

**STATE OF CONNECTICUT**

DEPARTMENT OF PUBLIC HEALTH

October 1, 2008

Chiman Patel, MD
36 Old Bethel Road
Newtown, CT 06470

Re: Consent Order, as Modified
Petition No. 2005-0615-001-151
License No. 027902

Dear Dr. Patel:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective October 1, 2008.

Pursuant to paragraph 3 of the Consent Order, your license remains permanently restricted in that you may never be employed by or work in a private freestanding facility for the care or the treatment of substance abusive or dependent persons as defined in Regulations of Connecticut State Agencies § 19a-495-570(a)(16). You are not prohibited from prescribing Suboxone to patients in your private Connecticut practice.

Please be certain to retain a copy of this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

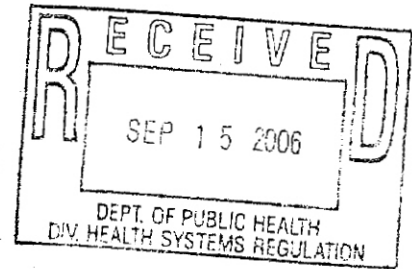
cc: J. Filippone



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01-027902

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH**



In re: Chiman I. Patel, M.D.

Petition No. 2005-0615-001-151

CONSENT ORDER

WHEREAS, Chiman I. Patel of Trumbull, Connecticut (hereinafter "respondent") has been issued license number 027902 to practice medicine and surgery by the Connecticut Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. Between approximately June of 2003 and February of 2006, respondent was practicing medicine as the Clinical Director of Fresh Start Substance Abuse Services, LLC (hereinafter "Fresh Start") at 285 Congress Street, Bridgeport, Connecticut, 06604.
2. Respondent is classified as a Suboxone physician by the Drug Enforcement Administration, and was authorized to conduct maintenance or detoxification treatment, and administer, dispense or prescribe controlled substances in Class II through V.
3. At all relevant times, respondent had a certificate to dispense Suboxone, but Fresh Start was never licensed as a private freestanding facility for the care or the treatment of substance abusive or dependent persons.
4. During 2004 and 2005, respondent was physically present at Fresh Start only on Tuesday evenings and Saturday mornings, and was available at other times only via cellular phone to speak with staff and patients.

5. During 2004 and 2005, respondent allowed licensed practical nurse George Stowe to perform physical assessments and other nursing duties with respect to substance abuse patients seeking treatment at Fresh Start without registered nurse direction and supervision.
6. Between two and ten occasions during 2004 and 2005, respondent allowed licensed practical nurse George Stowe to initiate Subuxone induction therapy to new patients that respondent had not seen before following a telephone call between respondent and the patient, but without respondent's presence at Fresh Start.
7. During 2004 and 2005, while respondent was not physically present at Fresh Start, he allowed licensed practical nurse George Stowe to assess and monitor patients for adverse reactions during Subuxone induction while Mr. Stowe did not have registered nurse supervision or direction.
8. During 2004 and 2005, respondent and licensed practical nurse George Stowe packaged medication for patients, combining 2 mg and 8 mg pills in the same bottle using handwritten labels.
9. During 2004 and 2005, respondent allowed licensed practical nurse George Stowe to dispense medications respondent had prescribed and packaged to patients to take home for self-administration.
10. On one occasion in 2004, respondent prescribed Effexor XR (an anti-depressant) for a professional colleague with whom he did not have a physician/patient relationship and who he had not examined or assessed.
11. On two occasions in 2006, respondent prescribed Subuxone for a patient who he had not seen in two years, and for whom he did not assess nor have an ongoing physician/patient relationship with at the time.

12. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c, including, but not limited to §20-13c(4).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Connecticut Medical Examining Board (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-13c of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 027902 to practice medicine and surgery in the State of Connecticut is hereby reprimanded.
3. Respondent's license number 027902 is permanently restricted in that he shall never be employed by or work in a private freestanding facility for the care or the treatment of substance abusive or dependent persons as defined in Regulations of Connecticut State Agencies § 19a-495-570(a)(16); however, respondent is not prohibited from prescribing Suboxone to patients in his private Connecticut practice.
4. Respondent shall pay a civil penalty of three thousand dollars (\$3,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
5. Respondent's license shall be placed on probation for two years under the following terms and conditions:

