

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GORLI HARISH, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Gorli Harish, M.D., ("Dr. Harish") freely and voluntarily enter into the following order pursuant to West Virginia Code §30-3-14(n):

FINDINGS OF FACT

1. Dr. Harish held an active license to practice medicine and surgery in the State of West Virginia, License Number 10453, from 1975 until Dr. Harish surrendered his license to the Board effective February 23, 1996, at 4:30 p.m.

2. Dr. Harish's address of record with the Board is in Charleston, West Virginia.

3. In February, 1996, Dr. Harish was admitted for treatment to the William J. Farley Center in Williamsburg, Virginia, and has now been released from such center and has appeared before the Licensure Committee of the Board at its regular meeting in July, 1996, and has requested reinstatement of his license to practice medicine and surgery.

4. After a full review of all of the records from the William J. Farley Center, and a full discussion with Dr. Harish, as well as with the Medical Director of such center, who appeared with Dr. Harish in support of his reinstatement request, the Licensure Committee recommended to the Board, and the Board finds, that Dr. Harish meets the requirements for reinstatement of his license to practice medicine and surgery under the West Virginia Medical Practice Act, and that it is in the public interest to reinstate Dr. Harish's license to practice medicine and surgery in the State of West Virginia, though permitting him such reinstatement without attaching certain accommodations and restrictions and limitations upon his license to practice medicine and surgery could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. As a matter of public policy, the provisions of the West Virginia Medical Practice Act have been enacted to protect the public interest (West Virginia Code §30-3-1).

2. Probable cause exists to deny Dr. Harish's request for reinstatement of his license to practice medicine and surgery in this state, due to the provisions of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(d) and (h), relating to excessive use of alcohol.

3. The Board has determined that it is appropriate to reinstate Dr. Harish's license to practice medicine in the State of West Virginia, provided certain accommodations, restrictions and

limitations are placed upon his license to practice medicine and surgery in the State of West Virginia.

CONSENT

Gorli Harish, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Harish acknowledges that he is fully aware that, without his consent, here given, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. Harish acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. Harish waives all rights to such a hearing;

4. Dr. Harish consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

5. Dr. Harish understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board and the foregoing consent of Dr. Harish, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. The license to practice medicine and surgery in the State of West Virginia of Dr. Harish, License Number 10453, is **REINSTATED**, effective August 1, 1996, at 12:01 a.m.

2. Said License Number 10453 is issued subject to the following:

- a. Immediately upon issuance, License Number 10453 is **REVOKED**, and such revocation is immediately **STAYED**, and License Number 10453 shall for a two (2) year period be placed on **PROBATION**, terminating July 31, 1998, and during said two (2) year period, the practice of medicine and surgery of Dr. Harish shall occur only with the supervision of another duly licensed physician approved by the Board, which supervising physician shall meet regularly with Dr. Harish and which Board approved, supervising physician shall file reports with the Board concerning Dr. Harish's performance as a physician every sixty (60) days, beginning October 1, 1996, except should the performance of Dr. Harish at any time fall below the level of

reasonable skill and safety, the approved supervising physician shall immediately notify the Board. In the event that the approved supervising physician becomes unable or unwilling to so serve, Dr. Harish shall immediately so notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician, and Dr. Harish may not practice surgery unless and until such supervision is again in place.

- b. Dr. Harish shall meet at least once every two (2) months with a Board approved physician who will act as his recovery monitor and such Board approved physician shall file reports with the Board every sixty (60) days confirming that he has met with Dr. Harish in compliance with the provisions of this Consent Order.
- c. Dr. Harish shall appear in person for an interview with the Licensure Committee at its regularly scheduled meeting in January, 1997, and as otherwise requested by the Licensure Committee.
- d. Dr. Harish shall comply with all the provisions of the four (4) page Continuing Care Contract into which he entered on May 16, 1996, with the William J. Farley Center, with the exception that the Board approves a change of the individual designated

therein to act as the recovery monitor under such contract.

