplantation Program, and Associate Program Director, Internal Medicine Residency Program, The Cleveland Clinic Foundation.
 4. Respondent's Exhibit D: Copy of a November 14, 2005, letter addressed to "To Whom It May Concern" from the Daniel E. Jones, Ph.D., Marymount Hospital, Garfield Heights, Ohio. (Note: This exhibit is sealed to protect patient confidentiality.)
- C. Admitted by the Hearing Examiner, sua sponte

Board Exhibit A: Copy of an April 6, 2006, Notice of Substitution of Counsel filed by Steven McGann, Assistant Attorney General, on behalf of the State.

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. Sonia Shetal Shah, M.D., was born in Calcutta, West Bengal, India. Dr. Shah attended two years of high school in the United States, and returned to India. She received a Bachelor of Medicine and Bachelor of Surgery degree from the Mahadevappa Rampure Medical College, Gulbarga University, Karnataka, India, in 1996. (Hearing Transcript [Tr.] at 6-8; State's Exhibit [St. Ex.] 2 at 2, 22) The Dean of the Medical College wrote about Dr. Shah, in part, as follows:

[Dr. Shah] has an excellent performance throughout her academic career. She has regularly passed all the examinations toward the degree-Bachelor of Medicine, Bachelor of Surgery (MBBS). She has been a student of high integrity and has shown devotion to study, graduating with first-class honors in clinical sciences. Her skill in carrying out the routine ward work, clinical investigative and therapeutic procedures, was noteworthy and desirable for an upcoming physician. * * * From a personal evaluation, I found her to be very cooperative and highly dependable and gets along with others very well. * * * She would be an asset to any institution and I wish for all success in her life and career.

(St. Ex. 3 at 15)

Following medical school and a medical internship in India, Dr. Shah relocated to the United States. She worked as a medical assistant in Michigan from October 1997 through

June 1998. From July 2000 through June 2001, she participated in a transitional year internship at St. Joseph Mercy Oakland Hospital in Pontiac, Michigan. During that year, she completed rotations at the Cleveland Clinic Foundation. Dr. Shah received excellent reviews from attending physicians and supervisors at both institutions, and was encouraged to complete a residency in internal medicine at St. Joseph Mercy Oakland Hospital. Upon completion of that program, Dr. Shah was awarded six months of advanced placement/transfer credit by the American Board of Family Practice. (Tr. at 8-10; St. Ex. 2 at 23; St. Ex. 3 at 16-32)

From July 2001 through February 2002, Dr. Shah completed the necessary rotations to satisfy the requirements for a PGY-1 residency in family practice at the Akron General Medical Center in Akron, Ohio. She remained at that institution through October 21, 2002, but did not complete PGY-2. Dr. Shah “was dismissed due to deficits in her knowledge base and lapses in professionalism.” Dr. Shah was granted sixteen months total credit for her residency. (St. Ex. 2 at 23, 45; St. Ex. 3 at 86-87, 92)

In January 2005, Dr. Shah accepted a position as a research fellow in critical care and pulmonary medicine at the Cleveland Clinic Foundation. At the time of hearing, Dr. Shah was working in this capacity. (Tr. at 11-12, 76-77)

Dr. Shah is not licensed to practice medicine and surgery in any state. (Tr. at 15)

2. Dr. Shah was married in early 2000; it was an arranged marriage. She became pregnant in early 2001, with an expected date of delivery in November 2001. (Tr. at 40-41, 91; St. Ex. 2 at 27)
3. In September and October 2001, while she was participating in the family practice residency at the Akron General Medical Center, Dr. Shah received evaluations that rated her as an “above average” and “excellent” resident. (St. Ex. 3 at 204-209)
4. In November 2001, a pediatric resident wrote the following regarding Dr. Shah’s October 2001 Children’s Hospital rotation:

While Dr. Shah did an adequate job during most of her month here, an unfortunate incident occurred near the end of the month. Dr. Shah informed the team that she had an educational meeting the next day starting at 7 a.m. She was excused from rounding for that day. That same day she learned that the lectures did not start until 9 a.m. This would have left her plenty of time to round on her patients, but she decided to not come in and made her fellow interns do her work for her.

The senior resident became suspicious when another resident from Dr. Shah’s program did come in early that morning, so they called the residency program and were told that the lecture did not begin until 9 a.m. When Dr. Shah came

back to the hospital that afternoon, I asked her what time her lecture started. She maintained that it started at 7 a.m. I spoke with the program again to verify that there were no meetings at 7 a.m. I confronted Dr. Shah about this that evening and she continued to state that she had been at the lecture at 7 a.m.

[Two] hours later, Dr. Shah came to me and apologized for lying and was disappointed that she did not confess until it had been proved that she was lying. She did make up the work to the other interns for next week.

(St. Ex. 3 at 203; St. Ex. 5)

5. Dr. Shah's evaluations for this time period included the following:
- *Pediatrics, October 2001*: Dr. Shah showed considerable growth in fund of knowledge and comfort in pediatrics during the month.
 - *Special Care Nursery, November 2001*: Sonia did well on this rotation. Being pregnant was a challenge but she always got her work done. Could be more assertive with plan but as the month continued was more comfortable changing things. Definitely wanted to participate in procedures and showed interest.
 - *Special Care Nursery, November 2001*: Sonia did an adequate job in the special care nursery. Her late stage of pregnancy was tiring for her and I am not sure we saw her best condition or effort because of this. No deficits were seen and she learned what I expect a family practice resident to learn.

(St. Ex. 3 at 115-116, 193-196)

6. An unsigned letter dated October 17, 2001, in Dr. Shah's residency file states as follows:

Today Dr. Shah informed me that she can no longer take call due to complications of her pregnancy. However, she agreed to take call one last time on 10/19. She will miss call on 10/23, 10/26, and 10/31. This requires us to call in back up call residents who will never get repayment for her calls. She can have credit for this month if she makes up these 3 calls at a later date. We no longer want her to rotate in November since she is unable to take call. Call me with further concerns or questions.

