



IN THE MATTER OF \* BEFORE THE  
MANSOUR G. PANAH, M.D. \* STATE BOARD OF PHYSICIAN  
Respondent \* QUALITY ASSURANCE  
License Number: D 15506 \* Case Number 94-1094  
\* \* \* \* \*

CONSENT ORDER

BACKGROUND

The State of Maryland Board of Physician Quality Assurance (the "Board") charged Mansour G. Panah, M.D., (the "Respondent") (D.O.B. 2/8/40), License Number D 15506, with a violation of the Maryland Medical Practice Act. (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §14-404 (1991), on June 8, 1994. The Board charged that the Respondent violated the following pertinent provision of H.O. §14-404 which provides:

(a) Subject to the hearing provisions of §14-404 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee probation, or suspend or revoke a license if the licensee:

(3) Is guilty of immoral or unprofessional conduct in the practice of medicine.

On September 8, 1994 the Respondent received notice of the charges by personal service. On December 6, 1994, the Board held a Case Resolution Conference ("CRC"). As a result of the CRC and the negotiations entered into between the Office of the Attorney General and the Respondent, the Respondent agreed to enter into the following Consent Order according to the terms set forth below.

FINDINGS OF FACT

1. At all times relevant to these charges, Respondent was and is a physician licensed to practice medicine in the State of Maryland.

2. Respondent is engaged in the practice of obstetrics and gynecology in Gaithersburg, Maryland and Bowie, Maryland.

3. Patient A<sup>1</sup> sought care from Respondent in 1990 and continued to receive care from Respondent until 1994.

4. On May 23, 1994, Patient A brought a relative, Patient B, to Respondent's office for care. After Respondent examined Patient B, Respondent had a conversation with Patients A and B in his private office and told them that Patient B needed surgery immediately. As patients A and B left the office, Respondent hugged Patient A and kissed her on the mouth. Respondent told Patient B that Patient A was "like family."

5. Shortly after Patients A and B left Respondent's office, Patient A returned with a check to pay for Patient B's surgery. Patient A gave the check to the receptionist as Respondent called Patient A to come into his private office. After Respondent explained the necessity of surgery to Patient A again, Respondent hugged Patient A and put his tongue into her mouth as he kissed her. Patient A immediately left Respondent's office.

6. On May 31, 1994, Patient A filed a complaint with the

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<sup>1</sup>To ensure patient confidentiality, patient names are not set forth in this Consent Order. The Respondent is aware of the identity of the Patient A.

Board of Physician Quality Assurance.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law that the respondent is guilty of unprofessional conduct in the practice of medicine in violation of MD. CODE ANN., HEALTH OCC. § 14-404 (a)(3) (1991).

**ORDER**

Based on the foregoing Findings of Facts and Conclusions of Law, it is this 22 day of March, 1995, by the State Board of Physician Quality Assurance:

**ORDERED** that the Respondent's LICENSE TO PRACTICE MEDICINE in the State of Maryland be and it is hereby **SUSPENDED** for a period of sixty (60) days; and it is further

**ORDERED** that the **SUSPENSION** of the Respondent's license to practice medicine in the State of Maryland be and it is hereby **STAYED**; and it is further

**ORDERED** that the Respondent be and he is hereby assessed a **FINE** in the amount of Seven Thousand Five Hundred Dollar (\$7,500.00); and it is further

**ORDERED** that the Respondent hereby shall pay the Seven Thousand Five Hundred Dollar (\$7,500.00) fine to the Board by certified check, payable to the "Maryland Board of Physician Quality Assurance," prior to the effective date of this Consent Order, that day being the date the Board executes this Consent

Order; and it is further

**ORDERED** that the Respondent be and he is hereby placed on **PROBATION** for a period of **THREE YEARS** from the effective date of this Consent Order, that date being the date on which the Board executes this Consent Order; and it is further

**ORDERED** that the Respondent is subject to the following **TERMS AND CONDITIONS OF PROBATION** for a period of three (3) years from the effective date of this Consent Order.

1. The Respondent shall submit himself for an initial psychiatric evaluation and psychological assessment by a Board-approved psychiatrist and psychologist respectively.

(a) The evaluating psychiatrist and psychologist shall have access to all documents relating to the matter which forms the basis of this Consent Order, including charging documents, investigative reports, and prior proceedings.

(b) The Respondent shall sign a release authorizing the evaluating psychiatrist and psychologist to submit a copy of the evaluating reports to the Board.

2. The Respondent shall participate in and shall attend therapy with a Board-approved psychiatrist or other mental health care practitioner for a mandatory minimum six (6) month period and thereafter for as long as directed by the treating therapist.

(a) The Respondent shall select the treating therapist, who shall be different from the evaluating psychiatrist or psychologist, from a list of names pre-approved by the

Board.

(b) The treating therapist will submit reports to the Board on a quarterly basis indicating that the Respondent is attending the therapy sessions as directed, and paying his bills pursuant to the agreement between the Respondent and the therapist.

(c) If the treating therapist determines that the Respondent is a danger to himself or to others, then the treating therapist shall immediately notify the Board.

(d) If the Respondent terminates therapy prior to the mandatory minimum six (6) month period or prior to discharge by the treating therapist, then the treating therapist shall immediately notify the Board.

(e) In any event, prior to termination of therapy, the Board may require the Respondent to submit to independent psychiatric evaluation performed by the evaluating psychiatrist referred to above or by another psychiatrist selected by the Board. The Board shall approve the termination of therapy upon written petition by the Respondent, before the change becomes effective.

3. The initial psychiatric evaluation and psychological assessment is to occur within one (1) month of the effective date of this Consent Order; therapy is to begin within one (1) month after evaluation.

