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Doctor Declines to Defend Himself in Sex-Abuse Case : Hearing: Tustin gynecologist's decision clears the way for permanent revocation of his state medical license.

May 20, 1992 | BILL BILLITER | TIMES STAFF WRITER

LOS ANGELES — In a near-empty courtroom here, the biggest medical sexual-abuse case in California history came to an unexpectedly abrupt end on Tuesday.

Dr. Ivan C. Namihas, a Tustin gynecologist accused of about 50 instances of alleged sexual abuse of his patients, declined to appear at his court hearing to defend himself, clearing the way for permanent revocation of his right to practice medicine in California.

Namihas' attorney, in a letter mailed to the court, said "unending publicity" about the case was one reason the 59-year-old doctor decided to "surrender his medical license" and forgo a defense in court.

Deputy Atty. Gen. Thomas Lazar said the gynecologist, by not appearing in court, gave up his right to challenge state legal action threatening his medical license. The California Medical Board is expected to permanently revoke Namihas' license within the next two weeks. The doctor has not been able to practice since March 13, when an Orange County Superior Court temporarily suspended his license.

According to the state attorney general's office, the Namihas case involved more medical sexual-abuse allegations than any other in the state's history. A total of 68 charges had been filed against Namihas, and about 50 alleged that he fondled, masturbated or otherwise sexually abused his female patients. About 80 women were scheduled to testify against him in court, Lazar said.

"This was Dr. Namihas' opportunity to appear in court and defend himself against the charges," Lazar said, outside the courtroom. "He has decided not to appear, and I think it's because the evidence against him was overwhelming."

The first sexual-abuse charge against Namihas was filed in 1982. But most of the 68 charges against him were filed in recent months, in the wake of news stories about the initial accusations. Lazar said many of the patients had previously been afraid to come forward with charges but were encouraged when they learned they were not alone.

One patient charged that the gynecologist had, in effect, raped her. Another patient accused Namihas, described by some women who knew him intimately as a secret woman-hater, of deliberately withholding anesthesia while suturing her after a hysterectomy. Several patients accused him of making lewd remarks and deliberately fondling them.

The hearing scheduled in Los Angeles County Superior Court on Tuesday was to have been before an administrative judge and was slated to last at least eight weeks. The non-jury hearing was to allow Namihas and his attorneys to argue why the doctor should be allowed to keep his medical license.

However, neither the doctor nor his lawyers appeared in court Tuesday.

Henry Lewin, one of Namihas' lawyers, sent Administrative Judge Ralph Dash a letter that accused the California Medical Board of publicizing the case.

"The Medical Board, through its investigators, has been in continual contact with local and national media, generating seemingly unending publicity for over four months," Lewin's letter said. ". . . Notwithstanding our client's desire to defend the charges and the possibility of obtaining a favorable proposed decision, the board's announced commitment and unyielding demand for the revocation of our client's license appears to make the final administrative decision in this matter a foregone conclusion.

"Recognizing the futility of the situation as it has developed, Dr. Namihas, after careful and painful deliberation, today (May 15) decided to surrender his medical license and not appear at the hearing commencing May 19."

But Lazar, representing the state, refused to allow Namihas simply to surrender his medical license and instead asked the judge to rule in favor of the California Medical Board, which wants to strip Namihas of his license. "We're seeking default judgment," Lazar told Judge Dash. A default judgment is a legal decision given in favor of one side when the other side fails to show up.

Lazar said the state wanted a legal judgment in the case to reduce any likelihood of Namihas' seeking his license back. Lazar said a division of the California Medical Board is now empowered to enter a legal decision "just as if Dr. Namihas had been found guilty of each and every charge."

Lazar said Namihas possibly could still practice in other states if licensed there. But Lazar said the California Medical Board routinely notifies other states of a doctor's suspension. That action normally keeps doctors from practicing elsewhere, Lazar said.

Roberta Ward of Tustin, who filed the first charge against Namihas in 1982, on Tuesday said she was "thrilled" to learn the gynecologist is on the verge of permanently losing his license.

No criminal charges have been filed against Namihas. Orange County Deputy Dist. Atty. Jan Thurla, head of the sexual-assault unit, said Tuesday that virtually all of the accusations involved alleged incidents that happened more than a year ago. "The statute of limitations for these offenses is one year," Thurla said.

Thurla said the district attorney's office will probably make a final decision today about whether to file any criminal charges.