(St. Ex. 3 at 40)

On November 27, 2001, Dr. Shah delivered her child prior to the expected date of delivery. She took a six-week leave of absence after the delivery. Dr. Shah remained on leave until some time in January 2002. (St. Ex. 3 at 42, 43)

7. Dr. Shah fulfilled the requirements of her first year of training in the Family Practice Residency Training Program in February 2002, and was accepted into the second year of the program. (St. Ex. 3 at 45, 46)
8. Dr. Shah received a periodic review summary dated April 23, 2002. She was rated as average or above average. Her evaluators' comments included the following:

- *Surgery, March 2002*: Dr. Shah performed in a satisfactory manner.
- *MICU, February 2002*: Pleasant, average knowledge base in critical care for family practice, worked hard and tried to learn and she went on doing better job at bedside. Procedures are not her forte but made the effort. Overall, think she did a fair job during the rotation, just needs to pay a little more attention to detail.

(St. Ex. 3 at 115-116, 193-196) In May 2002, Dr. Shah was rated as "above average" and "excellent" in all areas. In June, however, she was rated as "unsatisfactory" and "needs improvement." (St. Ex. 3 at 174-177)

9. By memorandum dated June 20, 2002, Mark H. Belfer, D.O., Program Director, advised Dr. Shah that she had performed poorly on the American Board of Family Practice Annual In-Training Examination which Dr. Shah had taken in November 2001. He further informed Dr. Shah that she would be required to participate in a program of Academic Remediation, among other things, to avoid further action by the residency program. (St. Ex. 3 at 50-51)
10. On June 17, 2002, Dr. Shah admitted a patient to the Akron General Medical Center for induction of labor. After admitting the patient, Dr. Shah advised an attending physician that she would be unable to participate in the labor and delivery for this patient until the following day. She stated that she had traded shifts and was required to be at the Akron Children's Hospital Emergency Room that evening. (St. Ex. 3 at 333) A memorandum from Todd Kettering, M.D., a resident, to Dr. Belfer includes the following:

About 10:45 to 11P, I called [the Akron Children's Hospital Emergency Room] hoping to see how Sonia was doing with her patients and to pursue the possibility of having her come to monitor her patient if agreeable with the attending on duty. The ward clerk stated * * * she had not seen Sonia that evening, even when I brought up the fact that she had traded shifts. I then proceeded to page Sonia and she called me back promptly. I asked if she was indeed in [the Akron Children's Hospital Emergency Room] and how busy she was with her duties. The phone call revealed no background noise indicative of her likely environment and she was scant with details such as how many patients she was currently seeing there. When I asked to speak to her attending, she declined and stated she would be able to call me back from L&D. Within fifteen minutes or less, she called me from [the

Akron General Medical Center L&D] after seeing her patient. When I inquired whether it was difficult for her to be able to leave her shift, she stated that [it] was not.

Since this seemed to occur rather quickly and because there were other suspicious details, I proceeded to confirm the facts. I spoke with Dr. A. Gupta, attending in the ER that evening, who * * * absolutely, in no uncertain terms, stated he had not seen Sonia that evening.

(St. Ex. 3 at 333; St. Ex. 6)

11. Dr. Belfer met with Dr. Shah and Terry Nelson, the Residency Coordinator, on or about June 21, 2002. Dr. Belfer asked Dr. Shah if she had been at the Akron Children's Hospital emergency room during the evening of June 17, 2002. On two occasions, Dr. Shah stated that she had, in fact, been working at the Akron Children's Hospital emergency room that evening. Dr. Belfer requested that Dr. Shah provide documentation to confirm her presence in the emergency room. (St. Ex. 4)

In a memorandum dated July 3, 2002, Dr. Belfer noted that, on June 21, 2002, Dr. Shah had met with Dr. Belfer and Terry Nelson to discuss allegations that had been made regarding Dr. Shah's "lack of integrity and lying to attending staff about her whereabouts." (St. Ex. 3 at 53-54)

On the morning of July 3, 2002, Dr. Shah asked to meet with Dr. Belfer. Dr. Belfer asked her to provide the requested documentation. At that time, Dr. Shah admitted that she had lied about working in the emergency department on June 17, 2002, further admitting that she had been home with her child. In addition, Dr. Shah discussed personal problems that she had been experiencing which had led to her transgressions. Dr. Belfer placed Dr. Shah on probation for approximately three months. During the three-month period, Dr. Shah was to provide a schedule of her rotations with all changes being first communicated to and approved by Dr. Belfer. Moreover, Dr. Shah was advised that random calls would be made to verify her location. In addition, Dr. Shah was required to pass each of her rotations. Dr. Belfer also suggested that Dr. Shah obtain counseling. Finally, Dr. Belfer noted that the residency faculty felt very strongly that they wanted her to succeed and felt deep regret that they had had to take this action. (St. Ex. 3 at 53-54; St. Ex. 4)

12. By memorandum dated July 17, 2002, Dr. Belfer advised that he had met again with Dr. Shah. He wrote, in part, as follows:

She is still having significant personal problems at home, as mother and wife. Her husband does not appear to be very supportive of her as a resident, wanting her to "fulfill" her duties at home. She was extremely tearful at this time and expressed the feeling to quit the residency at this time. I urged her

to strongly consider this career decision. I asked her to talk to her husband and other family support. Also, she appears depressed and has an appointment to see her PCP regarding this. I asked her about [suicidal ideation] and she absolutely denies having any thoughts about it. She wishes to continue working today. I also advised her to consider taking a leave of absence (i.e. FMLA) to sort her life out before making such a significant decision. She will let me know later this week.

