

IN THE MATTER OF * **BEFORE THE MARYLAND**
HADI M. RASSAEL, D.O. * **STATE BOARD OF PHYSICIANS**
Respondent. * **Case No.: 7715-0052**
License No.: H51091 *

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ORDER ON PETITION FOR TERMINATION OF SUSPENSION

On October 8, 2014, Disciplinary Panel B of the Maryland State Board of Physicians (“Board”) charged Respondent, Hadi M. Rassael, D.O. with engaging in immoral and unprofessional conduct in the practice of medicine, based on allegations of sexual misconduct from multiple patients and an allegation that he borrowed \$180,000 in personal loans from one patient, in violation of Md. Code Ann., Health Occ. § 14-404(a)(3)(i) and (ii). Dr. Rassael was also charged with performing cosmetic surgical procedures in an unaccredited facility, in violation of § 14-404(a)(41)(i) and (ii), and with violating probationary terms and conditions of a previous Consent Order dated July 28, 2011.

On January 14, 2015, in order to resolve the charges, Dr. Rassael entered into a Consent Order with Disciplinary Panel B in which the panel concluded that Dr. Rassael had violated Health Occ. § 14-404(a)(3)(i) and (ii), § 14-404(a)(41)(i) and (ii), and the probationary terms and conditions of his July 2011 Consent Order. As a sanction, Disciplinary Panel B suspended Dr. Rassael’s license to practice medicine in Maryland for a minimum of eighteen (18) months. Dr. Rassael was ordered to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) while he was under suspension, and to comply with any evaluation and treatment recommendations of the MPRP. The Consent Order also provided that Dr. Rassael would be eligible to petition for termination of the suspension only upon full and satisfactory compliance

with all of MPRP's evaluation and treatment recommendations, and the MPRP's determination that he was fit to resume clinical practice. In addition, the Consent Order provided that upon termination of the suspension by Disciplinary Panel B, Dr. Rassael be placed on probation for a minimum of three years subject to terms and conditions deemed appropriate by the MPRP and the panel.

On April 4, 2016, the MPRP provided a written update to the panel on Dr. Rassael's ongoing participation in and adherence to his MPRP Agreement and Plan. The MPRP deferred to the panel's judgment on whether Dr. Rassael's license should be reinstated. The MPRP submitted a list of recommended terms and conditions in the event that the panel determined to terminate the suspension and reinstate Dr. Rassael's medical license.

On April 29, 2016, Dr. Rassael filed a written Petition for Termination of Suspension and appeared before Disciplinary Panel B on May 25, 2016, for consideration of the petition.

Based on Disciplinary Panel B's review of the documents submitted by the MPRP for the panel's consideration, the panel will not terminate Dr. Rassael's suspension at this time. It is hereby:

ORDERED that Dr. Rassael's suspension shall continue until Disciplinary Panel B:

- a. Approves a licensed physician to supervise and monitor the implementation of terms and conditions recommended by the MPRP, as detailed on page 4 of this Order; and
- b. Approves Dr. Rassael's individual practice guidelines, protection and organizational plans with respect to office changes, and his professional and personal plans for maintaining appropriate, strict, professional boundaries with patients and staff. Dr. Rassael shall submit all plans and individual practice guidelines to the MPRP for MPRP approval prior to submitting them to the panel for panel approval; and it is further

ORDERED that successful compliance with the first condition requires that:

- a. As part of the approval process, Dr. Rassael shall submit to Disciplinary Panel B the name and professional credentials of a Maryland licensed physician that he proposes to conduct the supervision and monitoring required by the panel;
- b. Dr. Rassael shall provide the panel-approved supervising physician with a copy of the charging document, Consent Order, MPRP documents, and whatever other written materials the panel deems relevant;
- c. The supervising physician shall notify the panel in writing of his/her acceptance of the supervisory and monitoring role of the terms and conditions deemed applicable by the MPRP. Supervision and monitoring of the implementation of the MPRP terms and conditions shall commence following panel approval and the termination of suspension by the panel; and it is further

ORDERED that if Dr. Rassael obtains panel approval of a licensed physician supervisor, and his practice guidelines, boundary protection plans and organizational plan for office changes, Dr. Rassael may submit a written petition to the panel requesting termination of his suspension. After consideration of the petition and panel approval of the supervisor, practice guidelines and boundary protection and organizational plans, Dr. Rassael's suspension may be administratively terminated; and it is further

ORDERED that after the suspension is terminated, Dr. Rassael shall be placed on **PROBATION** for a minimum period of **THREE (3) YEARS**.¹ During the probationary period, Dr. Rassael shall fully and satisfactorily comply with the following probationary terms and conditions:

¹ Dr. Rassael's license expires on September 30, 2017. If Dr. Rassael fails to renew his license before it expires, the probation or suspension will not be terminated and the time period of probation/suspension will be tolled until his license is reinstated. COMAR 10.32.02.05C(3)(a). If Dr. Rassael's license expires while his license is suspended or while he is on probation, Dr. Rassael may not petition Panel B for termination of probation/suspension until he applies for and meets the requirements for reinstatement. See COMAR 10.32.02.06A (4).

