**BEFORE THE**
**MEDICAL BOARD OF CALIFORNIA**
**DEPARTMENT OF CONSUMER AFFAIRS**
**STATE OF CALIFORNIA**

| | | |
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| In the Matter of the Accusation Against: | ) | |
| | ) | |
| Pooja Khungar, M.D. | ) | Case No. 800-2017-030236 |
| | ) | |
| Physician's and Surgeon's Certificate No. A 94561 | ) | |
| | ) | |
| Petitioner | ) | |
| | ) | |
| | ) | |

## ORDER DENYING PETITION FOR RECONSIDERATION

The Petition filed by Pooja Khungar, for the reconsideration of the decision in the above-entitled matter having been read and considered by the Medical Board of California, is hereby denied.

This Decision remains effective at 5:00 p.m. on December 2, 2019.

**IT IS SO ORDERED:** December 2, 2019 .

Ronald H. Lewis, M.D., Chair
Panel A

**BEFORE THE**
**MEDICAL BOARD OF CALIFORNIA**
**DEPARTMENT OF CONSUMER AFFAIRS**
**STATE OF CALIFORNIA**

| | | |
|---|---|---|
| In the Matter of the Accusation Against: | ) | |
| | ) | MBC No. 800-2017-030236 |
| Pooja Khungar, M.D. | ) | |
| | ) | |
| Physician's and Surgeon's | ) | **ORDER GRANTING STAY** |
| Certificate No. A 94561 | ) | |
| | ) | (Government Code Section 11521) |
| | ) | |
| Petitioner | ) | |

Pooja Khungar, M.D., has filed a Request for Stay of execution of the Decision in this matter with an effective date of November 22, 2019, at 5:00 p.m..

Execution is stayed until December 2, 2019, at 5:00 p.m.

This stay is granted solely for the purpose of allowing the Board time to review and consider the Petition for Reconsideration.

DATED: November 22, 2019

Christine J. Lally
Interim Executive Director
Medical Board of California

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

| | | |
|---|---|---|
| In the Matter of the Accusation Against: | ) | |
| POOJA KHUNGAR, M.D. | ) | Case No. 800-2017-030236 |
| Physician's and Surgeon's Certificate No. A94561 | ) | OAH No. 2019060693 |
| Respondent | ) | |

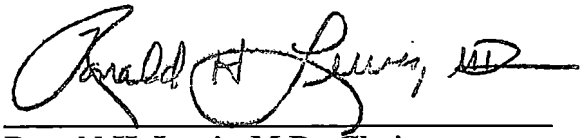
## DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on November 22, 2019.

IT IS SO ORDERED: October 23, 2019.

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

**BEFORE THE**
**MEDICAL BOARD OF CALIFORNIA**
**DEPARTMENT OF CONSUMER AFFAIRS**
**STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**POOJA KHUNGAR, M.D.,**

**Physician's and Surgeon's Certificate No. A 94561,**

**Respondent.**

**Agency Case No. 800-2017-030236**

**OAH No. 2019060693**

# PROPOSED DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on September 5, 2019, in Oakland, California.

Deputy Attorney General Greg W. Chambers represented complainant Kimberly Kirchmeyer, Executive Director of the Medical Board of California.

Respondent Pooja Khungar, M.D., was present, representing herself.

The matter was submitted for decision on September 5, 2019.

## FACTUAL FINDINGS

1. Since March 22, 2006, respondent Pooja Khungar, M.D., has held California Physician's and Surgeon's Certificate Number A 94561. The Medical Board of California (Board) suspended this certificate effective March 25, 2019.

2. On May 30, 2019, acting in her official capacity as Executive Officer of the Board, complainant Kimberly Kirchmeyer filed an accusation against respondent. Complainant alleges that the Illinois Department of Financial and Professional Regulation (IDFPR) suspended respondent's authority to practice medicine in Illinois upon findings that she had behaved unprofessionally and had made misrepresentations to an employer. Because of the IDFPR's disciplinary action, complainant seeks revocation of respondent's California Physician's and Surgeon's Certificate, or an order placing respondent on probation.

3. Respondent timely requested a hearing on the accusation.

### Illinois Proceedings and Decision

4. Respondent practiced medicine in Illinois beginning in 2007. She held Illinois Physician and Surgeon License No. 036.118677.

5. An administrative hearing about respondent occurred before administrative law judges for the Illinois Medical Disciplinary Board in summer 2017. Respondent was represented by counsel for a portion of that hearing, and represented herself for a portion.

6. The Illinois Medical Disciplinary Board adopted factual findings from an administrative law judge, based on documentary evidence and on testimony from 43 witnesses.

7. The Illinois Medical Disciplinary Board found that respondent had engaged in "unprofessional conduct of a character likely to deceive, defraud or harm the public" by sending "many unwanted e-communications, a significant number of which were abusive in nature" to a former friend; by sending further critical communications about her former friend to his employer, including at least once in violation of a court order prohibiting such communication; by creating a disturbance and resisting arrest in a courthouse; and by telling sheriff's deputies while in custody after that arrest that she would let their children die rather than treating them if the children came to her hospital.

8. The Illinois Medical Disciplinary Board also found that Aunt Martha's Youth Service Center had terminated respondent's employment in mid-2014 because of her disruptive and uncooperative behavior.

9. The Illinois Medical Disciplinary Board also found that Access Community Health Network had terminated respondent's employment in late 2016 because of her disruptive and uncooperative behavior, and that respondent had threatened harm to the clinic after losing that job.

10. The Illinois Medical Disciplinary Board also found that respondent had reported falsely to Access Community Health Network that no professional disciplinary action was pending against her, at a time when professional disciplinary action was pending. Respondent also had told this employer falsely that she never had been either charged with or convicted of a crime.

11. The Illinois Medical Disciplinary Board also found that respondent had engaged in unprofessional conduct when she publicly maligned former colleagues who declined to give her favorable employment references after she left Access Community Health Network.

12. Because of the matters stated in Findings 7 through 11, the IDFPR suspended Illinois Physician and Surgeon License No. 036.118677. The suspension is for a minimum of 18 months, effective in late June 2018, but may be indefinite. Respondent must petition for restoration of her Illinois medical license, but the IDFPR's order states no specific criteria for license restoration.

## Employment History

13. Respondent completed a pediatric residency in California in 2007, and was board-certified as a pediatrician between 2009 and 2018.

14. Respondent grew up near Chicago, and returned to Illinois after completing her residency. Between 2007 and 2018, she worked as a pediatrician in multiple outpatient clinics, and also as a pediatric hospitalist in several hospitals. She did not describe working at any clinic or hospital for longer than about three years.

15. In 2014, respondent worked in an outpatient clinic operated by Aunt Martha's Youth Service Center. She testified that she lost that job because the civil dispute between her and her former friend (described in more detail in Findings 19 through 25, below) caused her to miss too much work. This testimony is credible, but incomplete; in particular, it does not refute or even conflict with the Illinois Medical Board findings summarized in Finding 8.

16. Respondent began working later in 2014 for Access Community Health Network. She testified that Access Community Health Network terminated her employment on the false pretext that she had threatened her colleagues, when in truth her colleagues had victimized and harassed her by making false and insulting complaints about her. Neither respondent's testimony nor the declaration she proffered to support it (ostensibly from a former co-worker) are credible.

17. Respondent's testimony did not address the misrepresentations found by the Illinois Medical Board and summarized above in Finding 10.

18. Respondent's testimony also did not address the unprofessional conduct found by the Illinois Medical Board and summarized above in Finding 11.

## Respondent's Harassment of Her Former Friend, and Her Arrests

19. Respondent first met the former friend described above in Finding 7 in 2012. They socialized several times that summer.

20. During 2012 and 2013, respondent sent many electronic messages to her former friend, even after he had asked her repeatedly to stop.

21. In late 2013 or early 2014, respondent telephoned one of her former friend's work superiors to complain that her former friend had said something to her that respondent found insulting and sexually inappropriate. Any such comment had occurred, if at all, more than one year earlier.

22. In early 2014, respondent's former friend sought and obtained a restraining order against respondent. The order forbade respondent to communicate with her former friend, or with his co-workers or employers.

23. In October 2014, respondent again telephoned one of her former friend's work superiors about her former friend's behavior. Respondent was arrested in November 2014 for violating the court order described in Finding 22.

24. In March 2015, respondent made a court appearance in connection with her alleged violation in October 2014 of the restraining order against her. Sheriff's deputies in the courthouse arrested respondent, after a struggle, on suspicion that she was making a video recording in an area where courthouse rules prohibited recordings. While in temporary custody after that arrest, respondent angrily told several deputies that if they had children and brought those children to respondent for treatment, respondent would not treat them.

25. The People of the State of Illinois charged respondent with misdemeanors arising from her March 2015 arrest. The court dismissed the charges after respondent apologized in writing to the sheriff's deputies.

## Additional Evidence

26. During her Illinois medical license suspension, respondent has worked in restaurants, and also as a teaching assistant at a culinary school. She provided a reference letter from Tim Graham, a chef with whom she recently worked, in which Graham praised her ability to work calmly in a stressful professional kitchen.

27. In addition to having worked as a pediatrician in community clinics, respondent has volunteered in a variety of Chicago-area nonprofit organizations. She has a strong commitment to patient care and community service.

28. The IDFPR's order did not mandate that respondent engage in psychotherapy. She has seen a psychotherapist, but stopped for financial reasons.

Respondent explained that she had sought psychotherapy to help her manage the stress she had experienced because of her former friend's abusive behavior toward her, which in her view included causing the Illinois Medical Disciplinary Board to undertake the administrative action that caused the IDFPR ultimately to suspend her Illinois medical license.

29. Respondent has taken continuing medical education during her Illinois medical license suspension, including courses to prepare her to renew her board certification as a pediatrician if and when Illinois restores her medical license.

30. Yulee Newsome testified to support respondent. He has known respondent since approximately 2013, but is not familiar with the administrative proceedings involving respondent's Illinois medical license in part because he lives in California. He has never observed respondent to show any bias or discourtesy, and he attended a hospital event once with her at which he observed that her colleagues liked and respected her.

## LEGAL CONCLUSIONS

1. The Board may suspend or revoke respondent's physician's and surgeon's certificate if clear and convincing evidence establishes the facts supporting discipline. The factual findings above reflect this standard.

2. Business and Professions Code sections 2227 and 2234 make a physician's unprofessional conduct grounds for suspension or revocation of the physician's certificate.

3. Unprofessional conduct includes conduct occurring in another state and constituting cause for professional discipline in that state, if such conduct also would constitute cause for discipline in California. (Bus. & Prof. Code, § 2305; see also *id.*, § 141.) The IDFPR order described in Finding 12 constitutes cause for discipline in California under these statutes.

4. The Illinois Medical Disciplinary Board findings on which the IDFPR based its order (described in Findings 7 through 11) raise serious questions about respondent's fitness to practice medicine. At the same time, these matters along with the matters described in Findings 13 through 30 do not establish definitively that respondent is unfit. An order requiring respondent to submit to evaluation before resuming practice in California will protect the public if respondent is unfit, but will permit her to continue her career and to serve the public if she is fit.

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## ORDER

Physician's and Surgeon's Certificate No. A 94561, held by respondent Pooja Khungar, M.D., is revoked. The revocation is stayed, however; and respondent is placed on probation for five years on the following terms and conditions.

1. Professionalism Program (Ethics Course)

Within 60 calendar days of the effective date of this Decision, respondent shall enroll in a professionalism program that meets the requirements of title 16, section 1358.1, of the California Code of Regulations. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six months after

respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one year after attending the classroom component. The professionalism program shall be at respondent's expense and shall be in addition to the Continuing Medical Education requirements for license renewal.

A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

2. Psychiatric Evaluation

Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this

requirement. Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within 15 calendar days after being notified by the Board or its designee.

Respondent shall not engage in the practice of medicine until notified by the Board or its designee that respondent is mentally fit to practice medicine safely. The period of time that respondent is not practicing medicine shall not be counted toward completion of the term of probation.

3. Practice Monitoring

Within 30 calendar days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval as a practice monitor the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably certified by a board of the American Board of Medical Specialties. A monitor shall have no prior or current business or personal relationship with respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering; shall be in respondent's field of practice; and must agree to serve as respondent's monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and

Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

If respondent fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified. Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor shall submit a quarterly written report to the Board or its designee which includes an evaluation of respondent's performance, indicating whether respondent's practices are within the standards of practice of medicine, and whether respondent is practicing medicine safely. It shall be the sole responsibility of respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, respondent shall, within five calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If respondent fails to obtain

approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

In lieu of a monitor, respondent may participate in a professional enhancement program approved in advance by the Board or its designee, that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at respondent's expense during the term of probation.

4. Solo Practice Prohibition

Respondent is prohibited from engaging in the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice where: 1) respondent merely shares office space with another physician but is not affiliated for purposes of providing patient care, or 2) respondent is the sole physician practitioner at that location.

If respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the effective date of this Decision, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified. The respondent shall not resume practice until an appropriate practice setting is established.

If, during the course of the probation, the respondent's practice setting changes and the respondent is no longer practicing in a setting in compliance with this

Decision, the respondent shall notify the Board or its designee within five calendar days of the practice setting change. If respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the practice setting change, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified. The respondent shall not resume practice until an appropriate practice setting is established.

5. Notification

Within seven days of the effective date of this Decision, the respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent, at any other facility where respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

6. Supervision of Physician Assistants and Advanced Practice Nurses

During probation, respondent is prohibited from supervising physician assistants and advanced practice nurses.

7. Obey All Laws

Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

8. Quarterly Declarations

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

9. General Probation Requirements

Compliance with Probation Unit: Respondent shall comply with the Board's probation unit.

Address Changes: Respondent shall, at all times, keep the Board informed of respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021, subdivision (b).

Place of Practice: Respondent shall not engage in the practice of medicine in respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal: Respondent shall maintain a current and renewed California physician's and surgeon's certificate.

Travel or Residence Outside California: Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event respondent should leave the State of California to reside or to practice respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

10. Interview with the Board or its Designee

Respondent shall be available in person upon request for interviews either at respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

11. Non-Practice While on Probation

Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of respondent's return to practice. Non-practice is defined as any period of time respondent is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If respondent resides in California and is considered to be in non-practice, respondent shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve respondent from complying with all the

terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event respondent's period of non-practice while on probation exceeds 18 calendar months, respondent shall successfully complete the Federation of State Medical Boards' Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Non-practice while on probation shall not exceed two years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice for a respondent residing outside of California will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations.

12. Completion of Probation

Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, respondent's certificate shall be fully restored.

13. Violation of Probation

Failure to fully comply with any term or condition of probation is a violation of probation. If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

14. License Surrender

Following the effective date of this Decision, if respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request to surrender his or her license. The Board reserves the right to evaluate respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the Board or its designee and respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If respondent re-applies for a physician's and surgeon's certificate, the application shall be treated as a petition for reinstatement of a revoked certificate.

15. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

DATE: September 27, 2019

DocuSigned by:
Juliet E. Cox
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JULIET E. COX
Administrative Law Judge
Office of Administrative Hearings

XAVIER BECERRA
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*Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO MAY 30 2019
BY: ANALYST

**BEFORE THE**
**MEDICAL BOARD OF CALIFORNIA**
**DEPARTMENT OF CONSUMER AFFAIRS**
**STATE OF CALIFORNIA**

| In the Matter of the Accusation Against:<br><br>**Pooja Khungar, M.D.**<br>**400 E. South Water Street #4607**<br>**Chicago, IL 60601-4098**<br><br>**Physician's and Surgeon's Certificate No. A 94561,**<br><br>Respondent. | Case No. 800-2017-030236<br><br>**ACCUSATION** |
|---|---|

Complainant alleges:

**PARTIES**

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about March 22, 2006, the Medical Board issued Physician's and Surgeon's Certificate Number A 94561 to Pooja Khungar, M.D. (Respondent). The Physician's and

Surgeon's Certificate is renewed and current. However, on March 25, 2019, the Board suspended Respondent's license pursuant to Business and Professions Code Section 2310(A).

## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides, in part, that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2234 of the Code provides that the Board shall take action against a licensee who is charged with unprofessional conduct.

7. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

8. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

## CAUSE FOR DISCIPLINE

**(Discipline, Restriction, or Limitation Imposed by Another State)**

9. On or about June 13, 2018, the Illinois Department of Financial and Professional Regulation issued an Order indefinitely suspending Respondent's Illinois medical license (Illinois Order). The Illinois Order found that Respondent engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and made false statements in her credentialing forms. The facts are as follows:

10. Between 2012 and 2014, Respondent sent many unwanted communications, a significant number of which were abusive in nature, to an individual, who had instructed Respondent to not send anymore communications. Some of the communications made reference to race and ethnicity that were hostile or offensive. Respondent also made contact with the individual's employer more than once in 2013 making claims about his lack of moral integrity and alleged that the individual had made sexual comments to her.

11. As a result of Respondent's conduct, the individual obtained a "stalking no contact order" against Respondent in April 2014, prohibiting Respondent's contact with his employer. On October 2014, Respondent violated the "stalking no contact order" and was subsequently arrested for violating the order.

12. In 2014, Respondent was terminated from her employment at a youth services center due to her "disruption" that was "caused by her repeated, frequent, inappropriate and unacceptable excessive disclosures and remarks to patients and staff concerning her personal life, relationships and problems."

13. On or about March 12, 2015, at a hearing for the violation of the "stalking no contact order," Respondent struck a sheriff deputy and was arrested for battery and resisting arrest by a peace officer. While Respondent was in custody, she told several deputies that she hoped their

children would get cancer and that if they brought their children for her physician services, she would let them die.

14. On or about November 21, 2016, Respondent was terminated from her employment as a physician by her employer due to her unprofessional behavior that included: harassing and bullying her co-workers, and Respondent's suggestions that she may light her workplace on fire.

15. On or about April 25, 2016, Respondent made false statements in her credentialing forms in that she represented that she had no pending disciplinary actions against her when in fact she did have a pending action regarding her medical license. Respondent also was dishonest when she represented on her credentialing form that she had never been criminally charged when in fact she had been charged with battery on a police officer and resisting arrest.

16. After Respondent was terminated from her employment in 2016, she reached out to a former co-worker to request a job reference. The co-worker did not respond. In retaliation, Respondent posted derogatory statements about the co-worker and her husband on social media.

17. As a result of Respondent's unprofessional conduct, the Illinois Department of Financial and Professional Regulation indefinitely revoked Respondent's license for a minimum two-year period. The Illinois Department of Financial and Professional Regulation concluded that revocation was necessary because:

> Respondent has demonstrated that she does not acknowledge or understand that her actions were harmful to others. Respondent has given little indication that she understands that her actions were wrong. Respondent said she thought she was wrong to call his employer but immediately blamed [the victim] for not being available for a rational conversation. She then diminished the seriousness of her offense saying she did not think that call "was absolute 100 percent necessary," suggesting that it was somewhat necessary. The administrative law judge concluded that Respondent will return to abusing and engendering complaints from co-workers, as well as having inappropriate conversations with patients and engendering complaints as a result. There is no reason to believe that Respondent will not in the future disrupt health care centers, courthouses, and the lives of individuals whom Respondent chooses to stalk. The administrative law judge concludes that Respondent will better merit the trust of the people of Illinois if she given sufficient time to consider that a licensee who engages in the conduct of the type practiced by Respondent and suffers the mental impairment Respondent does, is unable to practice with reasonable judgment, skill, or safety, and is a serious threat to the public health and welfare.

18. Respondent's conduct and the actions of the Illinois Department of Financial and Professional Regulation, as set forth in paragraphs 9 through 17 above, constitute unprofessional conduct within the meaning of 2305 and conduct subject to discipline within the meaning of section 141(a). The Illinois Order is attached as Exhibit A.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 94561, issued to Respondent;

2. Revoking, suspending or denying approval of Respondent's authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: May 30, 2019

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
*Complainant*

# EXHIBIT A

**STATE OF ILLINOIS**
**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**
**DIVISION OF PROFESSIONAL REGULATION**

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| DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, Complainant, | ) | |
| v. | ) | No. 2014-08218 |
| POOJA KHUNGAR, M.D. License No. 036.118677, Respondent. | ) | |

## ORDER

This matter having come before me on the Medical Disciplinary Board's Findings of Fact, Conclusions of Law, and Recommendation to the Director, the Department having complied with all required notices, Respondent Pooja Khungar ("Respondent") having filed a Motion for Rehearing and/or Reconsideration ("Motion"), the Department having filed its Response to Respondent's Motion, and being duly advised in the premises:

NOW, THEREFORE, I, JESSICA BAER, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION OF THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, having reviewed the record in this cause, FIND:

1. I have jurisdiction over the parties and the subject matter herein;
2. Oral argument on Respondent's Motion is not necessary for clear understanding of the issues presented;
3. Respondent has failed to allege new evidence to warrant action contrary to the recommendation of the Illinois Medical Disciplinary Board ("Board");
4. Respondent has failed to allege facts setting forth an appropriate basis to warrant action contrary to the recommendation of the Board;

5. Respondent has failed to allege errors of law setting forth an appropriate basis to warrant action contrary to the recommendation of the Board;

6. Substantial justice has been done in this case.

IT IS HEREBY ORDERED that Respondent's Motion is DENIED, and I hereby adopt the Findings of Fact, Conclusions of Law, and Recommendation of the Medical Disciplinary Board and the Administrative Law Judge.

IT IS THEREFORE ORDERED that the Certificate of Registration for Illinois Physician and Surgeon License No. 036.118677, issued to Pooja Khungar, M.D., to practice as a Physician and Surgeon in the State of Illinois is INDEFINITELY SUSPENDED for a minimum of eighteen (18) months. This Order shall become effective fourteen (14) days after the Director's signature, as dated and signed below.

DATED THIS 13 DAY OF JUNE, 2018.

**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois;**
**BRYAN A. SCHNEIDER, Secretary**
**DIVISION OF PROFESSIONAL REGULATION**

**Jessica Baer**
**Director of the Division of Professional Regulation**

REF: License No. 036-118677/Case No. 2014-08218

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

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| DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION OF THE State of Illinois | ) | |
| | ) | No. 2014-08218 |
| Pooja Khungar, M.D., License No. 036.118677, Respondent. | ) | |

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION TO THE DIRECTOR

Now comes the Medical Disciplinary Board (Board) of the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation (Department), and, after reviewing the record in this matter, a majority of its members hereby make the following Findings of Fact, Conclusions of Law, and Recommendation to the Director:

## FINDINGS OF FACT

The Board hereby adopts the Findings of Fact contained in the February 23, 2018, Administrative Law Judge's Order of Administrative Law Judge Erik J. Gruber (ALJ Report) and incorporates the Findings of Fact herein.

## CONCLUSIONS OF LAW

The Board hereby adopts the Conclusions of Law contained in the ALJ Report and incorporates the Conclusions of Law herein.

## RECOMMENDATION

The Board, having made the above Findings of Fact and Conclusions of Law, concurs with the recommendation of ALJ Gruber. The Board recommends that the Illinois Physician and Surgeon License (No. 036.118677) of Pooja Khungar, M.D., be indefinitely suspended for a minimum of eighteen (18) months.

DATED THIS 4th DAY OF April, 2018.

VICE CHAIRPERSON

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

MEMBER

Ref: 2014-08218
036.118677

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

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| **DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois,** | ) | |
| **Complainant,** | ) | |
| **vs.** | ) | **No. 2014-08218** |
| **POOJA KHUNGAR, M.D. License No. 036.118677** | ) | |
| **Respondent.** | ) | |

## ADMINISTRATIVE LAW JUDGE'S REPORT AND RECOMMENDATION

This report is being filed with the Medical Disciplinary Board (hereinafter "Board") by Administrative Law Judge Erik D. Gruber pursuant to Medical Practice Act of 1987 (hereinafter "Medical Practice Act" or "Act"), 225 ILCS 60/1 *et seq.*, at Chapter 225 Illinois Compiled Statutes, Act 60, § 35.

## BACKGROUND OF CASE

Pooja Khungar, M.D. (hereinafter "Respondent") is the holder of a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License No. 036.118677 (hereinafter "physician license") issued by the Illinois Department of Financial and Professional Regulation (hereinafter "Department" or "IDFPR"), pursuant to the Act. Respondent's physician license is currently in active status.

The Department filed its initial complaint on February 16, 2016, and filed its first amended complaint in January 2017. On May 19, 2017, the Department filed its second amended complaint. On August 3, 2017, during the formal hearing, the Department filed its Third Amended Complaint (hereinafter "complaint" or "Third Amended Complaint").

The Department filed the Third Amended Complaint in seven counts. At Count 1, the Department alleged that between 2012 and 2016, Respondent harassed a law professor whom she met at a social gathering by sending him excessive and unwanted electronic communication, calling his superiors at the law school where the man was employed stating that the man was, among other things, sexually inappropriate with her, called his relatives and otherwise engaged in

harassing him. At Count 1, the Department further alleged that the law professor obtained an order of protection against Respondent in 2014, that Respondent was arrested for violating said order of protection, and during a 2015 court appearance related to that order Respondent struck a Cook County Sheriff's Deputy, was charged with simple battery and resisting arrest, and that during the incident Respondent made death threats regarding the children of a Sheriff's Deputy. The Department alleged at Count 1 that Respondent's conduct violated 225 ILCS 60/22(A)(5) (engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public).

At Count 2, the Department alleged that in 2015, [redacted]

The Department alleged at Count 2 that Respondent committed acts and/or omissions which constitute a violation of the Act, including but not limited [redacted]

At Count 3, the Department alleged that: (i) in 2015, Respondent received a warning from her employer, Access Community Health Network, for having violated its standards of conduct by accessing a patient's medical record to obtain a telephone number for Respondent's personal use; (ii) in November 2016, Access notified Respondent that her employment with Access would be terminated in 90 days due to complaints from health center staff and patients regarding insensitive and/or condescending remarks made by Respondent; (iii) that Respondent then made concerning and threatening statements to several Access staff members; (iv) that Respondent made inappropriate and unprofessional comments at a meeting with an officer of Access regarding those concerning and threatening statements; and (iv) thereafter in December 2016, Respondent received notice of immediate termination from Access. The Department alleged at Count 3 that Respondent's conduct violated 225 ILCS 60/22(A)(5).

The Department alleged at Count 4 that in April 2016, Respondent submitted to Access a credentialing form in which she warranted as a truthful statement that no disciplinary actions or

proceedings had been instituted against her, and no disciplinary actions or proceedings were pending with respect to her institutional privileges or her license, although she had been repeatedly informed by the Department that a complaint was pending against her in 2014 and that a formal complaint was filed against her in the instant case in February 2016. The Department alleged at Count 4 that Respondent's conduct constituted use of a false, fraudulent, or deceptive statement in any document related to practice under the Act in violation of 225 ILCS 60/22(A)(31) as well as a violation of 225 ILCS 60/22(A)(5).

The Department alleged at Count 5 that after Respondent was terminated by Access in 2016: (i) Respondent was directed by Access not to have contact with any Access employees; (ii) Respondent contacted Access employee DeJesus to ask her to social engagement, to ask her for a job reference and to ask her to be a character witness; (iii) Respondent harassed DeJesus' husband on Facebook; and (iv) Respondent harassed DeJesus' husband, Dargan, on Facebook and by calling his employer and accusing him of harassing Respondent. The Department alleged at Count 5 that Respondent's conduct violated 225 ILCS 60/22(A)(5).

At Count 6, the Department alleged that (i) in March 2014, Respondent received a warning from her employer, Aunt Martha's Youth Service Center, for infractions relating to behavior and conduct, and was placed on a Corrective Action Plan by Aunt Martha's; (ii) in May 2014, Aunt Martha's suspended Respondent without pay and then fired Respondent due to persistent and ongoing misconduct, including frequent, ongoing, inappropriate and unacceptable disclosures and remarks to patients and staff concerning her personal life, relationships and problems that disrupted the workplace, as well as continuing to make disparaging comments about and to staff that fostered an increasingly hostile work environment. The Department alleged at Count 6 that Respondent's conduct violated 225 ILCS 60/22(A)(5).

The Department alleged at Count 7 that (i) in 2014, when Respondent applied to Access for a position, Respondent submitted to Access an initial credentialing form; (ii) Respondent in that 2014 initial credentialing form failed to disclose the events at Aunt Martha's, including being placed on a corrective action plan and being fired for persistent and ongoing misconduct, as required by that form; and (iii) that Respondent in her 2016 credentialing form again failed to disclose the events at Aunt Martha's, as required by that form. The Department alleged at Count 7 that Respondent's conduct violated 225 ILCS 60/22(A)(31) and 225 ILCS 60/22(A)(5).

to July 2011; Chicago Ambulatory Care Center at Norwegian Hospital from July 2011 to December 2012; Aunt Martha's Youth Service Center; and Advocate Illinois Masonic Medical Center in Chicago as a pediatric hospitalist beginning January 2013. (Dept. Ex. S, JJ, FF). Respondent was employed at Access Community Health Network from July 2014 to December 2016. (Tr. 63). Between 2012 and 2017, Respondent worked for a variety of other physicians for short periods of time. (Tr. 58-61). Respondent currently works at a restaurant. (Tr. 3820).

*Findings of Fact – Status of Respondent's Physician License*

3. On January 30, 2017, the acting Director of the Division of Professional Regulation of the Department (hereinafter "Director") found that the public interest, safety and welfare required emergency action to prevent the continued practice of Respondent and Respondent's actions constituted an immediate danger to the public and entered an order suspending Respondent's physician's license pending proceedings before the Board and an administrative law judge in the instant case, IDFPR case no. 2014-08218. (January 30, 2017 order in the instant case).

4. On July 28, 2017, the Circuit Court of Cook County remanded the instant action to the Department. The suspension of Respondent's physician license was terminated. Respondent's physician license is currently in active status. (Tr. 3784; Resp. Answer at Ct. 1).

*Findings of Fact – [redacted] and Respondent's Electronic Communications with [redacted]*

5. [redacted] (hereinafter [redacted]) is currently employed at DePaul University College of Law as a tenured associate professor. He obtained a tenured track position at the DePaul law school starting in June 2012 and obtained tenure there in the summer of 2017. [redacted] graduated from Harvard Law School in 2001. (Tr. 886, 889-90).

6. Respondent met [redacted] in late Spring or Summer 2016 at a social networking event at the Stimulus Social Club. Their relationship ended in September or October 2012. (Tr. 173, 175, 890-891; Resp. Ex. 18).

7. [redacted] never had any contact with Respondent related to medical care. (Resp. Answer, Ct. 1).

8. Respondent did not have a dating or sexual relationship with [redacted] (Tr. 171-72).

*Findings of Fact –Respondent's Electronic Communications and Initial Requests to Stop Electronic Communication*

9. [redacted] received electronic communications (hereinafter "e-communications") from Respondent over email and various platforms, including his LinkedIn account, his DePaul account and Facebook. (Tr. 895; Dept. Ex. A).

10. Respondent sent approximately 150 e-communications to [redacted] between September 2012 and October 12, 2012. (Dept. Ex. A; Tr. 664-668).

11. On October 12, 2012, [redacted] sent a text to Respondent stating: "Please, I'm begging[.] You can stop the continuous texts." Respondent sent [redacted] another fourteen texts until, on October 17, 2012, [redacted] sent a text to Respondent requesting that she stop sending him continuous texts. (Dept. Ex. A; Tr. 664-668). Thereafter, Respondent continued sending e-communications to [redacted] throughout the remainder of October 2012. (Dept. Ex. A; Tr. 664-668).

12. Thereafter, between November 11 and November 28, 2012, Respondent sent [redacted] approximately 40 additional texts. Respondent sent [redacted] 25 texts on November 28, 2012 until, on that same day, [redacted] sent a text to Respondent instructing Respondent never to contact him again and telling Respondent to erase his number as he did not want anything to do with Respondent. Respondent continued to send numerous electronic communications to Respondent in November and December 2012. (Dept. Ex. A; Tr. 664-668).

13. In 2013, Respondent sent approximately 300 e-communications to [redacted] (Dept. Ex. A; Tr. 664-668).

14. Between January 3 and January 13, 2014, Respondent sent dozens of e-communications to Bedi. (Dept. Ex. A; Tr. 664-668).

