





Weaver, M.D., Claude D. Hill, M.D., Rose Mary Bonsack, M.D., Margaret McKean, Christine J. Moore and John T. Lynn, M.D. Robert L. Roth, Assistant Attorney General, was Administrative Prosecutor and the Respondent's counsel was Bruce L. Marcus, Esquire. Susan B. Feldman, Larry Goldberg, Harry J. Matz and Daniel J. O'Brien, Assistant Attorneys General, served as counsel to the Commission. The State's witnesses included three former patients, A, B and C.<sup>3</sup>

The witnesses for the Respondent were ten persons who were either patients, employees or former employees. Respondent also testified.

The following exhibits were introduced:

State's Exhibits

A	Return Receipt
B	Charge Letter which included patient records of Patients A, B and C
C	Standards of Obstetrics and Gynecologic Services
D	Compendium of the Medical and Chirurgical Faculty
E	Black's Law Dictionary Definition - Immoral Conduct
F	Respondent's Motion to Dismiss
G	State's Memorandum in Opposition
H	Decision by Commission

Defendant's Exhibits

1A	Checks and Bills of Patient A
1B	Checks and Bills of Patient A
1C	Checks and Bills of Patient A
1D	Checks and Bills of Patient A
1E	Checks and Bills of Patient A

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<sup>3</sup> witnesses names are coded to protect the patient's confidentiality.

1F Checks and Bills of Patient A  
2 Office Photos - 2 pictures  
3 Office Photos - 4 pictures  
4 Office Photos - 4 pictures  
5 Black and White Lithograph  
6 Medical Record of Helen Kline; 8 pages  
6A Medical Record  
6B Medical Record  
6C Medical Record  
6D Medical Record  
6E Medical Record  
6F Financial Statement  
6G Cytology Requisition  
7 Medical Record Patient A  
8 Office Chart  
9 Financial Record  
10 Letters from Employees and Patients

#### FINDINGS OF FACT

Based upon the evidence produced at the hearing, the Commission finds that:

1. At all times relevant to this case, Respondent was a physician licensed to practice medicine in the State of Maryland.

2. Respondent's medical specialty is in the field of obstetrics and gynecology.

3. Patient A is a 40-year old woman who sought obstetrical treatment and care for the birth of a child when she was 30, in 1979.

4. Patient A testified that:

- a. Respondent told her during her last three weeks of pregnancy that he was in love with her and could not wait until her pregnancy was over "so that we could go together";
- b. Respondent embraced her, held her, told her that he loved her, kissed her on the lips and fondled her breasts over her examination

smock;

- c. Respondent did not always have a chaperone present in the examination room;
- d. Respondent stated when she was in the labor room and no one was present that he loved her; and
- e. She did not return for her six week checkup because of Respondent's behavior.

5. Patient B, a 28-year old woman, sought gynecological treatment from Respondent in 1978, when she was 18 years old. Patient B saw Respondent until 1983. Respondent was the first gynecologist Patient B had consulted.

6. Patient B testified that Respondent kissed her on the lips and tried to stick his tongue in her mouth. Patient B testified that she did not return to see Respondent after he tried to stick his tongue in her mouth, because she objected to his behavior.

7. Patient C, a 21-year old woman, sought gynecological treatment and care from Respondent in 1985 when she was 18. Respondent was the first gynecologist Patient C consulted.

8. Patient C testified that:

- a. A chaperone was not always in the examining room;
- b. She had never had a breast examination before consulting Respondent;
- c. The chaperone was not in the room when Respondent examined her breasts;
- d. Respondent kissed her on the lips on her first visit;

- e. Respondent repeatedly asked her for hugs, kissed her on the lips and put his tongue in her mouth;
- f. Respondent gave her a breast exam at each visit (although no breast abnormalities were indicated), on visits 2 - 7 gave patient two breast exams per visit and on one occasion three breast exams in one visit;
- g. When she asked Respondent if there were any breast abnormalities to warrant repeated breast examinations, Respondent stated that she was beautiful and that she had "beautiful tits";
- h. Respondent asked her if he could come to visit her at work, and asked her how she felt about dating older men.

9. Respondent's witnesses testified that Respondent hugged and kissed patients but, in their opinion, this conduct was not "sexual" in nature.

10. The conduct described by all the State's and Respondent's witnesses was consistent insofar as it indicated a pattern of behavior by Respondent involving physical contact with patients that had no valid medical purpose.

11. Respondent's witnesses' testimony did not contradict the testimony of Patients A, B and C insofar as the Respondent's witnesses only related their respective experiences with Respondent.

12. During the course of the hearing, Patients A, B and C testified in detail regarding Respondent's conduct toward them. Patients A, B and C were questioned by the Commission and cross-examined thoroughly by Respondent's attorney.

13. The Commission found the testimony of Patients A, B and C credible, consistent and trustworthy.

14. The relationship between a gynecologist and his/her patients is one of trust in which the patient is dependent, vulnerable and relies upon the physician.

15. The relationship between an obstetrician and his/her patients is some of trust in which the patient is dependent, vulnerable and relies upon the physician.

16. There is no valid medical treatment that involves sexual contact between patient and a treating obstetrician and/or gynecologist during the course of medical treatment.

17. Respondent's behavior towards Patient A, B and C reflects numerous breaches of medical ethics, and violations of professional standards governing the appropriate practice of obstetrics and gynecology governing similarly situated Maryland practitioners.

18. Respondent violated the trust and dependency placed in him by Patients A, B and C by engaging in sexual contact with these patients.

#### CONCLUSION OF LAW

Based upon the foregoing Findings of Fact, the Commission finds that the Respondent violated §14-504(3) of the Medical Practice Act.

Is guilty of immoral conduct in the practice of medicine.


ORDER

Based upon the foregoing Findings of Fact and Conclusion of Law, on this 7th day of June, 1988 by a unanimous vote of those members of the Commission hearing this case it was voted that it shall be hereby

ORDERED that the license of the Respondent, Mansour Panah, M.D., to practice medicine be SUSPENDED for 45 days said suspension starting not later than 30 days from the date of the serving of this Order on Respondent, thus allowing Respondent a period sufficiency long enough to make arrangements for transfer of his patients; and it is further

ORDERED that a copy of this Order be filed with the Board of Medical Examiners in accordance with §14-507 of the Health Occupation Article of the Annotated Code of Maryland; and be it further

ORDERED that this is a final order and as such is considered a public document pursuant to State Government Article of the Annotated Code of Maryland, §10-611, et seq.

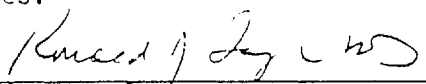
  
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Ronald J. Taylor, M.D.  
Vice-Chairman  
Commission on Medical Discipline

Signed this 30<sup>th</sup> day of June, 1988 by the Vice-Chairman of the Commission.



NOTICE OF A RIGHT OF APPEAL

Pursuant to Health Occupations Article, §14-508, Annotated Code of Maryland, any person aggrieved by a final decision of the Commission under §14-504 of the Act, may take a judicial appeal. The judicial appeal shall be made as provided for a final decision in the Administrative Procedure Act, State Government Article, Annotated Code of Maryland, §10-215 and the Maryland B Rules of Procedures.

  
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Ronald J. Taylor, M.D.  
Vice-Chairman  
Commission on Medical Discipline

Signed this 30<sup>th</sup> day of June, 1988 by the Vice-Chairman of the Commission.