STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

IN THE MATTER OF :
GORDON V. HOLAHAN, M.D. : A.H. 00-087

ADMINISTRATIVE DECISION AND ORDER
FACTS AND TRAVEL OF THE CASE

This matter is before the Board of Medical Licensure and Discipline (hereinafter "Board") upon matters contained in the Summary Suspension Order, dated 28 February 2001 and Specification of the Charges and Time and Notice of Hearing, dated 28 February 2001 (Ex.1), issued to Gordon V. Holahan, M.D (hereinafter "Respondent").

The Summary Suspension Order suspended Respondent's Limited Registration No. L200 11 for the reason that he proffered and submitted false, erroneous and misleading information pertaining to his date of birth, college graduation date, and his activities between 1969 and 1982 to the "Board", Memorial Hospital of Rhode Island, and Department of Veterans Affairs; lied under oath regarding previous addresses in Pennsylvania; and had encountered interpersonal difficulties with other physicians and performance difficulties while working in the internal medicine residency program at the Memorial Hospital of Rhode Island. That Order remains in full force and effect pending further Order of the "Board".

The Specification of the Charges and Time and Notice of Hearing informed "Respondent" that a hearing would be held on 9 March 2001 on the question of whether his Limited Registration should be revoked or suspended or why he should not be otherwise disciplined. The reason for this action was that "Respondent" had proffered

and submitted false, erroneous and misleading information pertaining to his date of birth, college graduation date, and his activities between 1969 and 1982 to the "Board", Memorial Hospital of Rhode Island, and Department of Veterans Affairs. This conduct, if proven, is unprofessional and constitutes ground for disciplinary sanctions. R.I.G.L. 5-37-5.1, 5-37-5.1(8) and 5-37-5.1(19). The Time and Notice of Hearing and Specification of the Charges contained a certification indicating that it was sent by certified mail and hand-delivered to "Respondent" at 233 South Pier Road, Narragansett, RI.

A hearing was held on the matters contained in the Specification of the Charges on 9 March 2001. The members of the Hearing Committee of the "Board" (hereinafter "Committee") were Stephen Fanning III, D.O.; Joseph A. DiPietro, Esquire and Meredith Costa, public member. Mary Ellen McCabe, attorney for the Department, acted as legal advisor to the Hearing Committee; Bruce McIntyre, Esquire represented the Investigating Committee of the "Board". Gordon V. Holahan, M.D. did not appear at the time and date set for hearing.

Prior to commencing the hearing on the merits, Mr. McIntyre presented to the "Committee" through the testimony of witnesses and exhibits information to establish that, in fact, "Respondent" had notice of the within proceedings.

Joseph Robenhymer, a realtor in South County, RI, testified that "Respondent" had leased premises located at 233 South Pier Road from 15 January 2000 and continuing to 31 May 2001. He related that he had met "Respondent" and had recent telephone conversations with him.

Richard Tammaro, a Department of Health employee with the Department's Complaint Unit, and former agent for the Federal Bureau of Investigation for twenty-four

years, related that on 1 March 2001 he endeavored to deliver the Specification of the Charges and Notice and Time of Hearing to Dr. Holahan at 233 South Pier Road. He knocked on the door but received no response. The following day Mr. Tammaro again attempted delivery of the documents. A vehicle, identified as belonging to "Respondent", was parked at the premises. Receiving no response to his knocking on the door, Mr. Tammaro placed the envelope containing Specification of the Charges and Notice and Time of Hearing under the doormat.

No further witnesses were presented by Mr. McIntyre. However, he did introduce into the record fourteen (14) exhibits. This evidence established that on 12 January 2000 "Respondent" submitted an application for a Limited Registration to the Board of Medical Licensure and Discipline. A Registration was issued to "Respondent" on 12 January 2000 with an expiration date of 11 January 2001. The same day "Respondent" commenced a Residency in Internal Medicine at Memorial Hospital of Rhode Island. In June 2000 "Respondent" was notified by the Director of the Internal Medicine Residency Program that he was being placed on academic probation for reasons relating to his professionalism and documentation (Ex. 8). Shortly thereafter, on 7 July 2000, "Respondent" was suspended from the Residency Program pending a vote for dismissal. The basis for this action was that "Respondent" willfully misrepresented himself with regard to his date of birth, year of college graduation and his activities during the years between 1969 and 1982 (Ex. 10).

