

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Aimal Khan, M.D.
Respondent

File No.: 13-49-01325

Docket No: 0652 -49-14

Department of State

2014 APR 22 AM 11:13

PROTHONOTARY

NOTICE

Formal disciplinary action has been filed against you for violating the terms of probation imposed on you by a prior order of the State Board of Medicine (Board). The attached Preliminary Order has activated the stayed suspension of your license under the terms of the prior order and you may also be subject to civil penalties of up to \$10,000 for each violation of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. §§ 422.1-422.53, and/or the Act of July 2, 1993, P.L. 345, No. 48 ("ACT 48"), 63 P.S. §§ 2201-2207, *as amended*. You may also be subject to the imposition of costs of investigation.

If you wish to defend against the charges in the attached Petition for Appropriate Relief or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Preliminary Order attached to the Petition for Appropriate Relief.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to file a written answer to the Petition for Appropriate Relief within TWENTY (20) days of the mailing date of the Preliminary Order. IF YOU DO NOT FILE A WRITTEN ANSWER, AN ORDER MAKING THE PRELIMINARY ORDER FINAL MAY BE ENTERED AGAINST YOU WITHOUT A HEARING. To file your written answer, you must bring or send an original and three (3) copies of your written answer and any pleadings or other documents related to this matter to the following address:

Prothonotary
Bureau of Professional and Occupational Affairs
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105

You must also send a separate copy of your written answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Petition for Appropriate Relief.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

vs.

**Aimal Khan, M.D.
Respondent**

File No.: 13-49-01325

Docket No: -49-14

PRELIMINARY ORDER

AND NOW, this 22 day of April 2014, the State Board of Medicine Probable Cause Screening Committee, makes a probable cause determination that **Aimal Khan, M.D.** ("Respondent"), license number MD434927, violated the terms and conditions of the Amended Consent Agreement and Order ("Order") at Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Aimal Khan, File number 11-49-01175, Docket Number 1205-49-11, as alleged in the attached Commonwealth's Petition for Appropriate Relief.

Accordingly, the stay of the suspension of Respondent's license is now VACATED, the period of probation is now TERMINATED, and Respondent's license to practice as a Medical Physician and Surgeon, license number MD434927, along with any other licenses, registrations, certificates, approvals, authorizations, or permits issued to Respondent by the Board are now actively indefinitely SUSPENDED for no less than three (3) years.

Respondent shall immediately cease practicing the profession. Within ten (10) days, Respondent shall surrender Respondent's wall certificate(s), biennial renewal certificate(s) and wallet card(s) (or notarized affidavit of their loss or destruction) by mailing them to:

Joan J. Miller
Prosecuting Attorney

Bureau of Professional and Occupational Affairs
P.O. Box 2649
Harrisburg, PA 17105-2649

or by delivering them in person at:

Bureau of Professional and Occupational Affairs
One Penn Center
2601 North 3rd St.
Harrisburg, Pennsylvania

Respondent shall be notified of this Preliminary Order within three (3) days of its issuance by certified mail and first class mail postage prepaid, sent to the last registered address on file with the Board;

Within twenty (20) days of mailing of this Preliminary Order, Respondent shall answer the Commonwealth's Petition concerning Respondent's alleged violation of probation, in which Respondent may seek relief from this Preliminary Order activating the suspension. The answer shall be in writing and shall set forth in numbered paragraphs corresponding to the numbered paragraphs of the Petition for Appropriate Relief. Respondent shall admit or deny each of the allegations set forth in the paragraphs in the Petition for Appropriate Relief. Respondent's answer shall be drawn as to fully and completely advise the parties and the agency as to the nature of the defense. Respondent shall serve the prosecuting attorney for the Commonwealth with a copy of the answer and all subsequent filings in this matter;

If Respondent files an answer within the twenty (20) day period, this Preliminary Order activating the suspension shall remain in effect unless and until the Board issues a determination favorable to Respondent after holding the formal hearing;

If an answer is received from Respondent, the Board or its duly authorized hearing examiner shall convene a formal hearing within forty-five (45) days from the date of the Board's receipt of Respondent's request for a formal hearing;

The facts and averments in the June 28, 2011 Consent Agreement and Order shall be deemed admitted and uncontested at this hearing;

If the Board after such hearing makes a determination adverse to Respondent, the Board will issue a Final Order activating the suspension of Respondent's license and imposing any additional disciplinary measures it deems appropriate;

