

**BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA**

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IN THE MATTER OF THE APPLICATION )	DIA NO. 06DPHMB008
FOR MEDICAL LICENSURE OF )	
MAJD MAHMOUD ARNAOUT, M.D. )	
Applicant )	FINDINGS OF FACT,
	CONCLUSIONS OF LAW,
	DECISION AND ORDER
	)

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**TO: MAJD MAHMOUD ARNAOUT, M.D.**

**Date: March 21, 2006.**

On January 18, 2006, the Iowa Board of Medical Examiners (Board) issued a Preliminary Notice denying the application for a permanent Iowa medical license filed by Majd Mahmoud Arnaout, M.D. (Applicant). The Applicant appealed, and a Notice of Hearing was issued on February 16, 2006. The hearing was held before a quorum of the Board on March 1, 2006 at 12:00 p.m. in the conference room at 400 SW 8th Street, Suite C, Des Moines, Iowa. The following Board members presided at the hearing: Bruce Hughes, M.D., Chairperson; Carole Frier, D.O.; Dana Shaffer, D.O.; Blaine Houmes, M.D.; Susan Johnson, M.D.; Yasyn Lee, M.D.; and Sally Schroeder, public member. The Applicant appeared for the hearing and was represented by attorney Kenneth Butters. Assistant Attorney General Theresa O'Connell Weeg represented the state. The hearing was open to the public, pursuant to 653 IAC 9.15(3)"a," and was recorded by a certified court reporter. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing and was instructed to prepare this decision of the Board, in accordance with their deliberations.

**THE RECORD**

The record includes the Notice of Hearing, the testimony of the witnesses, and the following exhibits:

State Exhibit 1:	Preliminary Notice of Denial, 1/18/06
State Exhibit 2:	Memo, Piner to Licensure Committee, 10/25/05, and attachments: Applicant's Iowa License Application, pp. 2-13; Postgraduate training verifications from University Hospitals of Cleveland, pp. 14-16;

Information from University Hospitals  
of Cleveland, pp. 17-22;  
Email communications between Applicant  
and BME, pp. 23-27;  
Applicant's California License  
Application and attachments, pp. 28-41.  
State Exhibit 3: 12/16/05 Memo (VanMaanen to Licensure  
Committee and BME) and attachments  
State Exhibit 4: AMA Physician Profile for Applicant  
  
Applicant Exhibit A: Letter dated 2/2/06 (Butters to  
Mowery) and additional  
documentation and letters  
Applicant Exhibit B: Letter dated 2/28/06 (Avesena Home  
Health Care to whom it may  
concern)  
Applicant Exhibit C: Letter dated 2/7/06 (Mohammed, MD,  
MPH to Mowery)

#### **FINDINGS OF FACT**

1. On May 16, 2005, the Applicant filed an Application for Permanent Iowa Medical Licensure. The Iowa application form includes an affidavit that was signed by the Applicant and notarized. The affidavit states, in relevant part:

I, Majd Mahmoud Arnaout, ...certify that I have carefully read the questions on this application and have answered them completely and truthfully. I declare under penalty of perjury that my answers, and all other statements or information submitted by me in this application process, are true and correct. If it is determined at any time that I have provided misleading or false information on or in support of this application, I understand that my application may be denied or that I may be subject to disciplinary action and criminal prosecution if I am already licensed..

(Testimony of Amy Van Maanen; Applicant; State Exhibit 2)

2. Applicants are required to list their post-graduate medical training in section 4 of the application. The Applicant listed his attendance at a residency-training program in psychiatry at

Chicago Medical School in North Chicago, Illinois from July 2003 until June 2004. The Applicant did not list any other post-graduate medical training.

Section 5 of the application directs applicants to provide "a chronological listing of **all medical and non-medical activities** from the date you entered medical school to the present date, with no more than a three month gap in time unaccounted for. **Include months, years, location (city and state) and exact nature of each activity...**" In section 5, the Applicant listed his residency in North Chicago from July 2003 to June 2004 and then listed "Medical Director in Home House Care Institution in Addison, Illinois/USA" from July 2004 to May 2005. No other activities were listed for the timeframe from July 2004 through May 2005.

