

IN THE MATTER OF

HANIF A. GOPALANI, M.D.,

RESPONDENT,

LICENSE NO. D37448

BEFORE THE BOARD

OF PHYSICIAN QUALITY

ASSURANCE OF MARYLAND

Case No. 2001-0453

CONSENT ORDER FOR SURRENDER
OF LICENSE TO PRACTICE MEDICINE

Hanif A. Gopalani, M.D. (the "Respondent")(D.O.B. 10/23/1952), License No. D37448, consents to surrender his license to practice medicine in the State of Maryland, said consent to be effective immediately.

1. The Respondent has decided to surrender his license to practice medicine in the State of Maryland. The Respondent's license is License No. D37448.

2. The Respondent understands that he may not give medical advice or treatment to any individual, with or without supervision and/or compensation, and cannot prescribe medications or otherwise engage in the practice of medicine as it is defined in the Maryland Medical Practice Act (the "Act"), Md. Health Occ. art. §14-101 *et seq.* Code Ann.

3. The Respondent understands that the surrender of his license means that he is in the same position as an unlicensed individual.

4. The Respondent understands that this Consent Order for Surrender of License to Practice Medicine is a PUBLIC document.

5. The Respondent's decision to surrender his license to practice medicine in Maryland has been prompted by an investigation by the Maryland Board of Physician Quality Assurance (the "Board") that has resulted in charges. The investigation was

prompted by a November 15, 2000, complaint filed by an official of Clifton T. Perkins Hospital Center ("CTP"). The CTP complaint describes a course of conduct involving the misuse of job-related information to repeatedly contact a female co-worker against her wishes, in direct violation of CTP sanctions and, eventually, a Court order. This course of conduct eventually led to criminal charges and entry of pleas of guilty to charges of harassment and telephone misuse. The Respondent agreed to voluntary in-patient admission to Crownsville Hospital Center for as long as his treatment team recommended in-patient care and until he could be placed safely in the community. The Respondent is currently an in-patient at Crownsville Hospital Center.

6. The Respondent understands and acknowledges that the Board investigation resulted in charges under the Act. Specifically, the Respondent was charged with violation of §14-404(a)(3) and §14-404(a)(4) of the Act. The Respondent understands and acknowledges that the Board summarily suspended his license to practice medicine on or about May 25, 2001. The Respondent understands and acknowledges that the summary suspension was proper and that he waived any and all rights to review of that summary suspension

7. The Respondent understands and acknowledges that §14-404(a)(3) permits suspension or revocation of a license if the licensee "[i]s guilty of immoral or unprofessional conduct in the practice of medicine."

8. The Respondent understands and acknowledges that §14-404(a)(4) permits suspension or revocation of a license if the licensee "[i]s professionally, physically, or mentally incompetent."

9. The Respondent understands, acknowledges and affirms that he was served with a copy of the charging document and has otherwise been advised of the Board's actions through communications with his counsel.

10. The Respondent understands and acknowledges that the Board found that he has violated §14-404(a)(3) and §14-404(a)(4).

11. Although Respondent made a single telephone call to the office of Michael D. Berman, Esquire, Deputy Chief of Litigation, Office of the Attorney General, and left a voice mail message for Mr. Berman, the Respondent acknowledges and affirms that he had no discussions with Mr. Berman.

12. The Respondent has decided to surrender his license to practice medicine in Maryland to avoid further prosecution of the aforementioned charges. The Respondent understands the basis for the charges against the Respondent, including the findings of the investigations described above. The Respondent admits that the Board's investigation and findings are sufficient to justify revocation of his license to practice medicine in the State of Maryland. By virtue of this Consent Order for Surrender of License to Practice Medicine, the Respondent waives any and all right to contest those charges and findings. The Respondent wishes to make it clear that he has voluntarily, knowingly, and freely chosen to agree to entry of this Consent Order for Surrender of License to Practice Medicine. **The Respondent understands that, by signing this Consent Order for Surrender of License to Practice Medicine, he is waiving any and all right to contest these findings in a formal evidentiary hearing at which he would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on his own behalf and to all other substantive and procedural protections provided by law, including the right to appeal.**

13. The Respondent represents and affirms that he has permanently terminated any and all medical practice that he had in Maryland. The Respondent also affirms that he has no active privileges at any hospital, outpatient facility, nursing home or other health care facility in the State of Maryland.

14. The Respondent will, on or before the effective date of this Consent Order for Surrender of License to Practice Medicine:

- a. Present to the Board his Maryland medical license, including any and all renewal certificates and wallet-sized renewal cards; and,
- b. Deliver the following to the Division of Drug Control, 4201 Patterson Avenue, 4th Floor, Baltimore, MD 21214: (1) any and all Maryland Controlled Dangerous Substance Certificates; (2) all Medical Assistance prescription forms in his possession (including custody and control) and practice; (3) all prescription forms in his possession (including custody and control) and practice; (4) all prescription forms on pads on which his name and Drug Enforcement Agency number are imprinted; and, (5) all controlled dangerous substances in his possession (including custody or control) and practice; and,
- c. Send by certified mail, return receipt requested, all Drug Enforcement Administration Registration Cards to Robert Bickel or any successor, Diversion Supervisor, Drug Enforcement Administration, 200 St. Paul Place, 22d Floor, Baltimore, MD 21202, together with a copy of this Consent Order for Surrender of Medical License.

15. The Respondent understands that the Board will advise the Federation of State Medical Boards, the Healthcare Integrity and Protection and the National Practitioner Data Bank of this Consent Order for Surrender of Medical License. The Respondent consents to that action by the Board.

16. The Respondent understands that, in response to any inquiry, the Board will state that he has surrendered his license in lieu of disciplinary action under the Act as a resolution of the matters pending against him. The Respondent consents to such responses.