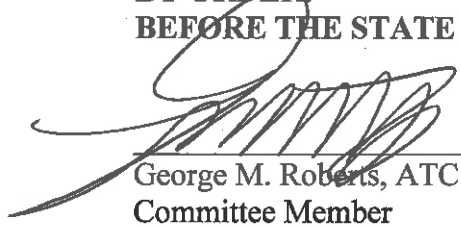
If Respondent fails to file an Answer within the twenty (20) day period, the Board may deem the facts and averments contained in the Commonwealth's Petition for Appropriate Relief to be admitted and will issue a Final Order activating the suspension of Respondent's license and imposing any additional disciplinary measures it deems appropriate without holding a formal hearing;

If the stay is terminated, Respondent shall still comply with all terms and conditions of probation in the June 28, 2011 Consent Agreement and Order during the active suspension, other than those terms and conditions pertaining to practicing the profession. Continued failure by Respondent to comply with the unaffected terms and conditions of probation shall result in further disciplinary action against Respondent;

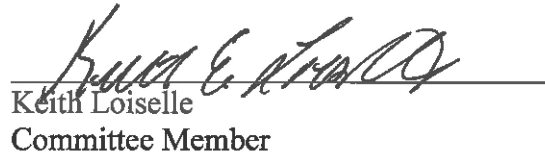
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This Order shall take effect immediately upon mailing.

**BY ORDER:
BEFORE THE STATE BOARD OF MEDICINE**



George M. Roberts, ATC
Committee Member



Keith Loiselle
Committee Member

For the Commonwealth:

Joan J. Miller
Prosecuting Attorney
Commonwealth of Pennsylvania
Bureau of Professional and Occupational Affairs
P.O. Box 2649
Harrisburg, PA 17105-2649

For the Respondent:

Aimal Khan, M.D.
687 Stoverdale Road
Hummelstown, PA 17036

Aimal Khan, M.D.
209 Beechwood Avenue
Poughkeepsie, NY 12601

Aimal Khan, MD
4 Marcinelli Court
Poughkeepsie, NY 12601

Date of Mailing:

04/22/14

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Aimal Khan, M.D.
Respondent

File No.: 13-49-01325
Docket No: 0652-49-14

PROTHONOTARY
2014 APR 22 AM 11:19
Department of State

PETITION FOR APPROPRIATE RELIEF

NOW COMES the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth"), by and through its Prosecuting Attorney, Joan J. Miller, and files the within Petition for Appropriate Relief and in support, avers as follows:

1. At all relevant and material times, Aimal Khan, M.D. ("Respondent") held the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD434927, which was originally issued on July 1, 2008, and which expired on December 31, 2012.

2. Respondent's license may be reactivated and continually renewed, reactivated or reinstated upon the filing of the appropriate documentation and payment of the necessary fees. Respondent's last known address on file with the Board is: 687 Stoverdale Road, Hummelstown, PA 17036. However, the Prosecuting Attorney has reason to believe that the Respondent's address is either 209 Beechwood Avenue, Poughkeepsie, New York 12601 or 4 Marcinelli Court, Poughkeepsie, NY 12601.

3. On or about January 30, 2011, at Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Aimal Khan, File number 09-49-08481, Docket

Number 0123-49-11, the Board issued an Order of Temporary Suspension and Notice of Hearing (ITS) based upon the a finding that the continued practice of medicine by the Respondent presented an immediate danger to the public health and safety. A true and correct copy of the ITS is attached and incorporated as **Exhibit A**.

4. On June 28, 2011, at Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Aimal Khan, File number 11-49-01175, Docket Number 1205-49-11, the Board adopted the terms of a Consent Agreement which, among other things, found Respondent to have violated Section 41(5) of the Act, 63 P.S. § 422.41(5), because the Board found that Respondent is unable to practice the profession with reasonable skill and safety to patients by reason of illness, addiction to drugs or alcohol, or mental incompetence. A true and correct copy of the Consent Agreement and Order is incorporated as **Exhibit B**.

5. On or about January 24, 2012, at Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Aimal Khan, File number 11-49-01175, Docket Number 1205-49-11, the Board adopted the terms of an Amended Consent Agreement¹ which, among other things, found Respondent to have violated Section 41(5) of the Act, 63 P.S. § 422.41(5), because the Board found that Respondent is unable to practice the profession with reasonable skill and safety to patients by reason of illness, addiction to drugs or alcohol, or mental incompetence. A true and correct copy of the Consent Agreement and Order is incorporated as **Exhibit C**.

