



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

Karen Schinke
Executive Deputy Commissioner

February 22, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kevin P. Donovan, Esq.
NYS Department of Health
Corning Tower-Room 2438
Empire State Plaza
Albany, New York 12237

Walter Majd Reiling, M.D.
a/k/a
Ezzat E. Majd-Pour, M.D.
75-04 North Median Street
Indianapolis, Indiana 46260

effective Date February 29, 1996

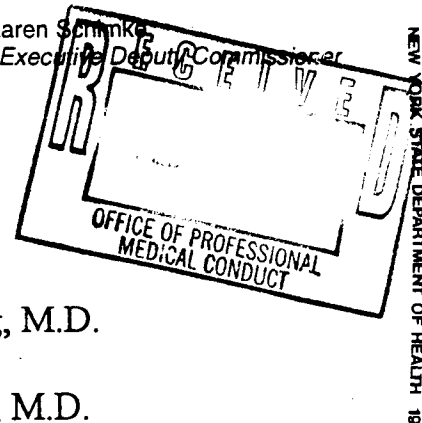
**RE: In the Matter of Walter Majd Reiling, M.D. a/k/a
Ezzat E. Majd-Pour, M.D.**

Dear Mr. Donovan and Dr. Reiling:

Enclosed please find the Determination and Order (No. 96-29) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237



If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

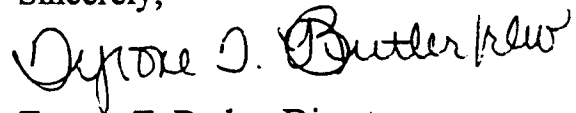
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's
Determination and Order.

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler" followed by a stylized flourish.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

COPY

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

IN THE MATTER

OF

**WALTER MAJD REILING, M.D.
A/K/A
EZZAT E. MAJD-POUR, M.D.**

DETERMINATION

AND

ORDER

BPMC-96-29

A Notice of Hearing and Statement of Charges, both dated September 12, 1995, were served upon the Respondent, **WALTER MAJD REILING, M.D. A/K/A EZZAT E. MAJD-POUR, M.D.** **DAVID T. LYON, M.D.** (Chair), **PETER B. KANE, M.D.** and **MR. IRVING CAPLAN,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.,** Administrative Law Judge, served as the Administrative Officer. A hearing was held on January 10, 1996. The Department of Health appeared by **HENRY M. GREENBERG, GENERAL COUNSEL,** by **KEVIN P. DONOVAN, ESQ.,** Associate Counsel. The Respondent did not appear and was not represented by counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Sections 6530 (9)(a)(ii), 6530(9)(b) and 6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Respondent was authorized to practice medicine in New York State on September 24, 1984, by the issuance of license number 160266 by the New York State Education Department.
(Pet. Ex. #2)

- 2. On August 20, 1993, after having pled guilty, Respondent was convicted in the United States District Court for the Southern District of Indiana of the offense of dispensing controlled substances without a valid registration number [21 U.S.C. 843(a)(2)]; he was sentenced to two years of probation, ordered to pay \$550 in fines and assessments and to perform 100 hours of community service. (Pet. Exs. 4 and 5)

- 3. By Determination and Order dated September 17, 1992, the Mississippi State Board of Medical Licensure found that Respondent had failed to submit to a comprehensive mental and physical examination as ordered by the Examining Committee designated by the Mississippi State Board of Medical Licensure; Respondent was suspended from the practice of medicine in Mississippi until he submits to a comprehensive mental and physical examination as ordered. (Pet. Ex. 7)

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee unanimously concluded that the Department has sustained its burden of proof. The preponderance of the evidence demonstrates that Respondent was convicted of dispensing controlled substances without a valid registration number in violation of Federal Law. Section 6530(9)(a)(ii) of the Education Law defines professional misconduct as "being convicted of committing an act constituting a crime under federal law". In addition, the Mississippi State Board of Medical Licensure found that Respondent failed to submit to a comprehensive mental and physical examination to determine his fitness to practice medicine. As a result, the Mississippi Board suspended Respondent's license. Section 6530(9)(b) of the Education Law defines professional misconduct as "having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state

where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State." Section 6530(9)(d) of the Education Law defines professional misconduct in part as having his or her license to practice medicine suspended after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension would, if committed in New York State, constitute professional misconduct under the laws of New York State. As a result, the Hearing Committee voted to sustain the First, Second and Third Specifications of professional misconduct contained within the Statement of Charges.

Respondent did not appear at the hearing because he feared further abuses by the Drug Enforcement Agency or the secret police (Resp. A, p.1) In documentation submitted to the Hearing Committee (Resp. A), Respondent intimated that he has been the constant subject of harassment by the Mississippi Board, the D.E.A. and other governmental agencies.