*Findings of Fact –Specific E-Communications between Respondent and* [redacted]

15. On September 27, 2012 between 8:13 a.m. and 6:54 p.m., Respondent sent approximately 16 text messages to the [redacted] Thereafter on that date at 9:26 p.m., [redacted] sent a text to Respondent stating: "I got your messages. I'm sorry if I upset or misled you in any way. I wish you well and think that it is best we go our separate ways." Thereafter, on that same date, Respondent sent the following e-communications, one of which included a reference to not wanting to create havoc at his work:

a. a text to the [redacted] at 9:40 p.m., stating "Ok, good. I really did love u. Too bad u were lying?! So mean;" and

b. a text to the [redacted] at 9:54 p.m., stating:

> Oh, oops. Just read your text. No worries if u misled me. We all make mistakes. We all keep "backups" of people who are less than what we think we deserve. I do respect what u do but innocently knew nothing of u or your line of work. Really good luck with your career. I know u busted up druggy people. I just seem like a kid because I work with them all day. I think I'll make a good mom. I would have watched sports with u. Sandesh meant nothing to me but I didn't want him intruding on my friendship with u or judging me. I did not want to control or socially isolate u or create havoc in your happiness at work. I just wanted the same as every other woman: Love. It's a big word and until you understand it don't use it.

Thereafter, on that same date, Respondent sent [redacted] sent an additional 15 text messages. (Dept. Ex. A; Tr. 664-668; Resp. Answer at Ct. 1).

16. On September 30, 2012 at 3:15 p.m., Respondent sent the following e-communication to [redacted]

> I'm here outside. If u want to see me and say hello properly in person I'll be outside your building. I'm not mad at u. I'm just sad at what happened and don't mind if ure mad. Amit used to make fun of my weight and skin. That's what u felt bad about. Please come out and just say hello. I'm exactly where I picked u up when your friend Archas was here."

Between 3:18 p.m. and 5:32 p.m. that day, Respondent sent an additional 30 text messages to the [redacted] (Dept. Ex. A; Tr. 664-668; Resp. Answer at Ct. 1).

17. On April 16, 2013 at 6:30 a.m. Respondent sent the following e-communication to [redacted] which stated in part:

> From 3 blocks away u looked stressed as usual. U look stressed out on the phone...Hope it's at least over a blonde and not taxes! And not the gay one, they are stressful when they sleep with a new guy.

(Dept. Ex. A; Tr. 664-668; Resp. Answer at Ct. 1).

18. On August 13, 2013 at 10:23 p.m., Respondent sent a text message to the [redacted] stating:

> Your friend [redacted] [redacted] s a real prick. I am sure you guys were made for each other as best friends. He did me the favor of telling me I am psycho and stalking you. I am pretty sure that guys kids will have herpes and HIV and asthma because he is a rotten role model and a selfish judgmental conceited for no good reason ugly looking fat jerk. Nice choice.

(Dept. Ex. A; Tr. 664-668; Resp. Answer at Ct. 1).

*Findings of Fact – Respondent's Contacts with the Deans of the DePaul College of Law and Harvard Law School*

19. In August 2013, Respondent left a telephone message with a dean of the DePaul University College of Law, who called her back. Respondent told the dean that [redacted] had made improper advances to her, that [redacted] had violated the cultural mores of her community, had engaged in conduct unbecoming of a professional of his stature, and that the dean should be concerned about [redacted]'s behavior toward other women, specifically women students. (Resp. Answer at Ct. 1).

20. Bruce Ottley was the interim dean of the DePaul University College of Law between June 2014 and June 2015. (Tr.1064).

21. In the Autumn of 2013, Respondent telephoned a vice-dean at the DePaul University College of Law where [redacted] was an employee. In that phone call, Respondent told the vice-dean her name and told him she was a doctor. She also told the vice-dean that [redacted] had been sexually inappropriate with her in social interactions and that [redacted] told her that she had never seen an erect penis. (Resp. Answer at Ct. 1).

22. On January 4, 2014 at 2:02 a.m., Respondent sent an email to the [redacted] which stated in part:

> I did on my own call the Dean at DePaul law school and tell him what you put me through and he wanted to meet in person but I declined because I have no time to meet. I did it because patterns repeat themselves and your behavior needs modification. I mentioned your comment about me never seeing a guy get "hard" I thought it was juvenile and disturbing and also thought that you relating it to my patient care with teens was highly offensive and unkind. I also did email the dean at [H]arvard law.

(Tr. 610; Dept. Ex. A).

23. Respondent contacted Harvard University, which is where Mr. [redacted] attended law school. Respondent contacted the dean of the Harvard Law School and claimed that [redacted] was harassing her. (Tr. 610, 812-14).

*Findings of Fact – Respondent's Contacts with the Parents of [redacted]*

24. Respondent called [redacted]'s parents in February 2016. (Resp. Ex. 18).

*Findings of Fact – Litigation involving Respondent - Case No. 14 OP 70074*

25. On January 7, 2014, [redacted] filed a Petition for Stalking No Contact Order on an emergency basis in the case styled People ex rel [redacted] v. Khungar, Case No. 14 OP 70074 in the Circuit Court of Cook County (hereinafter "Case No. 14 OP 70074"), alleging that Respondent had been: (i) sending harassing emails regarding [redacted]'s professional integrity, including emails to the dean of

the law school from which [redacted] graduated; and (ii) calling [redacted]'s employer, the dean of the DePaul Law School, stating [redacted] had behavioral problems and made sexually related comments. The court denied the request for an emergency order and continued the matter for hearing. (Resp. Ex. 29-31).

26. In April 2014, the court in Case No. 14 OP 70074 entered a plenary Stalking No Contact Order against Respondent: (i) prohibiting Respondent from stalking [redacted] (ii) prohibiting Respondent from having contact with [redacted] (iii) prohibiting Respondent from coming near [redacted]'s residence or place of employment; and (iv) prohibiting Respondent from contacting students, professors, administrators, deans, faculty members, or staff members at Harvard Law School and DePaul College of Law among others about Respondent. Respondent stipulated to the order. The order stated that it was in effect for two years, from April 25, 2014 through April 25, 2016. (Dept. Ex. D; Resp. Ex. 32).

27. The court extended the plenary Stalking No Contact Order in Case No. 14 OP 70074 against Respondent on a serial basis through July 17, 2017. (Dept. Ex. D; Resp. Exs. 31-32, 37-42).

28. On October 23, 2014, Respondent spoke with Bruce Ottley with regards to the IDPFR case. She called Ottley to ask who had complained about her. She told Ottley she would send the interim dean an email with the complaint. She forwarded the complaint number to him. Ottley received an email from Respondent on October 23, 2014 containing the complaint number of the instant case, case no. 14-08218. He received that email ten minutes after speaking with Respondent. (Tr. 810-11; Dept. Ex. I; Resp. Answer at Ct. 1).

29. On November 7, 2014, Respondent was arrested for violation of the order of protection related to her contact with Respondent's employer. (Tr. 3743; Resp. Answer at Ct. 1).

30. [redacted] filed two motions for rule to show cause on why Respondent should not be held in contempt of court for violating the Stalking No Contact Order. [redacted] filed those motions in July and December 2014, alleging respectively that Respondent contacted [redacted]'s father, Dr. [redacted] in July 2014 and contacted a professor of the DePaul College of Law, Bruce Ottley, in October 2014. (Dept. Ex. G, H, K).

*Findings of Fact – Litigation involving Respondent - Case Nos. 14 OP 70074 and 15 DV 71649*

31. On March 12, 2015, Respondent and the complainant appeared at Cook County Domestic Violence Court regarding the Stalking No Contact Order against Respondent in case no. 14 OP 70074. (Resp. Answer at Ct. 1). At that time, Respondent was arrested and charged with battery and

resisting a peace officer. Respondent was believed to be taking pictures inside the Domestic Violence Courthouse at 555 West Harrison in Chicago (hereinafter "Domestic Violence Courthouse"). As deputy sheriffs involved in the incident attempted to investigate the issue, Respondent was uncooperative, belligerent and ultimately became violent with the deputy sheriffs. As Respondent was being taken into custody, she resisted arrest by pulling away from the deputy sheriffs and flailing her arms. Respondent was forcibly handcuffed and escorted into the lockup. Deputy Sheriff Janell Martin was one of the deputy sheriffs involved in the arrest and transport of Respondent to the lockup. (Dept. Ex. N; Resp. Answer at Ct. 1).

32. While in the lockup, Respondent yelled that Deputy Sheriff Martin and others in the vicinity of Respondent had sexually transmitted diseases, she yelled that Respondent hoped their children got cancer. Respondent yelled that she hoped Deputy Sheriff Martin and others in the lockup area brought their children to Respondent, and Respondent would let them die. (Tr. 1430-31).

33. On March 12, 2015, a misdemeanor complaint was filed against Respondent in the case styled People of the State of Illinois v. Khungar, case no. 15 DV 7164901 (hereinafter "case no. 15 DV 7164901") in the Circuit Court of Cook County for the offenses of battery and resisting a peace officer, both of which were violations of the Illinois Criminal Code of 2012. Deputy Sheriff Janell Martin was the complainant in that case. (Dept. Ex. O)

34. At the request of [redacted] case No. 14 OP 70074 was dismissed with prejudice on July 17, 2017. (Dept. Ex. G, H, K; Resp. Ex. 43).

35. Deputy Sheriff Janell Martin agreed to dismiss case no. 15 DV 7164901 if Respondent met certain conditions, one of which was that Respondent was to make an apology to Deputy Sheriff Martin herself and everyone who dealt with Respondent that day. (Tr. 1438-39). Deputy Sheriff Martin received Respondent's letter of apology, and the court, which was apprised of the agreement, entered an order of dismissal case no. 15 DV 7164901. (Tr. 1438-39, 1441-43; Resp. Ex. O).

36. Respondent, in her April 9, 2015 apology to Deputy Sheriff Martin, [redacted] (Resp. Ex. P).

*Findings of Fact – Litigation involving Respondent - Case No. 14 L 4760*

37. On April 30, 2014, [redacted] filed a complaint for defamation and false light against Respondent in the case styled [redacted] v. Khungar, case no. 14 L 4760 before the Circuit Court of Cook County (hereinafter "case no. 14 L 4760"). (Dept. Ex. E).

38. On July 17, 2014, the court in case no. 14 L 4760 entered an order prohibiting Respondent from harassing communications to anyone associated with the case. The order reflected that if there was verification of such conduct occurring after July 17, 2014 presented to the court, Respondent would be subject to a contempt hearing. (Dept. Ex. F, G).

39. [redacted] and Respondent settled case no. 14 L 4760. Respondent paid [redacted] and his attorneys $4,000. Respondent signed the Confidential Release and Settlement Agreement in case no. 14 L 4760 on September 3, 2014. (Tr. 987-99; Dept. Ex. Q).

*Finding of Fact - Respondent's Termination from Naperville Children's Clinic*

40. Respondent was employed at the Naperville Children's Clinic in Naperville, Illinois, from July 16, 2007 to February 25, 2008, while moonlighting as a pediatric hospitalist at Edward Hospital. Thereafter, she was employed as a pediatric hospitalist at Edward Hospital from March 31, 2008 to February 25, 2009. (Dept. Ex. FF).

41. The owner of the Naperville Children's Clinic terminated Respondent's employment agreement for cause in 2008. Respondent wrote and signed a letter dated April 5, 2008 to Edward Hospital Ventures Credentialing, when she had to submit her application to that entity. In that letter, Respondent stated in part:

> I was working at Naperville Children's Clinic on 7/16/07 to 2/25/08. I was terminated unjustly on 2/25 by Dr. Ameeta Banzai with false allegations regarding my personality and demeanor. These claims were made after I provided extra coverage for Dr. Banzai, while she was convalescent for two weeks. Upon asking for a weekend off, I was dismissed as an unruly employee. Applications have been submitted to NHCA on 1/8/07, which were subsequently revoked, as Dr. Banzai fully intended to terminate me for what she deemed to be insubordination.

The letter was later incorporated into a Health Care Professionals Credentialing & Business Data Gathering Form. On February 10, 2010, Respondent warranted that the information in that form, as provided Respondent, was correct and complete. (Tr. 143-46, 148; Dept. Ex. CC).

*Findings of Fact - Aunt Martha's*

42. Aunt Martha's Youth Service Center (hereinafter "Aunt Martha's") offered services from sites in 14 counties in Illinois. Two of Aunt Martha's centers were located at 118th Street and Avenue O, on the Illinois-Indiana border (hereinafter "Southeast Side Clinic" or "SES clinic") and at 500 West Dixie Highway in Olympia Fields. The latter was the Pediatric Wellness Center. (Tr. 374; Dept. Ex. GG).

43. Respondent was employed at Aunt Martha's from April 2013 through May 19, 2014. Dr. Jennifer Byrd was the medical director of Aunt Martha's. Dr. Tamara Lim was the pediatric department chair and later medical director of Aunt Martha's. Mary Martin was the chief compliance officer. Christopher Nordloh was Access' chief financial officer. (Tr. 79; 2073, 2075, 2777-78, 2088; Dept. Ex. GG). Raul Garza was Access' CEO. (Tr. 2777-78).

44. On February 25, 2014, Dr. Lim and Dr. Byrd met with Respondent to address concerns about Respondent discussing her personal life, specifically a court case involving an ex-friend getting an order of protection against Respondent, with staff and patients. At that meeting, Respondent admitted that she had been talking to staff and patients regarding her very personal issue, but said she did not realize it was inappropriate. Respondent was instructed to cease all such conversation immediately as it can be disruptive to the workplace and detract from patient care, and to "minimize personal editorials of herself." (Dept. Ex. SS).

45. On March 26, 2014, Dr. Lim, Dr. Byrd and Mary Martin met with Respondent for two hours regarding information that Respondent was still speaking about the details of her court case, was making staff uncomfortable with her unprofessional demeanor and behavior toward them, and was creating a hostile work environment. On March 28, 2014, Dr. Lim and Dr. Byrd met with Respondent to review a corrective action plan. At that meeting Respondent signed the corrective action plan. The corrective action plan included a list of goals and expectations for Respondent, including ceasing all conversation of a personal nature, not involving herself in gossip, maintain a professional demeanor as outlined by Aunt Martha's Code of Conduct and treating all patients with respect. (Dept. Ex.GG, SS). On April 21, 2014, Dr. Lim met with Respondent to follow up on the corrective action plan and Respondent's performance evaluation. They discussed the concerns of a medical assistant that Respondent's statements toward her were making her feel uncomfortable. (Dept. Ex.GG, SS).

46. On May 1, 2014, Dr. Lim, Respondent and two others met so that an offer could be made to Respondent to immediately resign from Aunt Martha's or receive a recommendation of termination including immediate suspension without pay. Respondent was informed that an investigation had been done of the medical assistant's claim of feeling harassed by Respondent, and the claim was valid. Respondent was informed that because of this and because Respondent was on a corrective action plan and showed no signs of improvement, Respondent's work at Aunt Martha's could not be supported.

47. At that same meeting on May 1, 2014, Respondent was offered the opportunity to resign immediately. Respondent requested time to think about it and was informed that she could think about it, but in the meantime, Aunt Martha's had to move forward with the immediate suspension without pay. She was told that a formal letter of resignation was not necessary immediately and that she could do it over the weekend. She was told that all she needed to do was sign the COS [change of status] form indicating she would like to resign. She signed the COS form. (Tr. 2799; Tr. SS).

48. On May 7, 2014, Respondent attended a meeting with CFO Chris Nordloh, president and CEO Raul Garza and Renee Wheeler, director of HR. On May 19, 2017, Nordloh documented for Respondent's record of employer that at that meeting Respondent continued to display unprofessional and unacceptable conduct, that she parodied an African-American clinic staff member's accent and speech inflections in a very inappropriate manner in front of the president/CEO and in front of Wheeler, who was also an African-American, and insinuated that Respondent's immediate supervisor, Dr. Lim, did not have the knowledge, skills, experience or education to hold the position of medical director. Respondent then emailed Nordloh that her imitation of the African-American clinic staff member was an imitation of the individual and not intended to apply to all African-Americans. (Tr. 2770, 2777-81; Dept. Ex. II).

49. On May 19, 2014, Respondent sent an email to CFO Chris Nordloh in which she stated that the email was to document that she did not resign from Aunt Martha's. Respondent sent a letter received by Aunt Martha's two days later in which she indicated she was documenting that she had been asked to write a letter of resignation twice and had refused because she had the right to file unemployment upon termination. (Tr. 2120; Dept. Ex. XX, WW).

50. On May 19, 2014, Aunt Martha's terminated Respondent's employment and terminated her physician employment agreement effective immediately, based on Respondent's persistent and

ongoing misconduct. In a June 6, 2014 letter, Aunt Martha's director of human resources, Renee Wheeler, stated that Respondent's misconduct included: (i) Respondent's frequent, ongoing, inappropriate and unacceptable disclosures and remarks to patients and staff concerning her personal life, relationships and problems that disrupted the workplace; and (ii) Respondent's continuing to make disparaging comments about, and to, staff that fostered an increasingly hostile work environment. (Dept. Ex. GG).

51. On June 6, 2014, Aunt Martha's tendered to Respondent a check of approximately $1,583 for earned but unused vacation pay. (Dept. Ex. GG).

*Findings of Fact – Access Community Health Network*

52. Access Community Health Network (hereinafter "Access") is federally qualified health center which cares mainly for patients with Medicare and uninsured patients. Access has 36 healthcare centers across Chicago, including the Access Kedzie Family Health Center. (Tr. 68, 1536, 4428; Dept. Ex. U).

53. Respondent was employed at Access between July 2014 and December 14, 2016 at the Kedzie center, Alicia Mariscal was the health center manager at the Kedzie center. Pediatrician Dr. Tara DeJesus and nurse practitioner Maria Carmen Del Cid were among the providers of pediatric services at Access' Kedzie center for some or all of the time Respondent was there. Victoria Navarro was Respondent's primary medical assistant (hereinafter "medical assistant" or "MA"). Jasmine Angel and Gloria Rosales were also medical assistants for Respondent. Dr. Jairo Mejia was a regional medical director at Access until February 2016, and the chief medical officer at Access thereafter. (Tr. 1535-37). Stephanie Lilly was the human resources (hereinafter "human resources" or "HR") manager. Eleva Riley was employed by Access as the vice-president of HR. (Tr. 1535-37, 1666, 1668, 2561, 2564, 2573, 2587-88; Dept. Ex. U, X, EEE).

54. On or about May 20, 2015, Mariscal filed an Access Confidential Adverse Event Report and categorized the event as "behavioral." The report stated that Respondent, Dr. DeJesus and Del Cid had a discussion in the lunchroom about scabies treatment of a family. The report stated that after Dr. DeJesus left, Respondent remarked to Del Cid out loud that Respondent could not respond to Dr. DeJesus the way she should have. Dr. DeJesus later asked MA Angelica Martinez and MA Ana Garcia about the incident. The report stated that MA Garcia told Dr. DeJesus about Respondent's remark, which caused Respondent and Dr. DeJesus to argue. The report stated that a few days later, Respondent approached MA Garcia in the patient care area and said: "tell your

partner [MA Martinez] to bring it down a notch, she's bringing trouble between Dr. DeJesus and I, and I'm not going to take that shit. I can play that game too!" The report stated that MA Garcia was very upset. (Dept. Ex. CCC).

55. On May 3, 2015, Mariscal submitted a Access Patient Complaint/Suggestion Form regarding a complaint from Y.P., mother of a patient, that Respondent snapped her fingers at Y.P. to show disagreement and said she worked with some stupid people. (Dept. Ex. DDD).

56. On June 15, 2016, Mariscal sent to HR manager Lilly the report of one MA Nayeli that in order to watch MA Nayeli draw blood, Respondent left two rooms of patients to wait although the patients were ready to be seen, and it made Nayeli uncomfortable. On the same day, Mariscal sent to Lilly the report of the peers of MA Rosale that when Rosale moved a chair that was blocking Rosale's workstation, Respondent told her not to touch Respondent's things. On the same day, Mariscal sent to Lilly the report of MA Jasmine Angel that Angel felt attacked and nervous because she had blocked Respondent from Angel's Facebook page but Respondent was still able to creep onto it. (Dept. Ex. FFF, GGG).

57. On August 18, 2015, Charles Barron, a regional medical director for Access, issued to Respondent a memo referencing itself as a Final Warning (hereinafter "2015 final warning"). The 2015 final warning stated that it was notification of serious violations of the Access code of conduct and the corporate compliance standards of conduct, specifically HIPPA.[2] The memo stated that that in July 2015, Respondent inappropriately accessed a patient's personal information for Respondent's personal use in violation of HIPPA. The 2015 final warning states that it is formal notice, in accordance with Respondent's contract, that failure to abide by Access policies and procedures will result in further disciplinary action up to and including termination of Respondent's employment contract. (Dept. Ex. V).

58. The 2015 final warning stated that Respondent inappropriately accessed the medical record of a patient to obtain a telephone number for her personal use, which was to find out why another employee, MA Navarro was not at work that day. The memo further stated that the telephone number belonged to the patient's mother who was a receptionist at the Kedzie center, that Respondent called the number leaving three voicemail messages at the home of the patient's

[2] Health Insurance Portability and Accountability Act of 1996, (Public Law 104-191).

mother's ex-husband, and that the patient and Navarro then complained to the health center manager, Mariscal, about Respondent's actions. (Dept. Ex. V).

59. The 2015 final warning stated that Respondent had been spoken to by Mariscal on, most recently, May 20, 2015 regarding the importance of Respondent not getting involved in staff/employee matters. (Tr. 3219; Dept. Ex. V).

60. Respondent signed the 2015 final warning from Access on August 19, 2015. (Dept. Ex. V).

61. In 2015 or 2016, Access set up the Safety Zone Portal, a web-based product which allowed people to report any occurrence that happened in Access. Every employee was able to file an event report or complaint on the Safety Zone Portal. Regarding the complaints filed against Respondent on that portal:

a. Dr. Tara DeJesus filed a complaint against Respondent on July 15, 2016.

b. Patient H.R. filed a complaint against Respondent on August 25, 2016 regarding an incident that occurred on June 24, 2016.

c. Patient A.G.filed a complaint against Respondent on August 31, 2016.

d. Patient M.J. filed a complaint against Respondent on July 12, 2016. The reporting person was Alicia Mariscal, the office manager. (Tr. 1551; Dept. Ex. NN).

62. On November 21, 2016, Dr. Mejia, then the chief medical officer of Access, gave Respondent a letter dated November 21, 2016 stating that the letter served as the required 90 day written notice to terminate Respondent's employment with Access. The letter indicated that Respondent's last day of employment was February 20, 2017. Dr. Mejia indicated that Access was giving Respondent the notice of termination based on "numerous complaints from both health care center staff and patients regarding [Respondent's] behavior, which mainly involved [Respondent] making insensitive and condescending remarks toward them." (Dept. Ex. W).

63. Respondent sent a letter to Mejia and Donna Thompson dated November 21, 2016 stating that she was recently informed that there were complaints against her in her file at Access, that she had not seen the complaints, and that she did not know why, during a meeting with Mejia, Dr. Mafla and Donna Thompson, she had been threatened with termination with 90 days' notice. Respondent's letter stated that she wished to submit her resignation from Access and would not be working after February 21, 2017. (Resp. Ex. 66)

64. On December 20, 2016, Eleva Riley, vice-president of human resources at Access, sent a letter to Respondent stating that Respondent's employment agreement was terminated immediately on December 14, 2016. (Dept. Ex. X).

*Findings of Fact – Access 2016 Credentialing Form*

65. On February 16, 2016, Department filed its initial complaint and notice of preliminary hearing in the case styled IDFPR v. Respondent, case no. 2014-08218, before the Department (hereinafter "case no. 2014-08218"). The certificate of service reflects that the Department sent the initial complaint and notice of preliminary hearing to Respondent's attorney, Michael Baker, on February 16, 2016 by email. (February 16, 2016 complaint; February 16, 2016 notice of preliminary hearing).

66. Michael Baker represented Respondent on February 16, 2016. (Tr. 96).

67. The order of the April 4, 2016 preliminary hearing in case no. 2014-08218 stated that an informal conference was scheduled for April 6, 2016. (Tr. 96; Order of April 4, 2016; February 16, 2016 notice of preliminary hearing).

68. On April 25, 2016, Respondent signed a Health Care Professional Re-Credentialing form for Access (hereinafter "2016 credentialing form"). Respondent signed a statement in the 2016 credentialing form that she warranted that all of the information provided and the responses given were correct and complete to the best of her knowledge and belief. (Dept. Ex U).

69. On the 2016 credentialing form Respondent answered "No" to the following question:

> 9. Have any disciplinary actions or proceedings been instituted against you and/or are any disciplinary actions or proceedings now pending with respect to your hospital or ambulatory surgery center privileges and/or your license?

(Dept. Ex U).

*Findings of Fact – Access 2016 Credentialing Form*

70. On June 18, 2014, Respondent signed a Health Care Professional Re-Credentialing form for Access (hereinafter "2014 credentialing form"). Respondent signed a statement in the 2014 credentialing form that she warranted that all of the information provided and the responses given were correct and complete to the best of her knowledge and belief. (Dept. Ex U).

71. On the 2014 credentialing form Respondent answered "No" to the following question:

> 9. Have any disciplinary actions or proceedings been instituted against you and/or are any disciplinary actions or proceedings now pending with respect to your hospital or ambulatory surgery center privileges and/or your license?

Similar questions were asked about notification of disciplinary matters and renewal of hospital or ambulatory surgery center privileges and/or her license. (Dept. Ex JJ).

*Findings of Fact – Tara DeJesus*

72. Tara DeJesus is a physician employed by Access as a pediatrician. (Tr. 2234). DeJesus' husband is Gevian Dargan. (Tr. 2358).

73. On January 17, 2016, Respondent sent a text message to Dr. DeJesus requesting a reference letter. Dr. DeJesus did not respond. (Dept. Ex. Y; Tr. 2320, 2323).

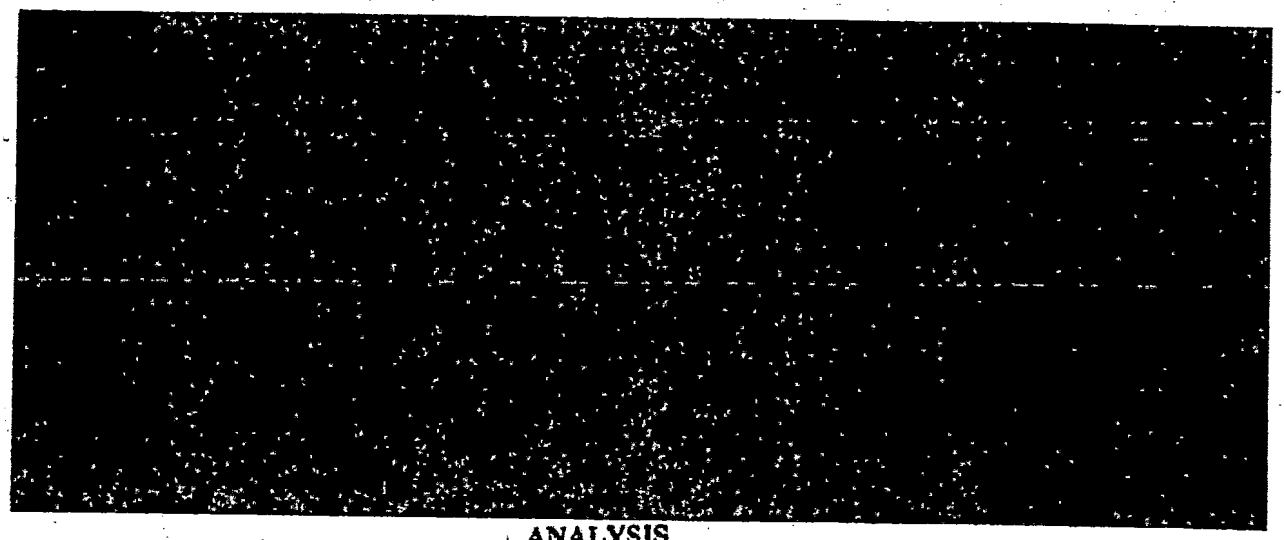
74. On or about April 4, 2017, Respondent posted on Dargan's employer's site on Facebook:

> The 'assistant to the pastor' Gevian Dargan threatened me on social media because his wife posted a racist post about Indian Americans and I commented that it was offensive. Don't go here if you are an Indian. Then he posted: "do you really wanna go there with me" and threatened me with a lawsuit. His wife, Tara DeJesus Dargan, posted private information about my job on social media that she was not supposed to do, naming the company she works for. This was a violation of workplace policy...Do not spend time with the Dargans. [T]hey are backbiters.

(Dept. Ex. AA; Tr. 2344, 2348-49).

75. Thereafter, on or about April 17, 2017, Dr. DeJesus filed a Petition for Stalking No Contact Order on an emergency basis in the case styled People ex rel Tara DeJesus v. Khungar, Case No. 17 OP 72336 in the Circuit Court of Cook County (hereinafter "Case No. 17 OP 72336"), alleging that Respondent had made numerous harassing posts on Dr. DeJesus' Facebook page and called her employer and her husband's employer. Respondent then filed a request for a Stalking No Contact Order four days later in the case styled Khungar v. Dargen, Case No. 17 OP 72473 in the Circuit Court of Cook County. (Dept. Ex. BB).

*Findings of Fact –* [redacted]



## ANALYSIS

Pursuant to § 2105/2105-10 of the Illinois Civil Administrative Code, the practice of the regulated professions, trades and occupations in Illinois is declared to affect the public health, safety, and welfare of the people of Illinois and, in the public interest, is subject to regulation and control by the Department of Professional Regulation. 20 ILCS 2105/2105-10. It is further a matter of public interest and concern that standards of competency and stringent penalties for those who violate the public trust be established to protect the public from unauthorized or unqualified persons representing one of the regulated professions, trades, or occupations. 20 ILCS 2105/2105-10. It is a general purpose of the Medical Practice Act of 1987 to protect the public health and welfare from those not qualified to practice medicine. *Vine Street Clinic v. HealthLink, Inc.*, 222 Ill.2d 276, 295, 856 N.E.2d 422, 435 (2006), citing *Ikpoh v. Department of Professional Regulation*, 338 Ill.App.3d 918, 926, 789 N.E.2d 442, 449 (1st Dist. 2003).

*Testimony of* [redacted]

[redacted] was called to testify by the Department. (Tr. 886). He testified that he graduated from Harvard Law School in 2001. (Tr. 886). Thereafter, he was commissioned in the military as a Navy Judge Advocate General, served four years and received an honorable discharge. (Tr. 887). He was in private practice for several years. (Tr. 888). He testified that he got a tenured track position at DePaul Law School starting in June 2012. (Tr. 889). He moved to Chicago at that time. (Tr. 889-90). He is currently employed at DePaul Law School as an associate professor, and is now tenured at the law school. (Tr. 889-90).

[redacted] testified that in the summer of 2012, he met Respondent at a social networking event for young professionals. (Tr. 890-91). He testified that they developed a friendship and hung out approximately half dozen times. (Tr. 891). He testified that it was a very adult friendship; they went out to dinner and hung out with friends. (Tr. 891-92). Throughout the whole part of their friendship, it was purely platonic. (Tr. 891). He testified that he made no moves romantically toward Respondent and they were never physically intimate. (Tr. 892).

[redacted] testified that around September or October 2012, he received a voice mail where Respondent said she would be a good wife and Respondent asked [redacted] why, if he did not want to pursue her, did he have dinner with her. (Tr.893). He testified that he was shocked by this. (Tr. 893). He thereafter had a telephone conversation with Respondent telling her it would be better if they did not hang out. (Tr. 894). After that telephone conversation, he started receiving frequent texts from Respondent that vacillated between encouraging a relationship with him and criticizing him. (Tr. 894). He testified that he told Respondent to stop texting him, and told her they needed to go their separate ways. (Tr. 894-95). He testified that after October 2012, he did not have any more social communication with Respondent or interactions with her other than to send an occasional email to her instructing her to stop emailing him. (Tr. 895). He did not have any face-to-face social interactions with Respondent since the summer of 2012, other than a ten-second conversation with Respondent in the fall of 2013 when their groups of friends had a coincidental meeting at the Green Tie Ball. (Tr. 896, 1045-46). He received hundreds of communications from Respondent until and through summer of 2013. (Tr. 897).

