



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
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July 14, 2011

Hassan A. Salih, M.D.
7501 Little River Turnpike, #302
Annandale, Virginia 22003

UPS OVERNIGHT

RE: License No.: 0101-019348

Dear Dr. Salih:

I enclose a certified copy of the Virginia Board of Medicine's Order of Summary Suspension entered July 14, 2011, affecting your license to practice medicine and surgery in the Commonwealth of Virginia.

Effective immediately, it shall be unlawful for you to treat patients, prescribe medications, or otherwise practice medicine and surgery, or hold yourself out as a licensed physician in the Commonwealth of Virginia.

Further, in accordance with Sections 54.1-105, 54.1-110, 54.1-2408.1, 54.1-2920, 2.2-4020 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), you are hereby given notice that the Virginia Board of Medicine ("Board") will convene a formal administrative hearing to receive and act upon evidence that you may have violated certain laws governing the practice of medicine and surgery in Virginia, as set forth in the attached Statement of Particulars.

The formal administrative hearing will be held in accordance with the provisions of Sections 54.1-2400(11) and 2.2-4024F of the Code, before a panel of the Board, with a member of the Board presiding. You have been scheduled to appear before the Board on **Friday, August 5, 2011, at 1:00 p.m., in the offices of the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Henrico, Virginia.** A map is enclosed for your convenience. Please register with the receptionist on the 2nd floor and be seated in the waiting area. You will be called when the Board is ready to meet with you.

You have the following rights, among others: to be accompanied by and represented by counsel, to submit oral and documentary evidence and rebuttal proofs, to conduct such cross-examination as may elicit a full and fair disclosure of the facts, and to have the proceedings completed and a decision made with dispatch. Should you wish to subpoena witnesses, requests for subpoenas must be made, in writing, in accordance with the enclosed Instructions for Requesting Subpoenas.

Please carefully read the following paragraphs, which contain date-sensitive and important information regarding this proceeding.

COMMONWEALTH'S EVIDENCE

You have the right to the information that will be used by the Board in reaching a decision regarding this matter; therefore, I enclose the Commonwealth's evidence. Please note that these documents are enclosed only with the original notice sent by UPS overnight mail. Further, if you are represented, it is your responsibility to provide the enclosed materials to your attorney. If you have any questions regarding the content of this package, you must contact Corie E. Tillman Wolf, Assistant Attorney General, at (804) 786-9593.

Should you wish to file any objections to the Commonwealth's evidence, you must send your written objections to me, at the address on this letterhead, no later **July 22, 2011**. If you have not filed any objections by July 22, 2011, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. If you do file objections, the Commonwealth has until **July 26, 2011**, to file a response to the objections, in writing and addressed to me at the Board office. The chairperson of the proceeding will rule on the motion.

RESPONDENT'S EVIDENCE

Further, should you wish for the Board to consider additional information relative to this proceeding, you must submit fifteen (15) copies of any such documents to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia, 23233, by **July 25, 2011**. You may not submit your documents by facsimile or e-mail.

The Commonwealth must file any objections to your submissions in writing, addressed to me at the Board office, no later than **July 27, 2011**. If no objections have been received by **July 27, 2011**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **July 29, 2011**, to file your response to the objections, in writing and addressed to me at the Board office. The chairperson of the proceeding will rule on the motion.

OTHER PRE-HEARING MOTIONS

If you or Ms. Wolf wish to make any pre-hearing motions regarding matters other than the exhibits, including offers of settlement, each of you is directed to file motions, in writing, addressed to me at the Board office by **July 26, 2011**. Responses to motions filed must be submitted by **July 28, 2011**. The chairperson of the proceeding will rule on the motion.

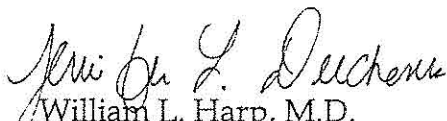
REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, or the unavailability of counsel, a request for a continuance after **July 22, 2011**, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found at <http://leg1.state.va.us>. To access this information, please click on *Code of Virginia* for laws and *Virginia Administrative Code* for regulations.

