

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

NOV 07 2008

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 08-02-3454

DHYIA IBRAHIM AL QUTSHAN, M.D., )  
LICENSE NO. 24671 )

Defendant. )

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 6, 2008, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared through counsel, David Ogle.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

*Findings of Fact*

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, Dhyia Ibrahim Al Qutshan, M.D, holds Oklahoma medical license no. 24761 and was a Third Year Resident in the University of Oklahoma Pediatrics Residency Program in Oklahoma City, Oklahoma.

**PRIOR DISCIPLINARY ACTION DURING  
RESIDENCY INVOLVING FALSE  
STATEMENTS AND OTHER  
UNPROFESSIONAL CONDUCT**

3. On or about November 27, 2006, Defendant was placed on probation by the University of Oklahoma Health Sciences Center Department of Pediatrics Residency Program for a period of six (6) months. The probation was based upon several incidents, including the following:

- a. Defendant's refusal to treat two (2) patients based upon his claim that the patients did not arrive at the hospital during his shift and should have been treated by another physician who had left to cover an emergency.
- b. Defendant's refusal to come in to round on patients because he wanted the weekend off with no advance notice to his supervisor.
- c. Defendant's falsification of time records wherein he logged himself in on days he did not work and during times he did not work on numerous occasions.
- d. Defendant's failure to follow-up with a counselor as he had agreed to with his Program Director.

**CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS  
INVOLVING FALSE STATEMENTS**

4. In or around January 2008, Defendant left the residency program for the holidays. He was scheduled to begin his PICU rotation on February 4, 2008. On or about February 4, 2008, Defendant advised Pediatric Chief Resident Dirk B. Verbrugghe, M.D. via email that he was having trouble getting his visa approved and had not been allowed back in the United States.

5. On or about February 7, 2008, the Residency Program received information from a recruiter that Defendant had in fact returned to the United States and that he had been at an interview in Kentucky during the time he had been scheduled to begin his PICU rotation.

6. On or about February 11, 2008, Defendant met with his residency chair and admitted that he had lied to the residency program about not being able to begin his PICU rotation on February 4, 2008 due to a visa problem when in fact he had returned to the United States and had been interviewing for a job in Kentucky.

**CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS**  
**INVOLVING SEXUAL MISCONDUCT**

7. On or about April 5, 2007, Defendant treated Patient KAW, a three-month boy, at Children's Hospital in Oklahoma City, Oklahoma. Defendant treated the patient for an enlarged liver and vomiting. Patient KAW was brought to the hospital by his mother, LAW.

8. After treating the child, Defendant asked the patient's mother, LAW, for her telephone number. Approximately one (1) week later, Defendant was looking at "Face Book" on the Internet and recognized LAW as the mother of the child he had treated. He contacted LAW and asked her out on a date, to which she agreed. Defendant admits that he had a sexual relationship with LAW which lasted approximately one (1) month.

9. After several months, LAW contacted Defendant to advise him that she was pregnant. Defendant admitted to LAW that their relationship would be viewed "unfavorably". Defendant then threatened LAW both verbally and physically if she disclosed their relationship and her pregnancy. Defendant additionally advised LAW that he did not want anything to do with LAW or her child.

10. On or about February 5, 2008, LAW brought her newborn child to Children's Hospital for treatment. During this visit, she disclosed to hospital staff that Defendant was the father of the child.

11. On or about February 11, 2008, Defendant met with Joan Cain, M.D., his residency chairman, to discuss the allegations of sexual misconduct. Defendant lied to Dr. Cain and advised her that he had a relationship with LAW, but that it had not been sexual. He also advised her that he did not know that his relationship with LAW would be viewed as unprofessional.

12. Based upon the allegations of sexual misconduct and the fact that Defendant admitted lying to Dr. Verbrugghe regarding where he was on February 4, 2008, Defendant was terminated by the Pediatric Residency Program on February 11, 2008 pending investigation by the State.

13. On or about February 13, 2008, Board investigators questioned Defendant regarding his sexual relationship with LAW. Defendant admitted that he engaged in a sexual relationship with LAW and that she was the mother of his patient KAW. Defendant additionally admitted that he had lied to his residency program when he denied having a sexual relationship with LAW.

14. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(13) and OAC 435:10-7-4(39).
- B. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
- C. Committed any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4(23).
- D. Abused the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(13) and OAC 435:10-7-4(39).
- B. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
- C. Committed any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4(23).
- D. Abused the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (8) and (13), and OAC 435:10-7-4 (11), (23), (39) and (44).


*Order*

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The license of Defendant, Dhyia Ibrahim Al Qutshan, M.D., Oklahoma medical license no. 24671, is hereby **REVOKED** as of the date of this hearing, November 6, 2008.

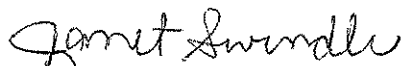
2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 7 day of November, 2008.

  
Gerald C. Zumwalt, M.D., Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

**CERTIFICATE OF SERVICE**

I certify that on the 12 day of November, 2008, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to J. David Ogle, Ogle & Welch, P.C., 117 Park Avenue, Third Floor, Oklahoma City, OK 73102 and to Dhyia Ibrahim Al Qutshan, 12115 Heritage Park Rd., #112, Oklahoma City, OK 73120.

  
Janet Swindle