

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JANA L. TUTON  
Supervising Deputy Attorney General  
3 ROBERT C. MILLER  
Deputy Attorney General  
4 P.O. Box 944255  
Sacramento, California 94244-2550  
5 Telephone: (916) 324-5161  
6 Attorneys for Complainant

8 BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the ) No. D-5614  
Accusation Against: )  
12 ) ACCUSATION  
13 GORLI HARISH, M.D. )  
412 McKinley Avenue )  
14 Charleston, WV 25314 )  
15 Physician's & Surgeon's )  
Certificate No. A-41095 )  
16 Respondent. )

18 Dixon Arnett, for causes for discipline, alleges:  
19 1. Complainant Dixon Arnett makes and files this  
20 accusation solely in his official capacity as Executive Director  
21 of the Medical Board of California (hereinafter referred to as  
22 the "Board") and not otherwise.

23 2. On August 13, 1984, the Medical Board of  
24 California issued Physician's and Surgeon's Certificate Number  
25 A-41095 to Gorli Harish, M.D. The certificate expired on  
26 October 30, 1993.

27 / / /  
28 / / /

1           3. Under Business and Professions Code section 2234,  
2 the Division of Medical Quality shall take action against any  
3 licensee who is charged with unprofessional conduct.

4           4. Under Business and Professions Code section 2305,  
5 the revocation, suspension, or other discipline by another state  
6 of a license or certificate to practice medicine issued by the  
7 state shall constitute unprofessional conduct against such  
8 licensee in this state.

9           5. Respondent has subjected his physician's and  
10 surgeon's certificate to discipline under Business and  
11 Professions Code sections 2234 and 2305 in that on or about  
12 June 4, 1993, respondent and the West Virginia Board of Medicine  
13 entered into a stipulated agreement placing restrictions and  
14 conditions on respondent's medical license based on three civil  
15 malpractice claims which have been filed against respondent. (See  
16 attached Exhibit "A")


17           WHEREFORE, complainant prays that a hearing be held and  
18 that the Medical Board of California make its order:

19           1. Revoking or suspending Physician's and Surgeon's  
20 Certificate Number A-41095, issued to Gorli Harish, M.D.;

21           2. Prohibiting Gorli Harish, M.D. from supervising  
22 physician assistants; and

23           3. Taking such other and further action as may be  
24 deemed proper and appropriate.

25 DATED: January 20, 1994

26   
27 \_\_\_\_\_  
28 DIXON ARNETT, Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

**EXHIBIT A**



Rev. Richard Bowyer  
Fairmont

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

H. Darrel Darby, D.P.M.  
Huntington

Ahmed D. Faheem, M.D.  
Beckley

Mr. Stephen P. Goodwin  
Charleston

Michael Grome, P.A.-C.  
Hamlin

# State of West Virginia

WEST VIRGINIA BOARD OF MEDICINE  
101 Dee Drive  
Charleston, West Virginia 25311  
Telephone (304) 558-2921  
Fax (304) 558-2084

Phillip B. Mathias, M.D.  
Glen Dale

Leonard Simmons, D.P.M.  
Clarksburg

Sarjit Singh, M.D.  
Weirton

Joseph Skaggs, M.D.  
Charleston

Joseph Smith, M.D.  
Dunbar

Mrs. Lydia Winfrey  
Princeton

## C E R T I F I C A T I O N

I DO HEREBY CERTIFY that the following attached document IN RE:  
GORLI HARISH, M.D., is a true and accurate copy of the original  
document as maintained by the West Virginia Board of Medicine:  
(1) CONSENT ORDER dated June 4, 1993.

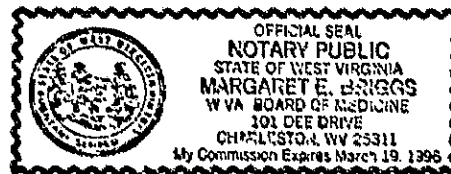


RONALD D. WALTON  
Executive Director  
West Virginia Board of Medicine

STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA

The foregoing instrument was acknowledged before me this 13th day  
of September, 1993, by RONALD D. WALTON, Executive Director, West  
Virginia Board of Medicine.

My commission expires March 19, 1996.