6. The Amended Consent Agreement and Order, at paragraph 5b further provides that Respondent's license shall be suspended under the terms of the Agreement, but the enforcement

¹ The Amended Consent Agreement amended Paragraph 5(b)(9) of the Consent Agreement to direct the Respondent to have his psychiatric reports submitted to the Bureau of Enforcement and Investigation (BEI) only, rather than to BEI and a psychiatrist evaluator. No other terms and conditions were changed. Therefore, the time frames for submitting the reports are calculated from June 28, 2011, the date of the original Consent Agreement.

of that suspension shall be stayed for the length of time Respondent remains in an approved treatment and monitoring program and makes satisfactory progress, complies with the other terms of the Order and adheres to all conditions as set forth in the Order.

7. Respondent violated the terms of the Amended Consent Agreement and Order as follows:

a. Respondent failed to cause copies of the reports of his treating psychiatrist to be filed every sixty (60) days for the first year of probation and quarterly thereafter with the Bureau of Enforcement and Investigation (BEI) as required by Paragraph 5 (b)(9):

(1) The first report was due on or about July 28, 2011. It was received by BEI on or about August 17, 2011.

(2) The second report was due on or about August 28, 2011. It was received by BEI on or about November 1, 2011.

(3) The third report was due on or about October 28, 2011. It was received by BEI on or about December 23, 2011.

(4) The fourth report was due on or about December 28, 2011. It was received by BEI on or about February 17, 2012.

(5) The fifth report was due on or about February 28, 2012. It was received by BEI on or about May 14, 2012.

(6) The sixth report was due on or about April 28, 2012. It was received by BEI on or about September 6, 2012.

(7) The seventh report was due on or about June 28, 2012. It was received by BEI on or about March 31, 2014.

(8) The eighth report was due on or about August 28, 2012. It was received by BEI on or about March 31, 2014.

(9) No additional reports have been received as of the date of the filing of this Order to Show Cause.

b. Respondent failed to notify BEI by telephone within seventy-two hours and in writing within ten days of the change of his home address, phone number as required by Paragraph 5(b)(6) of the Amended Consent Agreement in that:

(1) On or about August 19, 2013, the Respondent left a telephone message for the Operations Officer at BEI and advised that the Respondent:

(i) changed Respondent's e-mail, telephone number and residence in 2012 to New York;

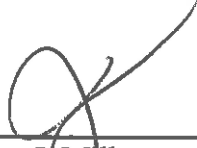
(ii) obtained a license to practice medicine in New York and was working in New York.

(2) The Respondent failed to submit any change of address or telephone number in writing to BEI as required.

8. Paragraph 5(b)(22) of the Amended Consent Agreement and Order states that notification of a violation of the terms or conditions of the Order shall result in the IMMEDIATE VACATING of the stay order, TERMINATION of the period of probation, and ACTIVATION of the entire period of suspension of Respondent's license to practice as a Medical Physician and Surgeon in the Commonwealth of Pennsylvania, subject to the procedure set forth in that subparagraph.

WHEREFORE, pursuant to the procedure set forth in PARAGRAPH 7(f) of the Amended Consent Agreement and Order, the Commonwealth respectfully requests that the Board: (1) make a probable cause determination that Respondent violated the terms and conditions of the Order; (2) issue a Preliminary Order VACATING its previous Order staying the suspension in this matter, TERMINATING the period of probation and ACTIVELY SUSPENDING Respondent's license to practice as a Medical Physician and Surgeon, license number MD434927, along with any other licenses, registrations, certificates, approvals, authorizations, or permits issued to Respondent by the Board; (3) notify Respondent of the Preliminary Order and suspension, and; (4) take such other action as the Board deems appropriate.

Respectfully submitted,



Joan J. Miller
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State

DATE:

4/24/14

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Aimal Khan, M.D.,
Respondent

0123
Docket No. -49-11
File No. 09-49-08481

PROTHONOTARY
2011 JAN 31 AM 11:14
Department of State

ORDER OF TEMPORARY SUSPENSION AND NOTICE OF HEARING

AND NOW, this 30th day of January 2011, upon review of the Petition for Temporary Suspension of the licenses to practice Medicine of Aimal Khan, M.D., (hereinafter "Respondent") License No. MD434927, filed by the Prosecuting Attorney for the Commonwealth of Pennsylvania, the State Board of Medicine (hereinafter "Board") makes the following findings and enters the following Order:

SUSPENSION ORDER

The Board finds the Prosecuting Attorney has alleged facts in the Petition, which, if taken as true, establish at each and every count that the continued practice of medicine by the Respondent presents an immediate danger to the public health and safety. Therefore in accordance with section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended, (hereinafter "Act"), 63 P.S. § 422.40(a), the Board **ORDERS** that the license issued to the Respondent to practice medicine in the Commonwealth are **TEMPORARILY SUSPENDED** upon the service of this order. Respondent shall surrender his wallet card, registration certificate and wall certificate to representatives of the Bureau of

EXHIBIT
A

Enforcement and Investigation, Bureau of Professional and Occupational Affairs, immediately upon service of this order in accordance with the Act at 63 P.S. § 422.44.

