

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

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IN THE MATTER  
OF  
CHARLES L. MOMAH, M.D.  
CO-03-09-4449-A

COMMISSIONER'S  
SUMMARY  
ORDER

TO: CHARLES L. MOMAH, M.D.  
REDACTED

CHARLES L. MOMAH, M.D.  
14212 Ambaum Blvd., SW #303  
Seattle, WA 98166

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of Health, pursuant to N.Y. 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 State of Washington, Department of Health, Medical Quality Assurance Commission (hereinafter "Washington Board") has made a finding substantially equivalent to a finding that the practice of medicine by **CHARLES L. MOMAH, M.D.**, Respondent, licensed to practice medicine in New York state on August 7, 1987, by license number 171684, in that jurisdiction, constitutes an imminent danger to the health, safety, and welfare of its people, as is more fully set forth in documents of the Washington Board, attached hereto, as Appendix "A," and made a part hereof.

It is, therefore:

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **CHARLES L. MOMAH.**, Respondent, shall not practice medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine.

Any practice of medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine in violation of this Commissioner's Summary Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530 and may constitute unauthorized medical practice, a felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing that shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the state of Washington. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230, and N.Y. State Admin. Proc. 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 Summary Hearing, together with a Statement of Charges, to be provided to the Respondent after the final conclusion of the Washington 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 those set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth on 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 Washington 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  
MAY BE FINED OR SUBJECT TO OTHER SANCTIONS  
SET FORTH IN NEW YORK PUBLIC HEALTH LAW  
SECTION 230-A. YOU ARE URGED TO OBTAIN AN  
ATTORNEY FOR THIS MATTER.

DATE: Albany, New York

*October 15*, 2003

REDACTED

ANTONIA C. NOVELLO, M.D., M.P.H, Dr. P. H.  
Commissioner

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of the License to Practice as a Physician and Surgeon of:	)	Docket No. 03-09-A-1033MD
	)	
CHARLES L. MOMAH, M.D.,	)	EX PARTE ORDER OF
License No. MD00030669,	)	SUMMARY ACTION
	)	
Respondent.	)	
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This matter came before the Medical Quality Assurance Commission (the Commission) on September 10, 2003 on an Ex Parte Motion for Order of Summary Action brought by the Department of Health (the Department) by and through its attorney, Kim O'Neal, Assistant Attorney General. The Presiding Officer for the Commission was Senior Health Law Judge Lyle O. Hanson. The Commission members deciding the Ex Parte Motion for Order of Summary Action were: Julian Ansell, M.D., Panel Chair, Karl Forch, PA-C; and Mike Snell, Public Member. The Commission, having reviewed the motion and the documents submitted in support of the motion, and having heard an oral presentation, hereby enters the following:

**I. ALLEGATIONS**

1.1 Charles L. Momah, M.D., the Respondent, was issued a license to practice as a physician by the State of Washington in March 1993. A Statement of Charges was issued in Docket No. 03-01-A-1015MD on or about June 17, 2003. That case is pending at the present time.

1.2 Patient One was a regular patient of Respondent. On or about August 12, 2003 at approximately 6PM, Patient One called Respondent to ask for 'morning after'

contraception. The Respondent asked the patient to meet him at his office immediately. When Patient One arrived at Respondent's office, which was closed, Respondent let her in. No one else was in the office. The Respondent wrote out prescriptions for Patient One for Percocet, Valium, and four birth control pills. The Respondent had the patient change into an exam gown and mount the exam table. The Respondent performed an ultrasound and manual pelvic exam. The patient felt Respondent's hands caressing her clitoris. The patient recognized that the pelvic exam was not proceeding normally.

1.3 The Respondent pulled down his pants and underwear and got on top of Patient One. He placed his penis inside her and raped her. Patient One asked Respondent to stop, and he responded, "You know you want it". Patient One told Respondent to stop and get off. The assault lasted 10 minutes until Respondent ejaculated. Respondent then got off of Patient One, pulled up his pants and told her to come to his office. After putting her clothes back on, she met with Respondent in his office. The Respondent threatened Patient One that if she reported the event to the police he would reveal her history of narcotic dependence and her child would be taken away from her.

## II. FINDINGS OF FACT

2.1 The Respondent, a physician licensed by the State of Washington at all times applicable to this matter, practicing in Federal Way, Washington.

2.2 The Commission issued a Statement of Charges alleging Respondent violated RCW 18.130.180(1)(4), -.180(22), and -.180(24). The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

2.3 The Commission finds there is imminent danger to the public health, safety and welfare requiring emergency action suspending Respondent's license to practice medicine pending further proceedings due to the nature of the allegations as stated above and in the Statement of Charges.

2.4 The alleged conduct, as set forth in the Allegations above and as supported by the documents attached to the Ex Parte Motion for Order of Summary Action, is directly related to Respondent's ability to practice as a physician in the state of Washington. The Commission finds, based on the declarations and evidence submitted with the Ex Parte Motion for Order of Summary Action, that a summary suspension of Respondent's license to practice as a physician is the least restrictive action necessary to prevent or avoid immediate danger to the public health, safety, or welfare.

### III. CONCLUSIONS OF LAW

3.1 The Commission has jurisdiction over Respondent's license to practice as a physician.

3.2 The Commission has authority to take emergency adjudicative action to address an immediate danger to the public health, safety, or welfare. RCW 34.05.422(4), RCW 34.05.479, RCW 18.130.050(7), and WAC 246-11-300.

3.3 The above Findings of Fact and Allegations establish:

- (a) The existence of an immediate danger to the public health, safety, or welfare;
- (b) That the requested summary action adequately addresses the danger to the public health, safety, or welfare; and
- (c) The requested summary action is necessary to address the danger to the public health, safety, or welfare.

3.4 The requested summary action is the least restrictive agency action justified by the danger posed by Respondent's continued practice as a physician.

3.5 The above Findings of Fact and Allegations establish conduct which warrants summary action to protect the public health, safety, or welfare.

#### IV. ORDER

Based on the above Findings of Fact, Allegations and Conclusions of Law, the Commission enters the following order:

4.1 IT IS HEREBY ORDERED that the license of Respondent be SUMMARILY SUSPENDED pending further disciplinary proceedings by the Commission.

4.2 In addition, Respondent is ordered not to contact any current or former female patients by any means and for any purpose, effective immediately. Respondent shall arrange for coverage for all of his patients. The Respondent will put a message on his answering service advising patients of the change of care and directing patients to the new provider. For continuity of care, Respondent will communicate directly with the provider, not the patients.

Dated this 10<sup>th</sup> day of September, 2003.

MEDICAL QUALITY ASSURANCE COMMISSION

REDACTED

JULIAN ANSELL, M.D.  
Panel Chair

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS: Program No. 2003-08-0025MD

EX PARTE ORDER OF SUMMARY ACTION

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