[redacted] testified that between October 2012 and January 2014, he received hundreds of emails over a LinkedIn account, his DePaul account and Facebook. (Tr. 895; Dept. Ex. A). He testified that the electronic communications were unhinged, ranging from declarations that Respondent and [redacted] would make a good couple to referencing people they met briefly in summer 2012. (Tr. 895). He testified that it was a continuous one-way conversation. (Tr. 896).

[redacted] testified that when Respondent sent him an email indicating that Respondent hoped he died in the skinny white arms of his friend, he was disturbed. (Tr. 902). He found many of Respondent's emails to be disturbing. (Tr. 902). He testified that he was worried that Respondent would do other things beyond sending him emails. (Tr. 902).

[redacted] learned in January 2014 from Respondent's email that she had contacted his employer and his alma mater through the deans at both those places, and made allegations that he was

inappropriate and unfit to teach women. (Tr. 903). Respondent informed him by email that she had contacted Dean Gregory Mark and Vice-Dean David Franklin. (Tr. 903-04). He testified that he made appointments to meet with these deans about Respondent's communications with them. (Tr. 904). He testified that he was untenured at this point, that getting tenure was a very precarious thing and that people make decisions based on rumors. (Tr. 905). He was concerned that Respondent would communicate with the 35 full-time faculty members that vote. (Tr. 905). [redacted] received tenure in 2017. (Tr. 913).

[redacted] testified that he then retained an attorney. (Tr. 906). He filed for a no-contact stalking order and filed a suit for defamation in April 2014 regarding the statements of Respondent. (Tr. 906, 909; Dept. Ex. D, E). He testified that the defamation complaint settled for an undisclosed amount. (Tr. 912; Dept. Ex. E).

[redacted] testified that he hesitated to go to the Department and the Board because his father is a doctor and he knows how difficult it is to be a doctor. (Tr. 937-938). He testified that he decided to contact the Department after learning that Respondent had contacted his father. (Tr. 937). He submitted a letter to the Department in August 2014. (Tr. 939; Dept. Ex. J). [redacted] testified that he did not complain or go to police or do anything in 2012 or 2013, regarding Respondent. (Tr. 997). He retained his employment at DePaul Law School throughout the entire time period after 2012 and suffered no damages in his job. (Tr. 998).

The ALJ notes that based on his observation of the demeanor of [redacted] and his consideration of the content and consistency of [redacted]'s testimony, the ALJ finds him to be a credible witness.

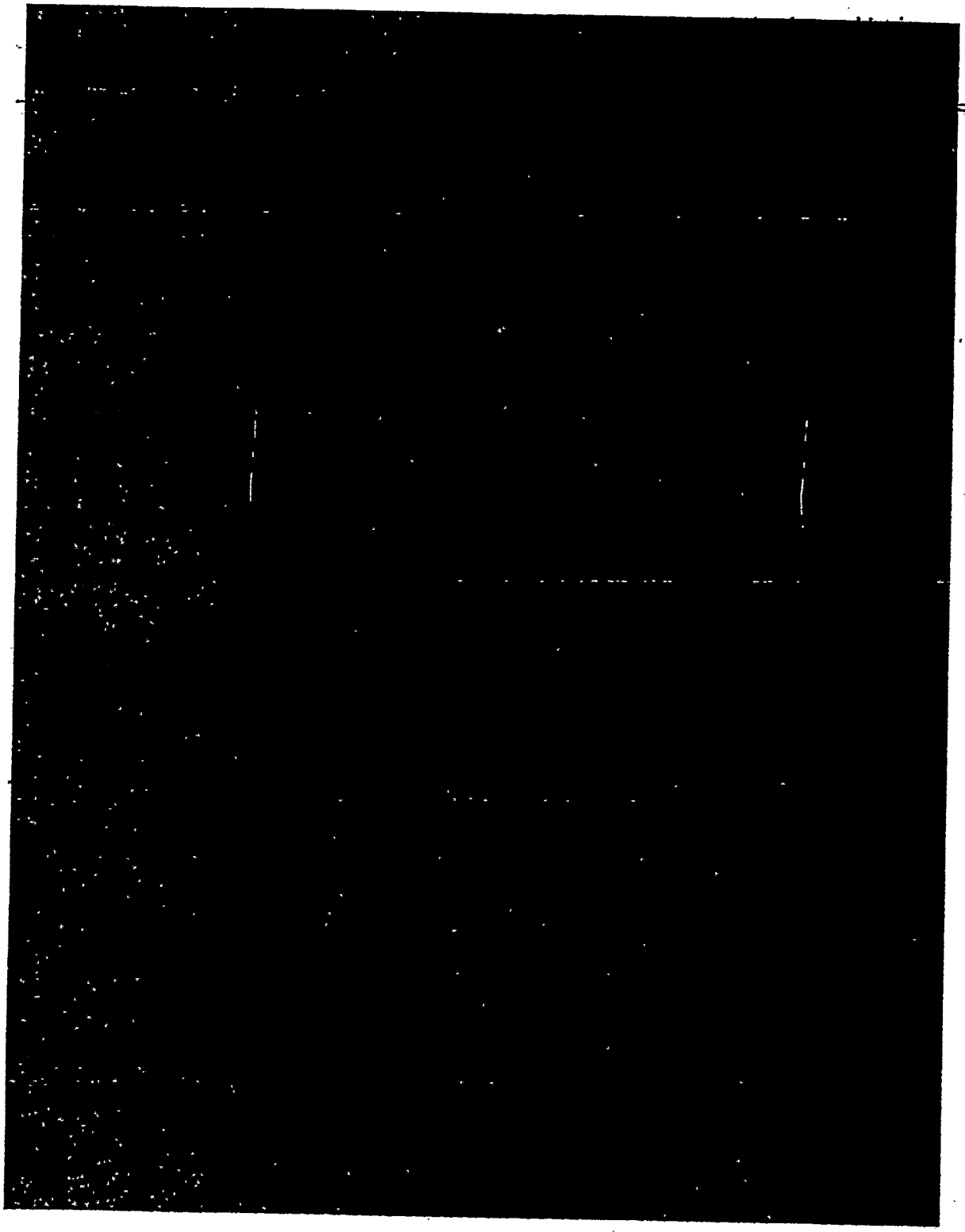
*Testimony of Bruce Ottley*

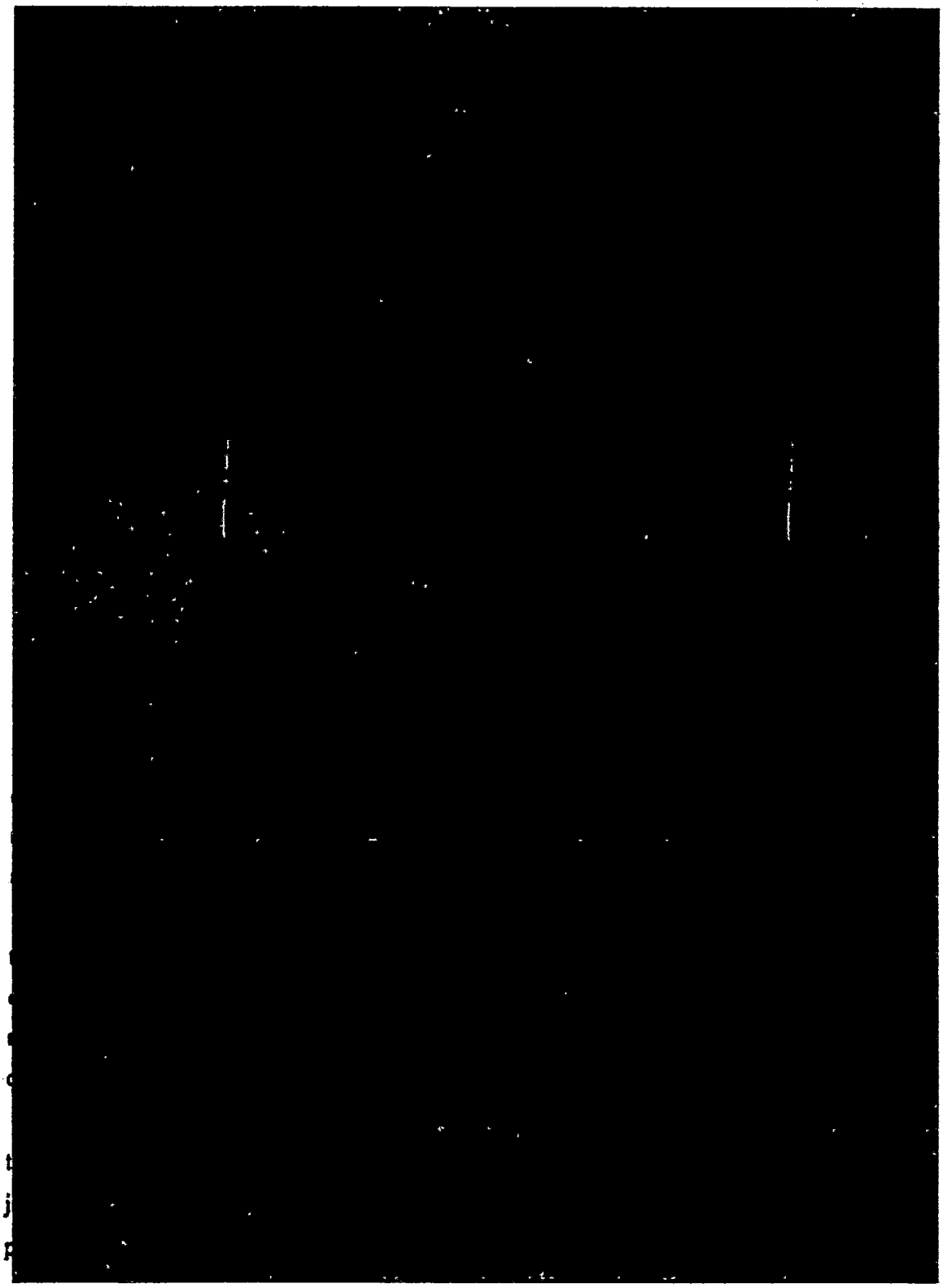
Bruce Ottley was called to testify by the Department. (Tr. 1063). He is a professor at the DePaul University College of Law and has been employed by DePaul University since 1978. (Tr. 1063). He was the interim dean of the college of law between June 2014 and June 2015. (Tr.1064). He testified that when he first began as interim dean, he was given files of matters relating to personnel and files relating to ongoing matters in the law school. (Tr. 1064). He testified that on October 23, 2014 at approximately 1:45 p.m., he received a call from person with a woman's voice, telephoning from number restricted by caller ID. (Tr. 1064-65). At the end of the call, he asked the caller for the names of the faculty members. (Tr. 1065-66). Ottley testified that at 1:58 p.m. that day he received an email reflecting that it was directed to him from Respondent. (Tr. 1066-

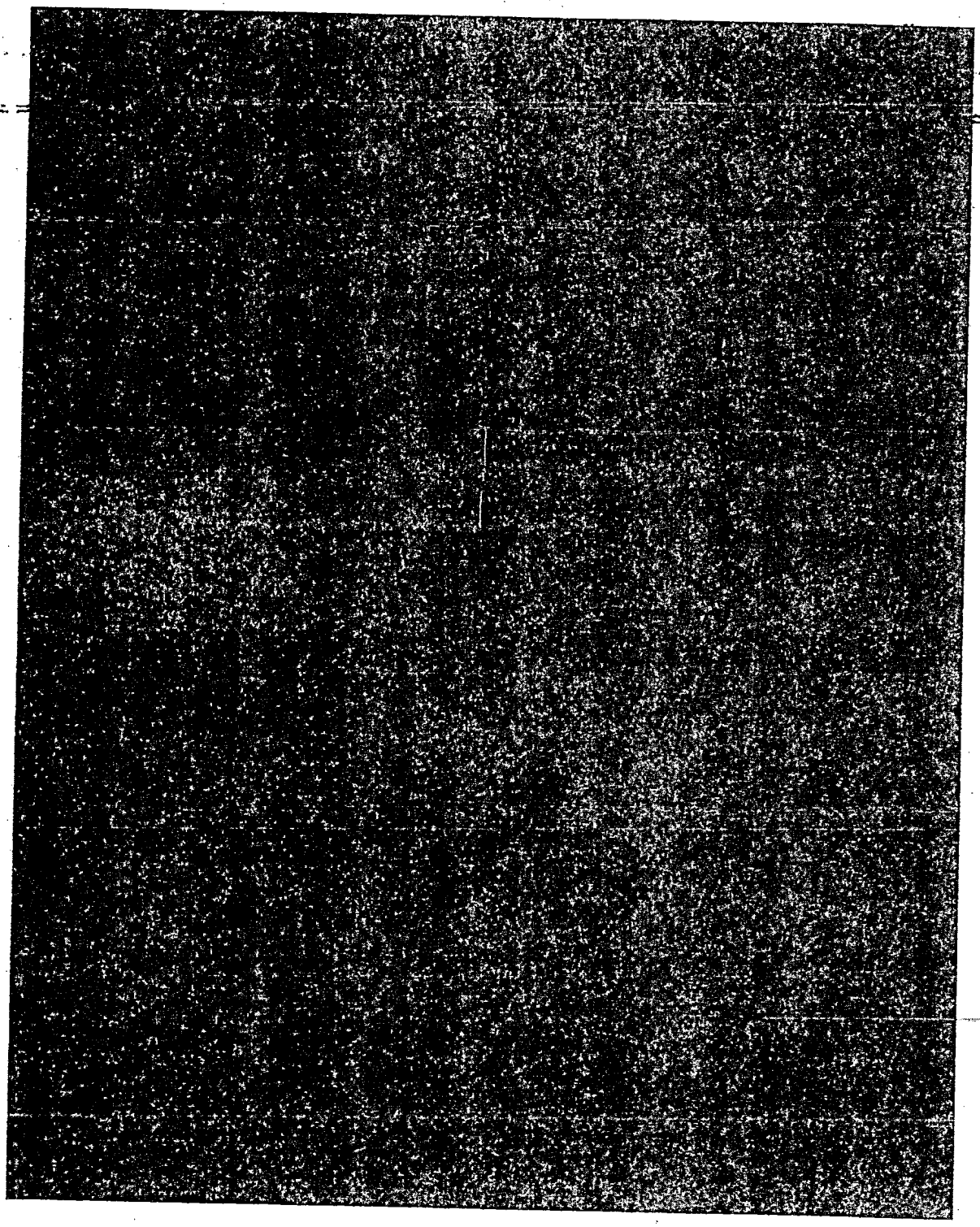
68; Dept. Ex. I). The email had a complaint number on it. (Tr. 1067). He testified that the email subject was "Matter relating to the IDFPR." (Tr. 1067).

Ottley testified that the email with Respondent's name reminded him of a file with [redacted]'s name on it; he reviewed the [redacted] file and found the no-contact order with Respondent's name. (Tr. 1068-69; Dept. Ex. D, I). He testified that when he received the email minutes after the phone call, he met with [redacted] and conveyed to him what had transpired in the phone call and subsequent E-mail. (Tr. 1069-70). Ottley testified that [redacted]'s job position was not adversely affected as a result of Ottley's receipt of the email or phone call. (Tr. 1078).

*Testimony of Dr.* [redacted]







The ALJ observed [redacted] during his testimony. Based on [redacted]'s demeanor and the content of his testimony, the ALJ concluded that he testified with credibility and consistency. [redacted] The ALJ observed that on cross examination, he was direct, open and frank in his answers. He was not evasive or defensive.

*Testimony of Joseph Gallivan*

Joseph Gallivan was called to testify by the Department. (Tr. 1286). Gallivan testified that he is currently employed by the Illinois State Police as an investigator assigned to the Medicaid fraud control bureau, and has been at that job for the last year. (Tr. 1271). He testified that prior to that he worked for the Department for three years as an investigator in the medical unit. (Tr. 1271-72). He testified that before that he had been an investigator for various insurance companies for eight years and had been a police officer with the Skokie Police Department for six years. (Tr. 1272).

Gallivan testified that he received a voice mail from attorney Snelling on October 15, 2014 saying Snelling was representing Respondent. (Tr. 1280). Gallivan said he talked to Snelling the next day and confirmed an interview with Respondent on November 19, 2014. (Tr. 1280). On October 22, 2014, Gallivan spoke with him. (Tr. 1281). Snelling advised that he had been in contact with [redacted]'s attorney and they were talking about [redacted] withdrawing the complaint. (Tr. 1283). Gallivan testified that on November 5 of 2014, he received a fax from attorney Ed Bruno that he was going to be representing Respondent. (Tr. 1284-85). Gallivan said he spoke to Bruno the next day. (Tr. 1286). Bruno told Gallivan that without knowing the full complaint, Respondent would not be providing the requested interview. (Tr. 1286). On November 7, 2014, Respondent called Gallivan and told him Bruno was no longer representing her and she wanted to keep scheduled interview date. (Tr. 1286). Bruno sent a fax to Gallivan on November 10, 2017, saying he was no longer representing Respondent. (Tr. 1287). Gallivan testified that on November 11,

2014, he received a voice mail from attorney Douglas Graham, who advised that he was now representing Respondent and confirming the scheduled interview date. (Tr. 1287). The following day Graham told Gallivan that he was no longer representing Respondent. (Tr. 1288). Gallivan testified that on November 12, 2014, he spoke with attorney Elizabeth Granoff, who said she was now representing Respondent. (Tr. 1288). Thereafter, Granoff and Gallivan agreed to do the Respondent's interview on December 10, 2014. (Tr. 1289).

Gallivan testified that on December 10, 2014 he interviewed Respondent in the presence of her attorney, Granoff, and Department investigator Anthony Luzin. (Tr. 1289). Shortly after the interview, Granoff advised Gallivan that she was no longer going to represent Respondent. (Tr. 1317). Gallivan testified that the December 2014 meeting lasted approximately 60 to 75 minutes. (Tr. 1290).

Gallivan asked about her work history. (Tr. 1290). Respondent told him that her primary current job was as a pediatrician at Advocate Illinois Masonic, and that she had worked there from 2012 to the time of the interview in December 2014. (Tr. 1291). Respondent told Gallivan that she had worked at Aunt Martha's in 2013 to 2014, and that she was dismissed, due to not being able to take extra shifts because of the court appearances with [redacted] (Tr. 1293). Gallivan testified that Respondent did not disclose that she was placed on a corrective action plan or disclose that she was suspended without pay from Aunt Martha's. (Tr. 192-95). Gallivan testified that Respondent did not disclose notification that she received from Aunt Martha's characterizing the terms of her departure as termination due to unprofessional and disruptive behavior or that she been terminated for unprofessional and disruptive behavior in 2014. (Tr. 1296). Gallivan testified that Respondent said she had been released from the Naperville Children's Clinic due to not being able to take on extra shifts. (Tr. 1296).

Gallivan testified that Respondent initially told him she had not spent time alone with [redacted] but later told him she did. (Tr. 1298-99). Gallivan testified that Respondent told him they were alone together two or three times, eating meals. (Tr. 1299). He testified that Respondent told him [redacted] and Respondent spoke on the phone five or six times. (Tr. 1300). He testified that Respondent told him she had sent [redacted] approximately 20 or 30 e-mails, and sent [redacted] two pictures of herself fully clothed. (Tr. 1301). Gallivan testified that Respondent told him she had texted [redacted] approximately 15 times. (Tr. 1303). Gallivan testified that Respondent told him she had received two e-mails from [redacted] advising or asking her not to have any further contact. (Tr. 1303).

Gallivan testified that during their discussion about [redacted] getting an order of protection, Respondent initially said that [redacted] had tried to get an order of protection that did not go through, but then later said she was arrested for violation of an order of protection, and that she had an upcoming court date. (Tr. 1306).

Gallivan testified that during his interview with the Respondent on December 10, 2014, Respondent said she called and spoke with the dean of [redacted]'s employer, DePaul Law School, and "said that she had concerns about [redacted] teaching female students, specifically ones that were "eastern Indian," "overweight" and "had limited sexual experience." (Tr. 1307-08). Respondent told Gallivan that she had advised the dean that [redacted] had asked her whether she had seen a teenager's erect penis. (Tr. 1308). Respondent told Gallivan that she had said to [redacted]'s employer that he was harassing her. (Tr. 1309).

Gallivan testified that Respondent told him she had contacted Harvard Law School. (Tr. 1309). Gallivan testified that Respondent told him she spoke to a secretary there and said that [redacted] was acting inappropriately, because he had asked her about the erect teenager's penis. (Tr. 1309). Respondent did not explain to Gallivan why she chose to do that. (Tr. 1309).

Gallivan testified that in the course of the interview, he went through specific components of the complaint submitted by [redacted] (Tr. 1314). Gallivan testified that at the end of the interview, he summarized [redacted]'s complaint, including his assertions that she had been unprofessional, that she had sent him hundreds of texts and e-mails and messages after he had asked her not to, and that she then contacted his employers about [redacted]s false allegations against her. (Tr. 1315). Gallivan testified that Respondent said that [redacted]'s complaint did not have merit because [redacted] and Respondent were in different professions. (Tr. 1315).

Gallivan testified that during the interview, they did not have any conversations regarding false allegations regarding her personality and demeanor in the context of Edwards Hospital. (Tr. 1312).

Gallivan testified that initially, when he asked Respondent if she identified herself as a doctor when she called upon Harvard, she said she had not. (Tr. 1312-13). Later in the interview, she told Gallivan that she may have identified herself as a doctor when she was expressing concerns about [redacted]s professional work to his "employers," referring to DePaul Law School and Harvard Law School. (Tr. 1313-14).

[redacted]

[redacted]

Gallivan testified that he took notes during the December 10, 2014 interview and later shredded them. (Tr. 1332-33). Gallivan testified that he prepared investigative report number 1, which he submitted on October 9, 2014; the first activity recorded was a complaint received by the Department from [redacted] on August 28, 2014. (Tr. 1337). Gallivan identified Dept. Ex. J, the letter of [redacted] sent to the Department address and directed to whom it may concern, as part of the complaint [redacted] sent in August 2014. (Tr. 1341; Dept. Ex. J). He testified that [redacted] sent him a set of documents relating to unsolicited messages via text, Facebook, LinkedIn and E-mail. (Tr. 1344). Gallivan did not total up how many unique messages there were in those documents. (Tr. 1344).

Gallivan had a telephone conversation with [redacted] on October 9, 2014. (Tr. 1356). Gallivan testified that [redacted] stated that Respondent had not contacted him since he submitted his letter of complaint to the Department. (Tr. 1356). Gallivan was not aware that [redacted]'s AT&T cell phone records show that he initiated a number of phone calls and texts to Respondent's cell phone in 2012. (Tr. 1346).

*Testimony of Janell Martin*

Deputy Sheriff Janell Martin (hereinafter "Deputy Martin" or "Martin") was called to testify by the Department. (Tr. 1412). Martin testified that she has been employed by the Cook County Sheriff's Department as a deputy sheriff for the last 19 years. (Tr. 1413). She is currently assigned to the Domestic Violence Courthouse. (Tr. 1412). On March 12, 2015, she was working at that Domestic Violence Courthouse assigned to roving security, assisting in different courtrooms if those courtrooms were having problems. (Tr. 1414). Her duties included processing any arrests in the building. (Tr. 1414). She testified that there is a judicial order that no photos or video are to be taken in the Courthouse. (Tr. 1421). She testified that there was a protocol in place if she was notified that an individual taking photographs or videos in the Courthouse. (Tr. 1421). The protocol is to have the person erase whatever pictures or videos that he or she had taken, and to run his or her name to make sure they have no outstanding warrants or police investigative alerts. (Tr. 1421). If the individual that is taking the photos or videos refuses to delete the photos, it ends up being a supervisor's decision. (Tr. 1421-22). She testified that in general, they are taken to the lockup if there's no ID for the photo takers, so that the sheriff's office can get their identity; sometimes the judge will confiscate the phone also. (Tr. 1423).

Deputy Martin testified that she received a call on her radio from Deputy Sheriff Plummer, whereupon she went to the second-floor hallway and spoke to Deputy Plummer. (Tr. 1416-18). She testified that she approached Respondent, and took her to an area away from other people. (Tr. 1420). She testified that she asked Respondent for her ID and her phone, and told Respondent that she had been told Respondent was taking pictures in the courthouse. (Tr. 1422). Respondent told Deputy Martin that she did not have ID, and while she gave the deputy her phone, Respondent said she did not know the code to unlock her phone so that her photos could be deleted. (Tr. 1422-23). Deputy Martin told her that they were going to take her to the lockup for further investigation, while Deputy Plummer did a custodial search of her purse and found her ID. (Tr. 1423-24).

Deputy Martin testified that at that point, Respondent became very agitated, jumped up from the bench she was sitting on, came towards her trying to retrieve her phone, and started yelling that they had no reason to hold her. (Tr. 1424). Respondent went to grab her phone and hit Deputy Martin's hand. (Tr. 1424). She testified that she then tried to grab Respondent's arm and put her into handcuffs. (Tr. 1425). Respondent refused to put her hands behind her back as instructed by Deputy Martin and kept trying to pull away. (Tr. 1425). It took both deputies to handcuff her. (Tr. 1425). Respondent was screaming. (Tr. 1425-26). Respondent was placed under arrest for battery, and then for resisting arrest. (Tr. 1426). She was placed in a cell, and she was yelling the whole time she was in the lockup. (Tr. 1430).

Deputy Martin testified that Respondent was yelling that Deputy Martin and others were just mad because she was smarter than them. Respondent yelled that Deputy Martin and others in the vicinity of Respondent had sexually transmitted diseases and that she hoped their children got cancer. (Tr. 1430). She testified that Respondent yelled that she hoped Deputy Sheriff Martin and others in the lockup area brought their children to Respondent, and she would let them die. (Tr. 1431).

Deputy Martin testified that she subsequently appeared in Court twice on the criminal charges of battery and resisting arrest. (Tr. 1436). She testified that she spoke to Respondent's attorney, Michael Baker, on April 3, 2015. (Tr. 1437). [redacted] (Tr. 1438). Deputy Martin testified that she was not the type of person to kick someone when they were down. (Tr. 1438). She told Baker that she would be willing to dismiss the charges, [redacted] the photos were deleted from the phone and Respondent made an apology to herself and everyone who dealt with her that day. (Tr. 1438-39). She received Respondent's letter of apology, and the judge, who was apprised of the agreement, entered an order of dismissal. (Tr. 1441-43; Resp. Ex. O).

*Testimony of Bonita Plummer*

Deputy Sheriff Bonita Plummer (hereinafter "Deputy Plummer" or "Plummer") was called to testify by the Department. (Tr. 1457). Plummer testified that she has been employed by the Cook County Sheriff's Department as a deputy sheriff for the last 20 years. (Tr. 1457). She is currently assigned to the Domestic Violence Courthouse and has been assigned there for 15 years. (Tr. 1457). On March 12, 2015, she was working at that Domestic Violence Courthouse assigned

to courtroom 201. (Tr. 1458). She testified that she was in the hallway outside the courtroom when she noticed Respondent taking pictures of her. (Tr. 1458). She approached Respondent and asked her if she was taking pictures. (Tr. 1459). Respondent did not deny it. (Tr. 1459). She told Respondent that taking pictures was prohibited, and that definitely applied to taking pictures of officers. (Tr. 1459). Respondent replied that she could take pictures, and that it was her camera and her phone. (Tr. 1460). Deputy Plummer testified that at that point, [redacted] approached her and told her Respondent was taking pictures of him. (Tr. 1460). Deputy Plummer testified that she asked Respondent for her phone repeatedly and Respondent would not give it to her. (Tr. 1461). She called for assistance and Deputy Janell Martin came. (Tr. 1462). They asked Respondent for ID pursuant to protocol, and Respondent said she did not have any. (Tr. 1461). Deputy Plummer testified that Deputy Martin informed Respondent that she would be transferred to lockup for investigation. (Tr. 1462). Deputy Plummer testified that she searched Respondent's purse and found Respondent's ID. (Tr. 1462).

Deputy Plummer testified that Respondent then jumped up off the bench she was on and grabbed at Deputy Martin's hand. (Tr. 1462). Deputy Martin informed her that Respondent was going to be taken into custody for grabbing her. (Tr. 1462). She testified that Respondent tried to handcuff Respondent and Respondent refused, flailed her arms and resisted being handcuffed. (Tr. 1463). She testified that at the same time, Respondent was also screaming that Deputy Plummer was a "fat ass" and illiterate and that the sheriff's deputies were incompetent and stupid, which was why they held that job. (Tr. 1463). She testified that the two deputies were able to handcuff Respondent but Respondent did not cooperate after that. (Tr. 1463).

Deputy Plummer testified that she had seen Respondent in the courthouse five times since March 12, 2015, and there were no disturbances involving Respondent. (Tr. 1467).

*Testimony of Gregory Alden Mark*

Gregory Alden Mark was called to testify by the Department. (Tr. 1493). Mark testified that he has been employed by the DePaul University College of Law for seven years, and is currently a professor of law. (Tr. 1493). He was the dean of the college of law at DePaul in August 2013. (Tr. 1495). He testified that in August 2013, he received a telephone message from a woman with an unintelligible name asking him to call her back regarding [redacted] (Tr. 1495). He called the woman back by the next day, (Tr. 1496-98). He could not recall her name. (Tr. 1498). She told him she had some concerns about one of the members of his faculty. (Tr. 1499). Mark testified

that the woman told him she was concerned about [redacted]s behavior toward her, that [redacted] had made inappropriate advances toward her and had engaged in acts that violated the mores of their community, the Indian immigrant community. (Tr. 1499-50). He testified that the caller said she was a doctor, and was concerned about [redacted]s relationship with young female students. (Tr. 1950). He testified that the caller suggested if actions were not taken to keep [redacted] from engaging in this kind of behavior, that she might have to hire a lawyer, and that the law school could be liable for [redacted]s actions. (Tr. 1501). Mark testified that he prepared an email summarizing the conversation. (Tr. 1505).

Mark testified that no complaints of any kind were made against [redacted] during his tenure as Dean of the DePaul University College of Law. (Tr. 1510). He testified that he never spoke to or received any phone calls from any women relating to [redacted] other than that one call in August 2013. (Tr. 1511).

*Testimony of Jairo Mejia*

Dr. Jairo Mejia was called to testify by the Department. (Tr. 1535). He testified that he attended medical school in Columbia and did a residency at Mount Sinai Hospital in Chicago from 2002 to 2005. He is licensed to practice medicine in Illinois. He has worked at Access since 2005. Between 2006 and 2016, he was a regional medical director for one of the regions in Access. Dr. Mejia testified that he is currently the chief medical officer of Access. (Tr. 1535-37).

Dr. Mejia testified that he first learned of Respondent in June 2016 due to a series of complaints about her. The main complaints were about Respondent being disruptive in the health center with other colleagues or providers. The complaints involved Respondent interfering with patient care, and being intrusive when another colleague was seeing a patient. Staff members complained that Respondent was harassing them on Facebook. The manager was very concerned about the patients because the patients were bringing more complaints, and submitting them. Based on this information, Access regional manager, Dr. Charles Barron evaluated Respondent and in June 2016, gave Respondent feedback about the complaints. He testified that Respondent, dissatisfied, then called Dr. Mejia; Dr. Mejia asked Respondent to try to have better communication with everyone because it was Access' intention to try to keep its providers. (Tr. 1538, 1541-45).

Dr. Mejia testified that in September 2016, it was brought to his attention that many more situations were happening at Access including racial comments to the staff, so he had a meeting

with leadership of the region to analyze the situation. (Tr. 1549-50). He testified that it was decided that Respondent was not a good fit for Access because her behavior crossed many lines; that behavior included making bad racial remarks to the patients and staff, and intervening with and checking on and doing addendums to charts of patients Respondent did not see. He testified that thereafter, he referred the matter to Human Resources at Access with the recommendation that, based on all the information and circumstances, that Respondent's position be terminated and Respondent be given 90 days' notice. (Tr. 1550-51).

Dr. Mejia testified that Access set up the Safety Zone Portal, a web-based product which allowed people to report any occurrence that happened in Access. Every employee was able to file an event report on the Safety Zone Portal. He testified that it became operable within the last year or two. When he was meeting with leadership of Access in September 2016, all the documents from the Safety Zone Portal were brought to the analysis of Respondent's situation. The various complaints to the Safety Zone Portal were part of the decision-making process for termination. The concerns that led to his decision to recommend termination of Respondent's employment were the various complaints to the Safety Zone Portal. Dr. Mejia testified that when he recommended termination, he was unaware of Respondent's prior disciplinary issues at Access and did not hear about the August 18, 2015 final warning about Respondent's HIPPA violations until after the termination. (Tr. 1551-54, 1556, 1636; Dept. Ex. V, NN).