(St. Ex. 3 at 352)

13. Dr. Shah completed a rotation in pediatrics in July 2002. She was rated as “average,” “above average,” and “excellent.” One of her evaluators’ wrote: “Sonia was a pleasure to work with. She was always willing to help out other residents. She worked well with the team.” Moreover, Dr. Shah received scores of “excellent” in professionalism and interpersonal skills. (St. Ex. 3 at 164-167, 169, 171)
14. On August 19, 2002, Dr. Shah submitted a letter of resignation to Dr. Belfer. She stated that she was resigning due to personal reasons and anticipated that her last date of participation would be August 30, 2002. Upon receipt of the letter, Dr. Belfer offered Dr. Shah a leave of absence, but she declined. On August 20, 2002, Dr. Shah withdrew her resignation. (St. Ex. 3 at 362)
15. In September and October 2002, Dr. Shah participated in an OB/GYN rotation. On October 17, 2002, the chief resident reported that Dr. Shah had been argumentative and lazy. The chief resident further advised that Dr. Shah had been sleeping while following two laboring patients who were in need of attention. In addition, the chief resident reported that Dr. Shah had argued with the chief resident when asked to get up and follow her patients, and that Dr. Shah had complained that she needed to sleep and that it was unreasonable for the chief resident to expect her to watch her patients. Finally, the chief resident claimed that Dr. Shah had stated to the chief resident, “My colleagues think you are a bitch and I agree.” (St. Ex. 3 at 77-78)
16. In an affidavit dated April 6, 2005, Anita Marie Bellante, M.D., wrote that she had been a senior resident in the OB/GYN residency program at Akron General Medical Center in September 2002. She further stated that, to the best of her recollection, in or about September 2002, Dr. Shah had reported to Dr. Bellante that Dr. Shah had performed a cervical exam on a patient and that the patient’s cervix was closed. Dr. Bellante further stated that she had seen the patient “shortly thereafter” and that the patient had advised her that no one had checked her vagina. Dr. Bellante stated that she had then examined the patient and found that the patient’s cervix was “dilated.”¹ Dr. Bellante opined that

¹ Dr. Bellante did not report how dilated the cervix was at the time she examined the patient, or how much time had elapsed since Dr. Shah’s reported examination of the patient. Moreover, there is no mention of this incident in Dr. Shah’s residency records.

Dr. Shah had reported that the patient's cervix was closed "to support the patient's discharge to home so that Dr. Shah would have less work to do." (St. Ex. 7)

17. Upon completion of the obstetrics rotation in October 2002, Dr. Shah received very poor evaluations from the residency faculty. Among these were the following comments:
- "Although her attitude improved during the last week at the rotation, the majority of evaluators feel that her overall performance and skill level is inadequate to allow a passing credit for this rotation. We do not feel she is competent at this time to manage laboring patients or perform basic procedures. She tended to avoid work and responsibility and was not a 'team player.' She did not exhibit any strengths to compensate for her many weaknesses."
 - "Sonia consistently needed the assistance of OB/GYN residents for the placement of internal fetal monitors, intrauterine pressure catheters, and rupture of membranes. * * * Sonia's performance on this rotation was disappointing. It was certainly not near the level of performance she is capable of doing. Her histories were incomplete. On the last day of the rotation she failed to determine the patient's gestational age or a reason for induction of labor. During a call, she slept on labor & delivery while the OB/GYN residents and attendings managed the care of patients to whom she was assigned. Sonia is capable of a much higher level of performance. I do not feel she is competent to manage laboring patients after observing her during this rotation."
 - "Dr. Shah was often found elsewhere except attending to patients and L&D responsibilities. Personal issues often mixed with ability to care for patients. Unwilling to be a team player during high traffic times of rotation. She often left L&D patients unattended * * *. Residents found her uncooperative and confrontational. Overall evaluation was unacceptable."
 - "Sonia did not evaluate patients when appropriate, did not follow up on tests/labs ordered and was overall lazy and inappropriate with other residents. The only reason I chose to pass her is because these issues were addressed with her and her attitude greatly improved during the last week of the rotation."
 - "I really feel that she would report physical exam findings on patients that would support their discharge to home because it meant that she would have less work to do."
 - "Although Dr. Shah was able to perform a basic history and physical exam, she was not thorough in her work up. She did not follow up on tests she ordered and many times, she did not evaluate patients appropriately. She was told numerous times that she was expected to evaluate all patients with chest pain, shortness of breath, and fever, but many times she would give verbal orders without evaluating the

patients. She would be found sleeping in the call room when she had actively laboring patients even though she had been repeatedly told that she had to watch the FHR [fetal heart rate] strips of all patients in active labor. When told to come to the Board to watch the FHR strips, she would lay her head down on the desk and sleep. She often missed bad strips because she was unavailable, placing patient care and safety in jeopardy.

“Dr. Shah was not a team player. When asked to help her colleagues during busy times, she would state it was ‘ridiculous’ for her to have to do anything above the minimum expectations. After two months of being on this rotation, she is still not competent at performing basic procedures, such as placement of internal monitors or rupturing membranes. She was argumentative. Instead of taking responsibility for her actions, she always had an excuse for not performing what was expected of her.”

- “Resident did not know the basics about OB. She would not go to evaluate patients on the floor unless told to do so. She slept at the board and would leave the board to go to sleep when she had actively laboring patients. She did not answer her pages per nursing staff and when I was informed of this I paged her personally and she did not return my page. Told nurses to page me with questions even though she took page [illegible]. Showed up to round on Saturdays at 6:45 a.m. I hate to say it but overall this is a lazy resident who tries to avoid work.”

(St. Ex. 3 at 66-85, 160)

18. On October 21, 2002, Dr. Shah was terminated from the Family Medicine Residency Program at Akron General Medical Center. (St. Ex. 3 at 59-61) In a memorandum, Dr. Belfer noted, in part, as follows:

You were advised that one of the requirements during [your] probation was to satisfactorily pass each of your rotations. The faculty has just learned that you have failed the most recent Obstetrics rotation (September 2002). Not only did you fail it from an ‘academic’ standpoint, but from the comments made about your performance, you continued to show a significant lack of professionalism while on that service and thus, failed the rotation from that standpoint, as well. * * * You have been counseled in the past regarding ‘professionalism.’ You have also been on a remediation program for your deficits in knowledge. Due to your failing to satisfy the requirements from your recent probationary period, you are hereby immediately dismissed from the program.