Section 7 asked applicants to list all states/countries in which "you are or have ever been licensed." The Applicant listed just one training license: Illinois License No. 125046521, which was issued in July 2003.

The Applicant answered "no" to Question #9 on the application, which asked: "Have you ever received a warning, reprimand, or been placed on probation during an internship, residency, or fellowship program?"

The Applicant also answered "no" to Question #10 on the application, which asked: "Have you ever received a warning or reprimand, been asked to participate in remediation or been placed on probation during an internship, residency or fellowship program?" (Testimony of Amy Van Maanen; Applicant; State Exhibit 2)

3. As part of the standard license application review procedure, Board staff obtained an American Medical Association (AMA) Physician Profile for the Applicant. The Applicant's AMA Physician Profile revealed that he had an active Ohio resident license that was issued on November 2, 2004. Board staff also obtained a Post-Graduate Training Verification form from the University Hospitals of Cleveland, which verified that the Applicant participated in a residency program in adult psychiatry from July 2004 through March 11, 2005. The verification form further revealed that the Applicant did not complete the residency training program at the University

Hospitals of Cleveland, that disciplinary action was taken against him, and that there was derogatory information in his file. A letter from the Director of Graduate Medical Education for University Hospitals of Cleveland states that the Applicant started a remediation program in September 2004, he was not given credit for PGY2 from July 2004 to September 2004, he was terminated from the residency on March 11, 2005, and he lost his appeal of the termination. (Testimony of Amy Van Maanen; State Exhibits 2, 4)

4. After receiving this information, Board staff emailed the Applicant and asked him to confirm that he completed only one year of post-graduate medical training and that he had not engaged in any other post-graduate training. Board staff also asked the Applicant to describe his activities for his current employer and to confirm that he holds only an Illinois medical training license. Finally, Board staff asked for additional documentation, including post-graduate training verification forms. The Applicant responded to the email by asking to withdraw his application. (Testimony of Amy Van Maanen; State Exhibit 2)

5. Board staff advised the Applicant that the Board's Licensure Committee would have to review his application since it contained discrepancies and that only the Licensure Committee could approve a withdrawal of the application. The Applicant ultimately amended his application to change his "no" answers to questions 9 and 10 to "yes" and to include the post-graduate training program in Cleveland on his application. (Testimony of Amy Van Maanen; State Exhibits 2, 3)

6. The Applicant submitted a letter from the Administrator of Avesena Home Health Care in Addison, Illinois to certify that the Applicant worked in a volunteer position as "medical director in advisory committee" since July 1, 2004. According to this letter, the Applicant provided expertise on phone conferences and weekend support when he was out of state from July 2004 until March 2005. The Applicant's responsibilities included participating in client care conferences and in-service programs and reviews; protocol updates, policies practices for high tech services; and participation in policy development and reviews. (Testimony of Applicant; Applicant Exhibit B)

7. The Applicant also filed a medical license application with the California Medical Board in May 2005. On the California application, the Applicant also failed to disclose his participation in the residency training program at the University Hospitals of Cleveland, failed to disclose his Ohio residency license, and falsely answered "no" to question 16B "Have you ever withdrawn from, or been suspended, dismissed or expelled from a medical school or postgraduate training program OR have you ever taken a leave of absence from such a school or program?"

On August 27, 2005, the Applicant wrote to the California Board and informed them of his participation in the residency program at the University Hospitals in Cleveland and his termination from the program. The Applicant asked to change his answer to question 16B to "yes." The Applicant stated that his previous "yes" answer was a mistake and that he answered "no" for all questions "without paying enough attention." The California Board later permitted the Applicant to withdraw his application. (Testimony of Applicant; State Exhibit 2; Applicant Exhibit A)

8. The Applicant applied to two residency programs in Des Moines. As of the date of the hearing, the Applicant had been interviewed by both programs but had not yet been offered a residency position. (Testimony of Applicant; State Exhibit 3; Applicant Exhibit A)

#### **CONCLUSIONS OF LAW**

Iowa Code Section 147.4 (2005) provides:

##### **147.4 Grounds for refusing.**

The department may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked or suspended.