PRELIMINARY HEARING

A preliminary hearing shall be scheduled and conducted by the Board or Office of Hearing Examiners to be convened within thirty (30) days from the date of issuance of this Order. The preliminary hearing shall be limited to evidence on the issue of whether there is a prima facie case to support temporary suspension of the Respondent's license. The preliminary hearing will be held at a location designated by the Board or a hearing examiner for the Board.

The Respondent is entitled to be present at the preliminary hearing and may be represented by an attorney, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings.

If the Board or hearing examiner finds a prima facie case is not established, Respondent's license will be immediately restored. If a prima facie case is established, the temporary suspension shall remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered or agreed to by the participants.

FORMAL HEARING

Pursuant to Section 9 (b) of the Medical Practice Act, Act, 63 P.S. § 422.9 (b), actions to suspend revoke or restrict a Respondent's license will be commenced by the filing of an Order to Show Cause.

Respondent is directed to respond to the Petition for Immediate Temporary Suspension by filing an Answer in writing within twenty (20) days of the date of the issuance of the Petition for Immediate Temporary Suspension. A formal hearing will be conducted by the Board or hearing examiner for the Board.

PROCEDURES

Continuances will be granted for good cause only. A request for a continuance must be filed with the Prothonotary in writing at least one week prior to the date of the hearing. The requirement of the one-week advance filing of a request for continuance will be waived only upon a showing of good cause. The failure to have an attorney present and a request for continuance to retain an attorney will not be considered a valid reason for the granting of a continuance on the day of the hearing. **A request by the Respondent for an extension of time for a continuance which will delay the preliminary hearing or the formal hearing must be accompanied by the agreement of the Respondent that the 180-day temporary suspension will continue during whatever additional time is necessary to conclude the proceedings.**

All proceedings are conducted in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 501-508, 701-704; 63 P.S. §§ 2201-2207; and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251. A record of the hearing will be stenographically prepared by an official reporting service. A copy of the transcript may be secured by personally making arrangements with the reporting service at the time of the hearing.

Any document submitted in this matter must be filed with:

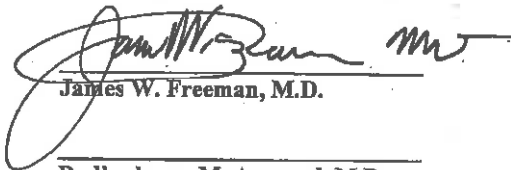
Prothonotary
Bureau of Professional and Occupational Affairs
2601 North Third Street
Harrisburg, PA 17110
717-772-2686

Any document filed with the Prothonotary must also be served on the Prosecuting Attorney:

David K. Grubb
Prosecuting Attorney
2601 North Third Street
Harrisburg, Pennsylvania 17110
717-783-7200

BY ORDER:

**STATE BOARD OF MEDICINE
PROBABLE CAUSE SCREENING COMMITTEE**



James W. Freeman, M.D.

Radheshyam M. Agrawal, M.D.

Stephen L. Schwartz, M.D.

Respondent's Addresses:

Aimal Khan, M.D.
687 Stoverdale Road
Hummelstown, PA 17036

Prosecuting Attorney:

David K. Grubb, Esquire

Board Counsel:

Steven Dade, Esquire
David Green, Esquire

Date of Issuance:

01/30/11

BY ORDER:

**STATE BOARD OF MEDICINE
PROBABLE CAUSE SCREENING COMMITTEE**

James W. Freeman, M.D.

Radheshyam M. Agrawal, M.D.

Stephen D. Schwartz, M.D.



