

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: SABAH MEDHI HADI, M.D.
License No.: 0101-059359

ORDER

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Sabah Medhi Hadi, M.D., on January 10, 2013, in Henrico, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Claudette Dalton, M.D., Chair; Stuart Mackler, M.D.; and Robert Hickman, M.D. Dr. Hadi appeared personally and was represented by legal counsel, Forrest E. White, Esquire. Adjudication Specialist Melanie Pagano was present as a representative for the Administrative Proceedings Division of the Department of Health Professions.

The purpose of the informal conference was to inquire into allegations that Dr. Hadi may have violated certain laws and regulations governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated November 30, 2012.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law:

1. Sabah Mehdi Hadi, M.D., was issued license number 0101-059359 to practice medicine and surgery in Virginia on April 8, 1999. Said license is currently active and will expire on February 28, 2014, unless renewed or otherwise acted upon.

2. Dr. Hadi violated Sections 54.1-2915.A(3) and (12) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 85-20-29(2) of the Board of Medicine General Regulations in his care and treatment of Patients A, B and C. Specifically:

a. In or about late 2009, during Patient A's (a minor child suffering from selective mutism) medication treatment session with Dr. Hadi at Ashburn Psychological Associates ("APS"), Dr. Hadi attempted to convince his mother, in his presence, to discontinue weekly therapy sessions with his colleague, a psychologist who owned and was the director of the APS practice, and with whom he had had a contractual dispute and other disagreements, and to simply allow peer pressure to persuade Patient A to talk. This session increased Patient A's anxiety and exacerbated his condition, while undermining his longstanding relationship with his therapist, with whom he was progressing in his treatment.

b. In or about 2009, during a treatment session with Patient B, Dr. Hadi discussed with him a disagreement he was having with the APS psychiatric practice regarding the allocation and payment of his treatment fees. This made Patient B uneasy, and he was concerned that his session time was not being used to address his therapeutic needs.

c. In or about 2010, Dr. Hadi argued with Patient C about her treatment and demanded that she undergo additional treatment sessions with him. Patient C stated that Dr. Hadi "screamed" at her, and that she felt insulted and disrespected. Dr. Hadi then argued with Patient C's boyfriend about her treatment.

3. Dr. Hadi denied the allegations associated with Patients A, B and C. Specifically:

a. Dr. Hadi denied recommending discontinuation of therapy for Patient A.

He stated that the family dynamic can be a crucial element of patient care, and claimed that he is careful to ensure appropriate consultation with parents in cases of minors. However, he denied discussing treatment-related issues in front of Patient A, and claimed he only spoke with the patient's mother, possibly on the telephone.

b. Dr. Hadi denied discussing his fee dispute with Patient B during his treatment session and stated that it has always been his professional policy not to discuss any business issues with his patients.

c. Dr. Hadi stated that Patient C had requested a prescription for Klonopin over the telephone, but did not want to schedule an appointment. He stated that he had refused to prescribe Klonopin without first seeing the patient. Dr. Hadi stated that Patient C claimed that she lacked sufficient funds to pay him for an office visit, but that she needed her medication. He denied shouting at Patient C, but stated that he was firm with her and that she may have perceived it as shouting. Dr. Hadi stated that subsequent to this event, Patient C returned for one visit with him at his private practice.

4. Dr. Hadi violated Section 54.1-2915.A(12) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 85-20-29(3) of the Board of Medicine General Regulations, in that he contacted the parent of Patient H, a minor, prior to his termination from APS on or about Nov. 25, 2009, in order to solicit him as a patient and to persuade him to terminate his relationship with APS.

5. Dr. Hadi denied contacting Patient H or trying to take patients from APS, but acknowledged giving patients his cellular phone number so that they could reach him for potential treatment needs.

6. Dr. Hadi violated Section 54.1-2915.A (16) of the Code in that, in or about 2009, while employed by APS, he stored controlled substances in an unlocked cabinet on the APS premises.

7. Dr. Hadi initially responded that the medications did not need to be stored in a locked cabinet, because they were not controlled substances. However, upon further questioning, he acknowledged that he occasionally left physician sample medications (Schedule VI) in an unlocked cabinet. He stated when it was brought to his attention, he immediately corrected the matter.

8. Dr. Hadi violated Sections 54.1-2915.A(1) and (16) of the Code in that, while employed as an independent contractor for APS, he instructed patients to make checks payable directly to him or jointly to APS and him, and he altered some patient checks to render them payable to him. Further, without the knowledge or consent of APS, he collected these checks, as well as cash payments, from patients and kept said payments or deposited them into his personal and/or business bank accounts.

9. Dr. Hadi acknowledged asking patients to add his name to checks made payable to APS, and that he did deposit some payments to his own personal and/or business accounts. He stated he began to do this when he believed he was not receiving the fees he was owed by APS pursuant to their fee agreement. Dr. Hadi stated that instead of reviewing payment and patient records to try to determine his entitled compensation (80% of the visit

fee), it was easier to start asking patients to write checks payable directly to him. Dr. Hadi accepted responsibility for his actions in the fee dispute and noted that he has paid all costs in accordance with a court order.

10. Dr. Hadi stated that he tries to focus on his patients and their patient care needs. He stated that he decided he did not want to work at APS because he felt the practice was run as a "business model" and because he also realized that he did not want to work for a non-physician-run practice. Dr. Hadi stated that he would rather work in his own practice where he can focus on patient care.

11. Dr. Hadi stated that from the beginning of his relationship with APS, he disagreed with the terms of the initial business agreement. When the payment issues came to light, Dr. Hadi stated that he acknowledged the mistakes he made and that he offered to pay restitution to APS. However, Dr. Hadi stated that APS would not accept restitution and it then became apparent that this matter came down to competition between APS and himself. Dr. Hadi acknowledged the mistakes he made with the patient billing matters and his collection of patient payments, but vehemently denied some of the other allegations made by his former employer.

12. The Committee found Dr. Hadi's answers to its questions or responses to the allegations confusing and in conflict with the evidence before the Committee.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Sabah Mehdi Hadi, M.D. is hereby issued a REPRIMAND.

It is further ORDERED that Dr. Hadi's license be subject to the following TERMS and CONDITIONS:

1. Within six months from entry of this Order, Dr. Hadi shall submit evidence satisfactory to the Board verifying that he has completed eight (8) hours of Board-approved continuing medical education ("CME") in the subject of professional medical ethics. Such CME shall be approved in advance of registration by the Executive Director of the Board, and shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Any CME hours obtained in compliance with this term shall not be used toward compliance with the Board's continuing education requirements for license renewal.

2. Within thirty (30) days from entry of this Order, Dr. Hadi shall provide the Board with a written statement certifying that he has read and will comply with the Virginia Drug Laws for Practitioners.

3. Upon verification of Dr. Hadi's compliance with the foregoing terms, the Committee authorizes the Executive Director to close this matter or refer it to a Special Conference Committee for a final determination.

Dr. Hadi shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

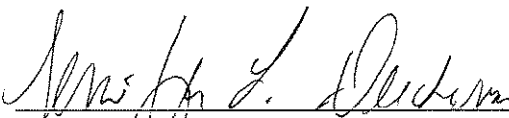
Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Dr. Hadi may, not later than 5:00 p.m., on February 18, 2013, notify William L. Harp, M.D., Executive Director, Board of Medicine,

9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on February 18, 2013; unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

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

ENTERED: 6/14/2013