

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN RE:

IRAJ DERAKHSHAN, M.D.

License No.: MD33728

Respondent

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CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “Board” or “D.C. Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2009). The HORA authorizes the Board to regulate the practice of medicine in the District of Columbia and, in doing so, the Board has broad jurisdiction to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1201.03; *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C.1989). The Council of the District of Columbia, in amending the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C.1989). And the HORA “was designed to ‘address modern advances and community needs *with the paramount consideration of protecting the public interest.*’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court).

Background

Respondent has been licensed to practice medicine in the District of Columbia since June 26, 2002. Respondent is also licensed in West Virginia. On or about March 23, 2012, the West

Virginia Board of Medicine (West Virginia Board) received a complaint from a former patient of Respondent's, alleging that Respondent: 1) engaged in unprofessional conduct during the course of his treatment of the patient; 2) sought out and acquired the patient's medical and hospital records without consent after having terminated the physician-patient relationship; and 3) altered the patient's previously executed release to remove the date of execution and other pertinent limitations to on its use to obtain the referenced records. On September 16, 2014, the West Virginia Board issued a Consent Order to Respondent in order to resolve the matter and imposed a public reprimand. The West Virginia Consent Order is attached and hereby incorporated for reference.

On October 29, 2014, the D. C. Board considered the West Virginia Consent Order and its terms. The D.C. Board determined that the West Virginia Consent Order warranted reciprocal action with respect to Respondent's District of Columbia medical license. Accordingly, the D.C. Board voted to issue the instant Consent Order to Respondent.

Conclusions of Law

The D.C. Board is authorized, pursuant to D.C. Official Code § 3-1205.14(a)(3), to take reciprocal action when a Respondent has been disciplined by a licensing authority of another jurisdiction for conduct that would be grounds for Board action. In pertinent part, D.C. Official Code § 3-1205.14(a)(3) states:

Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions...against any person permitted by this subchapter to practice a health occupation regulated by the board in the District who is **disciplined by a licensing or disciplinary authority...of any jurisdiction for conduct that would be grounds for disciplinary action under this section.** (emphasis added)

Also, under D.C. Official Code, a physician licensed in the District must conform to standards of acceptable conduct and prevailing practice within a health profession or be subject to disciplinary action.¹ Respondent's unprofessional conduct in West Virginia during the course of treatment with his patient, the seeking and acquiring his patient's medical and hospital records without consent, and the altering the patient's release form to remove the date of execution and other pertinent limitations on its use to obtain the records do not conform to the standards of acceptable conduct in the practice of medicine and would be a violation of D.C. Official Code §3-1205.14(a)(26) had that conduct occurred in the District of Columbia.

Accordingly, Respondent's conduct has provided the D.C. Board with a basis in law and fact to take reciprocal action against Respondent under the authority of D.C. Official Code § 3-1205.14(a)(3).

ORDER

Based upon the foregoing, it is this by the District of Columbia Board of Medicine hereby,

ORDERED, that, Respondent hereby be **PUBLICLY REPRIMANDED** for his unprofessional conduct during the course of treatment with a patient, the seeking and acquiring of a patient's medical and hospital records without consent, and the altering that patient's release form to remove the date of execution and other pertinent limitations on its use to obtain the referenced records; and it is further

ORDERED, that Respondent agrees that, henceforth, he shall abstain from altering, causing to be altered, or permitting to be altered any patient release forms; and it is further

¹ See D.C. Official Code §3-1205.14(a)(26) (2012 Repl.).

ORDERED, that Respondent shall comply with all laws, rules, and regulations of the District of Columbia, while within its jurisdiction; and it is further

ORDERED, that if Respondent fails to satisfactorily fulfill the terms of this Consent Order the D.C. Board may issue a notice of intent to take formal disciplinary action against Respondent's license; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

3.26.15

Date

Janis M. Orlowski, MD
By: Janis M. Orlowski, M.D., M.A.C.P.
Chairperson

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CONSENT OF RESPONDENT

- My signature on the foregoing Consent Order signifies my acceptance of the terms and conditions of the Consent Order and my agreement to be bound by its provisions. JD
(initial)
- I acknowledge the validity of this Consent Order, as if made after a hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. JD (initial)
- I also recognize that I am waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing. JD (initial)
- I expressly acknowledge that by signing this Consent Order, I am voluntarily waiving my right to require the Board to charge me through a notice of intent to take disciplinary action with a violation of this agreement and to require the government to prove such violation by a preponderance of the evidence before suspending my license based upon the failure to satisfactorily fulfill the terms of the Consent Order. JD (initial)
- I also expressly acknowledge by signing this Consent Order, I am waiving my right to confront witnesses, give testimony, to call witnesses on my behalf, and to other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. JD (initial)
- I further expressly acknowledge that by signing this Consent Order, I am waiving my right to appeal this Consent Order, as well as waiving any and all rights, whatsoever, I would

have to challenge or appeal that Board's decision to suspend my license based on the failure to satisfactorily fulfill the terms of the Consent Order. JD (initial)

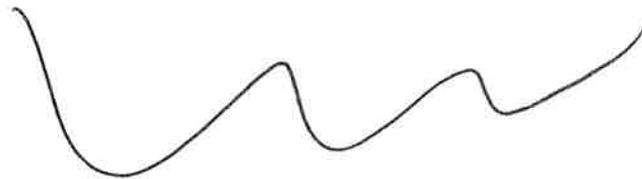
- I acknowledge that in the event that the Board suspends my license based on the failure to satisfactorily fulfill the terms of the Consent Order, my sole remedy and recourse will be to respond within the time period set forth in this Consent Order with proof of my compliance and that if I fail to do so, my sole remedy and recourse will be to comply with the terms of this Consent Order to the satisfaction of the Board. JD (initial)

- I have had an opportunity to review this document and to consult with my own legal counsel. I choose willingly to sign this Consent Order, and I understand its meaning and effect.

JD (initial)

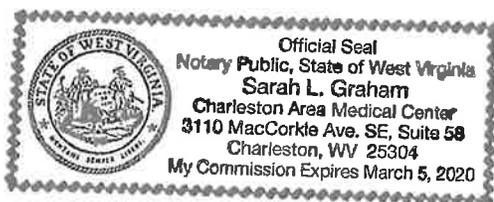
1/29/15

Date



Iraj Derakhshan, M.D., License # MD33728

Sworn to and subscribed before me this 29th day of January, 2015.



Sarah L. Graham
Notary Public (SEAL)
My Commission Expires:

This Consent Order shall be deemed a public document and shall be distributed as appropriate.