*Testimony of Dr. Mejia – Termination Meeting of November 21, 2016*

Dr. Mejia testified that he met with Respondent on November 21, 2016 along with an Access Human Resources representative and Dr. Mafla, the regional medical director. They gave Respondent her 90-day notice of termination at that meeting. He testified that Access decided to terminate Respondent's employment because of the numerous complaints it received during Dr. Mejia's time as Chief Medical Officer and before that. He testified that after the meeting, Respondent asked to resign from Access. He testified that a few days after the November 21, 2016 meeting, she left a letter of resignation in the manager's desk. (Tr. 1562-64, 1571-72; Dept. Ex. W).

*Testimony of Dr. Mejia – Credentialing Process*

Dr. Mejia testified that after February 2016, he was involved in the credentialing process of every provider at Access. He testified that Respondent did not disclose to Access in 2016 that she was facing a formal complaint by the Department (Tr. 1567-68). Access takes credentialing

very seriously, and cannot issue credentials to a physician with any kind of licensure problems. Credentialing a physician with licensure problems would require approval by the Board of Directors. (Tr. 1569-70).

*Testimony of Dr. Mejia – Termination Process*

Dr. Mejia made the decision to terminate Dr. Khungar's employment in September 2016. (Tr. 1587, 1636). Dr. Mejia testified that, regarding one of the complaints reported through the Safety Zone Portal, Access was compiling information about that complaint to support that decision and give the information to Human Resources. (Tr. 1636). Respondent was not given notice of that decision until November 2016. (Tr. 1587).

The Administrative Law Judge observed Dr. Meija during his testimony and found him to be open and straightforward. He was able to distinguish what he knew from what he did not about the processes of Access, and testified without hesitation.

*Testimony of Dr. Mejia – Regarding Respondent's EEOC Complaint*

Dr. Mejia testified that Respondent has a pending charge before the Equal Employment Opportunity Commission against her former employer, Access Health. (Tr. 1578). Dr. Mejia testified that Respondent made complaints for discrimination against her regarding co-workers Dr. DeJesus and Alicia Mariscal. (Tr. 1578). Dr. Mejia testified that Respondent had complained many times about medical assistants, medical providers, and patients having a discriminatory attitude toward her. (Tr. 1579). Prior to Dr. Khungar's termination of employment in December 2016, he did not learn that Respondent had been complaining to people at Access that she was being discriminated against herself. (Tr. 1581).

Dr. Mejia received a letter dated November 21, 2016 from Respondent that referred to "a few complaints that [Respondent] brought up regarding the attitudes of the staff at Kedzie Family Health that have not been adequately addressed, and these have been forwarded on to Dr. Jairo Mejia." (Tr. 1616, 1618; Dept. Ex. 66). Dr. Mejia did not know what complaints Respondent was referring to. (Tr. 1618).

*Testimony of Eleva Riley*

Eleva Riley was called to testify by the Department. Riley testified that she is employed at Access as vice-president of human resources and has held that position for eleven years. (Tr. 1662). Riley testified that she met with Respondent, Laura Whalley who was Respondent's immediate manager and Dr. Andres Mafla. (Tr. 1678). She testified that Respondent made the threats on April

10, 2016. (Tr. 1710-1711). She testified that the alleged threat was brought to her attention by an HR manager; it was brought it the HR manager's attention by physician Dr. Paula Cavens. (Tr. 1714). She testified that at that December 14, 2016 meeting, she shared with Respondent her concern that Respondent had made the statement: "[W]hat happens if this place catches on fire when I leave?" (Tr. 1679). She testified that Respondent replied: "That's not what I said. What I said was what happens if this place -- if there is a bomb when I leave here." (Tr. 1679). Riley testified that she immediately told Respondent that Respondent's reply was not funny and not appropriate, and that she was going to escalate Respondent's termination. (Tr. 1679). Riley testified that she meant that Respondent's contract had already been terminated and was within the 90-day period of time, so she was escalating Respondent's termination to December 14, 2016 from February of 2017. (Tr. 1679-80).

Riley testified that at the December 14, 2016 meeting, Respondent made a lot of very inappropriate comments. (Tr. 1680). Respondent stated that it was only because Respondent was "brown" that this was being alleged against her. Riley testified that Respondent said to her that: "It must be nice to be an underprivileged minority." (Tr. 1680). Respondent said that there was a running joke about her cooking, and that was what was involved here. (Tr. 1680). Riley stated that Respondent was escorted from the premises. (Tr. 1680).

Riley testified that on the morning of December 14, 2016, she met with MA Julie Loza who talked about the statement of December 10, 2014 to the effect that "What happens if this place burns down or burns up, when I leave." Loza told Riley that she replied: "Please don't do that while I'm here. I have children," to which Respondent replied to Loza: "Oh, I won't. I like you." (Tr. 1733-34).

*Testimony of Brian Zachariah*

Dr. Brian Zachariah was called to testify by the Department and Respondent in their cases in chief. (Tr. 1751). Dr. Zachariah testified that he is the Chief Medical Coordinator for the Department and has held that position for over six years. He has been licensed to practice medicine for the last 30 years. Dr. Zachariah testified that he had been the Division Chief, the Medical Director of Emergency Department and the Program Director for the University of Texas Medical Branch in Galveston, Texas from 2004 to 2008. Thereafter, he held an academic post at the University of Texas Health Science Center at Houston. He testified that he had been an assistant professor of emergency medicine at the University of Texas Southwestern. He testified that he as

an academician he taught professionalism and the practice of medicine courses at both University of Texas Medical Branch and University of Texas Southwestern. He testified that in his current position, he deals with issues that are brought to the Department's attention relating to professional responsibility frequently. (Tr. 1751-58).

Dr. Zachariah testified that it was his opinion, to a reasonable degree of medical certainty, that Respondent's conduct breached the standard of conduct of the profession (hereinafter "primary opinion"). Dr. Zachariah testified that he reviewed all the information related to the matter pending against Respondent in reaching that opinion. He stated that physicians hold a level of trust in respect to responsibility not only towards their own individual patients, but towards their co-workers and society as a whole. He testified that Respondent's conduct breached that standard. He testified that there was information related to the matter regarding: (i) improper examination where Respondent's conduct did not meet the expectations of the patient or the patient's family; (ii) instances of derogatory remarks about co-workers, and threatening remarks about co-workers or to co-workers, and other things that disrupted and lead to problems with the healthcare team; and (iii) things that happened in public places, that fell below the standard that the general member of the public would expect from a physician. (Tr. 1778-80). Dr. Zachariah testified that in conjunction with rendering his opinion that Respondent's conduct breached the standard of conduct of the profession, he became familiar with Respondent's work history because part of the responsibility of a physician, and part of what is expected of a physician, is that she is part of a healthcare team. (Tr. 1785-86). Dr. Zachariah testified that the term "disruptive physician" refers to a doctor who has a persistent, pervasive pattern of saying and doing things that are disruptive to the healthcare being delivered to a patient, or to the team dynamics, or to the image or reputation of the hospital, or the medical environment as a whole. Examples of disruption include acts that may be condescending, snide, offensive, racist, arrogant or contemptuous. (Tr. 1789).

Dr. Zachariah addressed a series of hypothetical questions during his testimony regarding what would bear on his opinion that Respondent's conduct breached the standard of conduct of the profession.

Dr. Zachariah testified that, assuming Respondent was placed on a corrective action plan while Respondent was employed at Aunt Martha's for inappropriate communication that was disruptive to the workplace, Respondent's conduct would be something that would breach the

standards of the medical profession if there was a pervasive, persistent pattern that culminated in the corrective action plain. (Tr. 1786).

Dr. Zachariah testified that, assuming Respondent indicated that she was discharged from Naperville Children's Clinic because of allegations regarding her personality and demeanor, and was dismissed as an unruly employee, and further assuming the veracity of that statement made by Respondent in a credentialing application, these considerations would bear on his primary opinion. He testified that medical research has established that things that disrupt team dynamics also disrupt delivery of quality of care; this would be the case even if the disruption to the team dynamics does not take place in front of the patient or does not take place the same day as patient care. (Tr. 1790-92).

Dr. Zachariah testified that assuming Respondent was terminated from Aunt Martha's, after having been placed on a corrective action plan, and given an opportunity to improve her conduct with colleagues and patients, and Respondent still failed to improve said conduct, that would bear on his primary opinion. He testified that disruptive physicians seldom recognize their own issues and personality traits and behaviors that lead to corrective action plans, therefore rarely follow such plans. Disruptive physicians are frequently terminated for failing to follow those plans. This fits the pattern seen in the medical community of disruptive physicians losing a job and going from job to job, and reflects that disruptive physicians create problems that spill over into patient care. (Tr. 1792-93).

Dr. Zachariah testified that assuming Respondent had made on numerous occasions in electronic communications statements that are discriminatory in nature, racist or ethnically derogatory, these considerations would bear on his primary opinion. He testified that demonstration in one setting that a physician does not have respect for someone's race or ethnic origin makes it extremely difficult to then maintain professional decorum and professional objectivity and treat such a patient properly. (Tr. 1796-97).

Dr. Zachariah testified that, assuming Respondent was terminated from Aunt Martha's, based on persistent and ongoing misconduct, including frequent, ongoing, inappropriate and unacceptable disclosures and remarks to patients and staff concerning the Respondent's personal life, relationship and problems that disrupted the workplace, as well as continued to make disparaging comments about entry staff that caused an increasingly hostile work environment, this

would support and be consistent with his primary and other opinions in that the Respondent's behavior indicates that she was being dismissed for being disruptive. (Tr. 1807).

Dr. Zachariah testified that, assuming Respondent was terminated from Access based on issues relating to poor interaction with other co-workers, harassment, or bullying, that would have bearing on his opinion, because these are the behaviors of a disruptive physician. He testified that, assuming the conduct concerning the administration at Access included belittling other healthcare providers, that would also bear on his primary opinion for the same reason. (Tr. 1794-95).

Dr. Zachariah testified that, assuming Respondent contacted a former co-worker, requesting a reference for a job, and for said co-worker to be a character witness, and this co-worker declined to do both of those things, and assuming that the Respondent began transmitting multiple statements on a public media about this co-worker and her husband that were derogatory and accusing this former co-worker of being racist against Indians, or individuals of Indian descent, that would bear on his primary opinion. (Tr. 1822-23).

Dr. Zachariah testified that, assuming Respondent, when requested to meet with Ms. Riley from Access and then when meeting her responded by mocking her tone of voice for being an African-American, and stating how nice it must be to be an underprivileged minority, this would bear on his primary opinion in that administrators are members of the healthcare team and one's expression of racist, condescending, snide comments toward a person based on their race or ethnic origin in one setting, inevitably run over into patient care subconsciously. (Tr. 1798-99).

Dr. Zachariah testified that, assuming Respondent, when meeting with Ms. Riley, the vice-president of human resources, to discuss allegations of other healthcare providers at Access that Respondent made statements implying that the facility was going to be burned down or blown up, this would directly bear on his primary opinion. He testified that hospitals and healthcare facilities are identified as being at high risk for violence, that any comment that implies retaliation or violence is going to be taken seriously by healthcare providers, and that putting that kind of fear into a healthcare provider will impact morale of the team and possibly lead to poor healthcare. He noted that trying to explain away disruptive comments by indicating one was joking fits the personality pattern of the disruptive physician. (Tr. 1799-1800).

Dr. Zachariah testified that, assuming when Respondent was contacted by Renee Wheeler, the Director of Human Resources at Aunt Martha's regarding a particular meeting, and was confronted with concerns about an incident, and Respondent started to parrot the African-

American clinic staff member's speech inflection in an inappropriate and derogatory manner, this would bear on his primary opinion. He testified that gestures and pantomimes can relay the same things as a racist, harassing, condescending or demeaning verbal statement, and such conduct violates the standards of the professionalism expected of a physician. (Tr. 1801, 1805).

Dr. Zachariah testified that, assuming when Respondent was in a courthouse where photographs are prohibited, and when approached by one of the Cook County Sheriff's Department, refused to cooperate, this would bear on his primary opinion. He testified that a physician has to abide by the rules of society, the rules of the courthouse, and the rules that everybody else who walks in that courthouse has to abide by. He testified that a physician has to abide by society's expectations of a physician and it brings dishonor to the profession for a doctor to be seen being arrested, placed in handcuffs, and arguing and fighting with a bailiff or deputy. (Tr. 1809-10). He further testified that, assuming that the respondent, after being approached by two sheriff's deputies, refused to provide the phone and identification and was subsequently placed under arrest, this would bear on his primary opinion for the same reason. (Tr. 1810).

Dr. Zachariah testified that, assuming Respondent while in the custody of the Cook County Sheriff's Department she hoped all their children get cancer, making this statement was unprofessional. He noted that while being arrested is stressful and many people would lash out, for Respondent to lash out in a medical fashion is violative of the professional standards of a physician. He testified that the same analysis applies to Respondent saying in those circumstances that if they brought their children to her hospital, Respondent would let them die. Dr. Zachariah testified that with regard to the second statement, Respondent's conduct was worse, in that the promised conduct is something in the doctor's control, and in that the promised conduct is something that violates the very core of medical professionalism. He testified that physicians treat patients to the best of their ability regardless of any disagreement they may have with their patients' families. (Tr. 1812-1814).

Dr. Zachariah testified that, assuming Respondent failed to disclose in a credentialing application that she had a formal complaint pending regarding her medical license, such an action constitutes unprofessional conduct. The credentialing application process is predicated largely on the honesty of the physician, and a hospital has a right to know if a potential staff member is under investigation. He applied the same analysis to the assumption that Respondent failed to disclose to a potential employer the circumstances of her termination by a prior employer. He further testified

that, assuming Respondent signed the affirmation of veracity of information on a credentialing application and failed to disclose certain information, such conduct bears on the ethics of the profession. He testified that honesty is crucial to the entire process of credentialing and is one of the ethical foundations of the practice of medicine. (Tr. 1817-19).

Dr. Zachariah testified that, assuming Respondent contacted a former co-worker, requesting a reference for a job, and for co-worker to be a character witness, and this co-worker declined to do both of those things, and further assuming for purposes of this question that Respondent began transmitting multiple statements on a public media about this co-worker and her husband that were derogatory and accusing this former co-worker of being racist against Indians, or individuals of Indian descent, this conduct bears on his opinion regarding the character of the disruptive physician. He testified that this is classic behavior for disruptive physicians wherein they often blame other people for their lot in life, and have a very difficult time making and maintaining long-term social connections, and when that social connection inevitably breaks down, then they lash out and attack the person who they previously had a relationship with. He characterized Respondent's conduct as being juvenile toward a former co-worker on a public social media site and noted that when knowledge of the conduct gets out, future co-workers may rightly be concerned about how their relationship with Respondent will go forward if they cross Respondent. (Tr. 1823-24).

Dr. Zachariah testified that he considered questions like "what would happen if this place burned down," or "what would happen if this place blew up?" to be verbal threats, and that they were also hypothetical questions or statements. To his knowledge, Respondent did not say that she personally intended to blow any place up or burn anything down. He testified that he did not interview anyone regarding the context in which those statements were allegedly made by Respondent and he did not recall to whom the statements were made. Dr. Zachariah testified that he never observed Dr. Khungar functioning on a medical team, and the last time he rendered patient care in a clinic or hospital setting was five-and-a-half years ago. (Tr. 1836-37, 1867).

Dr. Zachariah testified that, assuming that while the respondent was employed at Aunt Martha's, she was placed on a corrective action plan for inappropriate communication that was disruptive to the workplace, that would bear on his primary opinion. (Tr. 1787). Dr. Zachariah testified that, assuming that Respondent was terminated from Aunt Martha's after having been placed on corrective action plan, and given an opportunity to improve her conduct with colleagues

and patients, and that Respondent still failed to do that, that would bear on his primary opinion. (Tr. 1792).

The ALJ notes that based on his observation of the demeanor of Dr. Zachariah, and his consideration of the content and consistency of his testimony, especially with regard to the concept of the disruptive physician, the ALJ finds him to be a credible witness.

*Testimony of Dr. Tamara Lim*

Dr. Tamara Lim was called to testify by the Department. Dr. Lim is a physician licensed in Illinois and the medical director at Aunt Martha's. She became the interim medical director on April 1, 2014. (Tr. 2073). She was appointed pediatric department chair in August or September 2013. (Tr. 2076). Respondent first met with Respondent in February 2014. (Tr. 2077). She testified that the reason for the meeting was that she and then-medical director Dr. Jennifer Byrd were contacted by staff members of two of Aunt Martha's clinics. (Tr. 2075, 2077). Respondent was talking about a court case in the nursing station and talking to her lawyer from the same location; the staff indicated that something was going on with her ex-boyfriend. (Tr. 2077). They discussed with Respondent the issues related to Respondent sharing her personal information with patients. (Tr. 2082; Dept. Ex. SS). Respondent discussed a particular patient with Dr. Lim and Dr. Byrd that she thought it was acceptable to share such information with a patient's mother because the mother had disclosed personal information to Respondent. (Tr. 2083).

She testified that Dr. Jennifer Byrd, Dr. Tamara Lim, and Mary Martin, the chief compliance officer, met with Respondent at the end of March 2014 because of Respondent's behavior involving personal information and conduct issues with the staff in a clinical setting. (Tr. 2088). As a part of the March meeting, there was discussion about Respondent being placed on a corrective action plan because of her continued divulging of personal information and her conduct within the clinic as well as unprofessional demeanor. (Tr. 2088-89). This was explained at that meeting. (Tr. 2089). She testified that she and Dr. Byrd met with Respondent two days later, on March 28, 2014, whereupon Respondent signed the corrective action plan. (Tr. 2091). She met in April of 2014, to follow up on the corrective action plan and to do Respondent's performance evaluation; they discussed with Respondent specific concerns as to maintaining professionalism. (Tr. 2098, 2101). She met with Respondent and others on May 1, 2014, including the chief financial officer where the option of termination versus resignation was discussed. (Tr. 2105-06).

She met with Respondent and others on May 19, 2014, including chief executive officer Raul Garza, where Respondent was terminated. (Tr. 2120).

Regarding Aunt Martha's June 2013 Employee Performance Evaluation, Respondent was rated a "5," meaning "outstanding" for "Exhibits professionalism in compliance with the agency's Code of Ethics" and " respect[s] and "understand[s] the privacy of clients and agency information." (Tr. 2142, 2147-49; Resp. Ex. 71).

*Testimony of Dr. DeJesus*

The Department called Dr. Tara DeJesus to testify. (Tr. 2233). Dr. DeJesus joined Access in 2010 and is currently employed by Access. (Tr. 2234-35). Dr. DeJesus is a pediatrician and has been licensed to practice medicine in Illinois since 2002. (Tr. 2234). She graduated from Rush Medical School in 1999. (Tr. 2234). She currently works in the Access health system at the Kedzie Family Center on 47th and Kedzie. (Tr. 2235). Dr. DeJesus testified that Respondent started working full-time as a pediatrician at Kedzie in August 2014. (Tr. 2239). She characterized her relationship with the Respondent at that point as friendly. (Tr. 2239).

Dr. DeJesus testified that she later encountered issues with Respondent that caused Dr. DeJesus to contact her supervisor. (Tr. 2240). The first incident occurred in May 2015 and was related to Dr. DeJesus seeing a two-year-old patient with scabies. (Tr. 2240). Dr. DeJesus testified that she checked the chart and noted that the nurse practitioner had seen the patient about a month prior, and that the patient had been treated but there was no documentation that the entire family had been treated. (Tr. 2241-42). She testified that she approached the nurse practitioner in the lunchroom at the clinic, where Respondent was also present. (Tr. 2244). She suggested to the nurse practitioner that the nurse practitioner treat the whole family. (Tr. 2244). Dr. DeJesus testified that at this point, Respondent interjected in an adversarial manner. (Tr. 2244-45). Dr. DeJesus testified that she felt that there was tension between her and Respondent and later asked to speak to Respondent in another room. (Tr. 2245-46). Respondent told Dr. DeJesus she was not Respondent's boss. (Tr. 2246). Respondent told her that Respondent had gone to Ivy League schools and was Board Certified. (Tr. 2246). Respondent accused her of snooping through charts and not taking care of patients. (Tr. 2246). Respondent told her that the wait times for Dr. DeJesus' patients were longer than Respondent's and that Dr. DeJesus' times would be better if Dr. DeJesus was not checking up on everybody's charts. (Tr. 2246-47). She testified that Respondent's

comments carried into the lunchroom. (Tr. 2246). Dr. DeJesus testified that she reported the incident to office manager Alicia Mariscal and regional director Barron. (Tr. 2247).

She testified that thereafter, she continued to work with Respondent at the Kedzie location, and with time their relationship was friendly and joking. (Tr. 2248). They did not socialize or go out after hours. They exchanged gifts for the Christmas of 2015. (Tr. 2252). She gave Respondent a stuffed back support rest called a "husband" because at the Kedzie center Respondent had frequently told everyone how much she wanted a family with a husband and children. (Tr. 2252). Respondent posted a picture of herself with it and posted it on Facebook and jokingly told Dr. DeJesus on several occasions that she cuddled up with her "husband." (Tr. 2252-53). Things between Dr. DeJesus and Respondent continued favorably into 2016. (Tr. 2253).

Dr. DeJesus testified that in mid-2016 she heard complaints from patients who had seen Respondent a week or so before and then made follow up appointments because their issues were unresolved. (Tr. 2253-56). She testified that at that time, at Kedzie, when she received a patient complaint, she would ask the patient or the patient's parents if they wanted to speak with the site manager, and if they did, then she would have the site manager speak with them and they would submit their complaint. (Tr. 2254-55).

Dr. DeJesus testified that in April 2016, a 13-year old patient with ovarian cysts came to Dr. DeJesus after having been seen by Respondent. (Tr. 2257). Respondent testified that the mother of the patient was offended by things Respondent said during the patient visit in the examination room. (Tr. 2259). Dr. DeJesus testified that she asked them if they would like to speak to the manager and file a complaint, and then walked them into the office of Alicia Mariscal, the site manager. (Tr. 2257, 2261).

Dr. DeJesus testified that medical assistants assigned to Respondent, when they were in-between patients, would not spend time in at the work station to which they were assigned but would come to Dr. DeJesus' work station instead. (Tr. 2263-64). They told her they did not want to be near Respondent. (Tr. 2263).

Dr. DeJesus testified that on June 11, 2016, she was at her work station when the mother of a patient, her son, approached Dr. DeJesus. (Tr. 2264). Dr. DeJesus testified that the patient had just seen Respondent. (Tr. 2265). The patient had been at an inpatient psychiatric treatment center and had been on psychiatric medication. (Tr. 2263-64). The patient had been accused of a sexual

molestation of a younger cousin. (Tr. 1271). Dr. DeJesus testified that she herself had previously seen the patient and Respondent had only seen the patient that one time. (Tr. 1268).

Dr. DeJesus testified that Respondent approached them and addressed the mother, asking her if there was a problem and asking her what was going on. (Tr. 2265-6). Respondent told the mother regarding certain medication that, "I'm the doctor," and "There are side effects to the medicine. One is that he's going to become impotent." (Tr. 2266). Dr. DeJesus testified that Respondent would not leave the area until the mother did. (Tr. 2270). She testified that thereafter, Respondent commented to Dr. DeJesus in the workplace that: "Yeah, maybe he should be on the medicine so that he would be impotent and not sexually abuse anybody else." (Tr. 2271). Dr. DeJesus testified that she memorialized the incident because this behavior made her feel very uncomfortable. (Tr. 2271; Dept. Ex. ZZ).

Dr. DeJesus testified Respondent was very open with her co-workers about her personal life. (Tr. 2275). Dr. DeJesus testified that in April 2016, she and some medical assistants were in the lunchroom when Respondent came in with a sad look on her face, and said:

> I'm going through a lot. My ex-boyfriend, he's suing me. I'm going through a lot. He's trying to bankrupt me and my parents, trying to take away my license. (Tr. 2275).

Respondent then came over to her and said:

> "My ex-boyfriend, he's stalking me. He's trying to take my license away. I've been fighting for my license. It's been really hard. I've been going through a lot of tough times. And if any lawyers contact you, can you please tell them I'm a good person? Please tell them I'm a good doctor. Please vouch for me that I'm a good person," (Tr. 2275-76).

Respondent asked Dr. DeJesus if she would state that Respondent was stable. (Tr. 2275-76). She testified that Respondent then began crying hysterically in the middle of the lunchroom where other co-workers witnessed the incident. (Tr. 2276, 2280). She testified that this was very inappropriate at work. (Tr. 2280).

She testified that since Respondent started working at Access, Respondent had shared with her and anybody who would listen about how she was supposedly being stalked by someone she referred to as her boyfriend or ex-boyfriend. (Tr. 2275).

Dr. DeJesus testified that shortly thereafter the parents of patients, on at least two occasions, gave her details regarding Respondent's stalking case with the ex-boyfriend and informed her that Respondent was in financial difficulties. (Tr. 2277).

Dr. DeJesus testified that on June 11, 2016, while at work, Respondent told her that Respondent had been fired from her previous job because of the ongoing lawsuit with the ex-boyfriend. (Tr. 2278-79). Respondent told Dr. DeJesus that she was $80,000 in debt and that her parents had to put a second mortgage on their house to help with the lawyer's fees. (Tr. 2279-80). She told Dr. DeJesus that her ex-boyfriend/boyfriend was a law professor at DePaul, had gone to Harvard and had a twin brother who supposedly was homosexual. (Tr. 2280). Dr. DeJesus testified that Respondent was distraught during the conversation. (Tr. 2280).

Dr. DeJesus testified that Respondent's lunch room incident, the follow up conversation on June 11, 2016 and comments from Respondent's parents were a pattern and she decided to document them. (Tr. 2282-2283). The pattern prompted her to send an email to Alicia Mariscal on June 17, 2016. (Tr. 2286; Dept. Ex. AAA). She testified that the complaints from the patients were becoming more frequent. (Tr. 2286). She attempted to discuss with Respondent the concerns that patients' parents brought to her attention, and Respondent told her that she was not Respondent's boss. (Tr. 2284-85). Respondent was not willing to hear her or have any further conversations with her. (Tr. 1285). Dr. DeJesus sent another email to site manager Alicia Mariscal documenting her concerns regarding Respondent and a July 11, 2016 patient visit. (Tr. 2297-99; Dept. Ex. BBB).

Dr. DeJesus testified that regarding the incident described as event no. 15330 in the Access Safety Zone Portal system, she made that complaint about Respondent based on an incident where the Respondent made an addendum to one of Dr. DeJesus' notes. (Tr. 2307).

Dr. DeJesus testified that regarding the incident described as event no. 15398 in the Access Safety Zone Portal, Dr. DeJesus reported the complaint to the site manager. (Tr. 2314). Dr. DeJesus' first action was always to direct the patient to the site manager. (Tr. 2315). Dr. DeJesus did not feel comfortable collaborating with Respondent when the incident came to Dr. DeJesus' attention. (Tr. 2316). She testified that after Respondent met with the chief medical officer and the human resources department and sent an internal email in November 2016 stating she had resigned, the staff was walking on eggshells. (Tr. 2316-17). She characterized Respondent's mood at that

time as very, very volatile, being very nice one moment, and then being very odd the next. (Tr. 2317).

Dr. DeJesus learned on December 14, 2016 that Respondent had been terminated from Access that day. (Tr. 2316-17). She testified that shortly thereafter, Respondent sent her messages on Facebook and by text praising her and saying Respondent was glad to have met her. (Tr. 2318-19; Dept. Ex. Y). On January 17, 2016, Respondent sent a text to her asking for a reference for a job that Respondent was applying to in California. (Tr. 2320; Dept. Ex. Y). Dr. DeJesus testified that she was not comfortable writing such a reference letter and did not respond. (Tr. 2320).

Respondent attempted to socialize with Dr. DeJesus after her termination, sending a text to Dr. DeJesus and the nurse practitioner. Dr. DeJesus did not respond. (Tr. 2322).

Dr. DeJesus testified that Respondent started harassing her on Facebook. (Tr. 2333). She testified that Respondent put up comments accusing her of being racist, being mean, being a poor doctor and mistreating people at work. (Tr. 2332). She testified that Respondent made posts blaming Dr. DeJesus for Respondent's termination. (Tr. 2332). She testified that Respondent would post comments and then delete them, so Dr. DeJesus began to take screen shots each time Respondent posted something. (Tr. 2332).

*Testimony of Alicia Mariscal*

Alicia Mariscal was called to testify by the Department (Tr. 2560). Mariscal testified that she currently works at Access at the Kedzie center as the health center manager. She has held that position for the last nine years. She testified that it is part of her duties as the Kedzie center manager to address and report any patient complaint and escalate it. She prepared the May 20, 2015 Access Confidential Adverse Event Report documenting an incident between Respondent and Dr. DeJesus over treating a family with scabies. She testified that she then escalated the matter, sending the paperwork up to Human Resources and Dr. Charles Barron. Mariscal testified that she did not reprimand physicians. (Tr. 2561-62, 2566, 2571, 2578; Dept. Ex. CCC).

Regarding the HIPPA incident that resulted in Dr. Barron's 2015 final warning to Respondent, Mariscal testified that the staff member, whose child's medical records had been gone through by Respondent to get a phone number to reach MA Navarro, was very upset. The staff member's ex-husband thought something was wrong with their child because Respondent had called him. She testified that Respondent's medical assistant Navarro later resigned, and that Respondent, apparently unaware of this fact, told Mariscal and Dr. Barron to their faces that

Respondent had fired Respondent's MA and that Respondent could not trust Mariscal. (Tr. 2573-77).

Mariscal testified that in 2016, she started receiving complaints about Respondent from patients. She testified that she documented the events of June 2016 involving Respondent. She testified that she received an email from Respondent stating that MA Gloria Rosales had asked Respondent if she believes in God, and asked if Respondent would date Latino men. (Tr. 2582-84). Mariscal was disturbed as this was conversation medical assistants and providers should not have. Mariscal testified that when she confronted MA Rosales, Rosales was sad and surprised, saying that Respondent had brought up God and Rosales did not know why Respondent would say that about her. She escalated the dispute to Dr. Barron. (Tr. 2582-84; Dept. Ex. EEE).

Mariscal testified that MA Jasmine Angel and Respondent had a very strange relationship. She testified that Respondent said Jasmine had written something bad about her, and due to that Respondent did not get a good evaluation and Respondent got written up. She testified that Jasmine felt like she was not being spoken to anymore by Respondent. She testified that Respondent and Jasmine would work together but it was very short. On June 13th, 2016, Respondent walked into Mariscal's office and told her that she did not have any problems with Jasmine, but Jasmine was the one who had problems with Respondent. (Tr. 2588, 2594).

*Testimony of Renee Wheeler*

Renee Wheeler was called to testify by the Department. Wheeler was the director of HR for Aunt Martha's for five and half years, until April 2017. Wheeler testified that on May 7, 2014, she attended a meeting with Respondent, CFO Christopher Nordloh, and CEO Raul Garza. She testified that at the meeting, Respondent started to explain that she had changed her mind about wanting to resign and wanted Garza to make the final decision about her employment with Aunt Martha's. (Tr. 2080). Respondent started to talk about some of the medical assistants that she worked with. She testified that Respondent started talking about an African American medical assistant. She testified that Respondent was describing a conversation that she had with this medical assistant, and as Respondent did this Respondent began to parody what Respondent believed to be African-American speaking, Wheeler testified that this was a little offensive to her as an African-American, as well as unprofessional. She testified that Respondent then began talking about Respondent's own supervisor at the time, Dr. Lim, saying Lim was not as educated

as Respondent and was not qualified to be a medical director. Then Respondent began to cry. (Tr. 2770, 2777-81; (Dept. Ex. AA).

Wheeler testified that Aunt Martha's have a code of conduct policy that applies to its employees. She testified that the code of conduct prohibited displaying disorderly, abusive and indecent conduct as a part of that code of conduct. She testified that people at Aunt Martha's are held to high conduct standards, especially doctors and directors. As director of HR, based on her interactions and observations of the Respondent on May 7th of 2014, she thought Respondent had violated that code of conduct. (Tr. 2782).