  
MARGARET E. BRIGGS  
Notary Public

PRESIDENT  
Eileen Catterson, M.D.  
Pineville

VICE PRESIDENT  
Jesus Tan Ho, M.D.  
Moundsville

SECRETARY  
William T. Wallace, Jr., M.D., M.P.H.  
Charleston

COUNSEL  
Deborah Lewis Kodecker  
Charleston

EXECUTIVE DIRECTOR  
Ronald D. Walton  
Charleston

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 currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 10453. Dr. Harish's address of record with the Board is in Charleston, West Virginia.
2. Dr. Harish appeared before members of the Board for a discussion of three civil actions alleging malpractice against Dr. Harish.
3. In March, 1993, the Board initiated its own complaint based upon the care and treatment rendered by Dr. Harish to three patients subject of the malpractice claims filed against Dr. Harish.

4. The Board began an investigation of its complaint, and received a response by Dr. Harish to the complaint. In his response, Dr. Harish specifically denied that he violated any statute, regulation or provision pertaining to the practice of medicine and surgery in the State of West Virginia.

5. Permitting Dr. Harish to continue the practice of medicine and surgery without certain appropriate restrictions and limitations upon his medical license 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. The Board believes that probable cause exists to file charges against Dr. Harish under West Virginia Code §30-3-14(c)(17), and 11 CSR 1A 12.1(x), to determine whether the care rendered to the aforesaid three patients met with the level of care, skill and treatment which is recognized by a reasonable, prudent, similar physician as being acceptable under similar conditions and circumstances. However, Dr. Harish believes that there has been no such statutory or regulatory violation.

3. The Board and Dr. Harish have determined that it is appropriate to waive formal proceedings and to resolve this matter on the following terms and conditions.

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, 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. The Board and Dr. Harish waive a formal hearing in this matter;

4. The Board and Dr. Harish agree to the entry of this Consent Order in this matter; and,

5. This Consent Order is considered a public document which 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, and on the basis of the consent of Dr. Harish and the Board, it is hereby ORDERED as follows:

1. In addition to the general requirements for a physician licensed in West Virginia to attend continuing medical education, Dr. Harish shall successfully complete a mini-residency of a minimum duration of fifty (50) hours which shall be documented in writing to the Board no later than December 1, 1993.

2. Dr. Harish shall request any hospital where he enjoys hospital staff privileges to provide any and all quality of care and peer reviews and assessments pertaining to him to the Board, on a regular basis, as such assessments are prepared and completed. Contemporaneously herewith, Dr. Harish shall sign and provide a release to the Board authorizing such reviews and assessments to be provided to the Board as stated herein, for a period of two (2) years, ending June 15,



1995, in order that the Board may monitor the quality of care provided by him.

3. Dr. Harish shall review materials provided to him by the Board relating to maintaining adequate medical records and shall improve his medical record keeping.

4. No later than June 15, 1993, Dr. Harish shall provide a copy of this Order to any employer or health care or medical facility where Dr. Harish is practicing medicine, and during the period that this Order is in effect, Dr. Harish shall provide a copy of this Order to any prospective employer or health care or medical facility where he seeks to practice medicine.

In the event of any non-compliance by Dr. Harish with the terms of this Consent Order, the Board may initiate formal proceedings which it deems appropriate.

Entered this 4th day of June, 1993.

WEST VIRGINIA BOARD OF MEDICINE

Eileen Patterson, MD

Eileen Catterson, M. D.  
President

William T. Wallace, Jr., M.D., M.P.H.

William T. Wallace, Jr., M.D., M.P.H.  
Secretary

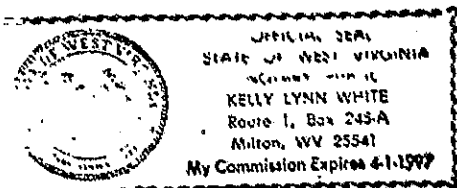
Gorli Harish, M.D.

Date: 6/8/93

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

I, Kelly Lynn White, a Notary Public for  
said county and state do hereby certify that Gorli Harish, M.D.,  
whose name is signed on the previous page has this day  
acknowledged the same before me.

Given under my hand this 8<sup>th</sup> day of June, 1993.  
My Commission expires 4-1-97.



Kelly Lynn White  
NOTARY PUBLIC