Iowa Code Sections 147.55(1) and 272C.10(1)(2005) both provide that a license to practice a profession shall be suspended or revoked for fraud in procuring the license. 653 IAC 12.4(1) authorizes the Board to impose any of the disciplinary sanctions set out in rule 12.33, including civil penalties not to exceed \$10,000, when the Board determines that the licensee is guilty of fraud in procuring a license. Fraud in procuring a license

includes, but is not limited to an intentional perversion of the truth in making application for a license to practice medicine and surgery, ... and includes false representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state, ...

The preponderance of the evidence established that the Applicant made numerous false representations of material fact on his application for a permanent Iowa medical license. The Applicant falsely answered "no" to questions 9 and 10, when in fact he had been required to participate in a remediation program and had been terminated from a residency-training program at University Hospitals of Cleveland, Ohio. In addition, the Applicant failed to disclose the Cleveland, Ohio residency training program on his list of post-graduate training programs and in his chronology of post-graduate activities and he also failed to disclose that he had an Ohio resident medical license.

The Applicant denies that he intended to provide false answers on his application and claims that his original answers to questions 9 and 10 were just mistakes. The Applicant asserts that he read the first few questions in the list of 24 questions and thought they were "routine" questions that "usually must have the answer no." The Applicant provided a similar explanation for the false answers on his California application. The Applicant's claim that the false answers on his Iowa Application were inadvertent or unintentional was not credible. The Applicant's Iowa application reveals a series of misrepresentations, all of which have the obvious purpose of concealing the difficulties the Applicant experienced during his nearly nine-month participation in the Ohio residency program. The Board has ample legal grounds to deny this application for permanent medical licensure in the state of Iowa. Iowa Code sections 147.4, 147.55(1), 272C.10(1) and 653 IAC 12.4(1).

#### **DECISION AND ORDER**

**IT IS THEREFORE ORDERED** that the application for permanent medical licensure in Iowa, filed by Majd Mahmoud Arnaout, M.D., is hereby **DENIED**.

Dated this 21<sup>st</sup> day of March, 2006.



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Bruce Hughes, M.D., Chairperson  
Iowa Board of Medical Examiners

cc: Theresa O'Connell Weeg, Assistant Attorney General  
Kenneth Butters, Attorney for Applicant

Judicial review of the Board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of this order. 653 IAC 12.38.

**BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA**

\*\*\*\*\*

**IN THE MATTER OF THE APPLICATION**

**FOR MEDICAL LICENSURE OF**

**MAJD MAHMOUD ARNAOUT, M.D., APPLICANT**

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**PRELIMINARY NOTICE OF DENIAL**

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**TO: MAJD MAHMOUD ARNAOUT, M.D.**

**YOU ARE HEREBY NOTIFIED** that pursuant to Iowa Code Section 147.4(2005), the Board may refuse to grant a license to practice medicine upon any of the grounds for which a license may be revoked or suspended. On November 10, 2005, the Iowa Board of Medical Examiners voted to issue this preliminary notice that it intends to deny your application for a permanent Iowa license to practice medicine and surgery. The preliminary notice is based upon the following:

**STATUTORY VIOLATIONS**

I. Fraud in procuring a license, in violation of Iowa Code Sections 147.55(1) and 272C.10(1) and 653 IAC 12.4(1). Fraud in procuring a license includes, but is not limited to, an intentional perversion of the truth in making application for a license to practice medicine and surgery, ... and includes false representations of material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that, which should have been disclosed when making application for a license in this state, or attempting to file or filing with the board any false or forged document submitted with an application for a license in this state.  
653 IAC 12.4(1).