Wheeler testified that Respondent initially resigned from Aunt Martha's, changed her mind, and then was subsequently terminated. (Tr. 2822).

*Testimony of Respondent*

Respondent testified that her most recent position as a pediatrician was when she worked at 21st Century Pediatrics in Naperville, Illinois from August 2017 to September 2017, and before that from August 2016 to January 2017. She had covered for Dr. Susan Sankari at the offices of 21st Century Pediatrics in Naperville and Willowbrook intermittently since 2012. (Tr. 50, 60-61, 3668-3669). Respondent gave notice in January 2017 that she could not work there due to the suspension of her license at that time. (Tr. 50). She was working on January 28, 2017 for 21st Century Pediatric. (Tr. 82). Respondent testified that she notified 21st Century that she had been terminated from Access, identifying various different dates of notification in 2016 and 2017. (Tr. 83).

*Testimony of Respondent – Other Employment – 2012 Onwards*

Respondent testified that from 2012 to 2015, she covered for Dr. Efrain Flores of Bolingbrook eight times. (Tr. 58-59). From 2012 to 2017, she also covered for Dr. Scott Mercola of River Forest Pediatrics for two to five days per year. (Tr. 60-61). Since 2012, she also covered for Dr. Susan Sankari at the offices of 21st Century Pediatrics in Naperville and Willowbrook for 25 – 35 days per year. (Tr. 60-61). Respondent did not list this locum tenens work for Drs. Flores, Mercola and Sankari on her curriculum vitae as it involved neither a full-time or part-time position. (Tr. 58-61).

*Testimony of Respondent - Access*

Respondent testified that she worked two years at Access and was credentialing for a third year as of May 2016 or before. (Tr. 3672). Respondent testified that her Access ratings (January

to October 2016) were based on surveys of 450 to 550 patients over about six months. (Tr. 3809). She said 81.5% stated that Respondent did show respect for what the patient said and 70 out of 100 of the patients Respondent saw said they would likely return. (Tr. 3810-11; Resp. Ex. 82). She testified that Dr. Barron signed a credentialing document stating that she would have privileges for a third year at Access. (Tr. 3673-74). She testified that Dr. Barron did not make any decision to terminate her from Access. (Tr. 3674). She was terminated from Access at a meeting on November 21, 2016, the date of credentialing. (Tr. 3675-78). She said at the meeting that she would like to resign. (Tr. 3679). She testified that the first time she ever saw the November 1, 2016 termination letter was in January 2017. (Tr. 3679-80).

*Testimony of Respondent – Regarding Certain Events at Access*

On direct pro se examination, Respondent testified that Respondent did not know why she was accused on December 14, 2016 of being a bomb threat. (Tr. 3681). She surmised that because she did not attend the office Christmas party on December 10, 2016, her lack of attendance at such a party prompted discussion around her religious belief system, and an assumption was made that she was of the Muslim faith and was capable of being a bomber in her workplace. (Tr. 3680).

On adverse examination, Respondent testified that in December of 2016, she did not meet with any individuals with regard to allegations of inappropriate or unprofessional conduct at Access. (Tr. 833). She testified that she first met Riley in December 2016. (Tr. 833). Respondent testified that when she walked in, she was pushed aside into a room and was accused of being a bomb or fire threat by Eleva Riley of human resources. (Tr. 3818).

She then testified that she did not sit down and talk with Riley so she did not consider it a meeting. (Tr. 834). She then testified that Riley came in, Riley was asked to escort Respondent out of the building, and Riley said that something had been said. (Tr. 835). Respondent testified that she did not get to speak with Riley. (Tr. 835). Respondent testified that Respondent was escorted out of the building by Riley. (Tr. 835). Respondent also testified that Riley did not get to walk her out. (Tr. 836).

Respondent testified that she received a letter from Riley dated December 20, 2016, indicating that Respondent was being terminated. (Tr. 837). She testified that Riley did not do any formal investigation or ask Respondent questions about whether she bombed or set fire to the workplace. (Tr. 3818).

On direct pro se examination, Respondent testified that on December 14, 2016, she was accused of being a bomb threat. (Tr. 3680). Respondent testified that Access said in its termination letter to her that Respondent said: "What will happen if this place were to blow up after I leave." (Tr. 3681). She testified that she did not say this. (Tr. 3681). On direct pro se examination, Respondent testified that what did happen was that she received authorization for a patient to get vaccinated with Synergis, which was expensive, on a monthly basis. (Tr. 3682-83). She testified that she then told MA Marcy Zuniga with regard to that authorization that "[i]f anything should happen to this paper, should it be destroyed or fire, flood or other calamity, I can't regenerate it. Could you kindly scan it into the computer system so you could retrieve it and this little child doesn't miss any other ...vaccinations?" (Tr.3683-84). She testified that MA Zuniga complied, and five or ten minutes later, MA Julie Loza shouted: "Don't do it, I have kids." (Tr. 3685). Respondent testified that she was confused and ignored the remark. At the end of the work day, Respondent gave MA Loza a wrapped package and this package was intended for the Christmas party that evening. (Tr. 3680, 3685-86).

*Testimony of Respondent – Access 2016 Credentialing Form*

She testified that her 2016 Credentialing form for Access was a "pre-populated preliminary credentialing application that was submitted by the company on its own behalf.", and it lists under her work history that her current workplace was Access' Kedzie Center. (Tr. 68, 75, 91; Dept. Ex. U). She testified that she filled out the credentialing form for Access in 2016 and signed the credentialing form on April 25, 2016. (Tr. 70, 91; Dept. Ex. U). She testified that she signed and verified the accuracy of the contents of the credentialing form in April 2016, and would not have signed this document attesting to the correctness and completeness, unless it was actually complete and correct. (Tr. 73-74, 90).

She testified regarding her 2016 Credentialing form, she indicated that she had hospital membership at Advocate Illinois Masonic. (Tr. 80). She testified that Access asked her to only fill in the present employer and the present hospital, and they could back populate the form from the computer. (Tr. 81-82). She testified that there were other hospitals where she had a past membership where she was no longer working, and she did not fill those in because those were pre-populated. (Tr. 82). She opted to leave out that information at the direction of a credentialing individual. (Tr. 82).

She testified that she answered "no" to Question 9 of 2016 Credentialing form which stated:

> "Have any disciplinary actions or proceedings been instituted against you, or any disciplinary actions now pending with respect to your hospital or ambulatory surgery privileges and/or your license?" (Tr. 89-91).

She testified that at the time she filled out the credentialing form in April 2016, there was no formal complaint filed against her. She testified that at that time there was a motion to dismiss the instant case. She later indicated that the motion to dismiss was filed later. She testified that she did not answer "Yes" to Question 2 of the Credentialing form at p. 12:

> Have you been reprimanded and/or fined, been the subject of a complaint and/or have you been notified in writing that you have been investigated as the possible subject of a criinal, civil, or disciplinary action, by any state or federal agency which licenses providers? (Tr. 100-01).

She said she did not answer "Yes" because she "was not aware of a formal complaint number." (Tr. 100).

Respondent testified that attorney Michael Baker represented her on February 16, 2016. (Tr. 96). She testified that Baker never showed her the initial complaint in the instant case, nor did he tell her that it existed. (Tr. 96). She testified that Baker was present with her at the informal conference that took place at the Department with one of the Board Members on April 25 or 30, 2016. (Tr. 97-98). She met with Baker for an hour or more to prepare for the informal conference. (Tr. 97-98).

*Resignation from Advocate Illinois Masonic*

She testified that she resigned from Advocate Illinois Masonic on January 30, 2017. (Tr. 86). She testified that she submitted a letter of resignation in November 2016. (Tr. 86). She also testified that she did not remember the exact month that she gave it to them. (Tr. 86). Her resignation was effective January 1, 2017. (Tr. 86). She testified that her resignation letter said she would not be continuing to maintain and pay for hospital privileges at that hospital, because she had no clinical activity there, and had no patient load there. (Tr. 86-87). There were no actions or investigations pending against her by Illinois Masonic, when she resigned. (Tr. 87-88). She did not notify Illinois Masonic that she had a complaint pending against her that had been filed by the Department. (Tr. 88). She testified that the last time she re-credentialed with Illinois Masonic was

in 2014. (Tr. 88). At first, she testified that she had not met the investigator at the time of her credentialing with Advocate Illinois Masonic. (Tr. 28).

*Testimony of Respondent – Before the 2014 Interview*

Respondent testified that in mid-September 2014, Advocate Illinois Masonic notified her that Respondent was to call Investigator Joe Gallivan. (Tr. 107). She testified that her attorney in another matter, Phil Snelling, contacted the Department on October 14, 2014 at her request, due to miscommunications from Gallivan on who was the complainant. (Tr. 109). She testified that the Department asked Snelling to convey to Respondent that the investigator wished to meet with her, and Snelling relayed this to her. (Tr. 111). Respondent testified that Snelling was not representing her before the Department. (Tr. 111). She then spoke with attorney Ed Bruno and told him her workplace had a policy that prevented her from scheduling such a meeting without prior authorization. (Tr. 116). She testified that there was a miscommunication with Bruno. (Tr. 116). She testified that she allowed Bruno to communicate that she had to reschedule the interview. (Tr. 122). Ed Bruno wrote to the investigator that he was Respondent's attorney. (Tr. 112). Respondent testified that she did not authorize Bruno to send the letter, and for that reason did not retain Bruno. (Tr. 112). Respondent testified that she spoke with an attorney, Douglas Graham, and told him she had an interview with the Department on November 19, 2014. (Tr.125). With her authorization, Graham contacted the investigator and told him Graham would be representing Respondent and reconfirmed the interview date. (Tr. 125). She testified she had not retained Graham. (Tr. 124, 126). She retained an attorney, Elizabeth Granoff, who was with her in December of 2014, when she went to the Department's office in Des Plaines to meet with an investigator. (Tr. 103-04).

*Testimony of Respondent – Department Interview of Respondent*

Respondent testified that she had been interviewed in September 2014, and was not told that there was an investigation ongoing at that time. (Tr. 93). She testified that she was told by Investigator Joseph Gallivan that he had to do formal questioning of her at the Des Plaines office. (Tr. 93).

Respondent testified that she was interviewed on December 10, 2014 by Gallivan from the Department. Elizabeth Granoff was with her. (Tr. 79-80; 103, 142). She testified that she met with Gallivan and he communicated to her that the situation may or may not be assigned a complaint number. (Tr. 93). He did not give her a complaint. (Tr. 104). She testified that she was not made aware of the complaint number until she retained attorney Louis Fine in May of 2016. (Tr. 93).

She denied that she told Gallivan that she was dismissed from Aunt Martha's in 2014, due to not being able to take shifts because of court appearances concerning [redacted] (Tr. 80).

Respondent told the investigators that she was terminated for cause from a different clinic, the Naperville Children's Clinic, in 2008 after a disagreement regarding taking on extra shifts. (Tr. 143-44). She testified that regarding that termination, there were no allegations regarding her personality and demeanor. (Tr. 144). Respondent testified that she wrote a letter dated April 5, 2008 stating she was terminated unjustly from Naperville Children's Clinic with false allegations regarding her personality and demeanor. (Tr. 144-6). When asked a question about whether she said during the interview that there were false allegations, Respondent testified that she recalled discussing the false allegations at length with Gallivan. (Tr. 149).

*Testimony of Respondent – Additional Counsel for Respondent – Complaint*

Respondent testified that Granoff requested not to be Respondent's attorney after the meeting with the investigator in 2014. (Tr. 104). She then retained Tony Carballo. (Tr. 96, 105).

[redacted]

*Testimony of Respondent –* [redacted]

She testified that she first met [redacted] in May 2012. (Tr. 175). She met him at the Stimulus Social Club. (Tr. 173, 175). Stimulus Social Club is something that people go to once a month to

make professional contacts or social contacts. (Tr. 174-75). She testified that they exchanged telephone numbers that evening. (Tr. 200). She testified that [redacted] made many romantic advances on her that were unwelcomed and offensive, starting from the inception of their friendship in May 2012. (Tr. 172). She testified that she did not have a dating relationship with [redacted] in May of 2012. (Tr. 171). She testified that she did not have a sexual relationship with [redacted] (Tr. 171-72).

She testified that there was a group of friends they had in common. (Tr. 181). She testified that she lost all her friends because [redacted] had a house party in August 2012 when she was not in town. (Tr. 181-82). She testified that he invited all of her friends deliberately when she would not be in town. (Tr. 181-82). She testified that this did not bother her. (Tr. 182). She later testified that [redacted] was angry that she was not going to the house party. (Tr. 185). She testified that she did not know whether [redacted] planned the party because he knew she was going to be out of town. (Tr. 185).

Respondent testified that she found [redacted] to be very rude. (Tr. 181). As a result, she did not find him attractive. (Tr. 181).

She testified that [redacted] was pursuing her romantically at times. (Tr. 191). She testified that she felt this way when [redacted] told her: "I love you, but I don't like the white women I'm sleeping with." (Tr. 191). She also testified that he said: "I don't love the white women. I just sleep with them." (Tr. 193). She also testified that he said: ""I love you, but white women are easier to sleep with. You know, I'm calling myself Mo for them, so that I could sleep with white women, but I don't love them, Pooja." She testified that Respondent told her this in approximately June of 2012 at a charity event. (Tr. 192).

Respondent testified that at that event in June 2012, she, [redacted] and his friend were in a car and [redacted] was drunk and he asked her to drop his friend off at a club because "quote-unquote, 'Sandesh wants to chase after those white ladies, but I love you.' " (Tr. 196). She left the event because [redacted] was being ridiculous. (Tr. 196). Respondent testified that [redacted] then said, "Can you drop me and this guy, you know, to the next place. We're going to party." (Tr. 196).

She testified that [redacted] "was not nice enough to take a girl on a romantic date, because he just takes girls for a $7 movie and then sleeps with them, and that includes 24-year-old law students." (Tr. 195). She testified that [redacted] asked her out on dinners and paid for them, but she had not been out on a romantic dinner with him. (Tr. 195). She testified that in August 2012 she and [redacted] had one flash of chemistry, when they went out for lunch. (Tr. 201). She testified that he was asking her questions about marriage and kids. (Tr. 201). She also testified that it occurred

right before [redacted]'s birthday, maybe the end of June. (Tr. 201). She also testified that the flash of chemistry that occurred at that time might have been a joke. (Tr. 204-05). She also testified that she did not remember. (Tr. 205). She explained that she did not remember because a long time passed and many things had transpired since then that put her "in a difficult position financially." (Tr. 205). And then she did not have any future attraction to him because he continued to be disrespectful. (Tr. 201).

She testified that in early August 2012, [redacted] made verbal advances or sexually charged comments to her that were inappropriate. (Tr. 205, 208). She testified that over lunch and in person in August 2012, [redacted] said to her that she appeared to be very sexually inexperienced, and had never seen a man get an erection. (Tr. 205-07). She testified that [redacted] then said: "Have you at least seen a teenage patient of yours have an erection?" (Tr. 206).

She then testified that these were not verbal advances by [redacted] but comments he made to her that were sexually charged. (Tr. 208). She testified that the kinds of things [redacted] would say to her were "I wouldn't mind raping the bleep out of you" and that he said them at the lunch. (Tr. 208). When asked on adverse examination if [redacted] used the word "raping," Respondent testified that she did not remember. (Tr. 208). She considered these kinds of statements at the lunch in August to be inappropriate behavior. (Tr. 209). She testified that she sent [redacted] an E-mail in 2014 saying that [redacted] "made a joke based on rape." (Tr. 228).

She testified that [redacted] did not at any point make advances towards her indicating he wanted to have sex with Respondent. (Tr. 210). She testified that he made declarations that he loved Respondent, and that he would respect her moral customs. (Tr. 210). She testified that "then he said he would sleep with all the white women" and showed her pictures of a "specific Caucasian that he had slept with." (Tr. 210). She said that [redacted] also showed her a picture of a 24-year-old law school student at Loyola that he intended to date and sleep with. (Tr. 210). She testified that Gallivan asked her to describe what happened with [redacted], she testified that she did not tell Gallivan that [redacted] showed her photographs of the 24-year-old law student because there was not enough time. (Tr. 223). She said she stuck with what was pertinent and relevant at the time: the incident with the chips at the restaurant and [redacted]'s question as to whether she had ever seen the erect penis of a teenage patient. (Tr. 223).

She testified that she indicated in an email to [redacted] that she and he were the perfect couple because of their Ivy league backgrounds and the similarity in their cultures. (Tr. 212). In 2012 she was 35 years old and she thought [redacted] was 36 years old. (Tr. 211-12).

When asked if she regretted any of her behavior as it related to [redacted], she testified that she did regret it. (Tr. 213).

Respondent testified that she and [redacted] had four or five one-on-one outings together. (Tr. 202). She testified that in June or July 2012, during a one-on-one dinner, [redacted] told the waiter to take Respondent's chips from her. (Tr. 215-16). She testified that the incident related to her professionally, because people who are significantly obese cannot function and that's a point of discrimination. (Tr. 226). She testified that it could affect her career. (Tr. 227). She continued to spend time with [redacted] (Tr. 217). She characterized the interaction with [redacted] as six months of a very conflicted relationship with inappropriate comments being made frequently right and left. (Tr. 228).

Respondent testified that Gallivan did not show her [redacted]'s letter of complaint to the Department. (Tr. 235; Dept. Ex. J). Respondent testified that Gallivan did not view letter of complaint when Gallivan interviewed her. (Tr. 236). She testified that Gallivan did not ask her if she had sent [redacted] hundreds of texts and/or E-mails after [redacted] advised her not to contact him. (Tr. 237). She testified that Gallivan asked her if she had sent [redacted] emails. (Tr. 237). She testified that she did not tell Gallivan she sent 20-30 emails to [redacted]; rather she told him she did not have the emails in front of her and did not have the number quantified. (Tr. 237-38).

Respondent testified that she said to Gallivan that on December 10, 2014, Respondent contacted [redacted]'s employer, the DePaul Law School. (Tr. 239-40). She did not tell Gallivan she had contacted the dean of the DePaul Law School to express her concern about [redacted] teaching female students. (Tr. 240). She testified that she told the dean that she published a letter to the school, and that she did not tell him the contents of the letter. (Tr. 240).

*Testimony of Respondent – Regarding [redacted]'s Father*

Respondent testified that she did not contact [redacted]'s father and never called him. (Tr. 241). She testified that on two occasions, someone on her behalf called [redacted]'s father. (Tr. 243). She had a family friend of hers, Dr. Gupta, contact [redacted]'s father to make him aware. (Tr. 241). She testified that this must have occurred after one of [redacted]'s legal filings in the summer of 2014. (Tr. 242-244). Respondent testified that during the continuances thereafter, Respondent's family friend called

's parents a second time. (Tr. 245). Respondent testified that she and the family friend obtained 's father's contact information through an internet search. (Tr. 245). Respondent had never met 's father and had never spoken with him. (Tr. 246). She testified it was an attempt to mediate civil and criminal litigation using a relative of 's to intervene. (Tr. 245-46). She testified that it was an attempt to "sever the vindictive nature of the constant legal filings," and to inform the family that this could hurt them financially. (Tr. 247). She testified that in her mind, her actions in attempting to contact the parents of were appropriate. (Tr. 249).

She testified that she herself contacted 's father once in February 2016. (Tr. 249-52). She wanted to make the family aware that the pattern of litigation against her was continuing, and this is what "this young man" was continuing to do with his profession. (Tr. 252). She testified that to her, 's conduct was pathological. (Tr. 252). She did not tell 's father that she hoped that they would be murdered. (Tr. 252).

*Testimony of Respondent – Regarding Electronic Communication*

Respondent sent an email to on January 11, 2014 at 9:41 a.m. that: "Your dad is a better doctor than I. I am just United States -- a United States educated pediatrician. Let him pay your alimony some day when you mess up with your wife. Grab on to his hard-earned money and use that on the white girl when she sues you." (Tr. 281, 282; Dept. Ex. A).

She testified that in an email she sent on January 11, 2014, at 6:03 p.m., she wrote: "Got a sheriff's note on my door. Won't contact you. Just got back from vacation. Thanks." (Tr. 283; Dept. Ex. A). She sent an email to on January 11, 2014 at 9:41 a.m. that said:

> Please get it not to be on my record. I know you hate me for what I did, but I am like a dumb kid who was hurt. I will not try to harm your career. I have prayed really hard, and know I did a wrong thing to call your employer. I know it was a mean thing to do. Please, please please remove it on Monday so I don't have to go to court. I already had to go for really bad driving once and I was terrified." (Tr. 283-84; Dept. Ex. A).

She testified that "I know it was a mean thing to do" referred to 's comment to her about penises. (Tr. 288). She testified that she perhaps jumped the gun by talking about him with somebody she thought was his employer at the time. (Tr. 286). She testified that she probably realized it was wrong for her to call 's employer when she wrote that she had called his employer. (Tr. 290).

She sent an email to [redacted] on January 13, 2014 at 2:01 p.m. that said: "I work for the government. I rent. Please reconsider." (Tr. 262 -264; Dept. Ex. A) She sent an email to [redacted] on January 13, 2014 at 4:00 p.m. that said: "Liar. You saw me September 7, 2013. I have a witness to write that you talked to me that night. Drop this thing now." (Tr. 262, 264; Dept. Ex. A).

She testified that on January 9, 2014 she sent an email to [redacted] at 11:41 a.m. with a subject line, "also." (Tr. 307). She testified that the email begins with: "Although you don't like me and are more "brotherly" sorry..." and ends with "Not interested in dating till I've done 2 years on both these jobs. I'm sorry again." (Tr. 308). She testified that she may have been apologizing for calling his employer, or for any misconstructions of her intentions towards [redacted] (Tr. 310). She testified that she sent [redacted] an email on January 9, 2014 at 9:16 p.m., entitled "Mishir Shah." (Tr. 311). She testified that the email said:

> And my mission was not to get rid of you, just to get rid of me from your life. I could have just left you alone. I know you're just being nice. I know I'm chubby and not hot. I know I'm not the shiniest youngest candy in the candy store, and I'm not sweet. Find a sweet girl, and not the one who is turning evil from stress – never ever hurt a baby or child in my life. But that's ok that you said that. I'm ok." (Tr. 312; Dept. Ex. A)[3].

She testified that when she wrote "I could have just left you alone," she was most likely referring to having called [redacted]'s employer, adding that this was probably the most toxic thing she did. (Tr. 313). She testified that she had never gone to his house or gone after him. (Tr. 314). She testified that she does not feel she turned evil, adding that nobody is inherently 100 percent evil. (Tr. 314).

She testified that she sent [redacted] an email on January 8, 2014 at 7:06 p.m. (Tr. 316). She testified that she did not know if she believed [redacted] was attracted to her at that time. (Tr. 319-20).

She testified that she wrote and sent [redacted] an email on January 8, 2014 at 9:02 p.m. (Tr. 320, 322). She typed "Sorry" in the caption, and testified that most likely she was referring to any comments on [redacted]'s work place professionalism. (Tr. 322). Regarding the text of the email, Respondent testified that she did not say she was certifiable. (Tr. 321). Respondent testified that

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[3] When Respondent was asked to read her electronic communications into the record, she occasionally added words, dropped words, or incorporated her own comment, which she referred to as an "addendum," (Tr. 284, 312) or her recitation was transcribed inexactly. Where this occurs, the Administrative Law Judge generally substitutes minor wording from the relevant exhibit, if admitted.

part of the printed copy of this email she was shown on the stand was discrepant with the rest of the text and looked as if correction fluid had been used on it. (Tr. 320-322; Dept. Ex. A). She said the phrase "I'm [*I am*] certifiable" did not look consistent with other typing there. (Tr. 321; Dept. Ex. A). She also testified that her use of the phrase "Please tell them I am some loser who never knew you that we'll [*well*] and I'm certifiable," was a request to [redacted] to "fib a bit" to his institution to get her letter out of his personnel file. (Tr. 324). She testified that she knows that is something she would do. (Tr. 325). She testified that she subsequently said: "I don't want anything of yours and won't ever do anything to you or say hello even." (Tr. 325). She testified that she continued to email and contact him. (Tr. 325-26).

Respondent sent Bedi an email on January 8, 2014 at 9:02 p.m. entitled "Sorry," in which she said: "I'm sorry I put any dent in your never dented life." (Dept. Ex. A). She testified that she used the title "Sorry" to indicate a genuine apology. (Tr. 323). On January 8th of 2014, at 9:16 p.m., she sent him an email in which she said: "I could have just left you alone." (Dept. Ex. A). She testified she was referring to having called his employer. (Tr. 313). She testified that she was trying to avoid litigation from [redacted] and was negotiating with him by apologizing. (Tr. 312).

Respondent testified that on January 8, 2014, she sent an email to [redacted] which stated: "I was as crazy as Jennifer Lawrence in Wolf of Wall Street. Stay warm. Sorry." (Tr. 327). Respondent testified that she sent [redacted] an email on January 8, 2014, at 4:53 p.m. (Tr. 328).

Respondent sent an email on January 7, 2014 at 7:10 p.m. that stated:

> Sorry for the diet Coke joke in your lovely home. You are as manly as it gets. Just when you said, 'Hey, Girl' gaily, it triggered a dumb joke. Sorry for calling your dean. God probably died a bit when I did that. I know you don't do drugs. You are just a spazzy, skinny wired-up person, and it's funny." (Tr. 330; Dept. Ex. A).

She testified that she was referencing something she said to [redacted] seventeen months earlier. (Tr. 354). When asked if she implied to [redacted]s dean that [redacted] did drugs, Respondent testified that she honestly did not know. (Tr. 330). She also testified that she did not make any such allegations to any dean at the law school. (Tr. 332). She testified that she wrote in this email to [redacted] that "I know you don't do drugs," because she was trying to pacify an irate [redacted] and mitigate any feelings of hatred or vindictiveness needed to file court cases against her. (Tr. 331). Respondent testified that she sent [redacted] an email on January 7, 2014 that stated:

> Your lineage is irrelevant. And probably better than mine. I'm just upset about the ["]I'm not fit to work with kids["] thing. It's all I've done for nine years. Oh, well. I will quit Monday. You are a lawyer. You went to better schools than I did. I'll turn in my resignation to both jobs. Thanks for the insight, Monu! (Tr. 333-335).

She testified that [redacted] had told her that it concerned him that she cared for children. (Tr. 336).

Respondent testified that she sent [redacted] an email on January 7, 2014 at 2:29 a.m. reciting a metaphor for what bullying does to children and telling [redacted] "Don't bully." (Tr. 334-35). She testified that she was referring to the bullying behavior of [redacted] (Tr. 336). Respondent testified that he bullied her by paying for her meal and asking the waiter to take her tortilla chips away, commandeering her group of friends and excluding her from social outings, and putting down Respondent's weight. (Tr. 335-36). Respondent added that she would not want any bullying in the form of fat-shaming done to a child she cared for. (Tr. 336). Respondent testified that she sent Respondent an email dated January 6, 2014, at 8:43 p.m., in which she stated: "Sorry for being a bitch." (Tr. 337). Respondent testified that she was probably upset about having called [redacted]'s employer, adding that she did not think making that call "was absolute 100 percent necessary." (Tr. 338). Respondent testified that she sent [redacted] emails on January 6, 2014, at 6:06 p.m. and 8:38 p.m., referencing things that occurred in 2012. (Tr. 338).

She testified that about an hour after writing to him that she was "sorry for being a bitch," she sent [redacted] another email on January 6, 2014 at 9:51 p.m., referring to mean things [redacted] said to virgins on lunches; she testified that she was alluding to the August 2012 conversation [redacted] had with her where [redacted] said Respondent appeared to be a person who had never seen an erect penis. (Tr. 206, 340-341, 348-49).

Respondent testified that she sent [redacted] an email on January 6, 2014 at 11:03 p.m. that stated Bedi was not from a good family line. (Tr. 349). She testified that she had been to [redacted]'s home once in August 2012. (Tr. 350).

Respondent testified that she sent [redacted] an email on January 6, 2014 at 5:50 p.m. in which she wrote: "I only said the Truvada HPV thing because I don't want your brother ever to get sick." She was referencing things she said in 2012. (Tr. 350, 352; Dept. Ex. A). She testified that she wanted to apologize because she was very scared of [redacted] (Tr. 354). She testified that she now has the insight in 2017 that instead of apologizing to [redacted] it would have been more insightful to

just take a break from this person. (Tr. 801). Respondent testified that she sent [redacted] an email on January 6, 2014, at 4:57 p.m., that stated:

> This is what a real Indian American girl can look like. You will never get a better Indian American-born woman in the U.S. I stay a doctor. I stay pure. I stay Saybrook Class of '98. You can't take it away. I work at Masonic and Aunt Martha's. You can't take my successes and God-given beauty away. (Tr. 355).

She testified that she attached a photograph of herself, after she had indicated that she was not going to have contact with him anymore. (Tr. 356). She testified that her thought process was that she was a real person, not a model, and that was what [redacted] was going to see, and that she was not interested in him. (Tr. 356-57).

She testified that it has been three-and-a-half years since she contacted [redacted] (Tr. 358). It did not occur to her at that time not to contact him anymore. (Tr. 359). She testified that she feared for [redacted] (Tr. 359). She testified that she had a fear of harm; she had a fear of self-esteem harm. (Tr. 359). She testified that she feared some of the expletives coming out of his mouth, and his rage. (Tr. 359). She testified that now she thinks that there was a better way to go and she did not have to send all those emails. (Tr. 359).

Respondent testified that she did not tell Respondent's expert, Dr. Argumedo, that she feared all these things from [redacted] because Dr. Argumedo did not ask. (Tr. 360).

Respondent testified that she sent [redacted] an email on January 6, 2014, at 4:23 p.m. stating in part:

> Sorry I have such high expectations for Indian guys. White guys and Mexicans and black guys act like you, saying stuff all up front and straightforward about girls with no experience. You will no doubt find a girl to meet those types of expectations, and you [*sic*] ha[*s*] the right sexual portfolio" to make you happy....Whoever I marry will accept me as I am and respect the decisions I made not to sleep with anyone until I get engaged or married to them. People who mock me or steer me the wrong way will be eliminated. (Tr. 368-69; Dept. Ex. A).

Respondent testified that she sent [redacted] an email on January 5th, of 2014, at 1:17 p.m., saying: "She is a dumb ugly white bitch. Hope you die in her skinny gross arms." (Tr. 575; Dept. Ex. A). Respondent testified at the formal hearing that she was prompted to send this 2014 email because Respondent "was sick of him throwing [Respondent's] other lady friends in [her] face," which she thought "was kind of inappropriate behavior and kind of ghetto." (Tr. 579). Respondent

testified that the woman in question was not dating [redacted] and was simply a friend of hers that [redacted] had stolen from Respondent. (Tr. 579). Respondent testified that she had no cell phone communications with [redacted] since November 30, 2012. (Tr. 756).

Respondent testified that she did not send a text to [redacted] on September 27, 2012 that said in part:

> I was an Asian ethnic counselor at Yale in 1997. I taught Asian kids, Indian and Orientals to love themself in a predominately white campus. My ethnic counselee, Rahul Rakumarmeje *[MD JD]* in Obama's campaign fell for me. I couldn't handle it. I was hospitalized. – I started med school one year late because I refused to date a counselee. I am like the protagonist[s] in Little Miss Sunshine, the chubby kid who likes ice cream, the Proust loving sad guy who learned to live life to its fullest, after heartbreak from a student. I am a virgin. Sorry. (Tr. 765-66).

She then testified that she did send this text, but was not hospitalized, and did not know why it was written that way. (Tr. 766). She then testified that she thought she may have been referring to her hospitalization for bronchitis. (Tr. 767).

She testified that she received a text from [redacted] on October 12th of 2012 at 10:46 a.m. on her cell phone that stated in part: "Please, I'm begging you, stop the continuous texts." (Tr. 778; Dept. Ex. A).

*Testimony of Respondent - Contacts with Ottley*

Respondent testified that she spoke with Bruce Ottley with regards to the IDPFR case, and that she called Ottley to ask who had complained about her. (Tr. 810). She testified that she identified herself as a doctor and forwarded the complaint number to him. (Tr. 810-11). She also testified that she said: "Somebody called IDFPR. Here is a complaint number." (Tr. 3752). She testified that he said: "Why don't you just send me the complaint;" she did send him the complaint. (Tr. 3752).

