

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

IN RE: :
 :
HADI M. RASSAEL, D.O. :
 :
License No.: DO31954 :
 :
Respondent :

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 osteopathy and surgery in the District of Columbia since August 11, 1999. Respondent is also licensed in Maryland and Virginia.

On October 7, 2014, the Maryland Board of Physicians (“Maryland Board”) summarily suspended Respondent’s license to practice medicine in Maryland, because he engaged in relationships beyond the physician patient relationship with at least three patients, either while he was their treating physician or after the physician patient relationship terminated. On November 20, 2014, the District of Columbia Department of Health (DOH) summarily suspended Respondent’s license to practice medicine based on the Maryland summary suspension. Subsequent to DOH’s summary suspension, Respondent entered into a consent order with the Maryland Board based on extensive findings of fact. The findings of fact in the Maryland consent order, dated January 14, 2015, are incorporated herein by reference as though separately set forth in their entirety.¹ The Maryland Board suspended Respondent’s license to practice in Maryland for a period of at least 18 months, placed him on a period probation for three years and imposed conditions of probation. Respondent’s voluntary consent order, dated January 14, 2015, with the Maryland Board resolved all disciplinary matters pending with the Maryland Board.

On March 25, 2015, this Board considered the terms of the Maryland consent order. This Board determined that the Maryland consent order warranted reciprocal action with respect to Respondent’s District of Columbia medical license. Accordingly, this Board voted to issue the instant Consent Order to Respondent.

¹During the time when Respondent was engaged in the conduct that led to the January 14, 2015 consent order, Respondent was already on probationary status with the Maryland Board pursuant to a July 28, 2011 consent order. Among the conditions imposed in the July 28, 2011 consent order was the requirement that, within 30 days of the execution of the July 28, 2011 consent order, Respondent was to modify his professional website to ensure removal of any misleading information that is inconsistent with the Maryland Board’s advertising regulations. The Maryland Board, in the January 14, 2015 consent order, concluded that Respondent failed to comply with this probationary term, as well as having violated sections of the Maryland Health Occupations Code.

Conclusions of Law

The 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.

Based upon extensive findings of fact, the Maryland Board found that Respondent engaged in relationships beyond the physician patient relationship with at least three patients, either while he was their treating physician or after the physician patient relationship terminated. Accordingly, the Maryland Board concluded that Respondent violated Md. Health Occ. Code § 14-404(a)(3)(i) and (ii) (immoral and unprofessional conduct in the practice of medicine), § 14-404(a)(41)(i) and (ii) (performing cosmetic surgical procedure in an unaccredited facility), and further found that Respondent violated a condition of probation that required Respondent to correct misleading information on his professional website. Had Respondent engaged in the same conduct in the District, as found by the Maryland Board occurred in Maryland, Respondent would be a violation of D.C. Official Code § 3-1205.14(a) (23)(b) (sexual contact with a patient while maintaining a physician patient relationship), § 3-1205.14(a)(26) (failing to conform to standards of acceptable conduct and prevailing practice), § 3-1205.14(a)(27) (violating a consent order entered into with a board), and title 17 DCMR § 4612.7 (wilfully or carelessly disregarding the health, welfare, or safety of a patient), and § 4612.8 (failing to conform to the prevailing standards of acceptable medical practice), were his conduct to have occurred in the District of

Columbia. Therefore, Respondent may be punished reciprocally under D.C. Official Code § 3-1205.14(a)(3).

Accordingly, Respondent's violation of the HORA and the Board's regulations provide the Board with a basis in law and fact to warrant reciprocal, disciplinary action.

ORDER

Based upon the foregoing, it is by the District of Columbia Board of Medicine hereby, **ORDERED**, that the District of Columbia Board of Medicine shall recommend to the District of Columbia Department of Health to vacate the summary suspension currently in effect; and it is further

ORDERED, that upon the Department of Health's vacature of the summary suspension, the District of Columbia Board of Medicine shall report to the National Practitioner Data Bank that the summary suspension against Respondent's license number DO31954 has been vacated; and it is further

ORDERED, that, effective October 7, 2014, Respondent's license to practice medicine in the District of Columbia shall be **SUSPENDED** for a period of eighteen (18); and it is further

ORDERED, that, upon the expiration of 18-month suspension, beginning October 7, 2014, Respondent may petition for termination of the suspension, **PROVIDED**, that Respondent has fully and satisfactorily complied with the terms and conditions of this Consent Order; and it is further

