

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MANOOCHEHR POOYA, M.D.
CO-07-11-6768-A

COMMISSIONER'S
SUMMARY
ORDER

TO: MANOOCHEHR POOYA, M.D.

Redacted Address

MANOOCHEHR POOYA, M.D.

Redacted Address

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the Government of the District of Columbia, Department of Health, Board of Medicine, (hereinafter "District of Columbia Board"), has made a finding substantially equivalent to a finding that the practice of medicine by **MANOOCHEHR POOYA, M.D.**, Respondent, New York license no.111928, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the District of Columbia, Notice of Summary Action to Suspend License, dated November 7, 2007, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **MANOOCHEHR POOYA, M.D.**, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

Any practice of medicine in the State of New York in violation of this Order shall constitute Professional Misconduct within the meaning of New York Education Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by New York Education Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the District of Columbia.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the District of Columbia proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299, via Certified Mail, Return Receipt Requested, of the final conclusion of the proceeding immediately upon such conclusion.

These proceedings may result in a determination that your license to practice medicine in New York State be revoked or suspended and/or that you be fined or subject to other sanctions set forth in New York Public Health Law §230-a. You are urged to obtain an attorney to represent you in this matter.

DATE: Albany, New York
June 14, 2008
July

Redacted
Signature

RICHARD F. DAINES, M.D.
Commissioner of Health
New York State Department of Health

Inquires should be directed to:

Robert Bogan
Associate Counsel
N.Y.S. Department of Health
Division of Legal Affairs
433 River Street
Suite 303
Troy, New York 12180
Telephone (518) 402-0828

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE**

IN THE MATTER OF

Manoochehr Pooya, M.D.

Respondent

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NOTICE OF SUMMERY ACTION TO SUSPEND LICENSE

To: Manoochehr Pooya, M.D.

In accordance with the provisions of the District of Columbia Administrative Procedure Act, D.C. Official Code § 2-509(a) (2001), and the District of Columbia Health Occupations Revision Act of 1985, D.C. Official Code § 3-1205.15(b) (2001), notice is hereby given of the summary suspension of your license to practice medicine in the District of Columbia, License No. MD 4594, pursuant to D.C. Official Code § 3-1205.15(a) (2001).

Your license is hereby suspended, effective immediately upon your receipt of this notice.

The charges and specifications upon which the decision to suspend your license is based are set forth below.

Charge I:

You failed to conform to the standards of acceptable conduct in the practice of medicine in violation of D.C. Code §3-1205.14(26) by sexually harassing and or assaulting a patient, which presents an imminent danger to the health and safety of the residents of the District, for which your license may be summarily suspended pursuant to D.C. Official Code § 3-1205.15(2001).

Specification A:

On or about December 23, 2006, through December 29, 2006, you made inappropriate sexual advances towards a patient while serving as her attending physician during her hospitalization at Greater Southeast Community Hospital.

Specification B:

On or about February 1, 2007, you made inappropriate sexual advances toward, and inappropriately touched, the same patient during your examination of her in your office.

Specification C:

On or about February 19, 2007, through February 28, 2007, you made you made inappropriate sexual advances towards, and inappropriately touched, the same patient while serving

as her attending physician while she was hospitalized at Greater Southeast Community Hospital.

Specification D:

On or about February 25, 2007, you took this patient's hand, which was immobile due to arthritis, and placed it on your genitalia. On or about June 13, 2007, you were arrested and charged with sexual abuse. On November 2, 2007, you were found guilty of the above in the Superior Court for the District of Columbia.

Charge II:

You engaged in sexual harassment of a patient in violation of D.C. Code §3-1205.14(23) for which for which your license may be summarily suspended pursuant to D.C. Official Code § 3-1205.15(2001).

Specification A:

Specifications A, B, and D of Charge I are incorporated herein.

Charge III:

You demonstrated a willful or careless disregard for the health, welfare or safety of a patient, regardless of whether the patient sustained actual injury as a result in violation of D.C. Code §3-1205.14(28) for which for which your license may be summarily suspended pursuant to D.C. Official Code § 3-1205.15(2001).

Specification A:

Specifications A, B, C and D of Charge I are incorporated herein.

If you wish to appeal this summary suspension of your license, you must file a written request for a hearing within seventy-two (72) hours after service of this notice on you. Should you request a hearing; a hearing will be held within seventy-two (72) hours of receipt of a timely request. The request for a hearing must be submitted to Managing Docket Clerk, Office of Administrative Hearings, Suite 4150, 825 North Capitol Street, N.E., Washington, D.C. 20002. A copy of your request should be delivered to Vanessa E. Atterbeary, Assistant Attorney General, Public Advocacy Division, Civil Enforcement Section, Office of the Attorney General for the District of Columbia, Suite 450 North, 441 4th Street, N.W., Washington, D.C. 20001.

You may appear personally at such a hearing and you may be represented by legal counsel. You have the right to produce witnesses and evidence in your behalf and to cross-examine witnesses against you, to examine evidence produced, and to have subpoenas issued in your behalf to require the production of witnesses and evidence.

If you, or any witnesses you intend to call, are deaf or because of a hearing impediment cannot readily understand or communicate the spoken English language, you or your witnesses may apply to the Office of Adjudication and Hearings for the appointment of a qualified interpreter.

A request for a hearing will not stay this summary suspension.

11/7/07

Date

Redacted Signature

Dr. Feseha Woldu
Administrator
Department of Health
Health Professional Licensing
Administration