4. The Respondent shall be responsible for payment of all costs of the psychiatric evaluation, psychological assessment, and

therapy sessions in accordance with the agreement(s) for payment that the Respondent shall make with the psychiatrist(s) and psychologist, or other mental health practitioner.

5. The Respondent shall submit written documentation to the Board that he has fulfilled the provisions, including subparts, of paragraph nos. 1, 2 and 3 above.

6. The Respondent acknowledges, understands and agrees that complying with the ordered evaluations and terms as stated in paragraph nos. 1, 2, 3 and 4 above, including subparts, and submitting appropriate written documentation of same to the Board is the sole responsibility of the Respondent. The Respondent further acknowledges and understands that failure to abide by the terms stated in paragraph nos. 1, 2, 3, 4, and 5 above, including subparts, shall be deemed a breach of and violation of this Consent Order.

7. The Respondent shall attend a Board-approved individualized, intensive course in medical ethics focusing upon sexual misconduct, and shall cooperate, complete, and adhere to any program, plan, education or course of study as so directed in the Board-approved course. The course and its requirements are to be completed during the Respondent's first six (6) months of probation, and shall be in addition to the Respondent's continuing medical education requirements for licensure.

(a) The Respondent shall be responsible for all costs of and pertaining to the medical ethics course, and shall submit written proof of attendance and completion to the

Board.

(b) The Respondent acknowledges, understands and agrees that the enrolling in, attending and completing the requisite medical ethics course and submitting proof of same to the Board is the sole responsibility of the Respondent. The Respondent further acknowledges and understands that failure to abide by these enrollment, attendance, completion and submission terms shall be deemed a breach of and violation of the Consent Order.

8. The Respondent shall perform One Hundred Fifty (150) hours of community service, the nature of which shall be approved by the Board, and in a Board-approved setting dedicated to women's issues.

(a) The Respondent shall be solely responsible for submitting community service settings to the Board for its approval.

(b) The community service shall begin after the Respondent has completed a minimum of six (6) months of therapy, provided the treating therapist has determined that the Respondent can perform the community service in the Board-approved setting without risk to the health, safety and welfare of the public. If the Respondent is deemed to be unable to perform the community service, then he shall return to and appear before the Board for imposition of any additional term of probation which the Board may deem proper.

(c) The One Hundred Fifty (150) hours of community



service shall be performed during a continuous one (1) year period, and/or as approved by the Board.

(d) The Respondent shall submit proof in writing to the Board of performance and completion of the ordered community service.

(e) The Respondent acknowledges, understands and agrees that the performing and completion of the ordered community service as stated above, and submitting proof of same to the Board, is the sole responsibility of the Respondent. The Respondent further acknowledges and understands that failure to abide by these performance, completion and submission terms shall be deemed a breach of and violation of the Consent Order.

**AND BE IT FURTHER ORDERED** that the Respondent shall have a female chaperon present during any and all physical examinations and/or treatment of female patients; and be it further

**ORDERED** that if the Respondent fails to comply with any of the terms or conditions contained herein, then his failure shall be deemed a violation of this Consent Order; and be it further

**ORDERED** that if the Respondent violates any of the terms of his probation as set forth in this Consent Order, or any of the terms or conditions of this Consent Order, then the Board, after determination of violation and notice and a hearing, shall lift the stay of suspension and reinstate the sixty (60) day suspension and/or impose any other disciplinary sanctions it deems appropriate, said violation of probation being proved by a

preponderance of evidence; and be it further

**ORDERED** that if the Board has probable cause to believe that the Respondent presents a danger to the public health, safety or welfare, the Board **WITHOUT PRIOR NOTICE AND AN OPPORTUNITY FOR A HEARING**, may impose any other disciplinary sanctions it deems appropriate, including **SUSPENSION AND/OR REVOCATION**, provided that the Respondent is given notice of the Board's action and an opportunity for a hearing within thirty (30) days after requesting same in accordance with MD.CODE ANN., STATE GOV'T §10-222 (Supp. 1994); and be it further

**ORDERED** that three (3) years after the effective date of the Respondent's probationary period, the Respondent may submit a petition for termination of probation and reinstatement of his license without any conditions or restrictions to the Board provided that the Respondent is not in violation of this Consent Order. On or reasonably before the expiration of the probationary period, the Respondent may submit a petition for termination of probation; however, the Board will not render a decision on the Petition until the entire three year probationary period has expired and unless the Respondent is in full compliance with all terms and conditions of this Consent Order; and be it further

**ORDERED** that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

ORDERED that this Consent Order is considered a public document pursuant to MD. CODE ANN., STATE GOV'T §10-611 et seq. (1993).

3/22/95  
Date

Israel H. Weiner  
Israel H. Weiner, M.D., Chair  
Board of Physician Quality  
Assurance

CONSENT

I, Mansour G. Panah, M.D., acknowledge that I am represented by legal counsel, and I have had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge that the Board, by clear and convincing evidence, could prove the Findings of Fact and Conclusions of Law contained herein. Accordingly, I accept and submit to the foregoing Consent Order, consisting of eleven (11) pages.

I acknowledge the validity of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order.

I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order without reservation as my voluntary act and deed after consulting with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

2/22/95  
Date

Mansour G. Panah  
Mansour G. Panah, M.D.  
Respondent

Read and approved:

2/22/95  
Date

Richard Bloch  
Richard Bloch, Esquire

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Date

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Robert B. Levin  
Attorneys for Respondent

STATE OF Maryland

CITY / COUNTY OF Baltimore

I HEREBY CERTIFY that on this 22nd day of February, 1995, before me, a Notary Public of the State and City/County aforesaid, personally appeared Mansour G. Panah, M.D. and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal,

Patricia Ann Chamberlain  
Notary Public

My Commission expires: June 5, 1996