- a. Within the first six months of probation, respondent shall attend and successfully complete a course, pre-approved by the Department, in prescribing practices offered by the University of Medicine and Dentistry of New Jersey Mini-Residency in Appropriate Prescribing or complete a course similar to it. Within two weeks of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course.
 - b. Within the first six months of probation, respondent shall attend and successfully complete a course in ethics, pre-approved by the Department. Within two weeks of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course.
 - c. Respondent shall provide quarterly reports to the Department for the entire probationary period regarding the location and nature of his practice, and whether he is currently treating patients with Subuxone.
6. All correspondence and reports are to be addressed to:
- Bonnie Pinkerton, Nurse Consultant
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308
7. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
 8. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
 9. Respondent shall pay all costs necessary to comply with this Consent Order.
 10. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:

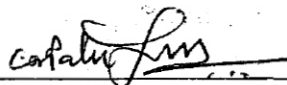
- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 10.a. above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board, which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
11. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a physician, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45-day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall constitute an

admission that his conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
13. In the event respondent is not employed as a physician for periods of thirty (30) consecutive days or longer, or is employed as a physician fewer than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.
14. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
15. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
16. Respondent understands this Consent Order is as a public document. Respondent stipulates to the Consent Order's admissibility as evidence of the above admitted violations in any proceeding before the Board in which his compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that the discipline imposed by this Consent Order will be reported to the National Practitioner Data Bank, and all disciplinary actions, including this Consent Order, will appear on his physician profile pursuant to Connecticut General Statutes 20-13j.


17. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
18. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
19. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
20. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
21. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
22. Respondent has consulted with his attorney prior to signing this document.
23. Within seven (7) days of the effective date of this Consent Order, respondent shall provide his current home and business address to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
24. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

I, Chiman I. Patel, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

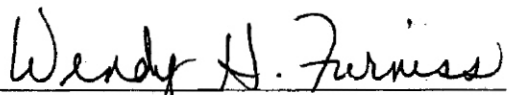

Chiman I. Patel, M.D.

Subscribed and sworn to before me this 12th day of September, 2006.

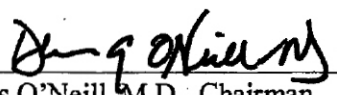
BARBARA BLANCHARD
Notary Public, State of New York
No. 02BL5041317
Qualified in Westchester County
Commission Expires March 27, 2007


Notary Public
Commissioner of the Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 18th day of September, 2006, it is hereby accepted.


Wendy H. Furniss
~~Jennifer Filippone, Section Chief~~
~~Practitioner Licensing and Investigations~~
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Medical Examining Board on the 19th day of September, 2006, it is hereby ordered and accepted.


Dennis O'Neill, M.D., Chairman
Connecticut Medical Examining Board

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Chiman Patel, M.D.

Petition No. 2011-296

SUMMARY SUSPENSION ORDER

WHEREAS, the affidavits, duly verified, and documentary evidence allege facts which show violations of §20-13c of the Connecticut General Statutes, as amended, and which imperatively require emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut is in clear and immediate danger; and,

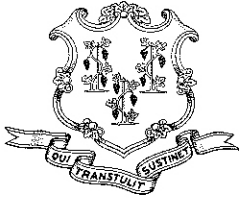
Pursuant to the authority of §4-182(c) and §19a-17(c), pending the hearing set for the 1st day of JULY, 2011, at 9:30 a.m.

It is hereby ORDERED, by vote of the Connecticut Medical Examining Board (hereinafter "the Board") that license number 027902 of Chiman Patel to practice medicine in the State of Connecticut is summarily suspended pending a final determination by the Board regarding the allegations contained in the Statement of Charges.

Further it is hereby ordered by vote of the Board that Chiman Patel immediately surrender his license number 027902 to the Board, 410 Capitol Avenue, MS #13PHO, P.O. Box 340308, Hartford, CT 06134-0308 upon notification of this Order.

Dated at Hartford, Connecticut this 21st day of JUNE 2011.


Connecticut Medical Examining Board



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

PUBLIC HEALTH HEARING SECTION

October 20, 2011

Richard C. Tynan, Esq.
Halloran & Sage
One Goodwin Square
225 Asylum Street
Hartford, CT 06103-4303

VIA EMAIL

Certified Mail RRR #91-7108-2133-3936-6805-9835

Matthew Antonetti, Principal Attorney
Department of Public Health
410 Capitol Avenue, MS #12LEG
PO Box 340308
Hartford, CT 06134-0308

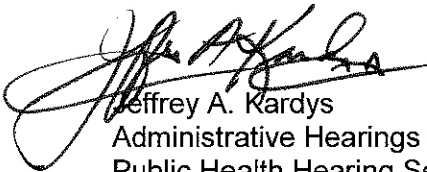
VIA EMAIL

RE: Chiman Patel, M.D. - Petition No. 2011-296

Dear Attorney Tynan and Attorney Antonetti:

Enclosed please find a copy of the Memorandum of Decision issued by the **Connecticut Medical Examining Board** in the above-referenced matter.