(St. Ex. 3 at 61)

19. On February 28, 2003, Dr. Shah submitted an Application for Certificate – Medicine or Osteopathic Medicine [License Application] to the Board. Dr. Shah’s License Application is currently pending. By signing the License Application, Dr. Shah certified that the information provided therein was true. (St. Ex. 2 at 53; Tr. at 16)

In the application, Dr. Shah advised that, “Following the birth of my child in late 2001 and the personal stressors which ensued, I separated from the Family Practice Residency Program on October 21, 2002, after initially having requested a leave of absence several months earlier.” Dr. Shah also submitted documentation of her termination from the program. (St. Ex. 2 at 9-11; Tr. at 16-17)

20. At hearing, Dr. Shah testified regarding her having missed rounds one morning in October 2001. Dr. Shah testified she had received incorrect information regarding the time of an educational seminar. She had been told that the seminar was to start at 7 a.m., and she had communicated that information to her senior pediatric resident. Because of the seminar, Dr. Shah had been excused from making rounds that morning. Dr. Shah testified that, later, she had been informed that the seminar was to take place a different time, but she had failed to tell the senior resident or to make rounds. Nevertheless, Dr. Shah testified that she did not recall being confronted by the senior resident, or lying about the time the seminar had started. She did acknowledge, however, that she had later admitted to the senior resident that she had not been at the lecture, and that she had covered for another physician to make up for the time she had missed. (Tr. at 24-31, 81-82, 86-87)
21. Dr. Shah testified about her false statement that she had been working in the Akron Children’s Hospital Emergency Room the evening of June 17, 2002. Dr. Shah testified that she had originally traded shifts with another resident and had been scheduled to work that evening. Shortly before the shift, the other resident found that she was unable to work; Dr. Shah did not work the shift, but remained at home. Dr. Shah did not inform the senior resident and did not return to the hospital to monitor her patient. Furthermore, Dr. Shah admitted that she had lied to the senior resident when he called to ask if she was actually in the emergency department. (Tr. at 32-36) When asked why she had lied, Dr. Shah answered:

I was afraid to get in trouble. * * * I was suffering from postpartum depression, and at that time I did not know what it was. I was agitated and frustrated. I have many sleepless nights. I was labile and crying. I was not in sound judgment at that time.

(Tr. at 36) Dr. Shah further admitted that she had lied to Dr. Belfer when questioned about working in the emergency department that night. Dr. Shah explained that she had been even more afraid of Dr. Belfer than she had been of the senior resident, and she had tried to avoid meeting with him for some days. Dr. Shah testified that, once she had discussed her personal situation with Dr. Belfer, he had been very supportive. (Tr. at 37-40)

Dr. Shah testified that, in addition to caring for her young child and trying to keep up with her residency responsibilities, she had also been having difficulty with cultural differences. Dr. Shah testified that, in accordance with Indian culture, she had married in early 2000, and that the marriage had been arranged on her behalf. Moreover, she explained that, in India, it is the responsibility of the woman to provide for the child and the household and that she had been unable to fulfill that role, which had been very stressful for her at that time. (Tr. at 40-41, 91; St. Ex. 2 at 27)

22. Regarding the allegation that Dr. Shah had misrepresented the status of the patient's cervix, Dr. Shah stated that the allegation was not true. Dr. Shah testified that she had checked the cervix and had found it to be closed. Dr. Shah testified that she does not know how much time had passed before the senior resident checked the cervix and found it to be dilated. Moreover, Dr. Shah could not explain why the patient allegedly reported that no one had checked her cervix prior to the senior resident doing so. (Tr. at 42-44)
23. Dr. Shah testified that in July 2002, she had seen her primary care physician because she was having trouble with stress, forgetfulness, and personal problems. Dr. Shah explained that she had been forgetting conference times, forgetting meetings with residents, and forgetting to check labwork and x-rays that she had ordered. She also forgot personal responsibilities. The primary care physician diagnosed her as suffering from depression and prescribed a low dose anti-depressant, Celexa. Moreover, after attempting to resign in August, Dr. Belfer asked Dr. Shah to obtain counseling. Dr. Shah testified that she had seen the counselor several times, on some occasions with her husband, but that the sessions had not been very helpful. (Tr. at 64-67)
24. Dr. Shah testified that she had attempted to resign from the residency program in August 2002. She explained that she had decided to resign:

[B]ecause of a lot of stressors, I was not performing well. I knew I was not doing justice to my patients. I knew there were errors I was making, my judgment calls. I was not able to communicate. I was easily irritated, frustrated. I had crying spells. I was labile. I had a lot of guilt. I wanted to be home and I wanted to be at work to perform equally well. I was not able to do that. So I thought it should take some time now and get my head back together.

(Tr. at 45-46) Dr. Shah further testified that, after the birth of her daughter, she had become rude, defensive, and argumentative. She agreed that her behavior at that time had demonstrated a lack of professionalism. (Tr. at 47-50)

Dr. Shah testified that Dr. Belfer and Jane Freeman, LISW, Associate Director of Behavior Sciences, had discussed the matter with her. They recommended that she not resign, but take a leave of absence. Nevertheless, Dr. Shah was hesitant to do that since

she had taken two months of maternity leave earlier in the year and did not qualify for any additional leave according to the requirements of the American Board of Family Practice. (Tr. at 46)

Dr. Shah testified that she had attempted to resign again in September 2002 because she knew her performance was deteriorating due to personal issues. She stated that she had submitted a handwritten letter to Dr. Belfer and Ms. Freeman, but that Dr. Belfer did not accept the letter. He told Dr. Shah that he could not accept the letter because she was on probation and she needed to finish the probationary term. (Tr. at 61-63)