17. The Respondent acknowledges and understands that, in the event that he would apply for licensure in any form in any other State or jurisdiction, this Consent Order for Surrender of License, and all underlying or related documents, may be released or published by the Board to the same extent as a final order that would result from disciplinary action pursuant to Md. State Gov't. art. §10-611 *et seq.* Code Ann. The Respondent consents to such release or publication.

18. The Respondent recognizes and agrees that by signing this Consent Order for Surrender of License that his license will remain surrendered for a minimum of one year from the effective date (as defined below) and until such later time as he applies for reinstatement and complies with the terms and conditions set forth in this Consent Order for Surrender of License and those determined by the Case Resolution Committee and/or the Board subsequent to his application for reinstatement.

- a. Notwithstanding any contrary provision contained here, the Respondent's license shall remain surrendered for one year from the effective date (as defined below)(the "Minimum Period");
- b. Respondent shall not be permitted to apply for reinstatement until expiration

of the Minimum Period AND until Crownsville Hospital Center discharges him from in-patient care AND Ellen G. McDaniel, M.D., or, if Dr. McDaniel is unavailable, another psychiatrist, (and/or other health care provider(s)) selected by the Board at the Respondent's expense determines, after a full and thorough evaluation, in writing that Respondent is psychologically, physically, and medically competent to practice medicine AND Respondent provides to the Board any and all documentation of all in-patient and out-patient treatment (including evaluations that are not for treatment) he has had, occurring from the date of the Summary Suspension and continuing to the date of the Board's decision on the application AND he is able to demonstrate that he is professionally capable of practicing medicine. The Respondent acknowledges and agrees that, in the event he applies for reinstatement of his Maryland license, or for the issuance of a new Maryland license, the Board may set terms and conditions that shall apply to his receiving a license, including, but not limited to, ensuring that Respondent meets any and all statutory and/or regulatory requirements. Such terms and conditions may include a requirement that Respondent pass mental and/or physical examinations and may require periodic evaluations at the cost and expense of the Respondent.

- c. The Respondent understands and agrees that, if he applies for a license, he bears the burden of demonstrating to the Board that he is competent to practice medicine and possesses good moral character, as specified in Md. Health Occ. art. §14-307 Code Ann.

d. The Respondent understands and acknowledges that, if he requests reinstatement of his license and/or a new license, the Board will review his case and determine his fitness to have his license reinstated. The Respondent understands that the Board can deny such application based on the allegations contained in the Order for Summary Suspension and/or the charges in this matter.

19. The Respondent understands and acknowledges that he may not rescind this Consent Order for Surrender of License in part or in its entirety for any reason whatsoever.

20. The Respondent is represented by counsel of his choice. The Respondent has consulted with his counsel.

21. Respondent has read and understood this Consent Order for Surrender of License to Practice Medicine. Respondent understands and comprehends the language, meaning, terms and effect of this Consent Order for Surrender of License to Practice Medicine.

22. Respondent represents and warrants that he is not under duress of any kind whatsoever and that he has signed this Consent Order for Surrender of License to Practice Medicine knowingly and voluntarily.

23. The signature of the administrative prosecutor signifies only that he will recommend entry of this Consent order for Surrender of License to Practice Medicine, but Respondent understands and acknowledges that the final decision rests with the Board.

24. This Consent Order for Surrender of License to Practice Medicine shall become effective immediately upon its acceptance by the Board, the effective date being the date it is signed by the Chair of the Board. See Md. Code Ann. Health Occupations Article 14-403(a).

In witness whereof, and intending to be legally bound, I, Hanif A. Gopalani, have affixed my hand and seal, intending this document to be a document under SEAL and a specialty under Maryland law.

Hanif A. Gopalani (SEAL)
Hanif A. Gopalani
Date: 12/19/01, 2001

STATE OF MARYLAND, Anne Arundel COUNTY, TO WIT:

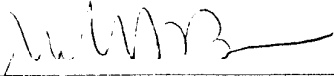
I HEREBY CERTIFY, that on this 19th day of December, 2001, before me, the subscriber, a Notary Public of the State of Maryland, in and for Anne Arundel aforesaid, personally appeared Hanif A. Gopalani and acknowledged the within Consent Order for Surrender of License to Practice Medicine to be his free and voluntary act, and that he has full understanding thereof.

AS WITNESS my hand and Notarial Seal.

Mary Annette Wegner
NOTARY PUBLIC

My Commission Expires:
MARY ANNETTE WEGNER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 7 2004
Don Benter
Don Benter
Benter and Mervis, P.A.
Greenspring Valley Office Center
9595 Reisterstown Rd.
Owings Mills, MD 21117

As counsel for Hanif A. Gopalani

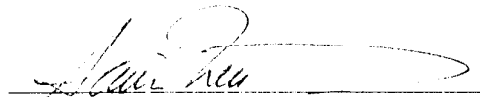


Michael D. Berman
Administrative Prosecutor
Office of the Attorney General
200 St. Paul Place, 20th Floor
Baltimore, MD 21202

ACCEPTANCE

Accordingly, it is this nd 23 day of JANUARY, 2002, by the Board of Physician Quality Assurance of Maryland (the "Board"), ORDERED:

1. That, pursuant to the authority vested in the Board, License No. D37448, issued to Respondent, Hanif A. Gopalani, M.D., be, and hereby is, SURRENDERED;
2. That the Respondent SHALL SURRENDER to the Board staff the following:
 - A. Original License No. D37448;
 - B. The current renewal certificate for License No. D37448.
3. That the Respondent shall immediately take all other actions called for in the foregoing Consent Order for Surrender of License to Practice Medicine



Samir R. Neimat, M.D.
Chair
Maryland State Board of Physician
Quality Assurance
Date: 1/23, 2002