Sincerely,



Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Public Health Hearing Section

c: Jewel Mullen, MD, MPH, MPA, Commissioner, Department of Public Health
Tanya DeMattia, Assistant Attorney General
Wendy Furniss, Branch Chief, Healthcare Systems
Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations
Lynn A. Rioux, Paralegal Specialist II, Office of the Attorney General

Phone: **860-509-7648** **FAX 860-509-7553**



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STATE OF CONNECTICUT
CONNECTICUT MEDICAL EXAMINING BOARD

Chiman Patel, M.D.
License No. 027902

Petition No. 2011-296

PROPOSED MEMORANDUM OF DECISION

Procedural Background

On May 27, 2011, the Department of Public Health (“the Department”) presented a Statement of Charges (“the Charges”) and Motion for Summary Suspension to the Connecticut Medical Examining Board (“the Board”) against Connecticut medical license number 027902 held by Chiman Patel, M.D. (“respondent”).

The Charges allege that respondent’s license is subject to disciplinary action pursuant to the Connecticut General Statutes (“the Statutes”) §20-13c, including, but not limited to, § 20-13c(4). Bd. Exh. 1. The Motion for Summary Suspension was based on the Department’s information and belief that respondent’s continued practice represented a clear and immediate danger to the public health and safety. Bd. Exhs. 2, 3.

On June 21, 2011, pursuant to §§ 4-182(c) and 19a-17(c) of the Statutes, the Board granted the Department’s motion and summarily suspended respondent’s license pending the Board’s final determination on the allegations contained in the Charges. The Board set the hearing date for July 1, 2011. Bd. Exh. 3.

The Department served the Motion for Summary Suspension, Charges, Summary Suspension Order and Notice of Hearing via certified mail, return receipt requested and via electronic mail on June 23, 2011. Bd. Exh. 4. The Notice of Hearing directed respondent to appear before a duly authorized panel of the Board on July 1, 2011, for a formal hearing on the allegations contained in the Charges. The panel consisted of Ann Doremus, Velandy Manohar, M.D., and Rabbi Dov Greer. Bd. Exh. 4.

Respondent filed an Objection to the Summary Suspension and an Answer to the Charges on June 30, 2011. Bd. Exhs. 5 and 6.

The panel held an administrative hearing to adjudicate respondent’s case on July 1, 2011. Attorney Richard C. Tynan represented respondent; and, Attorney Matthew Antonetti represented the Department.

The panel conducted the hearing in accordance with Chapter 54 of the Statutes and §§ 19a-9a-1 *et seq.* of the Regulations of Connecticut State Agencies (“the Regulations”). Both parties had the opportunity to present evidence, conduct cross-examination, and provide argument on all issues.

All panel members involved in this decision received copies of the entire record and attest that they have either heard the case or read the record in its entirety. The Board reviewed the panel’s proposed final decision in accordance with the provisions of § 4-179 of the Statutes. The Board considered whether respondent poses a threat, in the practice of medicine, to the health and safety of any person. This decision is based entirely on the record and the specialized professional knowledge of the Board in evaluating the evidence. To the extent the findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *SAS Inst., Inc., v. S & H Computer Systems, Inc.*, 605 F.Supp. 816 (Md. Tenn. 1985).

Allegations

1. In paragraph 1 of the Charges, the Department alleges that respondent is the holder of Connecticut license number 027902 to practice medicine and surgery.
2. In paragraph 2 of the Charges, the Department alleges that respondent, who specializes in psychiatry, commenced treatment with patient N.C. in or around September 2010. Patient N.C. was diagnosed, in part, with bi-polar disorder and a history of opioid dependence.
3. In paragraph 3 of the Charges, the Department alleges that during the course of approximately October 2010, respondent deviated from the standard of care in connection with his care and treatment of patient N.C. in one or more of the following ways:
 - a. Respondent engaged in inappropriate physical contact with patient N.C. during a treatment session; and/or,
 - b. Respondent made an inappropriate personal suggestion during a treatment session that he contact patient N.C. and they could “get together;” and/or,
 - c. Respondent told patient N.C. during a telephone call that he “loved” her.
4. In paragraph 4 of the Charges, the Department alleges that the above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, § 20-13c, including, but not limited to, § 20-13c(4).