25. After she had been terminated from the residency program, Dr. Shah sought treatment from Suresh Patel, M.D., a psychiatrist.² (Tr. at 68-69) By letter dated March 6, 2003, Dr. Patel advised that Dr. Shah had been under his care since November 2002. He diagnosed Dr. Shah as having major depression, single episode with postpartum onset, and obsessive-compulsive disorder. At that time, he was prescribing Effexor XR and Risperdal to Dr. Shah and that Dr. Shah had been responding well to treatment. (Respondent's Exhibit [Resp. Ex.] B)
26. By letter dated November 14, 2005, Daniel E. Jones, Ph.D., advised the Board that he had been seeing Dr. Shah in an outpatient program since August 10, 2005. He opined that Dr. Shah had been active in treatment and that her mood had responded well to medication and counseling. He stated that he did not believe she was in need of further counseling, but recommended that she continue with her medication treatment. (Resp. Ex. D)
27. Dr. Shah testified that she becomes very emotional when she remembers the months leading up to her termination from the residency program. She stated:

They were very hard. They were hard for me. They were hard for my family. My husband was very supportive, but at the time I think--I thought there is nobody here for me who cares for me. I was alone in the United States, my family was back home in India, and I was very afraid.

² Dr. Shah testified that she is aware that the Board did not allege psychiatric impairment in the notice of opportunity for hearing in this matter. Nevertheless, Dr. Shah stated that she would not object to questions regarding her psychiatric condition, despite caselaw that suggests that the Board should not ask such questions. Moreover, Dr. Shah advised that he would not object should the Board decide to impose sanctions which included requirements for psychiatric evaluation and treatment. (Tr. at 52-55)

See *In re Eastway* (1994), 95 Ohio App.3d 516, 642 N.E.2d 1135, cert. denied. In *Eastway*, the Franklin County Court of Appeals held that the Board could not require psychiatric treatment as a condition of probation when it had not charged a physician with being psychiatrically impaired. Therefore, a Board order which includes such sanctions is not supported by reliable, probative, and substantial evidence and is not in accordance with the law. See also *Lawrence S. Krain, M.D. v. State Medical Board of Ohio* (Oct. 29, 1998), Franklin App. No. 97APE08-981, unreported.

He is here. He is here to support me. He has always been there. This was a very rough time. I was hard to get along with. He put up with me for all those months.

* * *

[The problems during the residency] were not a true reflection of my character. That was not how I was. When I initially came to the United States, I had a lot of potential. I was energetic, I was ecstatic to be here. I wanted to practice medicine. That was the one and only reason why I came. I wanted to provide care to my patients. I wanted to learn. The experience here is outstanding. I started off with a good note, and I had no idea I had postpartum depression until the psychiatrist evaluated me. I did not know things could be so bad with it. Now I know; and now I know that if I am given the opportunity to go back into residency, which I want to, I can diagnose it for another person. I will not let somebody go without being diagnosed to go through what I went through.

(Tr. at 71-72)

Dr. Shah testified that she is currently seeing a psychiatrist named Lillian Gonzaveles at the Cleveland Clinic. Dr. Shah testified that she is feeling much better and is stable on antidepressant medication. She further testified that she has support from her family and arrangements have been made to obtain assistance in the home should she be able to return to a residency. Her husband plans to work fewer hours also. She stated that she, her husband, and other family members have obtained counseling regarding cultural issues and have decided to work as a team for the benefit of all members of the family. (Tr. at 72-74)

28. On February 11, 2003, Ms. Freeman, Behavior Science faculty member of the residency program, wrote a letter addressed "To Whom It May Concern," in support of Dr. Shah. Ms. Freeman advised that, in her encounters with Dr. Shah, Ms. Freeman had found her to be "a committed physician who was attentive, compassionate, and an engaging listener to her patients." Ms. Freeman further opined that, "[w]hen Dr. Shah feels the time is right to move ahead in her medical education, I certainly anticipate that she will continue to perform her duties in a professional, satisfactory manner." (Resp. Ex. A)
29. By letter dated November 1, 2005, Marie Budev, D.O., MPH, Assistant Medical Director of the Lung Transplantation Program and Associate Program Director of the Internal Medicine Residency Program at the Cleveland Clinic Foundation, wrote to the Board in support of Dr. Shah. Dr. Budev advised that she had been working with Dr. Shah for one year and had found Dr. Shah to be of "excellent moral character." She further stated that Dr. Shah is "dedicated, bright and resourceful." (Resp. Ex. C)
30. Dr. Shah testified that, when she submitted her application for licensure, she had believed that she had completed twenty-six months of graduate medical education as required

for licensure. At the time of hearing, however, Dr. Shah testified that she was aware that she had been given credit for only sixteen months and that she did not have sufficient graduate medical education for licensure. (Tr. at 57-59)

FINDINGS OF FACT

1. The evidence presented at hearing was sufficient to support the following allegations made by the Board in its May 18, 2005, notice of opportunity for hearing:
 - a. On or about February 28, 2003, Dr. Shah submitted an Application for Certificate – Medicine or Osteopathic Medicine [License Application] to the Board. Dr. Shah’s License Application is currently pending.
 - b. In or about late October 2001, while in the family practice residency at the Akron General Medical Center in Akron, Ohio, Dr. Shah falsely advised a pediatric resident that she would be unable to attend pediatric rounds the following day. She stated that she could not attend rounds because she would be attending an educational lecture that was scheduled to begin the same time, 7:00 a.m. Dr. Shah later learned that the lecture would not be given at that time. Nevertheless, Dr. Shah failed to attend rounds. The pediatric resident reported that, when confronted with the inconsistency, Dr. Shah had maintained that the lecture had begun at 7:00 a.m., and that Dr. Shah later admitted to the pediatric resident that she had lied about having attended the lecture. Dr. Shah does not recall that discussion with the pediatric resident.
 - c. On or about June 17, 2002, while in the residency, Dr. Shah admitted a patient to the Akron General Medical Center for induction of labor. Dr. Shah falsely advised an attending physician that she would be unable to monitor the patient’s labor and delivery. Dr. Shah gave the reason that she had traded shifts with another resident and was required to be at the Akron Children’s Hospital Emergency Room that evening. Nevertheless, the other resident had made other arrangements, and Dr. Shah did not work in the emergency room that evening. Nevertheless, Dr. Shah did not return to monitor the patient or advise the attending physician that her shift had been cancelled. Moreover, several days later, when confronted by the residency program director about the incident, Dr. Shah falsely stated on two occasions that she had been working in the emergency room on the evening of June 17, 2002. The residency director asked Dr. Shah to provide documentation to prove that she had been working in the emergency room. When Dr. Shah could not produce the documentation, she admitted that she had lied.
2. The evidence presented at hearing supported the following allegations, in part:

In or about September 2002, Dr. Shah advised the chief OB/GYN resident at [the Akron General Medical Center] that Dr. Shah had performed a cervical

exam on a patient and that the patient's cervix was closed. The chief OB/GYN resident was advised by the patient that no one had performed an exam on her. The chief OB/GYN resident then examined the patient and noted that the patient's cervix was dilated.

