

notice to the Respondent for a hearing to be conducted on January 21, 2005. The Respondent requested a continuance of that date to February 18, 2005, on which date the hearing was commenced. Thereafter, the proceedings continued over the course of several months during which time there were several more continuances granted due to the unavailability of Respondent's counsel. The evidentiary hearing concluded on August 17, 2005 with both parties requesting additional time for the filing of post hearing memoranda.

SUMMARY OF THE EVIDENCE AND FINDINGS OF FACT

The Summary Suspension Order issued by the Director of Health on January 11, 2005 charges that the Respondent engaged in unprofessional conduct by sexually molesting a female patient while she was undergoing knee surgery on December 23, 2005, that he violated professional boundaries by asking a patient out on a date,² and that he engaged in unprofessional conduct by asking a female hospital employee to view pornography with him in his "on-call" room at the hospital.³

² The parties presented several witnesses on the issue of whether the Respondent engaged in unprofessional conduct by asking an anesthesia patient out on a date. There was also conflicting testimony as to how the Respondent obtained the patient's telephone number. The Respondent claimed that the patient's relative provided him with the telephone number and urged him to call her. The relative denied that she did so, and the State asserted that Respondent obtained the patient's telephone number from her medical chart. Given the ultimate outcome of this matter, the Board deems it unnecessary at this time to decide whether a violation of ethical boundaries occurs when an anesthesiologist, subsequent to the provision of anesthesia and after discharge, contacts the patient for a date. Notwithstanding that fact, the more credible testimony was persuasive that the contact was not initiated by the patient or her relative, but rather by the Respondent himself.

³ The testimony is in conflict on this issue also. The Board declines to determine herein whether accessing pornographic websites while "on-call" within a private room within the hospital that was reserved for the Respondent constitutes unprofessional conduct. The Respondent admitted that he had accessed pornographic websites, that he was subsequently advised by the hospital administrator that doing so violated hospital policy and that thereafter he did not engage in that activity while in the hospital. That testimony by Respondent is supported by the testimony of Kent's network specialist who was called to testify for the State.