Findings of Fact

1. Respondent is the holder of Connecticut license number 027902 to practice medicine and surgery. Bd. Exh. 6.
2. On September 19, 2006, respondent entered into a Consent Order (“2006 Consent Order”) with the Department in which he was required to attend and successfully complete a course in ethics. Dept. Exh. 1, attach. 6.
3. Respondent specializes in psychiatry and commenced treatment with patient N.C. in or around September 2010. Bd. Exh. 6.
4. Patient N.C. was diagnosed, in part, with bi-polar disorder and a history of opioid dependence. Bd. Exh. 6; Resp. Exh. A (sealed); Tr. pp. 27, 115 (sealed).
5. In September 2010, respondent placed his hand on the small of patient N.C.’s back during their first meeting. Dept. Exh. 1, attach. 1, p. 8 (sealed); Tr. p. 142. (sealed)
6. On a Saturday in October 2010, while no other doctors or staff was present, respondent scheduled a session with N.C. Tr. pp. 108, 109. While on her way to respondent’s office, N.C., a female patient, scraped her ankle on respondent’s office door. Dept. Exh. 1, attach. 1 (sealed); Dept. Exh. 2; Tr. pp. 34, 129-132 (sealed). During the session, respondent placed N.C.’s leg on his knee in an effort to address N.C.’s ankle injury. Dept. Exh. 1, attach. 1, p. 8 (sealed); Dept. Exh. 3 (sealed). Although N.C.’s ankle was injured, respondent rubbed N.C.’s leg from the ankle to above her knee. Dept. Exh. 1, attach. 1, p. 8 (sealed); Dept. Exh. 3 (sealed); Tr. pp. 131, 132, 143, 203, 204 (sealed).
7. In October 2010, respondent made an inappropriate personal suggestion during a treatment session with N.C. that he contact N.C. and they could “get together.” Dept. Exh. 1 (sealed); Dept. Exh. 3 (sealed); Tr. pp. 134, 148, 149 (sealed).
8. During a telephone call in October 2010, respondent told N.C. that he “loved” her. Dept. Exh. 1, attach. 1, p. 7 (sealed); Tr. pp. 149, 209 (sealed).

Discussion and Conclusions of Law

The Department bears the burden of proof by a preponderance of the evidence in this matter. *Steadman v. Securities and Exchange Commission*, 450 U.S. 91, 101 S. Ct. 999, *reh’g denied*, 451 U.S. 933 (1981); *Swiller v. Commissioner of Public Health*, CV 950705601, Superior Court, J.D. Hartford/New Britain at Hartford, Memorandum filed October 10, 1995.

The Board relied on the training and experience of its members in making its findings of fact and conclusions of law. *Pet v. Department of Health Services*, 228 Conn. 651, 667 (1994).

The Department alleges in the Charges that respondent's license is subject to disciplinary action pursuant to § 20-13c(4) of the General Statutes for the following reasons: (a) respondent engaged in inappropriate physical contact with patient N.C. during a treatment session; (b) respondent made an inappropriate personal suggestion during a treatment session that he contact N.C. and they could "get together;" and (c) respondent told N.C. during a telephone call that he "loved" her. The Department sustained its burden of proof with regard to all of the allegations.

With regard to the allegation in paragraph 1 of the Charges, respondent admits that he is the holder of Connecticut license number 027902 to practice medicine and surgery. Bd. Exh. 6.

With regard to the allegations in paragraph 2 of the Charges, a preponderance of the evidence establishes that respondent specializes in psychiatry and that he commenced treatment, in or around September 2010, with N.C, who was diagnosed, in part, with bi-polar disorder and a history of opioid dependence. Bd. Exh. 6. Respondent admits to this allegation. Respondent's progress notes, dated September 4, 2010, evidence that Respondent was aware or should have been aware that N.C. was a recovering addict with bipolar disorder. Resp. Exh. A (sealed).

Conn. Gen. Stat. § 20-13c provides, in pertinent part, that:

The Board is authorized to restrict, suspend or revoke the license or limit the right to practice of a physician or take any other action in accordance with section 19a-17, for any of the following reasons: (4) illegal, incompetent, or negligent conduct in the practice of medicine;...