ORDERED, that Respondent may not petition for termination of suspension imposed herein prior to the expiration of the 18-month period of suspension; and it is further

ORDERED, that Respondent shall comply with the following terms and conditions:

1. Within ten (10) days of executing this Consent Order, Respondent shall provide to the District of Columbia Board of Medicine satisfactory proof of Respondent's enrollment in the Maryland Professional Rehabilitation Program (MPRP) for evaluation and treatment AND shall further provide satisfactory proof of entry into a Maryland Board monitored participant rehabilitation agreement and plan and demonstrated compliance with all MPRP recommendations, referrals, rules and requirements, including, but not limited to, any treatment and evaluation recommended by the MPRP;

2. Respondent shall execute any written release or consent form(s), and update them, as necessary, and as required by the Maryland Board, the MPRP, and the District of Columbia Board of Medicine. By entering into and executing this Consent Order Respondent hereby expressly authorizes the Maryland Board and the MPRP to provide verbal and written disclosures to the District of Columbia Board of Medicine, including disclosures of any and all MPRP records and files, and the records of MPRP's agents. Respondent shall also execute any written release or consent form(s) to authorize the MPRP to disclose to and receive from the District of Columbia Board of Medicine verbal and written information regarding Respondent's treatment, including, but not limited to, the identity(ies) of Respondent's treatment providers, treatment evaluations and treatment records;

3. After a minimum period of one (1) year from the date of Respondent's enrollment into the MPRP, and based upon his participation in the MPRP, treatment progress, and evaluations, Respondent shall submit to an evaluation by MPRP to determine Respondent's fitness to resume clinical practice. In addition to the MPRP fitness to practice evaluation, Respondent shall also submit to a fitness to practice evaluation by a District of Columbia Board of Medicine-approved physician to determine Respondent's fitness to resume clinical practice. Respondent must be

deemed fit to practice as a condition precedent to terminating the suspension imposed herein, whether the termination of the suspension occurs at the expiration of the 18-month period or any time thereafter;

4. Within ten (10) days of executing this Consent Order, Respondent shall submit satisfactory proof that his professional website has been modified to ensure removal of any misleading information that is inconsistent with Maryland Board's regulations on advertising. Respondent shall also ensure that his professional website contains information that is compliant with the District of Columbia Board of Medicine's regulations on advertising; and it is further

ORDERED, that, upon termination of the suspension of Respondent's medical license, Respondent shall be placed on a period of **PROBATION** for a minimum period three (3) years with terms and conditions as deemed appropriate by the District of Columbia Board of Medicine; and it is further

ORDERED, that, upon the termination of the suspension of Respondent's medical license, Respondent shall appear before the District of Columbia Board of Medicine in order for the Board to determine appropriate terms of probation; and it is further

ORDERED, that a condition of compliance with this Consent Order is Respondent's satisfactory compliance with the Maryland consent order, and that any violation of the Maryland consent order shall be deemed a violation of this Consent Order; and it is further

ORDERED, that Respondent shall comply with all laws, rules, and regulations of the District of Columbia, while licensed to practice medicine in the District of Columbia; and it is further

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

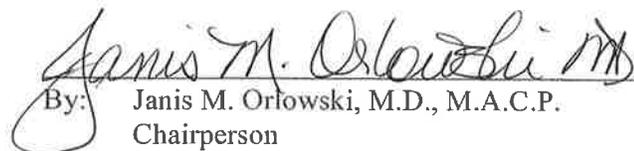
ORDERED, that Respondent has an independent obligation to comply with the terms and conditions of this Consent Order, and while the terms in this Consent Order and the Maryland consent order are co-terminus, Respondent's compliance with the Maryland consent order is independent of, and not in any way to be construed as a substitution for, compliance with this Consent Order; and it is further

ORDERED, that Respondent shall be responsible for bearing all costs associated with and incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED, that this Consent Order shall be a PUBLIC document, and shall be disseminated as appropriate.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

3.26.15
Date


By: Janis M. Orfowski, M.D., M.A.C.P.
Chairperson

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. HR
(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. HR (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. HR (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. HR (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. HR (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. HR (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. HR (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. HR (initial)

3/24/2015
Date


Hadi M. Rassael, D.O., License No. DO31954

Sworn to and subscribed before me this 24th day of March, 2015.


Notary Public
My Commission Expires:

Elliott A. Alman
Notary Public
Montgomery County, Maryland
My Commission Expires June 21, 2015

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