George M. Roberts, MEd, ATC

Respondent's Addresses:

**Aimal Khan, M.D.
687 Stoverdale Road
Hummelstown, PA 17036**

Prosecuting Attorney:

David K. Grubb, Esquire

Board Counsel:

**Steven Dade, Esquire
David Green, Esquire**

Date of Issuance:

01/30/11

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Aimal Khan, M.D.,
Respondent

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: 0123
: Docket No. -49-11
: File No. 09-49-08481
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PROTHONOTARY
2011 JAN 31 AM 11:28
Department of State

PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

AND NOW, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, by and through its Prosecuting Attorney, David K. Grubb, petitions the State Board of Medicine (*hereinafter* "Board") for the immediate temporary suspension of the license to practice medicine issued to **Aimal Khan, M.D.**, (*hereinafter* "Respondent"), pursuant to section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended, (*hereinafter* "Act"), 63 P.S. § 422.40(a), and in support thereof alleges as follows:

1. Petitioner is a Prosecuting Attorney for the Bureau of Professional and Occupational Affairs, a departmental administrative agency within the Pennsylvania Department of State.
2. The Respondent is **Aimal Khan, M.D.**, who at all times relevant was licensed to practice medicine in the Commonwealth of Pennsylvania, License No. MD434927.
3. The Respondent's last known address on file with the Board is 687 Stoverdale Road, Hummelstown, PA 17036.
4. At all times pertinent to the allegations in this Petition, Respondent was licensed to practice medicine and surgery in the Commonwealth of Pennsylvania.

5. Respondent's license is current and expires on 12/31/12, and may be continually renewed thereafter upon the filing of the appropriate documentation and the payment of the necessary fees.

COUNT 1

6. Paragraphs 1 through 5 are incorporated by reference.
7. On or about August 26, 2009, the Department of State received a complaint indicating that Respondent, while employed with T.W. Ponessa & Associates Counseling Services, Inc., from January 5, 2009 through February 7, 2009, failed to complete approximately 11 psychiatric evaluations and 130 progress notes.
8. The Complaint indicates that despite negotiations between Respondent and his former employer, Respondent failed to provide the evaluations and progress notes and missed numerous deadlines for completion of same.
9. On or about January 22, 2010, Professional Conduct Investigator (PCI), Steven L. Shade interviewed Respondent regarding the incomplete patient records.
10. During the January 22, 2010 interview, Respondent admitted to PCI Shade that he had not completed the patient records and was in the process of providing them to the Complainant via Fax.
11. On or about October 26, 2010, the undersigned Prosecuting Attorney sent Respondent a Compliance Letter indicating that the Commonwealth would refrain from filing formal disciplinary charges provided that Respondent present evidence that he completed all patient records in this matter within 20 days. (A true and correct copy of the Compliance Letter is attached and incorporated as **Exhibit A**).
12. On or about November 15, 2010, the undersigned Prosecuting Attorney received an email

from Respondent which requested additional time for completion of the records and indicated Respondent had difficulty completing the records due to medical conditions which included Depression, Anxiety and Obstructive Sleep Apnea. (A true and correct copy of the Email is attached and incorporated as **Exhibit B**).

13. Due to the failure to complete numerous patient records over a protracted period of time and Respondent's contention that he suffers from medical conditions that have impaired his ability to complete patient records, the undersigned Prosecuting Attorney presented a Petition for Mental/Physical exam of Respondent to ensure that Respondent is capable of practicing medicine with reasonable skill and safety.

14. On November 23, 2010, the Probable Cause Screening Committee of the State Board of Medicine found that there was probable cause that Respondent is unable to practice medicine with reasonable skill and safety to patients by reason of illness and ordered Respondent to undergo a mental/physical examination by Roger J. Cadieux, M.D. on January 7, 2011.

15. On December 22, Roger J. Cadieux, M.D. performed the mental/physical examination of Respondent and submitted a report to the undersigned Prosecuting Attorney.

16. In his report of December 22, 2010, Dr. Cadieux concluded, *inter alia*, that Respondent, at the present time, is unable to practice medicine safely.

17. Based upon the foregoing factual allegations, the Respondent's continued practice of medicine within the Commonwealth of Pennsylvania makes Respondent an immediate and clear danger to the public health and safety.

WHEREFORE, the Petitioner respectfully requests that the Board issue an Order immediately suspending the licenses to practice medicine of **Aimal Khan, M.D.**, License No.

MD434927, pursuant to the authority granted to it pursuant to section 40(a) of the Medical
Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended, 63 P.S. § 422.40(a).