**FACTUAL CIRCUMSTANCES**

1. On May 16, 2005, the Iowa Board of Medical Examiners (IBME) received an application for permanent licensure from Dr. Arnaout.
2. Dr. Arnaout stated on the application that he was in the psychiatry residency program at Chicago Medical School from July 2003 to June 2004.



3. In section 7, license information, on the application, Dr. Arnaout was asked to list all states in which he had or had ever been licensed. In response, Dr. Arnaout stated that he only had an Illinois training license.
4. The AMA Physician Profile generated on May 18, 2005 indicated that Dr. Arnaout had an Ohio resident license that was issued on November 2, 2004.
5. Dr. Arnaout stated in the chronology of activities on Dr. Arnaout's application stated that he was the medical director in Home House Care Institution in Addison, Illinois from July 2004 to May 2005. The Board later learned that in fact Dr. Arnaout was in a training program at the University Hospitals of Cleveland during that time.
6. On June 14, 2005, Dr. Arnaout was sent an e-mail requesting confirmation that he only held an Illinois training license. He was also asked to submit verification of his post-graduate training from each program in the U.S. and Canada in which he had ever participated.
7. On July 12, 2005, the post-graduate training verification from the University Hospitals of Cleveland Adult Psychiatry program was received. The verification stated that Dr. Arnaout had attended his training program from July 2004 to May 2005. Dr. Arnaout was terminated from the program in March 2005 for failing a remediation program and for failing a family medicine rotation.
8. On August 7, 2005, Dr. Arnaout responded to the June 14, 2005, e-mail requesting that his application be withdrawn from consideration.
9. On August 8, 2005, Board staff completed a second review of his application for permanent licensure. Dr. Arnaout was sent an e-mail specifying the items needed to complete his application, which included the following requests to amend his application:
  - a. Amend the application to include the Ohio resident license information
  - b. Amend the responses to Section 11, Question 9 & 10 to reflect "yes."

Question 9 asks, *"Have you ever been terminated, requested to withdraw, taken a leave of absence, or requested to repeat a portion of an internship, residency, or fellowship program?"*

Question 10, asks, *"Have you ever received a warning or reprimand, been asked to participate in remediation or been placed on probation during an internship, residency or fellowship program?"*

  - c. Provide an explanation for why the above questions were originally answered in the negative.

10. On August 16, 2005, Dr. Arnaout amended his application to include his Ohio training license information. He also amended his responses to Questions 9 and 10 of Section 11 to "yes." Dr. Arnaout explained that he answered "no" to these questions by mistake, and that this was not an intentional omission.

11. Dr. Arnaout applied for a California medical license on June 8, 2005. On the application he was asked to provide information about all post-graduate training programs he had participated in, regardless of whether they were satisfactorily completed. Dr. Arnaout only listed his psychiatry training at Chicago Medical School. He also answered, "No" to question # 16B on that application that asked, *"Have you ever withdrawn from or been suspended, dismissed or expelled from a medical school or post-graduate training program?"*

12. On August 27, 2005, Dr. Arnaout provided a statement to the California Medical Board stating there was an unintended mistake on his application which he needed to correct. He stated that he was a resident at University Hospitals in Cleveland from July 1, 2004 to May 1, 2005, and that on May 1, 2005 he was terminated from the program. He also stated that he should have answered "Yes" to question #16B.

## **NOTICE OF APPEAL RIGHTS**

Pursuant to the provisions of 653 IAC 9.15, you may appeal the Board's preliminary notice of denial of license by serving a request for hearing on the Board's executive director not more than thirty days from the date this notice was mailed. That notice shall contain your current address, shall specify the factual or legal errors in the Board's notice, and may provide additional written information or documents in support of licensure. The request will be deemed filed in the board office as provided in 653 IAC 9.15, a copy of which is attached.

If you do not appeal this preliminary notice of denial in accordance with 653 IAC 9.15, the preliminary notice of denial automatically becomes final and will be considered a public record.

Dated: January 18, 2006

IOWA BOARD OF MEDICAL EXAMINERS



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Bruce Hughes, M.D., Chairperson  
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