*Testimony of Respondent - Contacts with Dean of Harvard Law School*

Respondent testified that she contacted Harvard University, which is where Mr. [redacted] attended law school. (Tr. 812-13). She testified that she contacted the dean of the Harvard Law School and claimed that [redacted] was harassing her. (Tr. 813-14). She testified that this contact was why Harvard was included in the injunctive relief order that Respondent may not make certain contacts. (Tr. 814; Dept. Ex. D).

*Testimony of Respondent – Arrest for Order of Protection*

Respondent testified that on November 7, 2014, she was arrested. (Tr. 3743). She was held in custody overnight and went to a hearing in November 8, 2014. (Tr. 3746). She testified that she was charged with a violation of an order of protection, based on [redacted]'s allegation that Respondent called [redacted]'s boss, in violation of the conditions of his order of protection that Respondent was not to call his bosses and discuss any information pertaining to him. (Tr. 3751-52). She was released on November 8, 2014 on $10,000 bond and was required to wear an GPS tracking device. (Tr. 3749-50).

*Testimony of Respondent – Arrest for Battery and Resisting Arrest*

Respondent testified that on March 12, 2012, Respondent was at the Cook County Courthouse for adjudication of one of [redacted]'s filings. (Tr. 814-15). She testified that a Cook County deputy approached Respondent and forced her to give the deputy her phone. (Tr. 817-18). She also testified that the deputy asked Respondent to give the deputy her phone, and Respondent said: "Fine." (Tr. 817). She then testified that she was asked for the phone and she refused to provide it. (Tr. 820). She testified that the deputy asked her to put in the pass code and Respondent said she did not want to. (Tr. 817). Respondent could not recall if the deputy told her she was prohibited from taking pictures of the complainant, [redacted] (Tr. 818). Respondent could not recall if the deputy told her that taking photos in the courthouse was not allowed. (Tr. 818). Respondent testified that she was not taking pictures. (Tr. 818). She testified that she did not try to grab her phone. (Tr. 821). She testified that she was arrested for battery and resisting arrest. (Tr. 821). She said she did not make certain insults to the deputy. (Tr. 820).

*Testimony of Respondent – Statements to Deputy Sheriffs Regarding Cancer*

Respondent testified that she never said to anybody in the court setting that she hoped their children got cancer. (Tr. 826; 3790). She testified that at that time she had no idea which deputy sheriff was single, married or had children. (Tr. 826; 3790). Initially Respondent testified that she did not know if she said anything at all about any deputy sheriff's children, and then stated that she did say: "You hit me here today. I reserve the right to refuse care to a violent parent. If your child is sick, I can't help you, and this includes if your child gets cancer, you will have to see somebody else." (Tr. 3790-3791).

*Testimony of Respondent –Respondent's Apology to Deputy Sheriffs*

Respondent testified that she signed the apology letter to Deputy Sheriff Martin. (Tr. 827). She said her lawyer, Michael Baker, asked her to write an apology letter to Deputy Sheriff Martin

but she did not write it. (Tr. 827; Dept. Ex. P). She testified that that letter was not written the way she would write it. (Tr. 828).

[redacted]

*Testimony of Respondent – Aunt Martha's*

Respondent testified that she worked at two of Aunt Martha's centers, one located at 118th Street and the other on Dixie Highway in Olympia Fields. (Tr. 374). She testified that Aunt Martha's medical director changed to Dr. Tamara Lim from Dr. Jennifer Byrd.

Respondent testified that she had been placed on a corrective action plan by Aunt Martha's. (Tr. 383). She said that the purported basis for corrective action plan was that she was talking about a lawsuit. (Tr. 383). Respondent testified that she was not discussing the lawsuit. (Tr. 383). Respondent said that she was made aware that there were complaints from staff members against her alleging persistent talk of her personal life, but was never apprised of her inappropriate statements made to patients. (Tr. 384-85). She did not recall meeting with anybody as to concerns regarding personal editorials in the clinic. (Tr. 384). She testified that there were a series of meetings concerning her behavior at work, the first of which was in February 25, 2014. (Tr. 386). She testified that the reason for the first meeting was that she had frizzy, disheveled hair, and had submitted a template for a new white physician's coat. (Tr. 386).

Respondent testified that she was asked to resign from Aunt Martha's because Aunt Martha's became aware of certain court proceedings, and because Dr. Jennifer Byrd received a call from [redacted] saying that Respondent should not be allowed to work as a physician. (Tr. 372). She testified that Aunt Martha's asked her to resign and she refused. (Tr. 373).

Respondent testified that she was never suspended from Aunt Martha's. (Tr. 472). Respondent said she was aware of the June 6, 2014 letter of Renee Wheeler stating that she was suspended on May 1, 2014. (Tr. 472; Dept. Ex. GG). She testified that she resigned May 1, 2014; she said that even though she then indicated to her superiors that she did not want to resign, which is what prompted her subsequent suspension, she was not paid for those two weeks so technically she was still resigned. (Tr. 700-701).

She testified that she had a meeting with Audrey Pennington, Chris Nordloh and Dr. Lim on May 1 of 2014. (Tr. 496). The purpose of the meeting was to offer her an immediate resignation or recommendation for termination, which would be immediate suspension without pay. (Tr. 496). She could not remember if Dr. Lim explained to her that more investigation was done regarding a medical assistant's claim of feeling harassed by Respondent. (Tr. 497-98). Respondent then stated there was no discussion about harassment. (Tr. 497-98). She testified that Dr. Lim said that Lim would give Respondent a reference for her next job if she resigned. (Tr. 498). She testified that there was no discussion about the fact that she had been on a corrective action plan. (Tr. 498).

*Testimony of Respondent – Respondent's EEOC Complaints*

Respondent testified that she filed an EEOC complaint against Aunt Martha's after she left Aunt Martha's. (Tr. 536). She filed an EEOC complaint against Access and then an Amended complaint in mid-December 2016. (Tr. 536).

*Regarding the Credibility of Respondent*

The ALJ observed Respondent during two days of her testimony. Based on Respondent's demeanor and the content of her testimony, the ALJ concluded that her Respondent lacked credibility and consistency. On direct examination, in which Respondent asked herself questions, she appeared hesitant and anxious. On adverse examination, Respondent's affect was completely different. She became extremely defensive and acted as if she could not interpret simple questions. (Tr. 293).

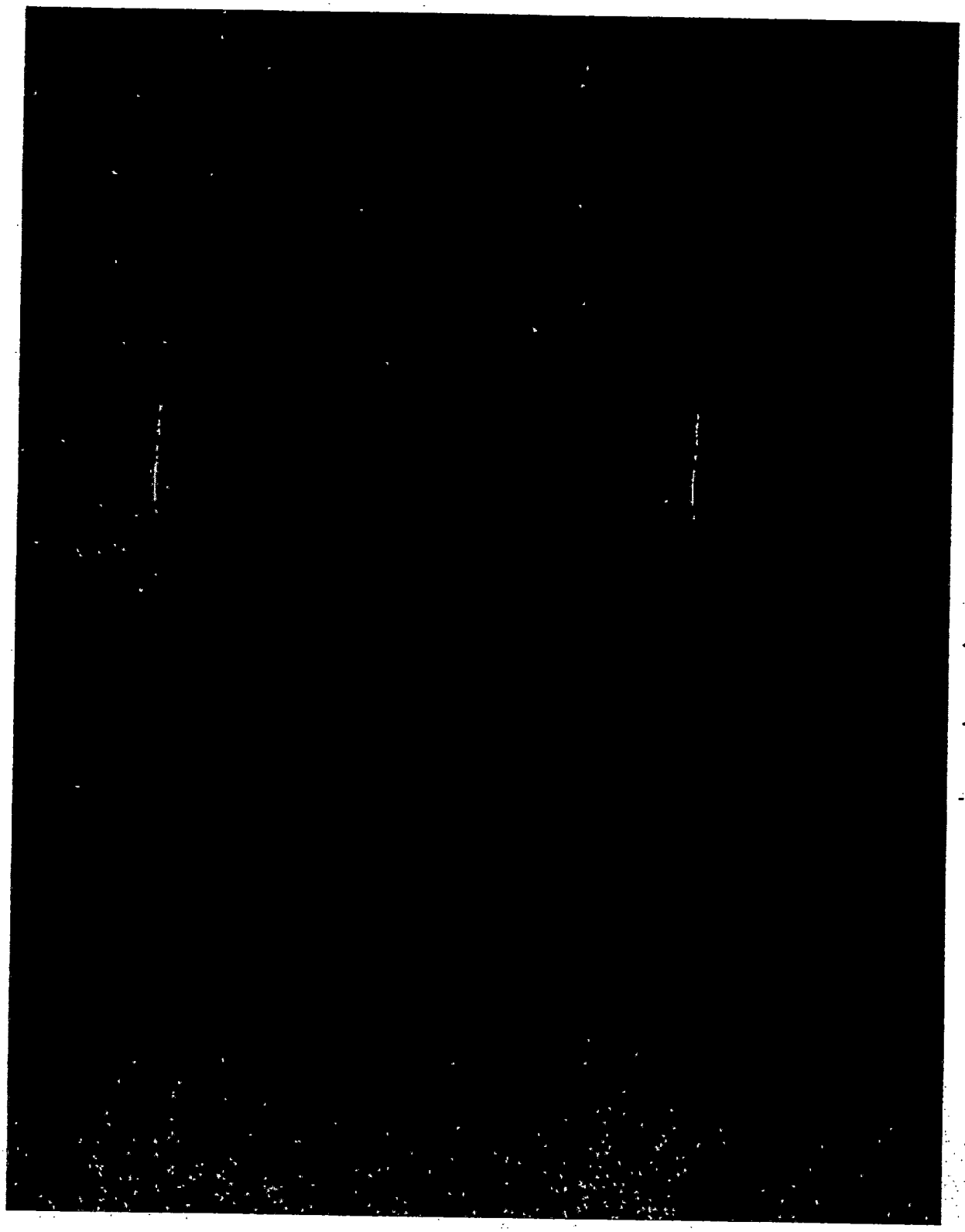
Respondent frequently changed her testimony. Respondent contradicted witnesses she called in her case in chief, sometimes on issues as basic as to what she said on May 10, 2016, which was the cause of the subsequent meeting resulting in her immediate termination from Access. Respondent acknowledged that she encouraged [redacted] to lie or "fib a bit," to get something negative out of his personnel file at work, and that she would do that herself under the same circumstances. (Tr. 324-25). Such an attitude lowered her credibility when she was testifying with regard to whether or not her license should be disciplined.

The ALJ observed Respondent's inappropriate attempts to distract and disturb the Department's witnesses. During the testimony of Riley at the formal hearing, the Administrative Law Judge observed Respondent look directly at Riley and make a motion with her hands and arms and make a face, both of which mimicked an explosion; this forced a recess of the formal hearing. (Tr. 1717; 1971). At another point in the formal hearing, Respondent, although

represented by counsel at that time, attempted to make an inaccurate record by claiming one of Department's experts was asleep. (Tr. 1133). Respondent attempted to make a record before Administrative Law Judge Lyons that he indicated was not true. (Tr. 254-55).

Respondent read or commented aloud from documents apparently helpful to her case while the Department examined a witness. Respondent made many objections and entries to the record even when represented by counsel and after being instructed to let her attorney do this. Respondent said that she was sure a Department attorney called her "brown trash" when he was in his office. Respondent recited the personal or private details of Department attorneys on the record. Respondent repeatedly tried during the formal hearing to obtain the identities of people in the gallery, including people the Department had already said it did not anticipate calling as witnesses, even though formal hearings are open to the public. (Tr. 274-75, 402, 1951, 2240-41, 3798). Respondent did many disruptive things during the formal hearing that reduced Respondent's credibility. In considering Respondent's activities off the witness stand, the Administrative Law Judge assigns them less weight than testimony under oath.

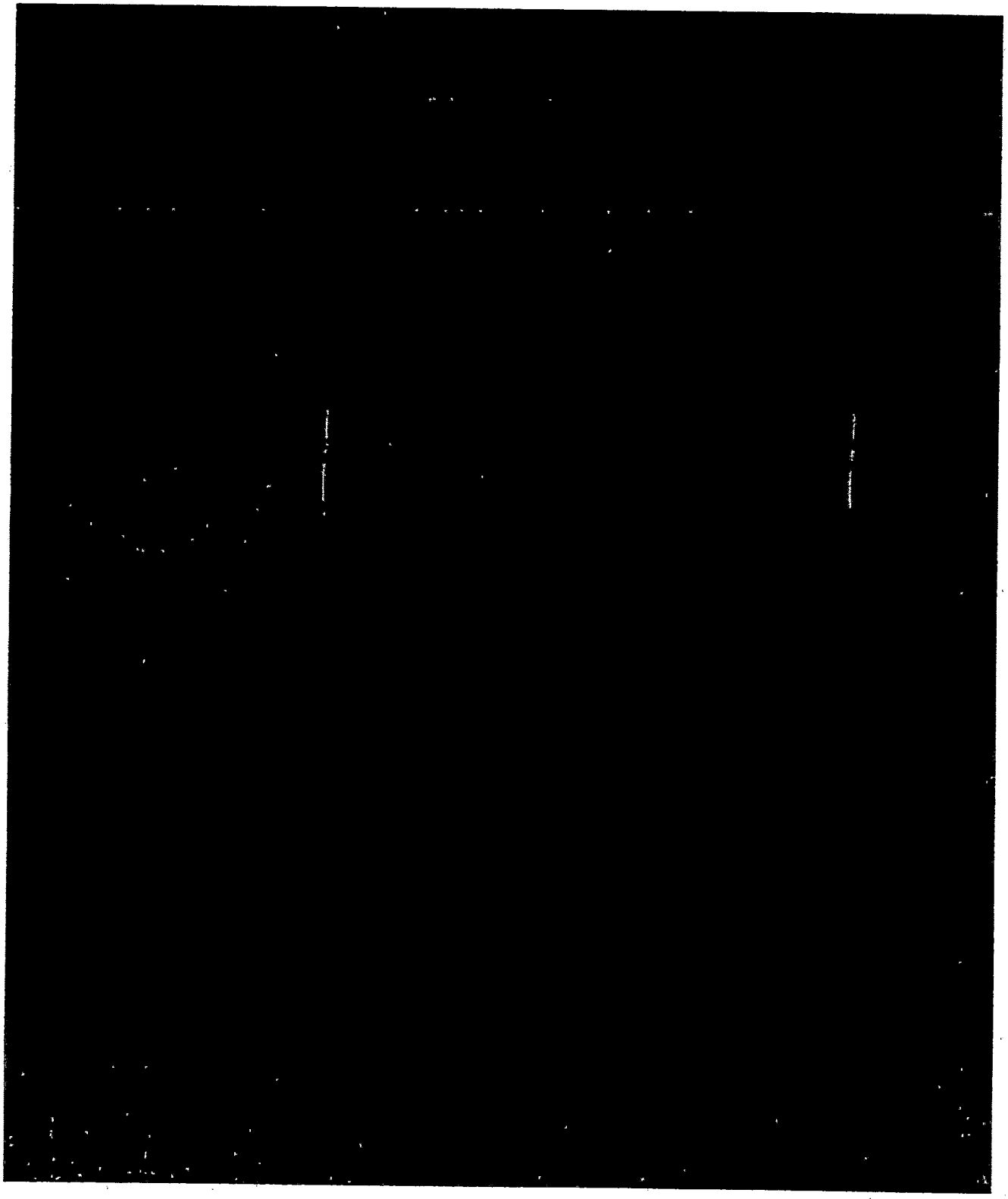
*Testimony of*

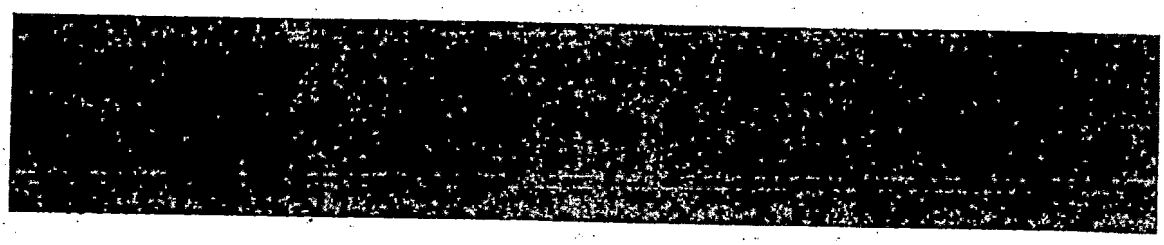


[redacted]

[redacted]

[4] On August 31, 2017, Respondent's counsel informed the ALJ that Respondent had called [redacted]'s brother, [redacted], in the middle of the formal hearing. (Tr. 1385-1390; see Tr. 1389).





*Testimony of Respondent - Regarding Dr. DeJesus*

Respondent testified that she did not reach out to Dr. DeJesus to serve as a character witness on her behalf. (Tr. 841-842). At some point after her termination from Access, Respondent contacted Dr. DeJesus with an invitation to the opera; Dr. DeJesus did not reply. (Tr. 841-42, 846). Respondent testified that on January 17, 2016, she requested Dr. DeJesus to write her a letter of reference; Dr. DeJesus did not provide such a letter. (Tr. 843-44, 846). She testified that she contacted the employer of Dr. DeJesus' husband. (Tr. 855). She testified that she was trying to stop him from harassing her. (Tr. 856).

She testified that she posted on Facebook the statement: "The assistant to the pastor, Gevian Dargan threatened me on social media because his wife posted a racist post about Indian-Americans, and I commented that it was offensive. Don't go her[e] if you are an Indian." (Tr. 855; Dept. Ex. AA). She testified that she posted: "Do you really want to go there with me and threaten me with a lawsuit?" (Tr. 855; Dept. Ex. AA). She testified that she posted: "His wife, [Tara] DeJesus Dargan, posted private information about my job on social media that she was not supposed to do, naming the company she works for. This is a violation of workplace policy. Do not spend time with the Dargans." (Tr. 855; Dept. Ex. AA).

*Testimony of Dr. Efrain Flores*

Efrain Flores was called to testify by Respondent. (Tr. 2827-28). He testified that he is a board-certified pediatrician who works at his own private practice in Bolingbrook. (Tr. 2828). He testified that he had known Respondent four or five years. (Tr. 2828-29). He testified that the last time he saw Respondent was three years before the formal hearing. (Tr. 2833-34). Respondent covered for him at his clinic for two weeks while he was out of the clinic at that time. (Tr. 2834). She also covered for him four or five years ago. (Tr. 2834). Dr. Flores testified that she covered for him three or four times in total; he was not sure. (Tr. 2834-35). He testified that he did not hear of any disagreements with his medical staff, his patients, or his patients' parents. (Tr. 2829-30). He made no personal observation of what Respondent was doing while Respondent was in

his office because he was out of the state. (Tr. 2834-35). He testified that he knew she had a problem with her license, but did not know what the problem was. (Tr. 2836).

*Testimony of* [redacted]

[redacted] was called to testify by Respondent. (Tr. 2854, 2863). She testified that she had met Respondent three years before because Respondent was the doctor for her seven children. (Tr. 2855). She saw Respondent at Access on 47th and Kedzie until she found out Respondent was no longer at the clinic. (Tr. 2855-56, 2858). [redacted] (Tr. 2855). She testified that Respondent saw [redacted] every month for a checkup until the child was age one, and approximately 20 visits total. (Tr. 2858). She testified that Respondent also saw [redacted] for approximately 20 visits. (Tr. 2858). [redacted] testified that she did not have any concerns about the way Respondent was treating her children or herself. (Tr. 2857). She testified that Respondent was never disrespectful to her during those visits. (Tr. 2858). She testified that she did not hear complaints or comments from any other patient about Respondent. (Tr. 2859). She testified that she never witnessed Respondent to be violent to a patient or anybody at work. (Tr. 2860). She testified that Respondent never started crying or telling [redacted] that Respondent was going to quit. (Tr. 2886). She testified that she thought Respondent was a good doctor based on the way Respondent treated her children. (Tr. 2865). [redacted] testified that she did not know that she was testifying at a licensure department and did not know why she was at the formal hearing. (Tr. 2860). She testified that Respondent's attorney told her that Respondent was no longer working at the clinic because of some personal issues, and tha[redacted] did not know what Respondent's attorney was talking about. (Tr. 2868).

*Testimony of Dr. Kamala Ghaey*

Dr. Kamala Ghaey was called to testify by Respondent. (Tr. 2953). She is a board-certified pediatrician. (Tr. 2954). She testified that she was the Department Chair of Pediatrics at Advocate Illinois Masonic Medical Center from 2009 to 2015. (Tr. 2955).

Dr. Ghaey did not recall when she met Respondent. (Tr. 2955). She testified that Respondent applied for the position of hospitalist. (Tr. 2955). She recalled Respondent worked at Advocate Illinois Masonic Medical Center; she did not know for how long Respondent worked there. (Tr. 2955). She testified that she herself stepped down as Department Chair in October 2015. (Tr. 2956). She would not have been in charge of Respondent for at least a year before that because the hospitalist program was taken over by the Advocate Medical Group. (Tr. 2956). That

could have occurred from the beginning of 2014 and onward. (Tr. 2956). She testified that she did not recall any staff complaints against Respondent during the period of time that she was responsible for the pediatric hospitalist program prior to its transfer to the Advocate Medical Group. (Tr. 2957). Dr. Ghaey testified that she thinks she observed Respondent on rounds periodically but did not recall how many times. (Tr. 2957). She testified that she did not have any concerns that Respondent was a disruptive physician during the time that she was directly in charge of Respondent and did not know anything beyond that period when Advocate Medical Group took over. (Tr. 2957-58). She testified that Respondent may have discussed with her whom Respondent was dating or Respondent's personal matters, but she did not recall if Respondent did this. (Tr. 2958).

Regarding the number of shifts Dr. Ghaey and Respondent covered together while they covered their respective patients, Dr. Ghaey stated the it could not have been a lot, which was why she did not recall how Respondent was with patients or medical students. (Tr. 2960).

*Testimony of Dr. Stephanie Whyte*

Dr. Stephanie Whyte was called to testify by Respondent. (Tr. 2963). She is a board certified pediatrician. (Tr. 2964). She testified that she knew Respondent when Dr. Whyte was the medical director at the Mobile Care Foundation, which provided asthma and allergy care from vans serving as clinics. (Tr. 2965-67). She testified that in 2011 the Mobile Care Foundation was looking for a physician to fill in on the asthma van temporarily while a provider was on maternity leave and contracted with Respondent to work for three months. (Tr. 2965, 2970). Dr. Whyte testified that she gave Respondent an orientation at the beginning of that work. (Tr. 2968-69). She testified that during that orientation process she observed Respondent interact with patients, and no concerns arose during those interactions. (Tr. 2970). She testified that she did not receive any complaints from coworkers Respondent had on the van or patients pertaining to her work. (Tr. 2971-72). Dr. Whyte testified that she wrote Respondent a letter of recommendation in February 2016. (Tr. 2973; Resp. Ex. 79). Dr. Whyte testified that when Respondent asked her to write the letter of recommendation, Respondent did not disclose how many health care facilities Respondent had been terminated from. (Tr. 2974). She testified that it would surprise her to be told that Respondent was accused of disruptive behavior in two places at the time she wrote the letter of recommendation. (Tr. 2974).

*Testimony of Linda Tomas*

Linda Tomas was called to testify by Respondent. (Tr. 2977). Tomas testified that she was employed by AT&T and acted as keeper of records when called upon to authenticate previously subpoenaed telephone records. (Tr. 2977-78). She testified that the AT&T record key is a document that describes all the codes that are listed on the telephone records provided. (Tr. 2980). She testified to the meaning of some of the entries in the record key. (Tr. 2980-84; Resp. Ex. 80). She testified that the telephone records originating from [redacted] and terminating at [redacted] between April 1, 2012 and May 1, 2014 reflect 31 unique phone calls and eight text messages (Tr. 2985; Resp. Ex. 80).

*Testimony of Linda Vanessa Acevas*

Linda Vanessa Acevas was called to testify by Respondent. (Tr. 2988). Acevas testified that she worked for herself at a café and was a chef. (Tr. 2988). She testified that between September 2011 until December 2014, she was employed by Access and worked at the clinic at Kedzie and 47th Street. (Tr. 2989). Her role at that clinic was as front desk receptionist for a Dr. Gamarra. (Tr. 2989). She testified that she interacted with Respondent when they worked together at the clinic and they were very friendly. (Tr. 2989). She testified that she never heard the name [redacted] (Tr. 2989). She testified that from July 2014 to December of 2014, she had the opportunity to observe Respondent interact with the front desk personnel, and did not have any concerns about those interactions. (Tr. 2991). Acevas testified that she brought her children to be examined at the Kedzie clinic by Respondent once. (Tr. 2991, 2994). Acevas testified that after that interaction she did not have any concerns that Respondent was going to be inappropriate with Acevas in the workplace. (Tr. 2995).

*Testimony of Hoang Nguyan*

Hoang Nguyan was called to testify by Respondent. (Tr. 3038). He testified that is the owner of company in California that provides staffing for physicians and pharmacists. (Tr. 3038, 3048). He attended medical school outside the United States and is not licensed to practice medicine in any state. (Tr. 3048-49). He met Respondent in California in 2005 when he was a clinical pharmacist at Loma Linda and Respondent was a resident. (Tr. 3039). Later, he tried to get an M.D. degree and he met Respondent in 2011 at Norwegian Hospital. (Tr. 3041; Resp. Ex. 11). He testified that he was a medical student and he saw Respondent, who was working at Norwegian Hospital, during his six-week pediatric rotation at the same hospital. (Tr. 3041, 3049-3050). He was covered during that rotation by Respondent and another doctor. (Tr. 3050). He

testified that when he worked with Respondent he would work eight hours a day. (Tr. 3044). The last time he saw Respondent involved in patient care or healthcare was 2011. (Tr. 3057). The last time he worked with Respondent was around 2011. (Tr. 3041).

Nguyan testified that regarding Respondent's relationship with other team members, Respondent was very fair. (Tr. 3044). He testified that he did not experience any outbursts from Respondent. (Tr. 3044). He did not experience disruptive behavior by Respondent towards him or other staff. (Tr. 3044). He testified that Respondent was professional, understandable, and compassionate to all patients. (Tr. 3043-44).

Nguyan testified that he wrote a letter of recommendation for Respondent in 2016. (Tr. 3042, 3050; Resp. Ex. 11). He could not remember if Respondent told him the reason for obtaining the letter. (Tr. 3054). He testified that Respondent asked him for that letter in December 2016. (Tr. 3053-54). He did not know that two days prior to the day he wrote the letter, Respondent was walked out of her job because she was disruptive and made threats. (Tr. 3054). He testified that when he wrote the letter of recommendation, he did not know that Respondent had been fired from another job in 2014, adding that this information was "too personal." (Tr. 3055). After he left Chicago in 2012, he would get in touch with Respondent in terms of a publication and exchange information related to a medical issue. (Tr. 3045). He did not touch on her personality or her personal life. (Tr. 3055).

*Testimony of Erica Davis Hunter*

Erica Davis Hunter was called to testify by Respondent. (Tr. 3074). Hunter is currently employed at Premise Health as a health center manager. (Tr. 3074). She holds a license as a registered nurse, and holds a certificate as a pediatric nurse. (Tr. 3074). She was the health center manager at Aunt Martha's from April or May 2013 until November of 2013. (Tr. 3095-96, 3102). Hunter testified that she had supervised the entire health center staff at Aunt Martha's, including physicians and the front desk; she supervised or worked with Respondent. (Tr. 3075).

Hunter testified that Respondent's interactions with medical assistants Ebony Davidson, Teresa Barocio and Raesa Brown were appropriate, as were her interactions with pediatrician Dr. Nguyan at Aunt Martha's. (Tr. 3077, 3086, 3091). Hunter did not observe any issues regarding Respondent's interactions with another nurse who was in a management role or with the child psychiatrists at the facility. (Tr. 3077-78). She did not observe any incidents involving Respondent's patient care. (Tr. 3077-78). Hunter testified that Respondent's ability to

communicate with patients to be appropriate and her ability to communicate with patients' parents as being very appropriate, especially with the bilingual population. (Tr. 3078-79).

Hunter testified that while Respondent worked at Aunt Martha's, the medical director was Dr. Byrd. (Tr. 3087). Hunter testified that all complaints from medical assistants should have gone through her, and then Hunter would escalate them up the chain. (Tr. 3087). She testified that she did not have complaints that were raised to Dr. Byrd about Respondent. (Tr. 3087). She did not receive complaints from the clinic manager regarding Respondent's behavior. (Tr. 3091). Hunter testified that while she worked with Respondent, she was made aware that Respondent was making statements about her personal life. (Tr. 3109). She said everyone does that. (Tr. 3109-10).

Hunter testified that Respondent contacted her to write a letter in reference to Respondent's character (Tr. 3106). Respondent told Hunter to write it to the presiding magistrate of the circuit court. (Tr. 3106). She testified that Respondent did not tell her why Respondent was in court. (Tr. 3106-07). She wrote that letter on January 25, 2014 in a matter different from the instant case. (Tr. 3096, 3105; Resp. Ex. 81). She testified that she subsequently became aware of the instant case, and would not make any changes to her letter in 2017. (Tr. 3097). Hunter testified that she did not have a full understanding of the departure of Respondent from Aunt Martha's, and Respondent never talked to her about Respondent's being terminated from Aunt Martha's. (Tr. 3111).

Hunter testified that she was gone from Aunt Martha's by November 2013. (Tr. 3110). She testified that she was not aware that a meeting was held on February 25, 2014 to discuss concerns regarding Respondent's personal editorials in the clinic. (Tr. 3110). She testified that she had no knowledge that there were meetings in March and April 2014 regarding a corrective action plan for Respondent's behavior. (Tr. 3110-11). She was not aware of the May 1, 2014 meeting regarding the offer to Respondent to resign. (Tr. 3111).

Hunter testified that she went on maternity leave in November 2013. (Tr. 3095-96, 3102). She testified that she was intending to return to work when she received a call from Renee Wheeler of human resources in December 2013 informing Hunter that she would not be returning to work. (Tr. 3103, 3117). She testified that she did not respect Wheeler at all. (Tr. 3117). She testified that she was aware that Respondent had legal issues but did not have a full understanding of them. (Tr. 3118). Hunter testified that Respondent did not explain them to her, and Hunter did not go into details with Respondent because she was a new mother with a sick baby. (Tr. 3118). Hunter testified that she had her own issues with Aunt Martha's. (Tr. 3114).

*Testimony of Marcia Zuniga*

Marcia Zuniga was called to testify by Respondent. (Tr.4130). She testified that she is a medical assistant at Access Kedzie center and has held that position for fifteen years. (Tr. 4130). She testified that Respondent was assigned to work with MA Julie Loza sometimes. (Tr. 4134, 4141). Zuniga testified that she herself worked on September 10, 2016. (Tr. 4142, 4143). She testified that she remembered some documents being scanned so that a patient could receive Synergis, an expensive health care item, after Respondent left Access. (Tr. 4143). On direct examination by Respondent, Zuniga testified that on that day Respondent said something out loud, not directed to anyone in particular, like: "Light this place on fire." (Tr. 4143). On direct examination by Respondent, she testified that MA Julie Loza responded: "What? Why would you do that?" (Tr. 4143). MA Loza also said in the presence of Respondent, "I've got kids, Doc. Maybe on a day when I'm not here," or something to that effect. (Tr. 4143-45). She testified that she did not think Respondent's statement was professional. Zuniga could not recall if Respondent mentioned a bomb. (Tr. 4144).

Zuniga said she smelled a burnt match and saw Respondent holding a recently burned match while standing in a work area; when MA Zuniga asked Respondent why she lit the match, Respondent said nothing and did not give her an explanation. (Tr. 4151). She did not recall the date or month this occurred. (Tr. 4171). She testified that Respondent was not near anything, like a candle, that would provide an explanation as to why she was lighting a match in that work area. (Tr. 4173).

Zuniga testified that she was aware of concerns that other people had about working with the Respondent. She testified that some medical assistants refused to work with Respondent or expressed their reluctance to work with Respondent due to their perception of Respondent's conduct of belittling people. (Tr. 4148).