Respectfully submitted,



David K. Grubb
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200

DATE:

01/30/11



EXHIBIT
A

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

David K. Grubb
Prosecuting Attorney

Email: dgrubb@state.pa.us

October 26, 2010

Aimal Khan, M.D.
687 Stoverdale Road
Hummelstown, PA 17036

Re: BPOA vs. Aimal Khan M.D.
(T.W. Ponessa & Associates Complaint)
Our File No. 09-49-08481

Dear Dr. Khan:

After review of the above case, this office has determined you may have been in violation of the Medical Practice Act, 63 P.S. §422.41(8) and Medical Care Availability and Reduction of Error (MCARE) Act, 40 P.S. §1303.905.

Specifically, it appears that you failed to complete written medical records including psychiatric evaluations and progress notes for patients while employed by T.W. Ponessa & Associates Counseling Services Incorporated.

Although the evidence could support formal charges in this case, we will refrain from filing charges, provided that you present us with evidence that you have completed all patient records in this matter. Within twenty (20) days of this letter we are requesting a written response from you regarding the above.

In the event that you fail to respond to this request for compliance, the Prosecution Division may proceed with the filing of formal charges in this matter. We anticipate your prompt response. As always, should you or your counsel have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

David K. Grubb
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State

DKG/dg

DEPARTMENT OF STATE/OFFICE OF CHIEF COUNSEL
2601 NORTH THIRD STREET/P. O. BOX 2649/HARRISBURG, PA 17105-2649
PHONE: 717-783-7200/FAX: 717-787-0251/ www.dos.state.pa.us



**EXHIBIT
B**

Grubb, David

From: Aimal Khan [khanai1@hotmail.com]
Sent: Monday, November 15, 2010 3:59 PM
To: Grubb, David; aimalkhan1@gmail.com
Subject: File No. 09-49-08481

Importance: High

Dear Mr. Grubb,

I am answering your October 26, 2010 letter inquiring about the patient records for T.W. Ponessa & Associates Counseling Services Incorporated. I would like to provide you with an update on my status regarding these records.

I had begun the process of compiling the outstanding documentation earlier this year during the time of contact from the investigator, but had become unable to complete them since that time due to the worsening of my health despite ongoing medical treatment, due to Depression, Anxiety, and Obstructive Sleep Apnea, which made it very difficult to complete these records while fulfilling the rigorous demands of my fellowship at Hershey Medical Center. I will locate my notes and complete these records if you could graciously grant me until the end of the year to complete them (December 31, 2010) as I have had some improvement in my condition only recently.

Please accept my apologies for the delay, and I hope to hear from you soon.

Sincerely,
Aimal Khan, MD

*****Email Confidentiality Statement*****

This message (including any attachments) contains information intended for a specific individual(s) and purpose that may be privileged, confidential or otherwise protected from disclosure pursuant to applicable law. Any inappropriate use, distribution or copying of the message is strictly prohibited and may subject you to criminal or civil penalty. If you have received this transmission in error, please reply to the sender indicating this error and delete the transmission from your system immediately.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

vs.

**Aimal Khan, M.D.,
Respondent**

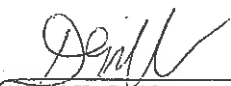
:
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:
: Docket No. -49-11
: File No. 09-49-08481
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:

CERTIFICATE OF SERVICE

I, David K. Grubb, hereby certify that I have this 31st day of January, 2011,
served a true and correct copy of the foregoing Petition for Immediate Temporary Suspension and
Order of Temporary Suspension and Notice of Hearing upon all parties of record in this
proceeding in accordance with the requirements of §33.31 of the General Rules of Administrative
Practice and Procedure, 1 Pa. Code §33.31 (relating to service by the agency).

CERTIFIED MAIL -RETURN RECEIPT REQUESTED

Aimal Khan, M.D.
687 Stoverdale Road
Hummelstown, PA 17036



David K. Grubb
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State

P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

vs.

**Aimal Khan, M.D.,
Respondent**

:
:
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:
: **Docket No. -49-11**
: **File No. 09-49-08481**
:
:


CERTIFICATE OF SERVICE

I, David K. Grubb, hereby certify that I have this 31st day of January, 2011

served a true and correct copy of the foregoing Petition for Immediate Temporary Suspension and Order of Temporary Suspension and Notice of Hearing on upon all parties of record in this proceeding in accordance with the requirements of §33.31 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §33.31 (relating to service by the agency).

FIRST CLASS MAIL, POSTAGE PREPAID

Aimal Khan, M.D.
687 Stoverdale Road
Hummelstown, PA 17036



David K. Grubb
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State

P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200