Please indicate, by letter to this office, your intention to be present.

Sincerely,


for William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

Enclosures:

Order of Summary Suspension entered July 14, 2011
Statement of Particulars
Commonwealth's Exhibits 1 - 3 (4 volumes)
Instructions for Requesting Subpoenas
Map

cc: Claudette Dalton, M.D., President, Virginia Board of Medicine
Corie E. Tillman-Wolf, Assistant Attorney General [w/enclosures]
Gerald A. Milsky, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Naima Fellers, Senior Investigator [#137435]

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: HASSAN A. SALIH, M.D.
License No.: 0101-019348

STATEMENT OF PARTICULARS

The Virginia Board of Medicine ("Board") alleges that:

1. Dr. Salih may have violated Sections 54.1-2915.A(3), (13), (16), and (17), Section 54.1-3303.A, and Section 54.1-3408.A of the Code in that, without therapeutic purpose he prescribed Klonopin, Buspar, Celexa, Trazodone, Ativan and Abilify to Patient A at the patient's initial visit on June 9, 2010, without obtaining a comprehensive patient history, including prior psychiatric and substance abuse history; without obtaining treatment records from prior treating physicians; and without documenting in any manner the basis or justification for his diagnoses of Panic Disorder without agoraphobia and Major Depressive Disorder, recurrent, severe without psychotic features. Further, when Patient A returned for a second visit on January 17, 2011, after a lapse of more than six months, Dr. Salih, again without therapeutic purpose, prescribed Celexa, Klonopin, Valium, Trazodone, and Ativan to Patient A, continuing in his failure to obtain the patient information or include file documentation as referenced above.

2. Dr. Salih may have violated Sections 54.1-2915.A(3), (13), and (16) of the Code by concomitantly prescribing multiple controlled substances to Patient A for Panic Disorder and Major Depressive Disorder without consideration or acknowledgment of the potential impact of these medications when taken together. Specifically:

a. Dr. Salih wrote six prescriptions at Patient A's first visit on June 9, 2010. Three were continuations of what Patient A told Dr. Salih were his current medications (Buspar, Celexa and Trazadone), and three were new medications (Klonopin, Ativan, and Abilify), as follows:

- i. Klonopin (C-IV) 0.5 mg #60 1 tab b.i.d.
- ii. Buspar (C-VI) 15 mg #90 1 tab t.i.d.
- iii. Celexa (C-VI) 20 mg #30 1 tab/day
- iv. Trazadone (C-VI) 100 mg #30 1 tab h.s. prn
- v. Ativan (Lorazepam) (C-IV) 0.5 mg #60 1 tab b.i.d. prn
- vi. Abilify (C-VI) 5 mg #30 1 tab/day

b. At Patient A's second and final visit on January 17, 2011, Dr. Salih prescribed:

- i. Celexa (C-VI) 20 mg #60 2/day as directed
- ii. Klonopin (C-IV) 1 mg #60 1 tab b.i.d.
- iii. Valium (Diazepam) (C-IV) 5 mg #120 4 tab/day as directed
- iv. Trazadone (C -VI) 100 mg #30 1 h.s. prn
- v. Ativan (Lorazepam) (C-IV) #90 1 t.i.d. prn

c. Patient A expired on January 25, 2011, with the cause of death listed by the Medical Examiner as "adverse effects of Diazepam and Lorazepam."

3. Dr. Salih may have violated Sections 54.1-2915.A(3), (4), (13), (14), and (16) of the Code of Virginia (1950), as amended ("Code"), in that he is impaired and/or unfit

to practice medicine and surgery with reasonable skill and safety because of illness. Specifically, Dr. Salih told the investigator from the Department of Health Professions on May 17, 2011 that he believed he had suffered a stroke that morning, and that he was unable to move his right fingers. Despite the possibility that his judgment might have been impaired by that morning's episode, Dr. Salih treated patients and authorized prescriptions for controlled substances that day prior to his seeking medical attention and/or treatment.