With regard to the allegations in paragraph 3a of the Charges, the Department sustained its burden of proof. A preponderance of the evidence establishes that during October 2010, respondent engaged in inappropriate physical contact with N.C. during a treatment session. Respondent admits that he placed his hand on the small of N.C.'s back at the end of their first session, but he denies that this contact was intended in a sexual or intimate way. Tr. p. 142 (sealed). However, N.C. stated that this physical contact gave her a strange feeling and that she felt that something was not right. Dept. Exh. 1, attach. 1, p. 5 (sealed). Additionally, during respondent's third session with N.C., N.C. scraped her ankle on respondent's office door. Respondent elevated N.C.'s leg by placing it on his leg, and then he rubbed N.C.'s leg above her knee. Dept. Exh. 1, attach. 1, p. 7 (sealed); Dept. Exh. 3 (sealed). Respondent admits to elevating and rubbing N.C.'s leg, but he claims that he only rubbed her leg below the knee. Tr.

p. 187 (sealed). The documentary evidence indicates otherwise. A video recording of the session actually shows respondent rubbing N.C.'s leg above the knee. Dept. Exh. 3 (sealed).

Respondent's defenses are not compelling, and only serve to illustrate respondent's lack of understanding or disregard of the risk of psychological harm that his actions posed to N.C., who was a recovering addict and diagnosed with bi-polar disorder. Respondent claims that he only rubbed N.C.'s leg in order to stop the bleeding and to comfort her. Tr. p. 185 (sealed). However, the injury to N.C.'s leg was a scrape on her ankle, Dept. Exh. 2, so it is not credible that respondent was rubbing N.C.'s leg up over her knee in order to stop the bleeding. Additionally, respondent's claim that he rubbed N.C.'s leg to comfort her does not alter the inappropriate nature of this physical contact. Respondent should have been aware that N.C., as a recovering addict and an individual with bi-polar disorder, may interpret physical contact such as rubbing a leg as an advance regardless of respondent's intent. Tr. p. 180 (sealed). Respondent's conduct further demonstrates a complete lack of judgment and a violation of the standard of care because he met with N.C. alone on a Saturday, with no one else present. Tr. pp. 203, 204 (sealed). Overall, this conduct was inappropriate and respondent's testimony cited herein, is demonstrative of his lack of awareness of the potential harm of his conduct.

With regard to the allegations in paragraph 3b of the Charges, the Department sustained its burden of proof. The preponderance of the evidence establishes that during October 2010, respondent made an inappropriate personal suggestion during a treatment session that he contact N.C. and they could "get together." The documentary evidence from N.C.'s recording of the session shows respondent asking N.C. if she had any weekend plans, and suggesting that respondent and N.C. could "get together" over the weekend. Dept. Exh. 3 (sealed). Respondent admits that he said this, but he states that he was just suggesting he and N.C. meet for lunch or coffee. Tr. p. 149 (sealed).

Respondent's contention regarding this issue does not negate the inappropriate nature of this personal suggestion during a treatment session. Respondent states that he only suggested that he and patient N.C. get together over the weekend in order to support and help her. Tr. p. 190 (sealed). However, respondent admits that he would not have billed N.C., nor asked her for her insurance information, for any time spent together over the weekend. Tr. pp. 192-194 (sealed). This indicates that respondent's "support" of N.C. would have been outside of the

clinical or treatment context. Additionally, when respondent asked N.C. if she would like to get together, N.C. responded that she felt uncomfortable with that suggestion. Dept. Exh. 3 (sealed). It is troubling that respondent, as N.C.'s psychiatrist, did not ask N.C. to clarify or to explain what made her uncomfortable in this context. Tr. pp. 206-207 (sealed). Respondent claims that he did not have time to ask these questions of N.C., but this claim is not credible because at the time, only ten minutes had elapsed out of a twenty minute treatment session. Tr. p. 207 (sealed). Finally, the combination of the following aspects of respondent's conduct during this treatment session: that respondent and N.C. were alone in the office on a Saturday; that respondent was rubbing N.C.'s leg; and that respondent, while touching N.C.'s leg, asked her if she wanted to get together over the weekend, render this conduct inappropriate and a deviation from the standard of care for medical practitioners. Tr. p. 205 (sealed).