These matters came to the attention of the "Board" on or about 7 July 2000 (Ex. 10). Robert S. Crausman, M.D., Director of the Internal Medicine Residency Program at Memorial Hospital of Rhode Island, communicated to the "Board" that

"Respondent" had been suspended from the Brown University Residency Training Program. On 10 July 2000 a complaint investigation was commenced by the "Board" (Ex. 14). As part of the investigation, the "Board" obtained documents from the Pennsylvania Board of Medicine, Memorial Hospital of Rhode Island, and Department of Veterans Affairs. A review of these documents established discrepancies with respect to "Respondent's" date of birth, date of college graduation, and his activities between the years 1969 and 1982.

Specifically, "Respondent", on an application for licensure to practice medicine in the Commonwealth of Pennsylvania attested that he was born on 11 January 1951 (Ex. 13). The date of birth listed by "Respondent" on the application for Residents submitted to the Department of Veterans Affairs was 11 January 1963 (Ex. 5). That date was also provided by "Respondent" to Memorial Hospital of Rhode Island (Ex. 6). On the application for Limited Registration filed with the "Board" on 12 January 2000, "Respondent" verified under oath that he was born on 11 January 1963 and graduated from Boston College in 1983.

"Respondent" was deposed by attorney Bruce McIntyre on 30 August 2000 (Ex.9). During the course of questioning, Dr. Gordon acknowledged that his date of birth was 11 January 1951 and that he in fact graduated from college in 1973, (Ex. 9, pp.4&5). "Respondent" explained that these misrepresentations were prompted by a fear of discrimination based upon age (Ex. 9, p.19).

At the conclusion of the hearing, Mr. McIntyre presented final argument. He asserted that "Respondent's" actions constituted unprofessional conduct as defined in Section 5-37-5.1(8) and, as such, warranted the imposition of disciplinary sanctions.

Mr. McIntyre submitted that, notwithstanding the fact that "Respondent's" Limited Registration expired on 11 January 2001, the "Board" has jurisdiction to revoke the Registration for the reason that the acts of unprofessional conduct were made on applications for Limited Registration and hospital residency programs. Further, the "Board" commenced its investigation of this matter during the viability of the Registration.

DISCUSSION

"Respondent" did not appear personally or through counsel for the hearing. The testimony of Mr. Robenhymer and Mr. Tammaro establishes that notice was effectuated upon Respondent as required by Section 5-37.5-4. The evidence presented into the record is uncontroverted. It confirms that Gordon V. Holahan, M.D. proffered and submitted false, erroneous, and misleading information to the "Board", Memorial Hospital of Rhode Island, and Department of Veterans Affairs. "Respondent", under oath, acknowledged that the aforementioned information was not correct.

In the within matter, the misrepresentations, false and erroneous information was contained on applications for Limited Registration and residency training programs. Unequivocally, "Respondent's" conduct occurred in conjunction with applications pertaining to his practice of medicine in the State of Rhode Island. The "Board" commenced its investigation of this misconduct in July 2000. The Limited Registration issued to "Respondent" was in full force and effect at that time. To divest the "Board" of jurisdiction in this, or similar cases, would permit errant licensees to escape discipline by allowing a license to expire. To avoid such results courts have consistently ruled that licensing authorities retain ongoing jurisdiction. Brown v. Arizona Department of Real

Estate, 890 P.2d. 615 (Az 1995) and Reardon v. Department of Public Health and Addiction Services, 1994 VOL 547605 (Conn. Super). Accordingly, the within matter is properly before the "Board" and it has jurisdiction to act thereon.

FINDINGS AND CONCLUSIONS

The Hearing Committee has carefully reviewed and evaluated all the evidenced presented. After consideration and evaluation of the competent, probative credible evidence presented, the Hearing Committee makes the following:

FINDINGS OF FACT

1. That "Respondent" did submit an application for a license to practice medicine without restriction in the Commonwealth of Pennsylvania on or about July 1988.

2. That on the aforementioned application "Respondent" did list his date of birth as 11 January 1951.

3. That "Respondent" submitted an application for Limited Medical Registration to the Board of Medical Licensure and Discipline on or about 12 January 2000.

4. That on the aforementioned application "Respondent" did list his date of birth as 11 January 1963 and did list the year of graduation from Boston College as 1983.

5. That said application was approved and a Limited Registration was issued to "Respondent" for the period 12 January 2000 to 11 January 2001.

6. That "Respondent" submitted an Application for Residents form to the Department of Veterans Affairs and did list his date of birth as 11 January 1963.

7. That "Respondent" submitted to Memorial Hospital of Rhode Island application for Professional Liability Insurance on or about December 1999.