4. Dr. Salih may have violated Sections 54.1-2915.A(3), (4), (13), (14), and (17) and Section 54.1-3408.01 of the Code in that on May 17, 2011, while he was unable to write or sign prescriptions due to the episode described in #3, above, he was observed permitting patients to write out their own prescriptions, which were then signed in Dr. Salih's name by his office manager.

5. Dr. Salih may have violated Sections 54.1-2915.A(3), (4), (8), (13), (16), and (17) and Section 54.1-3408.A of the Code in his treatment of Patients B-J by failing to obtain prior treatment records for the patients, and without conducting appropriate physical examinations, evaluations, and/or testing prior to prescribing oxycodone, hydrocodone, and/or Oxycontin for those patients. Further, Dr. Salih failed to properly monitor the amount or frequency of the medications being prescribed for Patients E and F, resulting in numerous instances of permitting these patients to obtain unreasonable amounts of the medications. Specifically:

- a. Dr. Salih prescribed a 30-day supply of Oxycontin for Patient E on October 19, 2010, and then a 34-day supply of Oxycontin on October 28, 2010.
- b. On approximately fifty (50) occasions between January, 2009 and February, 2011, a period of some 760 days, Dr. Salih prescribed approximately 5,322 dosage units of oxycodone 30 mg for Patient F as follows:

Date Filled	Number	Days' Supply
January 3, 2009	240	20
January 14, 2009	240	30
January 24, 2009	150	13
February 17, 2009	170	57
February 23, 2009	98	25
March 3, 2009	98	33
March 12, 2009	90	22
March 17, 2009	86	29
March 21, 2009	120	30
April 2, 2009	120	30
April 22, 2009	240	30
May 4, 2009	120	30
May 11, 2009	120	30
May 13, 2009	120	30
May 28, 2009	120	40
June 24, 2009	120	30
June 29, 2009	120	30
July 20, 2009	120	30
July 22, 2009	120	30
July 30, 2009	40	20
August 1, 2009	50	25
August 12, 2009	40	20
August 14, 2009	120	30
August 26, 2009	90	30
August 31, 2009	50	30
September 1, 2009	200	20
September 7, 2009	90	30
September 17, 2009	90	30
September 23, 2009	120	30
October 13, 2009	60	30
December 15, 2009	30	8
May 6, 2010	90	30
October 20, 2010	60	30
October 21, 2010	60	30
October 27, 2010	120	30
November 6, 2010	45	22

November 8, 2010	60	30
November 13, 2010	60	30
November 19, 2010	90	23
November 22, 2010	120	30
November 29, 2010	70	35
December 9, 2010	75	38
December 14, 2010	120	60
December 22, 2010	150	75
December 31, 2010	120	30
January 11, 2011	120	30
January 17, 2011	120	30
February 2, 2011	120	30
February 15, 2011	10	5
February 15, 2011	120	30

6. Dr. Salih may have violated Sections 54.1-2915.A(3), (4), (13), and (16) of the Code in his treatment of Patients B-F in that, based upon statements he made to the Department of Health Professions investigator on May 17, 2011 and May 24, 2011, Dr. Salih demonstrated clinical incompetence, lack of sound medical knowledge, and/or lack of appropriate use of pharmacological agents. Specifically:

- a. Dr. Salih stated that he treated Patient B by writing prescriptions for Oxycontin as a sleep aid, and admitted to the investigator that he was not aware that Oxycontin is a Schedule C-II narcotic.
- b. Dr. Salih stated that he treated Patient C by writing prescriptions for Oxycontin as a sleep aid, by writing prescriptions for Percocet (oxycodone-C-II) as an anti-depressive, and by writing prescriptions for Dilaudid (hydromorphone - C-II) for treatment of Attention Deficit Disorder.
- c. Although Dr. Salih's file included records from prior treatment providers, Dr. Salih stated that he treated Patient D by writing prescriptions

for oxycodone as a sleep aid, and by writing prescriptions for Vicodin (hydrocodone - C-III) as a "mood stabilizer."

d. Dr. Salih stated that he treated Patient E by writing prescriptions for Oxycontin and oxycodone as a sleep aid.

e. Dr. Salih stated that he treated Patient F by writing prescriptions for oxycodone as a sleep aid and for treatment of depression and by writing prescriptions for Adderall for treatment of ADD. Dr. Salih did so without adequate documentation to justify the diagnosis, and simultaneously wrote prescriptions for Xanax (alprazolam - C-IV) and Valium (diazepam - C-IV) without medical justification for doing so.

f. Dr. Salih continued to prescribe Adderall for Patients G, H, I, and J, each being treated for ADD, without evaluating progress or lack thereof resulting from the medication, admitting to the investigator, "[T]here is no change in their condition. They are doing well and they only need their regular prescriptions. I do not spend much time with my ADD patients."

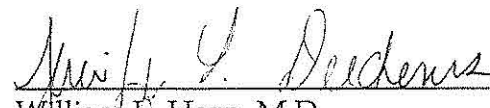
g. Dr. Salih admitted that he informs patients that if a medication doesn't work they should do their own Internet research and find a different medication that they might want to try. He further admitted that he gives his patients "anything they like."

7. Dr. Salih may have violated Sections 54.1-2915.A(3), (13), (16), and (18) of the Code, and 18VAC85-20-26.C and D of the Board of Medicine General Regulations, in

that he failed to properly manage and/or maintain patient records. Specifically, when requested by the Board pursuant to a valid subpoena during the course of an investigation, he was unable to produce records for Patients K and L.

Please see Attachment I for the identity of the patient(s) listed above.

FOR THE BOARD

for 
William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

DATE: 7/14/2011

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: HASSAN A. SALIH, M.D.
License No.: 0101-019348

ORDER OF SUMMARY SUSPENSION

Pursuant to § 54.1-2408.1 of the Code of Virginia (1950), as amended ("Code"), a quorum of the Virginia Board of Medicine ("Board") met on July 14, 1011, by telephone conference call after a good faith effort to convene a regular meeting of the Board failed. The purpose of the meeting was to receive and act upon information indicating that Hassan A. Salih, M.D., may have violated certain laws relating to the practice of medicine and surgery in the Commonwealth of Virginia, as more fully set forth in the Statement of Particulars, which is attached hereto and incorporated by reference herein.


WHEREUPON, pursuant to its authority under § 54.1-2408.1 of the Code, the Board concludes that a substantial danger to the public health or safety warrants this action and ORDERS that the license of Hassan A. Salih, M.D., to practice medicine and surgery in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order of Summary Suspension, the license of Hassan A. Salih, M.D., will be recorded as suspended and no longer current.

It is further ORDERED that a hearing will be convened forthwith to receive and act upon evidence in this cause, and that the Executive Director of the Board shall be authorized to execute this Order and all other documents, notices, and Orders on behalf of the Board necessary to bring this matter to hearing.

Pursuant to § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD


for William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 7/14/2011

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: HASSAN SALIH, M.D.
 License No.: 0101-019348**

CONSENT ORDER

By letter dated July 14, 2011, the Virginia Board of Medicine ("Board") noticed Dr. Salih for a formal hearing to inquire into allegations that he may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia.

In lieu of proceeding to the formal hearing, the Board and Dr. Salih, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Salih to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Hassan Salih, M.D., was issued license number 0101-019348 by the Board to practice medicine and surgery in Virginia on June 28, 1968. By Order of the Board entered July 14, 2011, Dr. Salih's license was summarily suspended.