Although the allegation as written was supported by the evidence, the evidence was insufficient to support a conclusion that Dr. Shah had not examined the patient. The only information regarding this allegation is contained in an affidavit signed by the senior resident some time after the incident. There is nothing in Dr. Shah's residency files to corroborate the information. Moreover, it is quite possible that Dr. Shah had examined the patient, found the cervix to be closed, and reported this information to the senior resident. Later, when the senior resident examined the patient, the cervix had started to dilate. There is nothing in the record to indicate the amount of time between when Dr. Shah examined the patient, when Dr. Shah reported to the senior resident, and when the senior resident examined the patient. Finally, the senior resident's statement that the patient had reported that no one had examined the patient's cervix prior to the examination by the senior resident is hearsay twice removed. It is not sufficiently reliable to support a conclusion that Dr. Shah had lied about examining the patient.

CONCLUSIONS OF LAW

1. Sonia Shetal Shah, M.D., is ineligible for licensure because Dr. Shah has not completed twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as required by Sections 4731.091 and 4731.14(B)(2), Ohio Revised Code.
2. The conduct of Dr. Shah, as set forth in Findings of Fact 1, constitutes "[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, podiatric medicine and surgery, 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.
3. The conduct of Dr. Shah, as set forth in Findings of Fact 1 and 2, is not sufficient to conclude that Dr. Shah failed to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, Ohio Revised Code.

* * * * *

In order to be eligible for licensure at this time, Dr. Shah must have successfully completed at least twenty-four months of graduate medical education through the second-year level in an approved program in the United States or Canada, or its equivalent as determined by the Board.

At the time of hearing, Dr. Shah herself acknowledged that she had completed only sixteen months of training. Therefore, her application for licensure must be denied.

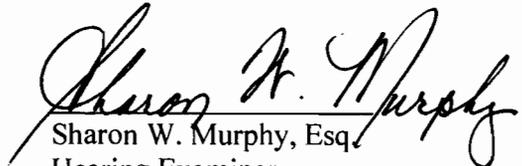
The question, then, is whether the Board should permanently deny her application for licensure. Admittedly, Dr. Shah made a number of false statements during her residency training. Such conduct would justify permanent denial of her certificate to practice in this state. Nevertheless, there are a number of mitigating circumstances in this matter. First, Dr. Shah admitted her misconduct within a short time of each occurrence. Moreover, at the time of her misdeeds, Dr. Shah was under a tremendous amount of stress in her personal and professional life, and was suffering from an undiagnosed mental illness. Therefore, should Dr. Shah complete the necessary graduate medical education, provide sufficient evidence that her health problems have been adequately treated, and demonstrate sufficient good moral character at the time of a subsequent application, the Board may deem her may be eligible for licensure in the future.

PROPOSED ORDER

It is hereby ORDERED that:

The application of Sonia Shetal Shah, M.D., for a certificate to practice medicine and surgery in Ohio is hereby DENIED.

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


Sharon W. Murphy, Esq.
Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF MAY 10, 2006

REPORTS AND RECOMMENDATIONS

Dr. Robbins announced that the Board would now consider the findings and orders appearing on the Board's agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Carl Floyd Gottschling, M.D.; Donald R. Kiser, D.O.; Gary Ray Lutz, D.O.; Sonia Shetal Shah, M.D.; and Stephen David Waite, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins 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. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye
	Dr. Robbins	- aye

Dr. Robbins 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. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.

Dr. Robbins 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.

.....
SONIA SHETAL SHAH, M.D.

Dr. Robbins directed the Board's attention to the matter of Sonia S. Shah, M.D. He advised that objections were filed to Hearing Examiner Murphy's Report and Recommendation and were previously distributed to Board members.

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

Ms. Jacobs at this time directed the Board to the hearing examiner's corrected disciplinary guidelines memorandum, contained in their agenda pockets. This memorandum addresses part of the problem raised in Dr. Shah's objections.

Dr. Shah was accompanied by her attorney, Mr. Byers. Mr. Byers stated that the Hearing Examiner's memorandum takes away the erroneous reference to Section 4731.22(A). As noted in Dr. Shah's objections, this reference wasn't anywhere else in the Report and Recommendation. The bottom line is that there was no allegation of fraud and deception against this Board. These were all essentially bootstrapped items of matters that occurred in Dr. Shah's residency.

Mr. Byers stated that he trusts that the Board has had the chance to review the objections, has considered all of Dr. Shah's testimony and the exhibits that came into the record. He stated that he thinks that it is important to highlight that the Hearing Examiner recommends not finding against Dr. Shah in two of the four allegations. The Hearing Examiner suggested that there is sufficient proof of appropriate moral character for licensure. Secondly, the Hearing Examiner also recommends not finding against Dr. Shah in the issue of the examination of the cervix, simply because the evidence wasn't there to support that. Mr. Byers stated that Dr. Shah heartily endorses those recommendations.