- a. Dr. Rassael is required to have a chaperone present during all interactions with patients, for both telephone and in-person patient encounters, with documented log-in and log-out by a chaperone for each patient;
- b. Dr. Rassael shall not use or employ family members as chaperones;
- c. Dr. Rassael shall not have any contact with patients outside of care and treatment for patients' medical needs;
- d. Dr. Rassael shall continue enrollment with the MPRP during the entire length of the probationary period. Dr. Rassael shall continue his Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP. Dr. Rassael shall fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements, including but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered into with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and toxicology screenings as directed by MPRP;
- e. Dr. Rassael shall sign and update the written release/consent forms requested by the Board and MPRP. Dr. Rassael shall sign the release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, including disclosure of any and all MPRP records and files possessed by MPRP. Dr. Rassael shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Dr. Rassael's current therapists and treatment providers) verbal and written information concerning Dr. Rassael and to ensure that MPRP is authorized to receive the medical records of Dr. Rassael including, but not limited to, mental health and drug or alcohol treatment records;
- f. Dr. Rassael shall undergo periodic polygraph examination as a clinical tool for compliance at the discretion of the MPRP;
- g. Dr. Rassael shall continue in the Maintenance and Accountability Seminars ("MAS-12") Program for **twelve (12) months**.
- h. At a minimum, Dr. Rassael shall meet with the panel-approved supervising physician **once a month** for the duration of probation. The purpose of the monitoring shall be to focus on the implementation and maintenance of the ethical and professional boundary terms and conditions of probation outlined in a-g.
- i. The supervising physician shall submit **quarterly** reports to the panel detailing Dr. Rassael's progress in implementing and maintaining compliance with these terms and conditions;
- j. The supervising physician shall immediately contact the Board if there are any concerns or complaints regarding personal boundary issues or there are any issues in complying with the terms and conditions of this order;

- k. Dr. Rassael has sole responsibility for ensuring that the supervising physician submits the required quarterly reports to the panel in a timely manner;
- l. Disciplinary Panel B has sole authority over any changes in supervision and monitoring and must approve and ratify any changes in supervision and monitoring or the frequency of supervision and monitoring;
- m. In the event that Dr. Rassael's supervising physician discontinues the supervisory and monitoring process for any reason, Dr. Rassael shall immediately notify Disciplinary Panel B. Dr. Rassael shall be solely responsible for submitting a replacement candidate to serve as his supervisor under the terms specified above;
- n. An unsatisfactory report from the supervising physician shall constitute a violation of probation and this Order; and it is further

ORDERED that Dr. Rassael shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101 – 14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

ORDERED that if the Board or Disciplinary Panel B determines, after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative Hearings if there is a genuine dispute as to a material fact, or a show cause hearing before the Board or panel if there is no genuine dispute as to a material fact, that Dr. Rassael has failed to comply with any term or condition of probation or this Order, the Board or Disciplinary Panel B may reprimand Dr. Rassael, place Dr. Rassael on probation with appropriate terms and conditions, or suspend or revoke Dr. Rassael's license to practice medicine in Maryland. The Board or Disciplinary Panel B may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Dr. Rassael; and it is further

ORDERED that after a minimum of three years from the date on which Dr. Rassael's probation begins, he may submit a written petition to the Board or designated disciplinary panel requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board or designated Board panel. The Board or designated Board panel will grant the termination if Dr. Rassael has fully and satisfactorily complied with

all of this Order's probationary terms and conditions, as determined by the Board or designated Board panel, and there are no pending complaints related to the charges; and it is further

ORDERED that Dr. Rassael is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

ORDERED that, unless otherwise stated in the Order, any time period prescribed in this Order begins when the Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Disciplinary Panel B; and it is further

ORDERED that this Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

May 26, 2016
Date

Christine A. Farrelly
Christine A. Farrelly, Executive Director
Maryland State Board of Physicians