Zuniga stated that she heard Respondent telling a patient in the clinic that the patient's kids were involved in gangs, and then observed Respondent throwing up her hands and making gang signs. (Tr. 4149). She testified that she herself told Respondent: "What are you doing?" (Tr. 4150). Zuniga also told Respondent to stop throwing gang signs and informed Respondent that she could not do this at the healthcare center. (Tr. 4150). Zuniga did not find this conduct respectful. (Tr. 4150). Zuniga stated that two patients voiced to her that Respondent was sharing personal

information. (Tr. 4153). She stated that the sharing of personal information was not professional. (Tr. 4153).

Zuniga testified that she brought her own child to see Respondent for treatment. (Tr. 4131, 4164). She testified that it is not unusual for employees to bring their kids to whatever pediatrician is working. (Tr. 4164).

*Testimony of Lynn Prashad*

Lynn Prashad was called to testify by Respondent. (Tr. 3225). She testified that she is an attorney and a friend of Respondent. (Tr. 3226). She testified that she was present with Respondent at the Eve of the Eve party at the Union Station on December 30, 2015. (Tr. 3226). She testified that Respondent approached her and others asking them to look at [redacted] (Tr. 3231). Prashad testified that she saw [redacted] standing across the room very far away with a group of people. (Tr. 3228, 3231). She testified that [redacted] was looking in Respondent's direction wide eyed and smiling; it was a look of just a little bit of mockery. (Tr. 3230-32). Prashad testified that for five minutes Prashad, Respondent and other people in the group just stood there and stared at him. (Tr. 3235). She testified that [redacted] did not change his position and was just looking at Respondent. (Tr. 3240). She testified that they then "got back into the night" referring to mingling at the event they were attending. (Tr. 3231, 3240). She testified that Respondent said [redacted] pointed at her, but Prashad did not see him point. (Tr. 3231-32). She did not see [redacted] harass Respondent. (Tr. 3230). Prashad testified that Respondent was very disturbed and hysterical. (Tr. 3231).

*Testimony of Dr. Madelina Mandruet*

Dr. Madelina Mandruet was called to testify by Respondent. (Tr. 3247). Dr. Mandruet testified that she and Respondent worked together at Advocate Illinois Masonic Medical Center between 2011 and 2015. (Tr. 3248-49). They both worked as pediatric hospitalists practicing inpatient pediatric medicine. (Tr. 3249). She testified that during the shifts that they worked together, they signed out patients to one another and inherited each other's patients. (Tr. 3249). She testified that Illinois Masonic Hospital had a 24-hour shift schedule. (Tr. 3249). One of them was in-house for a 24-hour shift, and after 24 hours would sign out to the other. (Tr. 3249). She testified that one hospitalist at a time covered the hospital. (Tr. 3261). Dr. Mandruet testified that she saw Respondent four shifts a month. (Tr. 3254).

Dr. Mandruet testified that she did not observe Respondent have any conflicts with nursing or medical staff. (Tr. 3249-50). She testified that she did not receive any complaints from other

pediatricians that Respondent had been inappropriate. (Tr. 3250). She testified that no complaints from Dr. Ghaey, the department chair, about Respondent came to her attention. (Tr. 3251). She did not see any patient complaints pertaining to Respondent's work. (Tr. 3251). No one ever came to Dr. Mandruet saying that Respondent said something racially charged. (Tr. 3257). She did not see Respondent disheveled or scattered in appearance at any point. (Tr. 3254). Dr. Mandruet thought she herself was an approachable person in the medical setting at work and believed people would have brought things to her attention, had there been concerns. (Tr. 3252).

Dr. Mandruet did not believe Respondent would tell somebody that she wishes their children would get cancer so she would let them die in the hospital. (Tr. 3261).

On cross-examination, Dr. Mandruet testified that she did not know that Respondent's license was suspended. (Tr. 3263). She also testified that the first time she heard that Respondent's license was suspended was not during Dr. Mandruet's own testimony, adding that she had conversations with Respondent. (Tr. 3267). She also testified that she did not recall when she first learned that Respondent's license was suspended. (Tr. 3267). Upon inquiry by the Administrative Law Judge, she testified that up until the day of her testimony, she did not know Respondent's license had ever been suspended before. (Tr. 3271). She testified that Respondent never told her that Respondent's license had been suspended at some time in the past. (Tr. 3271).

*Testimony of Dr. Rita Malgarejo-Glaab*

Dr. Rita Malgarejo-Glaab was called to testify by Respondent. (Tr. 3324). She has a board certification in family medicine. Dr. Glaab testified that she met Respondent at Aunt Martha's satellite clinic at 118th Street and Avenue O where Dr. Glaab was working part time in 2013. (Tr. 3324, 3326, 3349). Dr. Glaab saw Respondent at that clinic three days a week. (Tr. 3324). She testified that at the time she was working there, Dr. Tamara Lim was the medical director. (Tr. 3324-25). She testified that she and Respondent worked together for about a year beginning in early 2013. (Tr. 3326). She testified that she had an opportunity to observe Respondent interact with medical assistants and staff, and did not see any instances of disruptive behavior from Respondent in that practice setting. (Tr. 3326). She characterized Respondent's interactions with staff and herself as normal. (Tr. 3327). She did not recall seeing Respondent walking around the clinic discussing somebody named [redacted] (Tr. 3328-29). There were times that Respondent was at the clinic when he was not present. (Tr. 3339). She testified that she was never present for any of the interactions or meetings involving Respondent and Dr. Lim. (Tr. 3350).

Dr. Glaab testified that in February 2016, she drafted a letter stating that she did not really have any reservations about Respondent's character or care. (Tr. 3332, 3351, 3354). She testified that in January 2016, Respondent asked her to write the letter because something was going on Respondent's personal life and Respondent was concerned that it was going to spill over professionally or she was going to be terminated. (Tr. 3352-54). She testified that she thought Respondent was concerned she was going to be accused of something. (Tr. 3352).

She testified that Respondent did not tell her that Respondent was arrested in 2015 in court for battery of a peace officer. (Tr. 3355). She testified that Respondent did not tell her that, while Respondent was in the lockup being processed, she said: "I hope all your children get cancer and you bring them to me so I will let them die." (Tr. 3355). Respondent did not tell Dr. Glaab that she had communicated with a law professor hundreds of times in a manner that was not wanted by that professor. (Tr. 3355). Dr. Glaab testified that Respondent did not tell her about a protective order, but Respondent told her that she had been interested in this law professor at a law school. (Tr. 3356-57). Dr. Glaab testified that Respondent told her that Respondent and the law professor had some personal interest but it did not work out. (Tr. 3356). Dr. Glaab testified that Respondent told her that Respondent and the law professor kept running into each other. (Tr. 3356). Respondent told her that the law professor might be looking to discredit her professionally. (Tr. 3356-57).

*Testimony of Dr. Juanita Mora*

Juanita Mora was called to testify by Respondent. (Tr. 3324). Dr. Mora testified that she attended the University of Illinois College of Medicine with Respondent from 1999 to 2003. (Tr. 3370, 3375). She testified that during that time they did three rotations together. (Tr. 3374). She testified that she socialized with Respondent at least yearly for the last 10-15 years. (Tr. 3377). She testified that Respondent is a pediatric attending through Advocate, and she had privileges at Advocate. (Tr. 3385). She testified that she and Respondent did at least 25 bedside consults in the last few years. (Tr. 3386). She testified that in various settings she had not seen Respondent engage in disruptive behavior. (Tr. 3375, 3377). She testified that she had never seen Respondent interacting with people in those facilities where Respondent was terminated. (Tr. 3392, 3394, 3408).

*Testimony of Gilberte Guerrie*

Gilberte Guerrie was called to testify by Respondent. (Tr. 3412). Guerrie testified that in 2012, he was looking for a doctor for his half-brother. (Tr. 3413). He testified that Respondent

gave them an appointment at Aunt Martha's on 118th Street. (Tr. 3413). He testified that later Respondent left Aunt Martha's. (Tr. 3423). He made an appointment for his half-brother to follow up with Respondent at Access. (Tr. 3423). He testified that during those visits, Respondent did not speak inappropriately to the half-brother, and acted appropriately with the staff when they came in to take his vitals. (Tr. 3424). He testified that Respondent did not threaten the staff during any of his visits with Respondent. (Tr. 3425). He testified that the only thing Respondent talked about was his half-brother's health. (Tr. 3427-28).

*Testimony of Dr. Nancy Gamarra*

Dr. Nancy Gamarra was called to testify by Respondent. She testified that she had worked for Access for fifteen years, and was in internal medicine and endocrinology at the Access Kedzie location. (Tr. 4331). She has known Respondent for the last two years and last worked with Respondent in December 2016. (Tr. 4332). She testified that her interactions with Respondent while they worked together were appropriate and not hostile. (Tr. 4336). She testified that she could not say anything good about Respondent's character because she and Respondent did not see the same patients. (Tr. 4342).

She and Respondent did not have any interaction as professionals and got together in the lunchroom. (Tr. 4337). She testified that Respondent did go into detail about court proceedings she participated in, and added that Respondent mentioned the problem she had with a fiancé. (Tr. 4337). She testified that Respondent told her that Respondent had a relationship in the past with someone who was suing her, and had legal issues with that person. (Tr. 4338). She testified that Respondent did not share with her the name of the person suing her. (Tr. 4343). She testified that she had a Christmas party at her house in Indiana on December 10, 2016. (Tr. 4334). Respondent was not present. (Tr. 4334). She testified that there was no gift exchange, and no one brought gifts to that party. (Tr. 4335). She testified that she gave gifts to the staff. (Tr. 4335). She did not give gifts to the physicians. (Tr. 4335).

*Testimony of Dr. Hazel Galicia*

Dr. Hazel Galicia was called to testify by Respondent. Dr. Galicia testified that she is a pediatrician working primarily at the Access health center called the Hawthorn Family Health Center. She has worked at Access for five years. When asked what the Safety Zone Portal was, she testified that she was unfamiliar with it and did not have one. She testified that she had seen some patients also seen by Respondent. She testified that she has not received any complaints

brought to her attention by any patients who had seen Respondent as their pediatrician or their families. She characterized their professional relationship as amiable. (Tr. 4433-34). She testified that Respondent had never discussed with her any court proceedings, or shared dating information about Respondent or her former friends, or mentioned [redacted] by name. (Tr. 4426, 4429-30, 4432-35).

*Testimony of Michelle Toney*

Michelle Toney was called to testify by Respondent. Michelle Toney worked as a registered nurse at Illinois Masonic Medical Center on the mother/baby floor and worked with Respondent there from 2012 to 2013. (Tr. 4446). After that, the witness and Respondent were in family nurse practitioner school together. At Illinois Masonic, she saw Respondent rotate with the hospitalist one or two times a month. (Tr. 4447). She perceived Respondent's levels of interaction with herself, other staff members, patients and families of patients as appropriate. (Tr. 4447). She testified that she also did a rotation at Aunt Martha's during her clinical preceptorship lasting eight weeks in which she saw Respondent twice a week. She characterized Respondent's bedside manner with the patients at Aunt Martha's as appropriate. (Tr. 4447,4453).

*Testimony of Jessica Hesper*

Jessica Hesper was called to testify by Respondent. Hesper testified that she is a physician assistant. She worked at Access' Kedzie center from 2014 to March 2016. She worked under the license of Dr. Gamarra, and treated adults and older children, and cared for some of the same patients as Respondent. She received no concerning statements regarding Respondent's interactions with patients' parents. She observed that Respondent's interactions with MA Angel and MA Navarro were friendly and professional. She did not feel that the delivery of effective healthcare was deterred due to any outbursts or unprofessional statements pertaining to patient care from Respondent. She did not feel that Respondent gave too much information about her personal life to the point of making the witness uncomfortable. (Tr. 4489-4495, 4501).

*Testimony of Dr. Charles Barron*

Dr. Barron was called to testify by Respondent. (Tr. 3149). Dr. Barron testified that he was currently the chief medical officer of Aunt Martha's, and had previously been the regional medical director of Access. (Tr. 3149-50).

Dr. Barron testified that he remembered a HIPAA violation that was investigated at Access in August 2015. (Tr. 3186). He testified that Respondent was trying to contact a staff member and

the staff member was not responding so Respondent went into the medical records to obtain numbers to call someone else to try to reach the staff member. He testified that he and the other investigators found this conduct to be a HIPAA violation. He did not think patient care information was involved. (Tr. 3187-88). He testified that he wrote the 2015 final warning regarding the HIPPA violation. He said it was the Respondent's final warning, although it was Respondent's only HIPPA warning, because of the egregious nature of the conduct. (Tr. 3216, 3218-19). Dr. Barron testified that he also deemed it appropriate to include other concerns regarding the Respondent's behavior in the 2015 final warning. (Tr. 3219; Dept. Ex. V).

Dr. Barron recalled that there were discussions at Access on the subject of Respondent having conversations inside the patient rooms, or mentioning her personal life to the patients. (Tr. 3193). He said that the staff and the clinic manager were concerned. He testified that he and Respondent had conversations about disclosures of personal issues, and about making sure conversations with the patients in the examination room were appropriate. (Tr. 3193, 3221). He did not review the corrective action plan from Aunt Martha's.

*Regarding Additional Testimony*

Additional witnesses testified in this matter. The Administrative Law Judge reviewed that testimony. Some of that testimony was cumulative or not relevant. In the interest of brevity, the Administrative Law Judge refers to the testimony or the conclusions supported in part by that testimony in the Report and Recommendation.

*Regarding Count I*

The Department alleged at Count 1 that Respondent violated the Act at 225 ILCS 60/22(A)(5) by engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public. The conduct alleged was that between 2012 and 2016, Respondent harassed complainant [redacted] in a variety of ways, that [redacted] was required to get an order of protection against Respondent, and that Respondent then violated that order. The alleged conduct also included Respondent's striking a Cook County Sheriff's Deputy during a subsequent appearance related to that violation of the order of protection, being charged with simple battery and resisting arrest; and that during the incident making death threats regarding the children of a Sheriff's Deputy.

The evidence reflects that Respondent sent [redacted] many unwanted e-communications, a significant number of which were abusive in nature, to Respondent in 2012, 2013 and 2014, after

[redacted] instructed her not to send any more. This constituted harassment. The evidence further reflects that a significant number of the e-communications made references to race and ethnicity that were hostile or offensive. The evidence reflects that Respondent made contact with Respondent's employer more than once in 2013 making claims about his lack of moral integrity, and in August 2013 was reporting sexual comments to his employer that she claimed he made in August 2012. (Tr. 205-07). In the context of Respondent's harassment of [redacted] by e-communication, such contact with his employers was harassment as well.

The Department presented evidence, in the form of the testimony of expert Dr. Zachariah, that Respondent's making statements in electronic communications that are discriminatory in nature, racist or ethnically derogatory, support his opinion, to a reasonable degree of medical certainty, that Respondent's conduct breached the standard of conduct of the profession. He further testified that a physician who does not have respect for someone's race or ethnic origin has extreme difficulty in maintaining professional decorum and professional objectivity and treating such a patient properly. (Tr. 1796-97). Dr. Zachariah noted that such conduct may bear directly on patient care. Such conduct is likely to result in harm to patients and to reduce the reliance of the public on physicians in general, to the harm of the general public and potential patients.

As a result of Respondent's conduct, [redacted] obtained a Stalking No Contact order against Respondent in April 2014 prohibiting Respondent's contact with his employer. The Administrative Law Judge notes that Respondent was aware that at least one of her contacts with the employer would violate the Stalking No Contact order. Respondent's expert recorded that Respondent "explain[ed] that she correctly assumed that Bedi was involved" in the complaint pending against her in the IDFPR in October 2014 "and she became upset and contact[ed] Mr. [redacted]'s employer violating the Order of Protection." (Resp. Ex. 18). The evidence reflects that in October 2014, Respondent spoke with, and emailed, [redacted]'s employer with regards to the IDPFR case and in November 2014, Respondent was arrested for violation of that order of protection.

The evidence reflects that the case involving the Stalking No Contact order was up for hearing on March 12, 2015. (Resp. Ex. 32). Respondent at that time was approached first by one sheriff's deputy and then a second, for taking photographs, which was prohibited in the courthouse, and refused to provide identification, or to give her phone to the deputies. She was then arrested and struggled with deputies during the arrest, striking one of them. She was arrested for the offenses of battery and resisting a peace officer. The evidence, including the testimony of Sheriff's Deputy

Janell Martin, reflects that while Respondent was in custody after her arrest, Respondent told Deputy Martin and others that Respondent hoped their children got cancer and hoped Deputy Sheriff Martin and others in the lockup area brought their children to Respondent, and she would let them die. (Tr. 1431). The Department presented evidence, in the form of the testimony of expert Dr. Zachariah, that Respondent's stating that she hoped their children get cancer was unprofessional. He testified that Respondent's statements that if they brought their children to her hospital, Respondent would let them die, was worse, because the threatened conduct was something in the doctor's control, and such conduct was something that violates the very core of medical professionalism. Dr. Zachariah noted that the act of a physician wishing illness and disease on children and threatening to let potential child patients die is likely to reduce the reliance of the public on physicians in general, especially with regard to the treatment of children, to the harm of patients and the public. The Administrative Law Judge agrees.

The Department presented evidence, in the form of the testimony of expert Dr. Zachariah, that when Respondent was in a courthouse where photographs are prohibited, and when approached by one of the Cook County Sheriff's Department, refused to cooperate, this supported his opinion, to a reasonable degree of medical certainty, that Respondent's conduct breached the standard of care of the profession. He testified that a physician has to abide by the rules of society, the rules of the courthouse, and the rules that everybody else who walks in that courthouse has to abide by. He testified that a physician has to abide by society's expectations of a physician and it further brings dishonor to the profession for a doctor to be seen being arrested, placed in handcuffs, and arguing and fighting with a bailiff or deputy. He further testified that Respondent, after being approached by two sheriff's deputies, refused to provide the phone and identification and was subsequently placed under arrest, supported that opinion for the same reason. Respondent's conduct is likely to reduce the reliance of the public on physicians in general, to the harm of patients and the public.

The Administrative Law Judge having reviewed the evidence and testimony in this matter concludes with regard to Count 1 of the Third Amended Complaint that the Department has presented clear and convincing evidence that Respondent has engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in violation of 225 ILCS 60/22(A)(5).

*Regarding Respondent's Argument – Count 1*

Respondent disputed that she said the aforesaid statements to the sheriff's deputies, and instead claimed that she said:

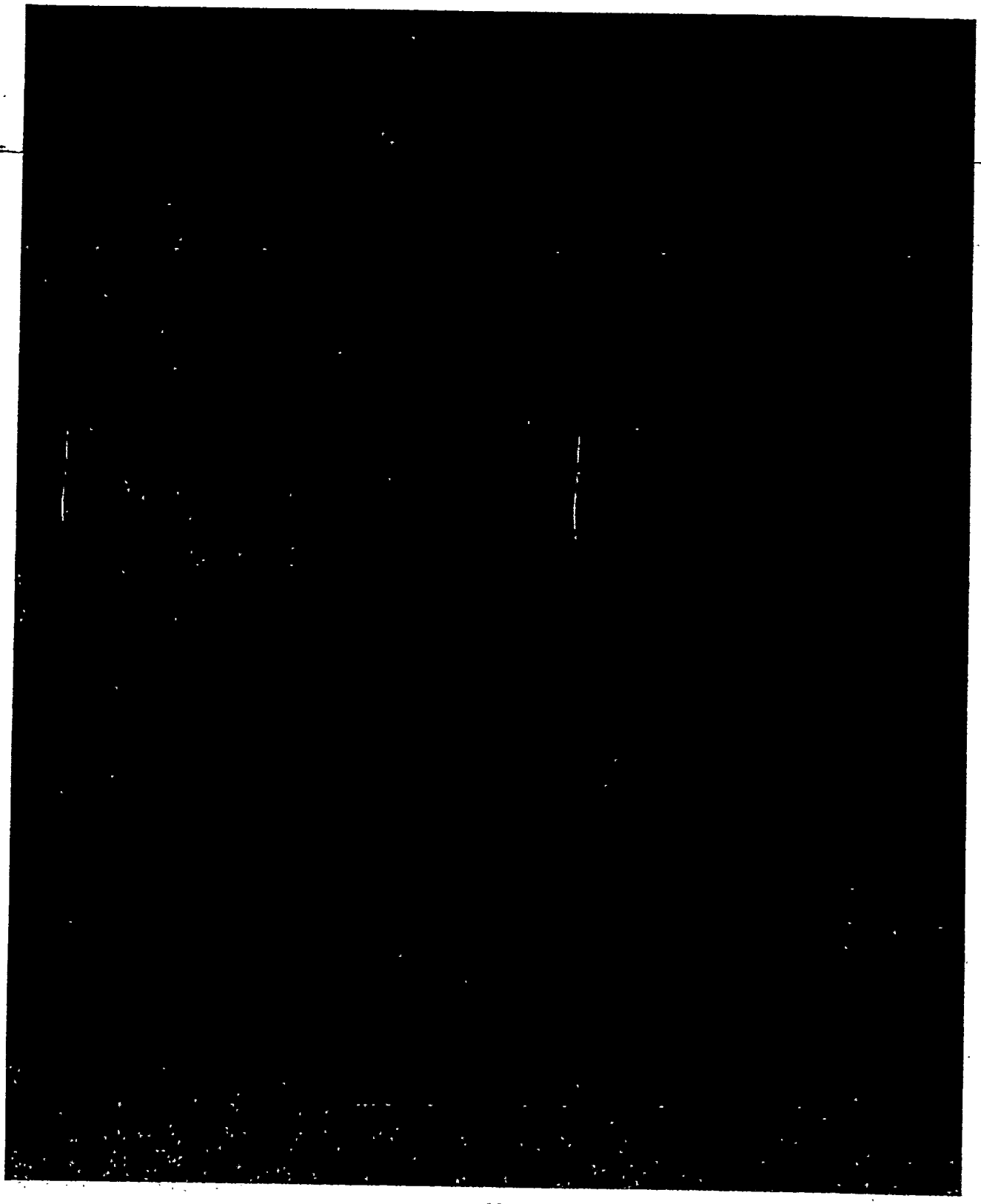
> You hit me here today. I reserve the right to refuse care to a violent parent. If your child is sick, I can't help you, and this includes if your child gets cancer, you will have to see somebody else. (Tr. 3790-3791).

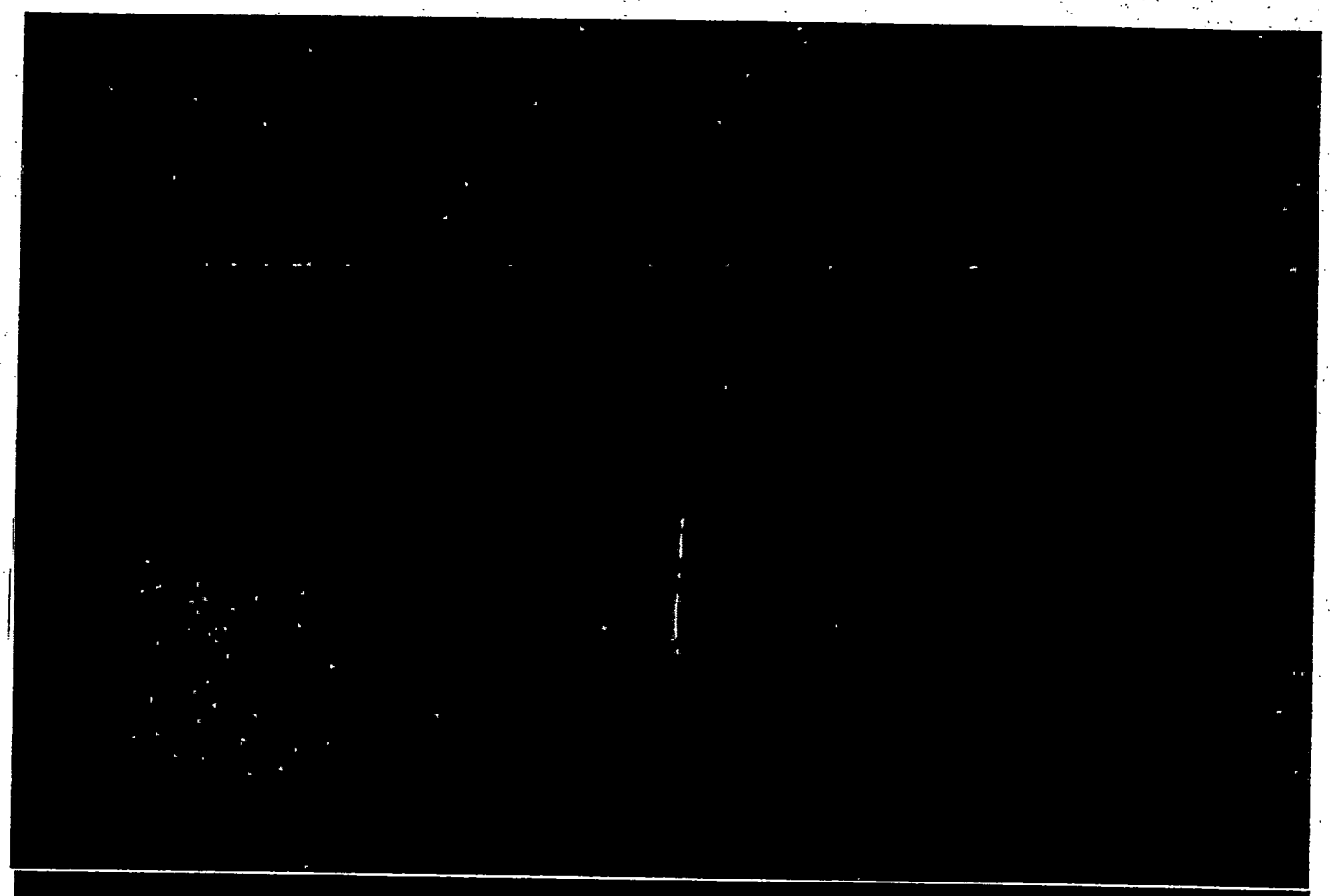
The Administrative Law Judge observed Respondent and concluded she was trying to create a speech on the spot and only remembered at the last moment to include a reference to cancer. Respondent herself signed a letter of apology to Deputy Martin in which she characterized herself that day as being [redacted] (Resp. Ex. P). It is highly unlikely that a person in such a self-described mental state, who has just been arrested for committing battery on a deputy sheriff and is also claiming to be speaking to a person who just hit her, would make the purported formal speech. Furthermore, Respondent's suggestion that she would not have said that she wished cancer on the deputy sheriffs' children because she had no idea which deputy sheriff was single, married or had children is unconvincing under those circumstances. (Tr. 826; 3790). During her testimony, Respondent repeatedly attempted to deflect questions regarding her reportedly offensive statements by asserting the offense was impossible.[5] It is for the Administrative Law Judge, as a trier of fact, to evaluate all evidence, judge the credibility of witnesses, resolve any conflicts in the evidence, and draw reasonable inferences and conclusions from the facts. The Administrative Law Judge is free to disbelieve all or part of any witness's testimony if he or she so chooses. The Administrative Law Judge does not find Respondent's version of events to be credible.

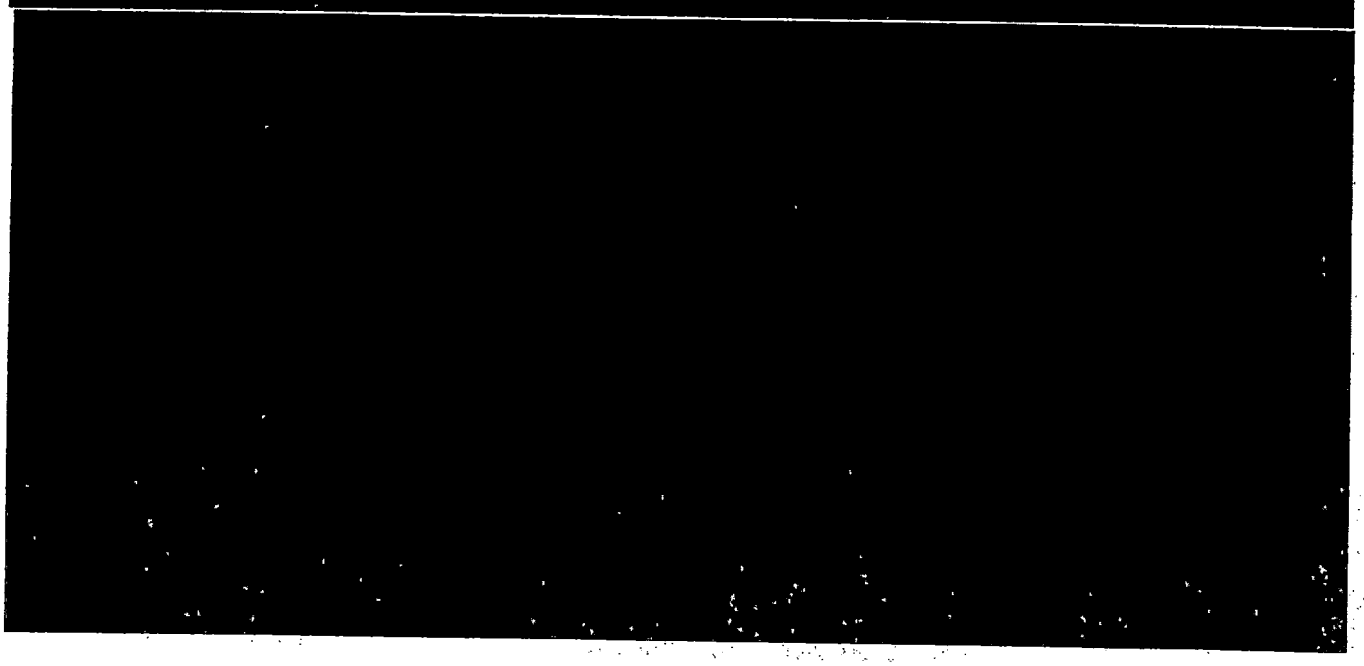
*Regarding Count 2*

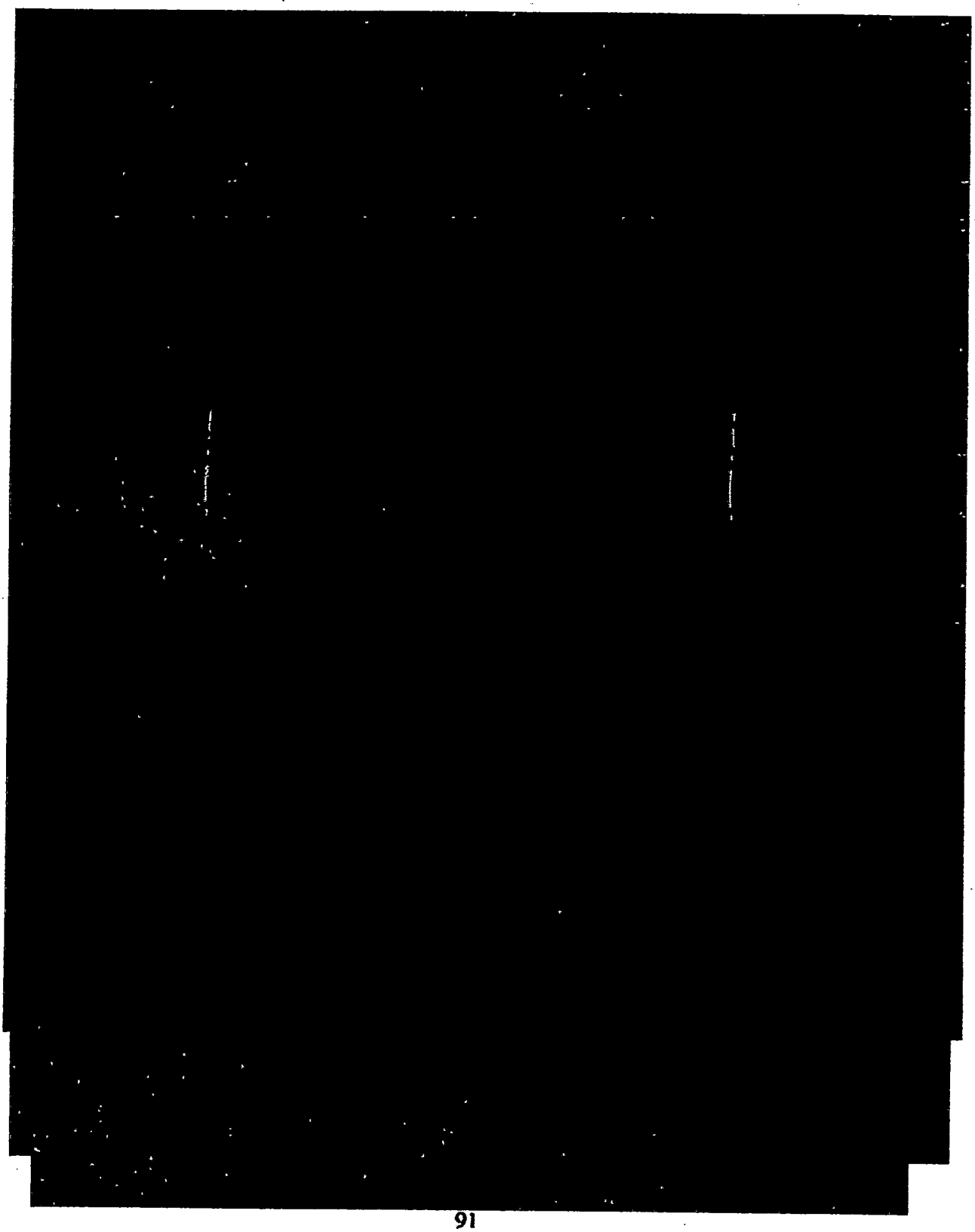
At Count 2 of the Third Amended Complaint, the Department alleged that Respondent was in violation of the Act [redacted]

[5] Attorney Q: [D]id you say to the Cook County Deputy Sheriff that was fingerprinting you, that he was fat and needed to wear gloves because he had hepatitis C?
Respondent A: You can't get hepatitis C for fingers. (Tr. 826).









[redacted] The Administrative Law Judge concludes with regard to Count 2 of the Third Amended Complaint, the Department has not presented clear and convincing evidence that Respondent engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in violation of 225 ILCS 60/22(A)(5).

*Regarding Count 3*

The Department alleged at Count 3 that Respondent violated the Act at 225 ILCS 60/22(A)(5) by engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public. The Department made a series of allegations regarding Respondent's termination from Access, and her conduct on December 10, 2016 and at a meeting on December 14, 2016.

The evidence reflects that Access gave Respondent notice on November 21, 2016 that her employment would be terminated. The evidence reflects that this notice of termination was based on numerous complaints from both health care center staff and patients regarding Respondent's behavior, which mainly involved Respondent making insensitive and condescending remarks toward them. The evidence reflects that numerous complaints were made regarding Respondent's behavior related to poor interaction with other co-workers, her harassment, her bullying, and her belittling of healthcare providers, including MA Rosales. Among the many such complaints were the May 20, 2015 Access Confidential Adverse Event Report and the report to HR manager Lillie of June 15, 2016.

The Department presented evidence, in the form of the testimony of Dr. Zachariah, that Respondent's termination from Access based on issues relating to poor interaction with other co-workers, harassment, bullying and her belittling of healthcare providers, support his opinion, to a reasonable degree of medical certainty, that Respondent's conduct breached the standard of conduct of the profession. He characterized these behaviors as indicating that Respondent is a disruptive physician, meaning a doctor who has a persistent, pervasive pattern of saying and doing things that are disruptive to the healthcare being delivered to a patient, or to the team dynamics, or to the image or reputation of the hospital, or the medical environment as a whole. Dr. Zachariah noted that when one has a disruptive physician, one does not have the healthcare team working together. He noted that medical research has established that things that disrupt team dynamics,

disrupt delivery of quality of care; this puts all the patients that go to a health care facility with disrupted team dynamics at risk.

Regarding another allegation in Count 3, the evidence, including the testimony of Zuniga, who was present, reflects that while Respondent was at Kedzie center on December 10, 2016, Respondent said "Light this place on fire," or something similar.[6] The evidence further indicates that medical assistant Loza responded in the presence of Respondent: "What? Why would you do that?" and "I've got kids, Doc. Maybe on a day when I'm not here." (Tr. 4143). The Administrative Law Judge concludes that the most reasonable inference to be drawn from this conversation is that Respondent was suggesting she was going to do that, meaning light the place on fire, something that would have the potential of killing someone who worked there. The evidence also reflects that when Riley confronted Respondent on December 14, 2016 about the allegation that Respondent made the statement or something similar, Respondent answered that she had not been talking about fire but rather had asked what would happen if there was a bomb after she left there, referring to the Kedzie center.

The Department presented evidence, in the form of the testimony of Dr. Zachariah, that Respondent, when meeting with Ms. Riley, the vice-president of human resources, to discuss allegations of other healthcare providers at Access that Respondent made statements implying that the facility was going to be burned down or blown up, this would support his opinion, to a reasonable degree of medical certainty, that Respondent's conduct breached the standard of conduct of the profession. Dr. Zachariah noted that healthcare facilities are at high risk for violence, and that any comment that implies retaliation or violence is going to be taken seriously by healthcare providers, and that putting that kind of fear into a healthcare provider will impact the team morale of the team and possibly lead to poor healthcare. Riley was a part of the team, as defined by Dr. Zachariah. Trying to explain away disruptive comments by indicating one was joking fits the personality pattern of the disruptive physician.

[6] The Administrative Law Judge notes that Ms. Riley testified regarding a similar version of this conversation that was relayed to her by MA Loza. (Tr. 1733-34). The Administrative Law Judge does not consider what MA Loza reportedly said to Riley in this Report and Recommendation, and gives preference to the reliability of the conversation testified to by Zuniga, who was present when Respondent spoke.

The Administrative Law Judge having reviewed the evidence and testimony in this matter concludes with regard to Count 3 of the Third Amended Complaint that the Department has presented clear and convincing evidence that Respondent has engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in violation of 225 ILCS 60/22(A)(5).

Respondent argued that she gave information to the Equal Employment Opportunity Commission about Access' failure to respond to her own complaints about discrimination, and Access then terminated her employment on the pretext of the alleged workplace threat. (Tr. 45). The Administrative Law Judge is not persuaded. Dr. Meija, the person who initially determined in September 2016 that Respondent would be terminated, testified that he did not know she complained about discrimination until after Respondent was terminated. (Tr. 1578-81). The Administrative Law Judge notes that EEOC complaint at issue is still pending, and there is little or no evidence in the instant case to demonstrate that Access terminated Respondent on a pretext.

*Regarding Count 4*

The Department alleged at Count 4 that Respondent violated the Act at 225 ILCS 60/22(A)(31) by making a false, fraudulent, or deceptive statement in a document connected with practice under the Act, specifically making such a statement on her 2016 Access credentialing form. The Department further alleged that under this conduct violated the Act at 225 ILCS 60/22(A)(5) as well.

The evidence reflects that on April 25, 2016, Respondent signed the affirmation on her 2016 credentialing form for Access health care professionals. Respondent's affirmation stated that she warranted that the information she provided in her credentialing form was accurate. In that 2016 credentialing form, Respondent denied that any disciplinary actions were pending with regard to her license. The evidence further reflects that a disciplinary action was pending against Respondent's license on April 25, 2016, in that the Department filed its original action in the instant case on February 16, 2016 and served it on Respondent's attorney Michael Baker by email on that same day. Respondent testified that Michael Baker represented Respondent on February 16, 2016. She testified that Michael Baker never showed her the initial complaint, nor did he tell her that it existed. She testified that Baker was present with her at the informal conference that took place at the Department with one of the Medical Disciplinary Board Members on April 25 or 30, 2016. She met with Baker for an hour or more to prepare for the informal conference.

Respondent at one point stated that the initial complaint had not been filed at the time she signed the credentialing form in April 2016. Respondent later said that she was not shown the complaint until May 2016 and that her attorney never apprised her of it. (Tr. 95-97). The Administrative Law Judge notes that Respondent's current claim is not credible. It is highly unlikely that her attorney, Baker, who represented her in February, and who received service of summons in February, would not have informed Respondent of the existence of the complaint and would not have given her a copy at that time; it is especially unlikely given that she makes this claim in the context of her other claim that the same attorney, Baker, who prepared her for, and attended an informal conference with her, never showed her a copy of the initial complaint or apprised her of it. The Administrative Law Judge concludes that Respondent made a false, fraudulent, or deceptive statement in her 2016 credentialing form when she denied that any disciplinary actions were pending with regard to her license.

The Department presented evidence, in the form of the testimony of expert Dr. Zachariah, that where Respondent failed to disclose in a credentialing application that she had a formal complaint pending regarding her medical license, such an action constitutes unprofessional conduct. The credentialing application process is predicated largely on the honesty of the physician, and conduct that reduces the credibility of physician credentialing, reduces public confidence in the practice of medicine and is likely to reduce the reliance of the public on physicians in general, to the harm of patients and the public.

The evidence further reflects that on her 2016 Access credentialing form Respondent answered no to the question: "Have you been charged or convicted of a crime, other than a minor traffic offense in this, or any other state or country, and/or do you have any criminal charges pending, other than minor traffic offenses in this state or any other state or country." (Dept. Ex. U). In fact, Respondent had been charged with battery and resisting a peace officer in March 2015. (Dept. Ex. O). Respondent claimed that at the time she signed the 2016 credentialing form she had not been charged with a crime because those 2015 charges were resolved. (Tr. 825). Respondent's testimony is replete with incorrect and unlikely interpretations of questions and statements that bring her credibility into question.

The Administrative Law Judge concludes that Respondent made a false, fraudulent, or deceptive statement in her 2016 credentialing form when she denied that any disciplinary actions were pending with regard to her license.

The Administrative Law Judge having reviewed the evidence and testimony in this matter concludes with regard to Count 4 of the Third Amended Complaint that the Department has presented clear and convincing evidence that Respondent violated the Act at 225 ILCS 60/22(A)(31) by making a false, fraudulent, or deceptive statement in a document connected with practice under the Act.

The Administrative Law Judge having reviewed the evidence and testimony in this matter concludes with regard to Count 4 of the Third Amended Complaint that the Department has presented clear and convincing evidence that Respondent has engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in violation of 225 ILCS 60/22(A)(5).

*Regarding Count 5*

The Department alleged at Count 5 that Respondent violated the Act at 225 ILCS 60/22(A)(5) by engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public. The Department made a series of allegations regarding Respondent's interaction with Dr. DeJesus.

The evidence, including the testimony of Dr. DeJesus, reflects that Respondent contacted his former co-worker from Access, Dr. DeJesus, to request a reference for a job. Dr. DeJesus did not respond. Respondent put up posts on social media accusing Dr. DeJesus of being racist against people of Indian descent and making other derogatory comments regarding Dr. DeJesus and her husband. The Department presented evidence, in the form of the testimony of expert Dr. Zachariah, that where Respondent contacted a former co-worker, requesting a reference for a job, and for said co-worker to be a character witness, and this co-worker declined to do both of those things, and assuming that the Respondent began transmitting multiple statements on a public media about this co-worker and her husband that were derogatory and accusing this former co-worker of being racist against Indians, or individuals of Indian descent, that would support his opinion, to a reasonable degree of medical certainty, that Respondent's conduct breached the standard of care of the profession. Respondent often identified herself in these posts as a doctor. Respondent's conduct is likely to reduce the reliance of the public on physicians in general, to the harm of patients and the public.

The Administrative Law Judge having reviewed the evidence and testimony in this matter concludes with regard to Count 5 of the Third Amended Complaint that the Department has

presented clear and convincing evidence that Respondent has engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in violation of 225 ILCS 60/22(A)(5).

*Regarding Count 6*

The Department alleged at Count 6 that Respondent violated the Act at 225 ILCS 60/22(A)(5) by engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public. The Department made a series of allegations regarding Respondent's discipline, suspension and termination from Aunt Martha's.

The evidence reflects that Respondent was placed on a corrective action plan by Aunt Martha's for "disruption" that was "caused by her repeated, frequent, inappropriate and unacceptable excessive disclosures and remarks to patients and staff concerning her personal life, relationships and problems." (Dept. Ex. SS). The evidence reflects that after Respondent was placed on the corrective action plan, she was terminated for her persistent misconduct of the same type. (Dept. Ex. GG). The Department presented evidence, in the form of the testimony of expert Dr. Zachariah, that where Respondent, while employed at Aunt Martha's, was placed on a corrective action plan for inappropriate communication that was disruptive to the workplace, that would support his opinion, to a reasonable degree of medical certainty, that Respondent's conduct breached the standard of conduct of the profession. The Department presented additional evidence, in the form of the testimony of expert Dr. Zachariah, that where Respondent was terminated from Aunt Martha's after having been placed on a corrective action plan, and given an opportunity to improve her conduct with colleagues and patients, and that the respondent still failed to do that, that would support his opinion, to a reasonable degree of medical certainty, that Respondent's conduct breached the standard of conduct of the profession.

Respondent argued that she was not terminated but resigned from Aunt Martha's, despite having submitted several letters and emails to Aunt Martha's stating she was terminated and had not resigned. (Tr. 3868-3871; Dept. Ex. WW, XX). The Administrative Law Judge does not find that the existence of a dispute over whether Respondent could rescind her resignation affects the opinions of Dr. Zachariah.

The Administrative Law Judge having reviewed the evidence and testimony in this matter concludes with regard to Count 6 of the Third Amended Complaint that the Department has presented clear and convincing evidence that Respondent has engaged in dishonorable, unethical

or unprofessional conduct of a character likely to deceive, defraud or harm the public in violation of 225 ILCS 60/22(A)(5).

*Regarding Count 7*

The Department alleged at Count 7 that Respondent violated the Act at 225 ILCS 60/22(A)(31) by making a false, fraudulent, or deceptive statement in a document connected with practice under the act, specifically making such a statement on her 2014 Access credentialing form. The Department further alleged that under this conduct violated the Act at 225 ILCS 60/22(A)(5) as well.

The evidence reflects that on June 18, 2014, Respondent signed the affirmation on her 2014 credentialing form for Access health care professionals. Respondent's affirmation stated that she warranted that the information she provided in her credentialing form was accurate. In that 2014 credentialing form, Respondent answered "no" to the following question:

> 9. Have any disciplinary actions or proceedings been instituted against you and/or are any disciplinary actions or proceedings now pending with respect to your hospital or ambulatory surgery center privileges and/or your license?

Similar questions were asked about the problematic renewal of hospital or ambulatory surgery center privileges.

The Department asserts that Respondent failed to disclose in response to these questions and others in the 2014 Access credentialing form that she was placed on a corrective action plan at Aunt Martha's, or suspended or terminated from Aunt Martha's. The ALJ found no meaningful evidence to indicate that Aunt Martha's was a hospital or ambulatory surgery center. The Administrative Law Judge determines that there is insufficient evidence to conclude Respondent made a false, fraudulent, or deceptive statement in her 2014 credentialing forms.

The Administrative Law Judge having reviewed the evidence and testimony in this matter concludes with regard to Count 7 of the Third Amended Complaint that the Department has not presented clear and convincing evidence that Respondent violated the Act at 225 ILCS 60/22(A)(31) by making a false, fraudulent, or deceptive statement in a document connected with practice under the Act. The Administrative Law Judge having reviewed the evidence and testimony in this matter concludes with regard to Count 7 of the Third Amended Complaint that the Department has not presented clear and convincing evidence that Respondent has engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in violation of 225 ILCS 60/22(A)(5).

*Mitigation and Aggravation*

The following factors in aggravation apply:

1. The seriousness of the offenses. Respondent's offenses are extremely serious. [redacted] Respondent made a false, fraudulent, or deceptive statement in her credentialing form to securing hospital credentials, generated complaints in sufficient numbers to get her fired or forced out of multiple healthcare employers, harassed multiple members of the public and struck a sheriff's deputy all of which could reduce the public's respect for and confidence in licensed physicians and may result in harm to people who require healthcare. Respondent's offenses undermine the Medical Practice Act of 1987, and are opposed to its general purpose, which is to protect the public health and welfare from those not qualified to practice medicine.

2. The presence of multiple offenses. Respondent was found to have violated the Act in six counts, involving dozens of individual acts of improper conduct.

3. Prior disciplinary history, including actions taken by hospitals, healthcare facilities, residency programs, and employers. Respondent was placed in a corrective action plan by her employer Aunt Martha's for inappropriate communication that was disruptive to the workplace.

4. The impact of the offenses on any injured party. Respondent harassed [redacted] for four years, requiring him to initiate litigation against her, obtain orders of protection and attempt to undo Respondent's defamation by contacting the people Respondent spoke to, processes that consumed time and money. The nature of Respondent's contacts with his employer had the potential to prevent [redacted] from being awarded tenure, caused [redacted] several years of anxiety and distress until he obtained tenure in 2017. The nature of Respondent's contacts with the employer of Dr. DeJesus and her slurs against Dr. DeJesus required Dr. DeJesus to initiate litigation against Respondent. Respondent struck a sheriff's deputy. Respondent's disruptive acts required much effort on the part of her employers.

5. The lack of contrition for the offenses. When asked at the formal hearing if she regretted any of her behavior as it related to [redacted] Respondent testified that she did regret it. (Tr. 213). Respondent expressed no contrition at the formal hearing for any other act she committed.

The following factor in mitigation applies:

1. Any voluntary remedial actions taken. Respondent apparently offered to or did prepare letters of retraction in or about 2014 regarding the statements Respondent made to authorities at Harvard and DePaul College of Law. However, the Administrative Law Judge notes that Respondent indicated that a similar apology letter sent in her name to Deputy Sheriff Martin was not authored by her and did not reflect what she would have stated.

*Regarding Discipline*

The Department requested as an appropriate discipline the indefinite suspension of Respondent's license for a minimum two-year period. (Tr. 4647).

Respondent has demonstrated that she does not acknowledge or understand that her actions were harmful to others. Respondent has given little indication that she understands that her actions were wrong. Respondent said she thought she was wrong to call his employer but immediately blamed Respondent for not being available for a rational conversation. (Tr. 290). She then diminished the seriousness of her offense saying she did not think making that call "was absolute 100 percent necessary," suggesting it was somewhat necessary. (Tr. 338). The Administrative Law Judge concludes that Respondent will return to abusing and engendering complaints from co-workers, as well as having inappropriate conversations with patients and engendering complaints as a result. There is no reason to believe that Respondent will not in the future disrupt health care centers, courthouses and the lives of individuals whom Respondent chooses to stalk.

The Administrative Law Judge concludes that Respondent will better merit the trust of the people of Illinois if she is given sufficient time to consider that a licensee who engages in the conduct of the type practiced by Respondent and suffers the mental impairment Respondent does, is unable to practice with reasonable judgment, skill or safety, and is a serious threat to the public health and welfare. The Administrative Law Judge concludes that Respondent will also benefit from being given time to make such considerations under circumstances free from the demands of practice under the Act. The Administrative Law Judge does not conclude that a fine will be necessary to achieve this result.

## CONCLUSIONS OF LAW

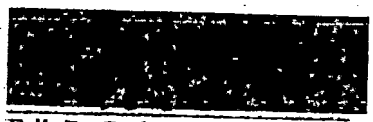
Based on the above Findings of Fact, the Administrative Law Judge concludes as a matter of law the following:

1. The Illinois Medical Disciplinary Board has jurisdiction over the subject matter and the parties in this case.
2. The Department has proved by clear and convincing evidence that Respondent violated 225 ILCS 60/22(A)(5) as alleged in Count 1 of the Third Amended Complaint.
3. The Department has proved by clear and convincing evidence that Respondent violated [redacted] as alleged in Count 2 of the Third Amended Complaint.
4. The Department has not proved by clear and convincing evidence that Respondent violated 225 ILCS 60/22(A)(5) as alleged in Count 2 of the Third Amended Complaint.
5. The Department has proved by clear and convincing evidence that Respondent violated 225 ILCS 60/22(A)(5) as alleged in Count 3 of the Third Amended Complaint.
6. The Department has proved by clear and convincing evidence that Respondent violated 225 ILCS 60/22(A)(5) as alleged in Count 4 of the Third Amended Complaint.
7. The Department has proved by clear and convincing evidence that Respondent violated 225 ILCS 60/22(A)(5) as alleged in Count 5 of the Third Amended Complaint.
8. The Department has proved by clear and convincing evidence that Respondent violated 225 ILCS 60/22(A)(5) as alleged in Count 6 of the Third Amended Complaint.
9. The Department has not proved by clear and convincing evidence that Respondent violated 225 ILCS 60/22(A)(31) as alleged in Count 7 of the Third Amended Complaint.
10. The Department has not proved by clear and convincing evidence that Respondent violated 225 ILCS 60/22(A)(5) as alleged in Count 7 of the Third Amended Complaint.

## RECOMMENDATION

Based on the above Findings of Fact and Conclusions of Law, and in considering the factors in aggravation and mitigation in determining appropriate discipline, including those contained in 20 ILCS 2105/2105-130(b) and (c) and as argued by the parties on the record, the Administrative Law Judge recommends to the Illinois Medical Disciplinary Board that Respondent Pooja Khungar's Certificate of Registration as a Physician and Surgeon, License No. 036.118677, be suspended indefinitely for a minimum of eighteen (18) months.

Respectfully submitted:



Erik D. Gruber
Administrative Law Judge

Dated: February 23, 2018

## ADDENDUM TO ADMINISTRATIVE LAW JUDGE'S REPORT AND RECOMMENDATION

### EXHIBITS

The following exhibits of the Department were admitted into evidence:

**Department's Exhibit A:** Various e-communications between Respondent and [redacted] from 2012 to 2014.

**Department's Exhibit B:** January 2014 e-mails between Mark and [redacted]

**Department's Exhibit D:** Amended Petition and Stalking No Contact Order in the case styled People ex rel [redacted] v. Khungar, Case No. 14 OP 70074 in the Circuit Court of Cook County (hereinafter "14 OP 70074").

**Department's Exhibit E:** Complaint for defamation and false light against Respondent in the case styled [redacted] v. Khungar, case no. 14 L 4760 in the Circuit Court of Cook County (hereinafter "14 L 4760").

**Department's Exhibit F:** Order dated July 17, 2014 in 14 L 4760.

**Department's Exhibit G:** Motion for Rule to Show Cause in 14 L 4760, dated July 29, 2014.

**Department's Exhibit I:** Affidavit of Dean Bruce Ottley, with attached e-mail, dated October 23, 2014, from Respondent to Ottley.

**Department's Exhibit J:** Letter of complaint to Department from [redacted] (undated).

**Department's Exhibit K:** Motion for Rule to Show Cause in 14 L 4760, dated December 1, 2014.

**Department's Exhibit M:** Complaint in case styled, People v. Khungar, case no. 14 DV 80812, in the Circuit Court of Cook County (hereinafter "14 DV 80812").

**Department's Exhibit N:** Cook County Sheriff's Office Officer Battery Report 15-525321.

**Department's Exhibit O:** Complaint in case styled, People v. Khungar, case no. 15 DV 71649 in the Circuit Court of Cook County (hereinafter "15 DV 71649").

**Department's Exhibit P:** April 9, 2015 letter of apology from Respondent to Deputy Sheriff Martin.

**Department's Exhibit Q:** Settlement agreement in 14 L 4760.

**Department's Exhibit R:** Illinois Department of Professional Regulation Investigative Report Number 2.

**Department's Exhibit S:** [redacted]

**Department's Exhibit U:** Respondent's State of Illinois Professional Recredentialing and Business Data Gathering Form for Access Community Health Network (signed by Respondent) (date of signature - April 25, 2016).

**Department's Exhibit V:** August 18, 2016 letter from Dr. Charles Barron, Regional Medical Director, to Respondent.

**Department's Exhibit W:** November 21, 2016 from Jairo Mejia, M.D., to Respondent regarding 90 Day Termination Notice.

**Department's Exhibit X:** December 20, 2016 Letter from Eleva Riley to Respondent.

**Department's Exhibit Y:** E-communications between Dr. Tara De Jesus from Respondent.

**Department's Exhibit Z:** Various e-communications on Facebook.

**Department's Exhibit AA:** Apostolic Faith Church posting by Respondent.

**Department's Exhibit BB:** Documents related to cases styled, Tara DeJesus v. Khungar, Case No. 17 OP 72336 (hereinafter "Case No. 17 OP 72336") and the case styled, Khungar v. Dargen, Case No. 17 OP 72473, in the Circuit Court of Cook County.

**Department's Exhibit CC:** Respondent's Health Care Professionals Credentialing and Business Data Gathering Form, with attached documents, dated May 10, 2010.

**Department's Exhibit DD:** Google+ document direct to [redacted]

**Department's Exhibit FF:** Curriculum Vitae of Respondent.

**Department's Exhibit GG:** June 6, 2014 letter to Respondent from Renee Wheeler.

**Department's Exhibit HH:** May 7, 2014 letter to Raul Garza and Dr. Tamara Lim from Respondent.

**Department's Exhibit II:** May 19, 2014 letter to Respondent from Raul Garza.

**Department's Exhibit JJ:** Respondent's Health Care Professional Credentialing and Business Data Gathering Form, dated June 18, 2014.

**Department's Exhibit KK:** [redacted]

**Department's Exhibit LL:** [redacted]

**Department's Exhibit MM:** Illinois Department of Professional Regulation Investigative Report Number 3.

**Department's Exhibit NN:** Access Safety Zone Portal Complaint/Compliment form.

**Department's Exhibit OO:** Curriculum Vitae of Dr. Brian Zachariah.

**Department's Exhibit QQ:** AMA Opinions on Professional Self-Regulation, dated 2016.

**Department's Exhibit SS:** Reports of Aunt Martha's meetings with Respondent and others, and related documents.

**Department's Exhibit TT:** May 7, 2014 letter to Raul Garza and Dr. Tamara Lim from Respondent.

**Department's Exhibit UU:** May 7, 2014 letter to Raul Garza from Dr. Tamara Lim.

**Department's Exhibit VV:** May 19, 2014 letter to Respondent from Chris Nordloh.

**Department's Exhibit WW:** Undated letter received May 21, 2014 from Respondent to Chris Nordloh and others.

**Department's Exhibit XX:** May 19, 2014 email to Chris Nordloh from Respondent.

**Department's Exhibit YY:** Aunt Martha's Youth Service Center Employee Performance Evaluation.

**Department's Exhibit ZZ:** E-communication from Respondent.

**Department's Exhibit AAA:** June 17, 2016 email to Dr. Charles Barron and Dr. Jairo Mejia from Alicia Mariscal, forwarding email from Dr. Tara DeJesus to Mariscal.

**Department's Exhibit BBB:** June 12, 2016 email from Dr. DeJesus to Mariscal, and additional emails.

**Department's Exhibit CCC:** May 20, 2015 Access Confidential Adverse Event Report.

**Department's Exhibit DDD:** May 3, 2016 Access Patient Complaint/Suggestion Report Form regarding complaint of Y.P., mother of patient.

**Department's Exhibit EEE:** June 13, 2016 email from Mariscal to Stephan Lillie, Dr. Charles Barron and Laura Whalley.

**Department's Exhibit FFF:** June 15, 2016 email from Mariscal to Stephan Lillie, Dr. Charles Barron and others.

**Department's Exhibit HHH:** November 22, 2016 email from Mariscal to Stephan Lillie, Dr. Jairo Mejia and others.

**Department's Exhibit III:** November 23, 2016 email from Mariscal to Stephan Lillie, Dr. Jairo Mejia and others.

**Department's Exhibit JJJ:** November 22, 2016 email from Dr. Tara DeJesus to Mariscal, and other emails.

**Department's Exhibit MMM:** Affidavit of Dr. Nancy Gamarra.

The following exhibits of the Respondent were admitted into evidence:

**Respondent's Exhibit 11:** December 16, 2016 letter of Hoang Nguyen, M.D.

**Respondent's Exhibit 13:** April 24, 2017 letter of Precious Porter, R.N.

**Respondent's Exhibit 18:** P[redacted] M.D.)(date of report: May 25, 2017).

**Respondent's Exhibit 23:** Valentine Appreciation Cards.

**Respondent's Exhibit 29:** Petition for Stalking No Contact Order in case No. 14 OP 70074.

**Respondent's Exhibit 30:** Order of January 7, 2014 in Case No. 14 OP 70074.

**Respondent's Exhibit 31:** Disposition Order of March 11, 2014 in Case No. 14 OP 70074.

**Respondent's Exhibit 32:** Stipulation and Agreement to Entry of Plenary Stalking No Contact Order and Plenary Stalking No Contact Order in Case No. 14 OP 70074 (dated April 25, 2014).

**Respondent's Exhibit 33:** Order of March 12, 2015 in Case No. 14 OP 70074.

**Respondent's Exhibit 34:** Order of March 26, 2015 in Case No. 14 OP 70074.

**Respondent's Exhibit 35:** Order of May 13, 2015 in Case No. 14 OP 70074.

**Respondent's Exhibit 36:** Order of July 30, 2015 in Case No. 14 OP 70074.

**Respondent's Exhibit 37:** Civil No Contact Disposition Order of April 18, 2016 in Case No. 14 OP 70074.

**Respondent's Exhibit 38:** Civil No Contact Disposition Order of September 13, 2016 in Case No. 14 OP 70074.

**Respondent's Exhibit 39:** Civil No Contact Disposition Order of December 8, 2016 in Case No. 14 OP 70074.

**Respondent's Exhibit 40:** Civil No Contact Disposition Order of February 22, 2017 in Case No. 14 OP 70074.

**Respondent's Exhibit 41:** Civil No Contact Disposition Order of March 29, 2017 in Case No. 14 OP 70074.

**Respondent's Exhibit 42:** Civil No Contact Disposition Order of April 26, 2017 in Case No. 14 OP 70074.

**Respondent's Exhibit 43:** Civil No Contact Disposition Order of July 11, 2017 in Case No. 14 OP 70074.

**Respondent's Exhibit 46:** October 8, 2015 letter to Sandra Downey of the Northwestern Medical Faculty Foundation from Azeema Akram of the IDFPR.

**Respondent's Exhibit 47:** October 22, 2015 Email to Respondent from Sandra Downey and email thread.

**Respondent's Exhibit 52:** October 6, 2015 Order to Expunge and Impound Criminal Records in cases styled People v. Khungar, case nos. 14 DV 8081202 and 15 DV 7164801 in the Circuit Court of Cook County.

**Respondent's Exhibit 53:** Illinois Department of Professional Regulation Investigative Report Number 1.

**Respondent's Exhibit 65:** Clinical Privileging Application of Access. (signed by applicant) (dated: April 25, 2016) and May 31, 2016 letter to Respondent from Tariq Butt, M.D., Vice-President on Health Affairs.

**Respondent's Exhibit 66:** November 21, 2016 letter to Donna Thompson and Dr. Jairo Mejia from Respondent.

**Respondent's Exhibit 68:** Emails to Jairo Mejia, Stephanie Lilly, Alicia Mariscal and others in June 2016 and November 2016.

**Respondent's Exhibit 71:** Aunt Martha's Youth Service Center Employee Performance Evaluation.

**Respondent's Exhibit 73A:** Photograph of blue pillow.

**Respondent's Exhibit 74:** Copy of photograph of plastic figures.

**Respondent's Exhibit 79:** February 25, 2016 letter of reference to Aetna Better Health of Illinois from Stephanie Whyte, M.D.

**Respondent's Exhibit 80:** AT&T records of communications from [redacted] to Respondent – April 1, 2012 to May 1, 2014

**Respondent's Exhibit 81:** January 25, 2017 letter of Erica Hunter to presiding magistrate.

**Respondent's Exhibit 82:** Access Connect Scorecard.

**Respondent's Exhibit 87:** March 28, 2016 letter to whom it may concern from Ebony Davidson.

**Respondent's Exhibit 88:** Disposition Order/Petition for CNCO-Stalking Order of July 11, 2017 in 17 OP 72336.

**Respondent's Exhibit 89:** Victim Information Notice/ Chicago Police Department (date of occurrence – April 16, 2017).

**Respondent's Exhibit 90:** E-communications (dated December 10 [year unidentified]).

**Respondent's Exhibit 92:** E-communications between Respondent and Dr. Mafla (dated December 13, 2016).

**Respondent's Exhibit 97:** [redacted]

**Respondent's Exhibit 99:** Letter to whom it may concern from Maria Carmen Del Cid (undated).

**Respondent's Exhibit 103:** Handwritten notations on document entitled "Count III."