At this time Dr. Shah thanked the Board for allowing her the opportunity to address it. She stated that she

is here to ask the Board to allow her to withdraw her permanent license application. She advised that she came from India after finishing medical school. In 2000 she did residency training. She did excellent work there, and left on a good note, with good letters of recommendation. Due to her marriage, she moved to Akron, Ohio, and started her second year of training. Dr. Shah stated that that was a tough year. She made some mistakes, and she realizes that. While the training was going on, she asked her Program Director to allow her to resign because of difficulties she was having. It was strongly recommended that she not resign. They asked her to continue in her program and advised that they would try to support her. Dr. Shah stated that they did offer some support, but they failed to recognize her postpartum depression, for which she sought help after her termination from the program. She's gotten appropriate medical treatment and counseling. Since then she has gained her life back.

Dr. Shah continued that she lost her residency, but she did make a turn-around. She has pretty much recovered from that time. She has become more positive, has gained more strength and become more stable. All this she was able to do with the help of her husband, who is very supportive. She has two great children. She also has extended family support.

Dr. Shah advised that, since 2005, she's been working in research at the Cleveland Clinic in the Pulmonary and Critical Care Department. She stated that she has a great mentor who has backed her up and helped her with her endeavors. She currently sees a psychiatrist, who thinks that she is appropriate to return to residency in the future. She has several publications since 2005 in international and U.S. journals. She has been chosen to represent the Cleveland Clinic at the World Transfer Congress in Boston in July. Dr. Shah stated that she feels more confident now with the backing that she has from her mentor, her family, her husband and her psychiatrist.

Dr. Shah stated that she did make mistakes, but she did realize her mistakes and she has made changes. She asked that the Board allow her to withdraw her application so that she can come back in the future and practice medicine.

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

Mr. Clifford stated that he did not.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER IN THE MATTER OF SONIA SHETAL SHAH, M.D. MR. BROWNING SECONDED THE MOTION.

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

Dr. Steinbergh stated that the difference between a license denial, which is not permanent, versus allowing withdrawal of application is significant in the sense that the Board has a case before it that is significant. She stated that she's not saying that she wouldn't vote for withdrawal, but she's not sure that withdrawal of the application sufficiently represents what the Board is dealing with. Her concerns involve the lying that

went on during the residency, the failure to provide appropriate patient care, and to respond to patient care. Dr. Steinbergh stated that she appreciates Dr. Shah's explanation; it was obviously a very difficult time for her. Dr. Steinbergh added, however, that the Board must be certain that the applicant really understands the flaws that it takes to make those kinds of decisions. To walk away from a patient at any time could compromise patient care. Patient care was, in fact, compromised. When one takes on the responsibility of licensure and the practice of medicine, there's nothing that comes before that. Every decision that a physician makes, even to the disadvantage of the physician's family, has to be toward patient care. A physician cannot compromise that. Dr. Steinbergh stated that her concern is with the decisions that Dr. Shah made to walk away from patient care and to lie to her supervisors.

Dr. Steinbergh stated that she could go further with her concerns, but she questions whether or not, with this knowledge that the Board has, that it would be responsible for the Board to allow her to withdraw her application. She added that she does understand the implications of both denial and withdrawal.

Dr. Kumar stated that this is obviously a very difficult case. First of all, Dr. Shah does not meet the statutory guidelines to issue a license because she hasn't done two years of training through the second year level. Issuance of a license is not the issue at this time.

Dr. Kumar stated that legitimate questions have been raised regarding whether or not Dr. Shah has been truthful. Dr. Kumar stated that, presuming that all the things that she did were due to the stress of her pregnancy and other circumstances, his advice to Dr. Shah is that coming back in six to eight months with additional residency training and asking for a license isn't going to fly. Dr. Shah will need to have a long period, probably another two years of a clean, stellar record in any residency program before the Board will consider giving her a license. Whether the Board denies Dr. Shah's application or allows her to withdraw her application, there will have to be a long record of clear activity before an application from Dr. Shah will be considered.

Dr. Kumar continued that he can see Dr. Shah's concern with having a denial on her record. Taking into account that Dr. Shah experienced problems relating to a difficult pregnancy, etc., he would be in favor of allowing Dr. Shah to withdraw her application at this time.

Dr. Egner stated that she would like to speak on Dr. Shah's behalf, adding that she disagrees with a couple of things that have been said. Dr. Egner noted that Dr. Shah was a family practice resident, was newly married, got pregnant right away, had a baby. She had lots of life stresses at home and at work. Dr. Egner stated that she thinks that all of these things came tumbling down all together.

Dr. Egner stated that there are a few key episodes in the record. Dr. Egner commented that she doesn't think that Dr. Shah compromised patient care, and reviewed the episodes as follows:

1. Dr. Shah skipped making rounds at 7:00 a.m. when a conference was going to start at 9:00 a.m. Dr. Egner noted that Dr. Shah had someone else make the rounds for her, so she didn't compromise patient care. The patients were still rounded on and were still taken care of.

2. There's a discrepancy as to whether Dr. Shah checked the cervix on a patient to rule out labor. Dr. Egner stated that there's nothing written in the chart; there is no evidence to support either way. She can't say whether that happened or not. Dr. Shah said that she checked the patient and the cervix was closed. The next resident checked the patient and the cervix was dilated. The question is whether or not Dr. Shah checked the patient to begin with, and Dr. Shah advised that she did. There's nothing in the record that says that she didn't. Dr. Egner stated that she can't put a lot into that allegation. It's a serious thing if it happened, but she doesn't know that it did. There's nothing that says that Dr. Shah really compromised patient care.
3. Another incident involved the fact that Dr. Shah was to watch the monitor board on call all night. Dr. Egner stated that she doesn't know of any resident on a labor and delivery (L & D) rotation who is told to do that task. It's not generally a resident's job to watch the monitors all night. Dr. Egner stated that she thinks that Dr. Shah was on a very difficult rotation and that she was asked to do something that normally one wouldn't be asked to do.
4. Concerning the incident involving the ER shift, Dr. Egner stated that her take on that was that Dr. Shah did arrange with someone to work an ER shift, and she couldn't work in L & D that night. The person with whom she traded could work the ER shift; and instead of going back to L & D to monitor a patient of whom she wasn't in charge, Dr. Shah went home.
5. Dr. Egner stated that the last thing is that Dr. Shah tried to resign during her residency program and the director did tell her not to. Dr. Egner stated that she doesn't think that the director actually did a lot for Dr. Shah. He told her to get some counseling.