Regarding the allegation in paragraph 3c of the Charges, the Department sustained its burden of proof. Respondent admits that he told patient N.C. over the phone that he loved her. Tr. p. 149 (sealed). Respondent claims that he only told N.C. this in order to support her, Tr. p. 178 (sealed), but respondent's explanation only illustrates respondent's lack of understanding or disregard of how a patient, particularly one who is a recovering addict and diagnosed with bipolar disorder, may perceive such a comment. Respondent admits that people struggling with substance abuse problems or a mood disorder "perceive things in a different way," but he states that he did not consider how N.C. might view his comments. Tr. p. 177 (sealed). Respondent also did not inquire as to whether N.C. had any history of sexual abuse. Tr. p. 175 (sealed). It should have occurred to respondent to ask about this, especially when respondent was making personal comments to N.C. that N.C. may perceive as an inappropriate advance.

The remaining issue concerns the appropriate remedy in this case. Respondent admitted all of the allegations in the Charges in either his Answer or in his testimony. After reviewing all of the evidence in this matter, the Board finds that respondent deviated from the standard of care in his treatment of patient, N.C. The Board is troubled that despite respondent's admission to the conduct alleged, he does not seem to fully understand the magnitude and potential effects of his conduct on his patients, or why such conduct is deemed a violation of the regulations. Moreover,

despite a course in ethics that he was required to take under the 2006 Consent Order, respondent has failed to engage his ethics training or the Principles of Medical Ethics¹ in his practice. Respondent's conduct constitutes illegal, incompetent, or negligent conduct in the practice of medicine in violation of Conn. Gen. Stat. § 20-13c(4) and warrants restriction of respondent's license.

Order


Based upon the record in this case, the above findings of fact and the conclusions of law, and pursuant to the authority vested in it by §§ 19a-17 and 20-13c of the Statutes, the Board finds that the misconduct alleged and proven is severable and warrants the disciplinary action imposed by this order. The Board hereby orders the following with regard the Connecticut physician license number 027902 held by Chiman Patel, M.D:

1. Respondent must pay a civil penalty of thirty thousand dollars (\$30,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The Check shall reference the Petition Number (2011-296) on the face of the check, and shall be payable in six (6) monthly installments commencing ninety (90) days from the effective date of this Decision. The Board reached this amount (\$30,000.00) by imposing a civil penalty of ten thousand dollars (\$10,000.00) for each of the incidents of respondent's misconduct (referenced in 3a, 3b, and 3c of the charges).
2. Respondent's license shall be placed on probation for a period of for five years under the following terms and conditions:
 - a. Respondent shall provide his chief of service, employer, partner and/or associate at any hospital, clinic, partnership and/or association at which he is employed or with which he is affiliated or has privileges, at each place where respondent practices throughout the probationary period, with a copy of this Decision within fifteen (15) days of its effective date, or within fifteen days of commencement of employment at a new facility.

¹ The American Psychiatric Association Principles of Medical Ethics provides that "A physician shall not gratify his or her own needs by exploiting the patient. The psychiatrist shall be ever vigilant about the impact that his or her conduct has upon the boundaries of the doctor-patient relationship, and thus upon the well-being of the patient. These requirements become particularly important because of the essentially private, highly personal, and sometimes intensely emotional nature of the relationship established with the psychiatrist." Dept. Exh. 1, attach. 5, p. 3.

- b. Respondent agrees to provide reports from each such employer quarterly for the entire term of the probation, stating that respondent is practicing with reasonable skill and safety.
3. Respondent's license to practice medicine is hereby permanently restricted in that respondent shall permanently refrain from:
- a. Working as a physician or psychiatrist in a solo practice setting or maintaining a freestanding clinic. Respondent may only practice in a controlled, institutional setting, such as a hospital or correctional facility, where colleagues and staff are present; and
 - b. Treating any female patients. Respondent may only treat male patients.

October 20, 2011


By: Anne C. Doremus, Chairperson
Connecticut Medical Examining Board

CERTIFICATION

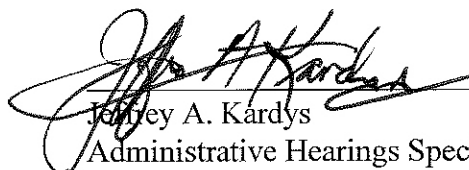
I hereby certify that, pursuant to Connecticut General Statutes § 4-180(c), a copy of the foregoing Memorandum of Decision was sent this 20th day of October 2011, by certified mail, return receipt requested to:

Richard C. Tynan, Esq.
Halloran & Sage
One Goodwin Square
225 Asylum Street
Hartford, CT 06103-4303

Certified Mail RRR #91-7108-2133-3936-6805-9835

and via email to:

Matthew Antonetti, Principal Attorney
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
Public Health Hearing Office