2. Dr. Salih violated Sections 54.1-2915.A(13) (of the Code of Virginia (1950), as amended ("Code")) in that Dr. Salih, prescribed multiple medications to Patient A at the patient's initial visit on June 9, 2010, without documenting a comprehensive patient history, without obtaining treatment records from prior treating physicians, and without documenting the basis for his diagnoses of Panic Disorder Without Agoraphobia and Major Depressive Disorder, Recurrent, Severe Without Psychotic Features. Further, when Patient A returned for a second visit on January 17, 2010, after a lapse of more than six months, Dr. Salih, again prescribed multiple medications to Patient A, without obtaining patient information or documenting the basis or rationale for the medications.

3. Dr. Salih violated Section 54.1-2915.A(13) of the Code when he concomitantly prescribed multiple anti-anxiety medications to Patient A for Panic Disorder and Major Depressive Disorder without documenting his explanation or an acknowledgement of the potential impact of these medications when taken together.

4. Dr. Salih violated Sections 54.1-2915.A(4) and (17) and 54.1-3408.01 of the Code in that on May 17, 2011, while he was unable to write or sign prescriptions due a medical problem, he was observed permitting his office manager to sign prescriptions in his name.

5. Dr. Salih violated Sections 54.1-2915.A(3) and (13), in that on multiple occasions from on or about October 19, 2010 to on or about February 2011, Dr. Salih prescribed S-II and S-IV controlled substances for patients B through J without conducting or requesting documentation of appropriate physical examinations or evaluations. Further, Dr. Salih failed to properly monitor the amount or frequency of the medications being prescribed for Patients E and F, resulting in these patients being able to obtain unreasonable amounts of the medications.

6. Dr. Salih violated Sections 54.1-2915.A (4) and (13) of the Code in his treatment of Patients B-F, in that, based upon statements he made to the Department of Health Professions investigator on May 17, 2011 and May 24, 2011, Dr. Salih did not maintain current knowledge of the appropriate use of pharmacological agents.

7. Dr. Salih violated Section 54.1-2915.A (18) of the Code, and 18VAC85-20-26.C of the Board of Medicine General Regulations, in that he has failed to properly manage and/or maintain patient records.

8. Dr. Salih would testify that he retired from the practice of medicine and officially closed his practice on or about June 30, 2011, and that he has no plans to return to the practice of medicine.

CONSENT

I, Hassan Salih, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document, and I am represented by Julia Krebs-Markrich, Esquire;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to a formal hearing before the Board; and
 - b. the right to appear in person or by counsel, or other qualified representative before the agency.
4. I waive all rights to a formal hearing;
5. I neither admit nor deny the above Findings of Fact and Conclusions of Law and waive the right to contest the Findings of Fact, Conclusions of Law and any sanction in any future judicial or administrative proceeding where the Board is a party; and
6. I consent to the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, the Board hereby accepts the PERMANENT SURRENDER of Dr. Salih's license to practice medicine and surgery in the Commonwealth of Virginia.

Upon entry of this Consent Order, the license of Hassan Salih, M.D., will be recorded as SURRENDERED and no longer current. Dr. Salih will not be eligible for reinstatement of his license at any future date.

Further, within five (5) days of entry of this Consent Order, Dr. Salih shall:

1. Return his current license to the Board office; and
2. Confirm that he surrendered his Drug Enforcement Administration ("DEA") certificate and DEA 222 Schedule II order forms to the DEA.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

William L. Harp

William L. Harp, M.D.

Executive Director

Virginia Board of Medicine

10/17/2011

ENTERED

SEEN AND AGREED TO:

Hassan A. Salih

Hassan Salih, M.D.

COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF FAIRFAX, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 14th day of October, 2011, by HASSAN SALIH.

Jacqueline A. Petro
Notary Public

Registration Number: _____

My commission expires: _____