Dr. Egner stated that every time Dr. Shah was at home, she felt like she wasn't being a very good doctor; and every time she was at the hospital, she felt that she wasn't being a very good wife and mother. Dr. Egner stated that she believes Dr. Shah found herself in a terribly stressful situation. She got depressed; it wasn't treated, and she was in a no-win situation.

Dr. Egner continued that all of Dr. Shah's evaluations prior to the birth of her child were average and above-average. She did not have poor evaluations until after she went through this time.

Dr. Egner stated that she'd like to address the role of a family practice resident on specialty rotations. She stated that she believes these residents are at a grave disadvantage. If an OB resident were having these kinds of problems and wanted to stay at home and not make rounds at 7:00 a.m. to get things together for their life and asked a colleague to make rounds for him or her because he or she is stressed or overworked and he or she needed those two hours, their colleague would say "okay." Dr. Shah wasn't in that situation; she didn't have the camaraderie that other residents do. A family practice resident is seen as the outsider, and it was obvious, on this rotation especially, nobody was there to help her. When she tried to resign again, she's told she can't because she's on probation.

Dr. Egner stated that she feels that Dr. Shah will be an excellent physician. Dr. Egner referred to Dr. Shah's earlier statements wherein she advised that she's still seeing a psychiatrist, she has her life more in order, she has a research job and she's written papers. Dr. Egner stated that she thinks that Dr. Shah will be a great physician, but she went through a really terrible time. If Dr. Shah wants to withdraw her application, Dr. Egner will support that decision. She should get the training that she needs and then reapply.

Mr. Browning stated that Dr. Egner makes a compelling case for Dr. Shah.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER TO ALLOW DR. SHAH TO WITHDRAW HER LICENSURE APPLICATION. MR. BROWNING SECONDED THE MOTION.

Dr. Robbins stated that he would entertain further discussion in the above matter.

Dr. Buchan stated that he's a little more in the middle on this case. He stated that Dr. Egner does speak well on the matter, and he appreciates that; but there are some issues and truthfulness is large. Dr. Buchan noted that Dr. Egner suggested that there wasn't evidence that Dr. Shah didn't check the cervix, but the patient said that Dr. Shah didn't check the cervix. This is not a one-way street. Dr. Buchan stated that he is compelled by Dr. Shah's emotional status in a very stressful time, and he thinks that leniency and grace are the appropriate tracks to take. Dr. Buchan stated that he thinks this is a very serious matter, and he doesn't take withdrawal of this application lightly. He will go along with that at this point as being reasonable.

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

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Dr. Varyani	- aye
	Dr. Buchan	- aye
	Dr. Kumar	- aye
	Mr. Browning	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Steinbergh	- aye

The motion carried.

MR. BROWNING MOVED TO APPROVE AND CONFIRM MS. MURPHY'S FINDINGS OF FACT, CONCLUSIONS, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF SONIA SHETAL SHAH, M.D. MS. SLOAN SECONDED THE MOTION. A vote was taken:

EXCERPT FROM THE DRAFT MINUTES OF MAY 10, 2006
IN THE MATTER OF SONIA SHETAL SHAH, M.D.

Vote:

Mr. Albert	- abstain
Dr. Egner	- aye
Dr. Talmage	- abstain
Dr. Varyani	- aye
Dr. Buchan	- aye
Dr. Kumar	- aye
Mr. Browning	- aye
Ms. Sloan	- aye
Dr. Davidson	- aye
Dr. Steinbergh	- aye

The motion carried.



State Medical Board of Ohio

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May 18, 2005

Sonia Shetal Shah, M.D.
1147 Fireside Trail
Broadview Heights, OH 44147

Dear Doctor Shah:

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 February 28, 2003, you submitted an Application for Certificate – Medicine or Osteopathic Medicine [License Application] to the Board. Your License Application is currently pending. By signing the License Application, you certified that the information provided therein was true.
- (2) In or about late October 2001, while in the family practice residency [residency] at the Akron General Medical Center [AGMC], located in Akron, Ohio, you falsely advised a pediatric resident that you would be unable to attend pediatric rounds the following day due to an educational meeting/lecture [lecture] that began at the same time, 7:00 a.m. The following day, you failed to attend rounds despite the fact that the lecture had been previously rescheduled to a time that would have permitted your attendance at rounds. When confronted by the pediatric resident with the inconsistency, you maintained that the lecture began at 7:00 a.m. You later admitted to the pediatric resident that you had lied about the starting time of the lecture.
- (3) On or about June 17, 2002, while in the residency, you admitted a patient to AGMC for induction of labor. You falsely advised an attending physician that you were unable to participate in the labor and delivery for this patient until June 18, 2002, because you had traded shifts and were required to be at the Akron Children's Hospital Emergency Room [ACHER] the night of June 17, 2002. On or about June 21, 2002, when confronted by the residency program director about the June 17, 2002, incident, you falsely told the residency program director on two occasions that you had been working at ACHER on June 17, 2002.

MAILED 5-19-05

- (4) In or about September 2002, you advised the chief OB/GYN resident at AGMC that you had performed a cervical exam on a patient and that the patient's cervix was closed. The chief OB/GYN resident was advised by the patient that no one had performed an exam on her. The chief OB/GYN resident then examined the patient and noted that the patient's cervix was dilated.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) 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, podiatric medicine and surgery, 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.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) through (4) above, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Sections 4731.29 and 4731.08, Ohio Revised Code.

Further, you are ineligible for licensure as requested in paragraph (1) above because you have failed to submit evidence satisfactory to the Board that you have successfully completed not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as determined by the Board as required by Sections 4731.091 and 4731.14(B)(2), 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.

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

Sonia Shetal Shah, M.D.

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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/blt
Enclosures

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