- e. Dr. Harish shall refrain from the use of any alcohol.
- f. Dr. Harish shall maintain a sponsor in Alcoholics Anonymous who will file reports with the Board every sixty (60) days, beginning October 1, 1996, confirming Dr. Harish's required attendance at Alcoholics Anonymous meetings and other meetings as required by the Continuing Care Contract referenced in paragraph d. of this Consent Order.
- g. Dr. Harish shall, at his own expense, submit to unlimited, random and unannounced testing of bodily fluids and/or breathalyzer testing, all carried out in a manner directed and approved by the Board and at any time upon the request of the Board.
- h. Dr. Harish shall review this Consent Order on a regular basis, as well as his Continuing Care Contract referenced in paragraph d. in order that he understands fully his responsibilities as outlined in each document and to prevent any non-compliance with provisions contained in either document.
- i. Within five (5) days of entry of this Consent Order, Dr. Harish shall present a copy of this Consent Order to his approved recovery supervising

physician, his approved monitoring physician, any employer or health care or medical facility where Dr. Harish is practicing medicine and surgery in the State of West Virginia, and during the two (2) year period of probation, Dr. Harish shall present a copy of this Consent Order to any employer, health care or medical facility where Dr. Harish practices medicine and surgery or seeks to practice medicine and surgery in the State of West Virginia.

- j. Dr. Harish will not register as a dispensing physician under the provisions of 11 CSR 5.
- k. At the option of either Dr. Harish or the Board, this Consent Order or a modified version thereof may be again entered into by the parties at the end of the two (2) year probationary period.

The failure of Dr. Harish to comply with any of the terms of this Consent Order shall constitute grounds for the revocation of his license to practice medicine and surgery in the State of West Virginia, and further if Dr. Harish violates probation in any respect, as determined by the Board, the Board may terminate and dissolve the stay of revocation herein imposed, upon written notice of the same to Dr. Harish, and Dr. Harish understands that, notwithstanding any provision of law to the contrary, such termination and dissolution of the stay of revocation may occur

without any hearing provided by the Board, and by his signing of this Consent Order, Dr. Harish has consented to the same.

Entered this 25th day of July, 1996.

WEST VIRGINIA BOARD OF MEDICINE

A. Paul Brooks, Jr., M.D.
A. Paul Brooks, Jr., M.D.
President

Henry G. Taylor, M.D., M.P.H.
Henry G. Taylor, M.D., M.P.H.
Secretary

Gorli Harish
Gorli Harish, M.D.
Date: 7/23/96

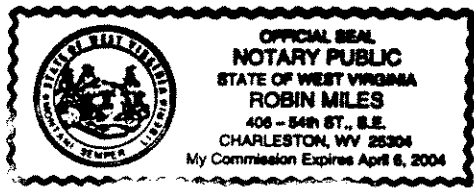
STATE OF West Virginia
COUNTY OF Kanawha, to-wit:

I, Robin Miles, a Notary Public for said county and state do hereby certify that Gorli Harish, M.D., whose name is signed above has this day acknowledged the same before me.

Given under my hand this 23rd day of July, 1996.

My Commission expires April 6, 2004.

Robin Miles
NOTARY PUBLIC





Murtis Arnold, D.P.M.
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ce L. Berry, M.D.
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Richard Bowyer
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aul Brooks, Jr., M.D.
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Glen Dale

Carmen R. Rexrode, M.D.
Moorefield

Lee Elliott Smith, M.D.
Princeton

State of West Virginia

West Virginia Board of Medicine

101 Dee Drive

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Telephone (304) 558-2921

Fax (304) 558-2084

August 7, 1998

Gorli Harish, M.D.
4701 MacCorkle Avenue, SE
Charleston, West Virginia 25304

Dear Dr. Harish:

This is to officially notify you that the two-year probationary status of your West Virginia medical license, No. 10453, has, as of July 31, 1998, ended.

However, in accordance with the statute, the Consent Order remains a permanent part of your historical record maintained by the Board. A copy of this letter will be attached to the Consent Order and will remain a part of the Consent Order.

Thank you for your cooperation and patience throughout this process and continued best wishes for success.

Sincerely,

Ronald D. Walton

eb

pc: Niswar A. Kalwar, Esq.
P. O. Box 706
Dunbar, West Virginia 25064

IENT
Singh, M.D.
n

VICE PRESIDENT
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COUNSEL
Deborah Lewis Rodecker
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