8. That on the aforementioned form "Respondent" did list his date of birth as 11 January 1963.

9. That "Respondent" did submit a resume to Memorial Hospital of Rhode Island which states that he was awarded a Bachelor of Arts degree from Boston College in 1983.

10. That on 12 January 2000 "Respondent" commenced an Internal Residency at Memorial Hospital of Rhode Island.

11. That on 14 June 2000 "Respondent" was notified by Robert S. Crausman, M.D., Director, Internal Medicine Residency Credentials and Review Committee decided to place "Respondent" on academic probation for the reason that the Committee had serious concerns with respect to his professionalism and documentation.

12. That on 7 July 2000 Robert S. Crausman, M.D. informed the "Board" that the Internal Residency Program, Memorial Hospital of Rhode Island suspended Respondent pending a vote for dismissal. The reason for this action was the fact that Respondent willfully misrepresented himself with regard to his date of birth, year of college graduation, and activities during the years between 1969 and 1982.

13. That the "Board" commenced an investigation of "Respondent" on or about 10 July 2000. Said investigation pertained to "Respondent's" submission of false, erroneous and misleading information to the "Board", Memorial Hospital of Rhode Island, and Department of Veterans Affairs.

14. That on 12 July 2000 "Respondent" resigned from the Internal Residency Program, Memorial Hospital of Rhode Island.

15. That on or about 30 August 2000 "Respondent" acknowledged under oath that his date of birth was 11 January 1951 and that he graduated from Boston College in 1973.

16. That on or about 5 July 2000 "Respondent" was suspended from Internal Medicine Residency Program at Memorial Hospital of Rhode Island for the reason that his application for the residency program contained misrepresentations.

17. That the "Respondent" did submit false, erroneous and misleading information with respect to his date of birth, year of college graduation and his activities between the years 1969 and 1982.

18. That the aforementioned conduct of "Respondent" constituted an imminent danger to the health, welfare and safety of his patients and required immediate action be taken by the Director of Health. That for this reason the Director of Health, on 28 February 2001, summarily suspended the Limited Registration issued to "Respondent".

Based upon the evidence and Findings of Fact, the Hearing Committee makes the following:

CONCLUSIONS OF LAW

1. That service of the Summary Suspension and Specification of Charges and Time and Notice of Hearing was effectuated upon "Respondent" as required by Sections 5-37-8 and 5-37-5.4.

2. That the "Board" has jurisdiction to impose sanctions, including revocation, of Respondent's Limited Registration for the reason that the conduct forming the basis for sanctions occurred in conjunction with the applications for Limited Registration and hospital residency programs filed by the "Respondent" and the "Board" commenced its investigation of this matter prior to the expiration date of said Registration.

3. That "Respondent" did engage in unprofessional conduct in that he submitted false, misleading and erroneous information in conjunction with applications for a Limited Registration and hospital residency programs. That this conduct is directly related to and occurred in conjunction with "Respondent's" practice of medicine in the State of Rhode Island. Said conduct constitutes grounds to revoke or suspend "Respondent's" Limited Registration pursuant to Section 5-37-5.1(8).

4. That "Respondent's" conduct as set forth in paragraph three (3) above and the Findings of Fact constituted an imminent danger to the health, safety and welfare of his patients and required the immediate suspension of his Limited Registration by the Director of Health on 28 February 2001. Such conduct constitutes grounds to summarily suspend a Limited Registration pursuant to Section 5-37-8.

Based upon the Findings of Fact and Conclusions of Law set forth herein, the Hearing Committee hereby makes the following:

ORDER

1. That the Summary Suspension Order issued by the Director of Health on 28 February 2001 is **SUSTAINED**.

2. That the Limited Registration issued to Gordon V. Holahan, M.D. on 12 January 2000 is hereby **REVOKED**.

Dated: 3/22/01

Stephen Farming III, D.O.

Meredith Costa

Joseph A. DiPietro, Esq.

Entered as an Order of the Board of Medical Licensure and Discipline and the Director of Health for the State of Rhode Island this 29th day of March 2001.

Dated: March 29, 2001

Patricia A. Nolan, MD, MPH

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You have thirty (30) days in which to appeal this Decision to the Superior Court of the State of Rhode Island.

CERTIFICATION

I hereby certify that I have mailed a copy of the within Administrative Order and Decision by certified and regular mail to Gordon V. Holahan, M.D., 233 South Pier Road, Narragansett, RI 02882 on this 30th day of March 2001.

Carole Allsworth