

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 Consent Order pursuant to West Virginia Code § 30-3-1, *et seq.*

FINDINGS OF FACT

The Board and Dr. Harish stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. Harish holds a West Virginia medical license, No. 10453, which was first issued in 1975.
2. Dr. Harish last submitted a renewal application for his medical license on June 2, 2014, for the renewal period of July 1, 2014 through June 30, 2016. His license will expire June 30, 2016, unless renewed on or before that date.
3. On his June 2014 renewal application, Dr. Harish certified to the Board that he had complied with all Continuing Medical Education [CME] requirements for the renewal of his license.
4. To accurately certify compliance with the CME requirements for the July 2014 through June 2016 renewal cycle, a licensee was required to have completed a minimum of

three hours in a Board approved course on drug diversion training and best practice prescribing of controlled substances (or received a waiver from the Board for this CME because the licensee did not prescribe, administer or dispense any controlled substances whatsoever between July 1, 2012 and June 30, 2014). Additionally, the licensee must have:

- a. Completed a total of fifty hours of CME credits, as described in W. Va. Code R. §11-6-3.2.1, between July 1, 2012 and June 30, 2014; or
- b. Be ABMS board certified and possess documentation of successful involvement in maintenance of certification from the ABMS member board for the period of July 1, 2012 through June 30, 2014;

5. A licensee may also receive up to twenty hours of CME credit for teaching medical education courses to medical students, residents or licensed physicians, or by serving as a preceptor to medical students or residents as described in W. Va. Code R. §11-6-3.2.1

6. On or about January 5, 2015, the Board notified Dr. Harish that he had been randomly selected for the Board's annual CME audit.

7. Dr. Harish was unable to produce documentation corroborating his certification that he successfully completed his CME requirements for the period of July 1, 2012 and June 30, 2014 within the requisite time frame.

8. The documentation provided by Dr. Harish supports his completion of one and one quarter hours of CME credits between July 1, 2012 and June 30, 2014.

9. Dr. Harish did not complete a minimum of three hours in a Board approved course on drug diversion training and best practice prescribing of controlled substances between July 1, 2012 and June 30, 2014.

10. On May 17, 2015, the Complaint Committee of the West Virginia Board of Medicine initiated a complaint against Dr. Harish based upon his apparent CME deficiency, and his inaccurate certification that he had completed the same during the licensure period of July 1, 2012, to June 30, 2014, all pursuant to W. Va. Code §30-3-14 (c)(1) and (17), W. Va. Code R. §§11-1A-12.1.a, 12.1.e and 12.1.j, and W. Va. Code R. §§11-6-5.2 and 5.4.

11. The Board and Dr. Harish voluntarily enter into this Consent Order to resolve the complaint initiated against Dr. Harish and to protect the public interest.

CONCLUSIONS OF LAW

The Board and Dr. Harish stipulate to the following conclusions of law:

1. Dr. Harish's license to practice medicine and surgery in the state of West Virginia is subject to regulation and discipline by the West Virginia Board of Medicine, the "regulatory and disciplinary body for the practice of medicine and surgery" for physicians, podiatrists and physician assistants in West Virginia. W.Va. Code §30-3-5 and §30-3-7(a).

2. The Board has a mandate to ensure "a professional environment that encourages the delivery of quality medical services" to protect the public interest. W.Va. Code §30-3-2.

3. The West Virginia Medical Practice Act sets forth conduct which may render an individual unqualified for licensure or subject to discipline or other restrictions upon licensure. W.Va. Code §30-3-14. Pursuant to W.Va. Code §30-1-8(c), the Board has promulgated legislative rules that "delineate conduct, practices or acts which, in the judgment of the board, constitute professional negligence, a willful departure from accepted standards of

professional conduct and/or which may render an individual unqualified or unfit for licensure, registration or other authorization to practice.” See W. Va. Code R. §11-1A-12.

4. Probable cause may exist to substantiate disciplinary charges against Dr. Harish pursuant to W. Va. Code §30-3-14 (c)(1) and (17), W. Va. Code R. §§11-1A-12.1.a, 12.1.e and 12.1.j, and W. Va. Code R. §§11-6-5.2 and 5.4.

5. It is appropriate and in the public interest to waive the commencement of proceedings against Dr. Harish and to proceed without further investigation, the filing of charges, or a formal Complaint and Notice of Hearing, subject to compliance by Dr. Harish with the provisions of this Consent Order.

6. This Consent Order sets forth reasonable and appropriate discipline upon Dr. Harish.

7. The discipline imposed by this Consent Order does not relate to the delivery of health care services.

CONSENT

By signing his name to this Consent Order, Gorli Harish, M.D., acknowledges that he understands and agrees with the following:

1. Dr. Harish has read and understands this entire Consent Order;
2. Dr. Harish agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Consent Order;
3. Dr. Harish understands that he has the right to legal representation in this matter, at his own expense, and agrees that he has been afforded adequate time and opportunity to exercise his right to consult with counsel regarding the legal effect of this Consent Order;

4. Dr. Harish understands that this Consent Order is a legally binding Order of the West Virginia Board of Medicine that affects his rights and privileges;

5. Dr. Harish acknowledges that he is fully aware that, without his consent, 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.*;

6. Dr. Harish is aware of his legal rights in this matter, in addition to his right to be represented by counsel at his own expense, including: the right to a formal hearing, after reasonable notice, before the West Virginia Board of Medicine on the disciplinary charges before the Board; the right to confront and cross-examine witnesses against him; the right to present evidence and testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

7. Dr. Harish knowingly and voluntarily waives all such additional rights, and agrees to the entry of this Consent Order relative to his practice of medicine in the state of West Virginia;

8. Dr. Harish acknowledges that if he violates any of the terms of this Consent Order, further action may be taken against his license by the Board, as permitted by law; and

9. Dr. Harish understands that this Order is a public document which will be available for public inspection, will be accessible through the Board's website, and will be a permanent part of his historical file with the Board. Matters contained herein may be reported to other jurisdictions, the Federation of State Medical Boards and as otherwise required by law.

ORDER

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

1. To satisfy his CME deficiency for the reporting period of July 1, 2012 through June 30, 2014, Dr. Harish shall complete forty eight and three quarters hours (48.75) of continuing medical education coursework designated as Category I by the American Medical Association or the American Academy of Family Physicians on or before June 17, 2016. Three of the required hours must be obtained by completing a Board approved course on drug diversion training and best practice prescribing of controlled substances.

2. Dr. Harish shall provide written certification and documentation satisfactory to the Board corroborating his successful completion of the forty eight and three quarters hours (48.75) of required CME no later than June 3, 2016. Dr. Harish may utilize CME courses completed at any time after June 30, 2014 to satisfy this obligation, so long as the proffered courses are otherwise credit eligible. Dr. Harish may not utilize any of the forty eight and three quarter hours (48.75) of CME he uses to make up his July 1, 2012 through June 30, 2014 reporting period deficit to satisfy his CME obligations for any other reporting period, including the current period which ends on June 30, 2016.

3. Dr. Harish is hereby assessed a **CIVIL FINE** in the amount of four thousand eight hundred and seventy-five dollars (\$4,875.00) for his CME delinquency and deficiencies, and an **ADMINISTRATIVE FEE** in the amount of one hundred dollars (\$100.00), for a total assessment of **four thousand nine hundred and seventy-five dollars (\$4,975.00).**

Dr. Harish's payment of the fine and administrative fee must be received by the Board as set forth in the payment schedule below:

- a. A payment of two thousand dollars (\$2,000) shall be made on or before Monday, June 27, 2016; and
 - b. A payment of seven hundred forty three dollars and seventy-five cents (\$743.75) shall be made on or before Monday, September 5, 2016; and
 - c. A payment of seven hundred forty three dollars and seventy-five cents (\$743.75) shall be made on or before Monday, December 5, 2016; and
 - d. A payment of seven hundred forty three dollars and seventy-five cents (\$743.75) shall be made on or before Monday, March 6, 2017; and
 - e. A payment of seven hundred forty three dollars and seventy-five cents (\$743.75) shall be made on or before Monday, June 5, 2017.
4. No later than twenty days after the entry of this Consent Order, Dr. Harish

shall review the Board's Legislative Rule, *Continuing Education for Physicians and Podiatrists*, W. Va. Code R. §11-6-1 *et seq.*, to ensure that he is familiar with his CME obligations for the current reporting cycle. Within thirty days of the entry of this Order, Dr. Harish shall provide written certification, with his original and dated signature, to the Board indicating that he has read and fully understands his CME obligations for the July 1, 2014, through June 30, 2016, reporting period.

5. Dr. Harish agrees to comply fully with the requirements of the West Virginia Medical Practice Act and the legislative rules of the Board at all times while he is licensed to practice medicine in West Virginia, and further agrees to comply with the terms of this Consent Order. In the event that Dr. Harish fails to comply with any of the terms of this Order by the established deadlines, the Board may elect to take any other action with regard to Dr. Harish's license which is authorized by law.

6. This Consent Order shall be deemed entered on the date that this Order, with all required signatures affixed hereupon, is received in the Board's 101 Dee Drive, Charleston, West Virginia, office. The Executive Director of the West Virginia Board of Medicine is hereby authorized to denote the date of entry on behalf of the Board in accordance with this paragraph.

ENTERED ON: June 14, 2016

WEST VIRGINIA BOARD OF MEDICINE



Ahmed D. Faheem, M.D.
President

Date: 6.16.16



Rahul Gupta, M.D., M.P.H.
Secretary

Date: 6/8/16

ACCEPTANCE

I, GORLI HARISH, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT ORDER. I HAVE BEEN GIVEN SUFFICIENT TIME AND OPPORTUNITY TO CONSIDER THIS CONSENT ORDER, AND I UNDERSTAND THE EFFECT IT WILL HAVE UPON MY LICENSE TO PRACTICE MEDICINE AND SURGERY IN WEST VIRGINIA.

BY SIGNING THIS CONSENT ORDER, I HAVE WAIVED CERTAIN RIGHTS, BUT I DO SO KNOWINGLY AND VOLUNTARILY, AND I DO NOT WISH TO ASSERT THOSE RIGHTS IN THIS MATTER.

I UNDERSTAND THAT I HAVE THE RIGHT TO LEGAL COUNSEL, AND I HAVE BEEN PROVIDED WITH AMPLE TIME TO SEEK LEGAL ADVICE REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER.

I AM SIGNING THIS CONSENT ORDER VOLUNTARILY, AND I UNDERSTAND THE POTENTIAL CONSEQUENCES OF VIOLATING THIS CONSENT ORDER.

Gorli Harish, M.D.
Date: May 26, 2016

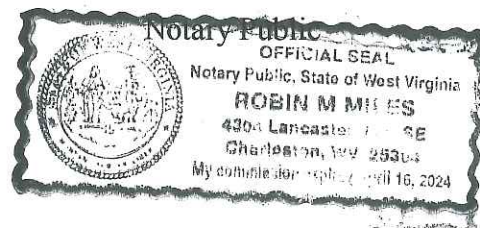
STATE OF West Virginia
COUNTY OF Kanawha, to-wit:

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

Given under my hand this 26th day of May, 2016.

My Commission expires April 16, 2024

Robin M. Miles





State of West Virginia *Board of Medicine*

AHMED DAVER FAHEEM, MD
PRESIDENT

RAHUL GUPTA, MD, MPH
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MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

June 21, 2017

Gorli Harish, M.D.
665 Buckthorn Dr. Apt. A
Redding, CA 96003-5125

RE: Consent Order

Dear Dr. Harish:

This letter will confirm that the Board of Medicine considers you to have fulfilled all obligations set forth in the Consent Order which you entered into with the West Virginia Board of Medicine on June 14, 2016. As of the date of this letter, the West Virginia Board of Medicine considers the above-referenced matter to be closed.

In accordance with the statute, the Consent Order, with a copy of this letter attached, remains a permanent part of your historical record maintained by the Board.

Should you have any questions or concerns please feel free to contact me at 304-558-2921, ext. 70005.

Sincerely,

Mark A. Spangler

MAS/fab