The Hearing Committee has no authority to make a determination regarding Respondent's allegations of harassment. The Hearing Committee is bound by Respondent's federal conviction for dispensing controlled substances without a valid registration number and his failure to comply with the order of the Mississippi Board for a mental and physical examination. The Hearing Committee is seriously concerned because there is no evidence of remorse by Respondent for his disregard of the Mississippi Board's order for an evaluation. Respondent has submitted numerous psychiatric evaluations and character reference letters, but none are timely and most are nearly 10 years old. No current independent psychiatric evaluation or character or employment references have been submitted to the Hearing Committee for their consideration in mitigation of the charges. Until Respondent complies with the order of the Mississippi Board for a mental and physical examination, he cannot be allowed to practice medicine in New York State. Once Respondent establishes his current mental and physical fitness to practice medicine, he can re-apply for his New York State license. Therefore, under the totality of the circumstances, revocation is the appropriate sanction in this instance.

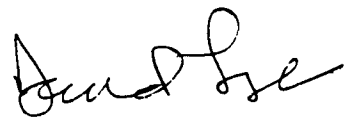
ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specifications of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED.**

2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED.**

DATED: Albany, New York
FEB 20, 1996



DAVID T. LYON
(Chair)

PETER B. KANE, M.D.
MR. IRVING CAPLAN

TO: Kevin P. Donovan, Esq.
Associate Counsel
NYS Department of Health
Corning Tower-Room 2438
Empire State Plaza
Albany, New York 12237

Walter Majd Reiling, M.D.
a/k/a
Ezzat E. Majd-Pour, M.D.
75-04 North Median Street
Indianapolis, Indiana 46260

PETITIONER'S
EXHIBIT
#1 ID Rec'd
1/10/96 LG

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

-----X

IN THE MATTER : NOTICE OF
OF : REFERRAL
WALTER MAJD REILING, M.D. : PROCEEDING
A/K/A :
EZZAT E. MAJD-POUR, M.D. :

-----X

TO: WALTER MAJD REILING, M.D.
75-04 North Median Street
Indianapolis, Indiana 46260

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1995) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1995). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 15th day of November, 1995, at 10:00 in the forenoon of that day at Room E, Cultural Education Center, Concourse Level, New York State Museum, Empire State Plaza, Albany, New York 12234.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn

NEW YORK STATE DEPARTMENT OF HEALTH 19

NEW YORK STATE DEPARTMENT OF HEALTH 19

testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before November 6, 1995.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before November 6, 1995 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
September 12, 1995

Peter D. Van Buren
PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Kevin P. Donovan
Associate Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2429
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT
OF : OF
WALTER MAJD REILING, M.D. : CHARGES
A/K/A :
EZZAT E. MAJD-POUR, M.D. :

-----X

WALTER MAJD REILING, M.D., a/k/a EZZAT E. MAJD-POUR, M.D., the Respondent, was authorized to practice medicine in New York State on September 24, 1984, by the issuance of license number 160266 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On August 20, 1993, after having pled guilty, Respondent was convicted in the United States District Court for the Southern District of Indiana of the offense of dispensing controlled substance without a valid registration number [21 U.S.C. 843(a)(2)]; he was sentenced to two years of probation, ordered to pay \$550 in fines and assessments and to perform 100 hours of community service.

B. By Determination and Order dated September 17, 1992, the Mississippi State Board of Medical Licensure found that Respondent had failed to submit to a comprehensive mental and physician examination as ordered by the Examining Committee designated by the Mississippi State Board of Medical Licensure;

Respondent was suspended from the practice of medicine in Mississippi until he submits to a comprehensive mental and physical examination as ordered.

C. The conduct of which Respondent was found guilty and/or was disciplined in Mississippi would, if committed in New York State, constitute professional misconduct under the laws of New York State, namely failure to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten of the public health law within the meaning of New York Education Law §6530(15) (McKinney Supp. 1995), that is, failure to submit to a medical or psychiatric examination.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

CONVICTION OF A CRIME UNDER FEDERAL LAW

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9) (a) (ii) (McKinney Supp. 1995) in that he was convicted of an act constituting a crime under federal law, in that Respondent charges:

1. The facts of paragraph A.

SECOND SPECIFICATION

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9) (b) (McKinney Supp. 1995) in that he was found guilty of improper professional practice or professional misconduct by a duly authorized

professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Respondent charges:

1. The facts of paragraphs B and C.

THIRD SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) (McKinney Supp. 1995) in that he had disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Respondent charges:

3. The facts of paragraphs B and C.

DATED: *September 12*, 1995
Albany, New York

Peter D. Van Buren
PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct