

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

In the Matter of the First Amended)	
Accusation Against:)	
)	
KEVIN PEZESHKI, M.D.)	
)	Case No. 22-2012-225236
)	
Physician's and Surgeon's)	
Certificate No. A 67148)	
)	
Petitioner)	
_____)	

DECISION AND ORDER

The attached Stipulated Surrender of License and Order 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 March 21, 2014.

IT IS SO ORDERED March 14, 2014.

MEDICAL BOARD OF CALIFORNIA

By: Dev Gnanadev MD
Dev Gnanadev, M.D., Chair
Panel B

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
Deputy Attorney General
4 State Bar No. 119988
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-7373
6 Facsimile: (213) 897-9395
Attorneys for Complainant
7

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
Against:

13 KEVIN PEZESHKI, M.D.
14 7963 Van Nuys Blvd., Suite 101
Panorama City, CA 91402

15 Physician and Surgeon's License No. A67148

16 Respondent.
17

Case No. 22-2012-225236

OAH No. 2013040438

18 **STIPULATED REVOCATION OF**
19 **LICENSE AND ORDER**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
entitled proceedings that the following matters are true:

21 PARTIES

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California. She brought this action solely in her official capacity and is represented in this
24 matter by Kamala D. Harris, Attorney General of the State of California, by Cindy M. Lopez,
25 Deputy Attorney General.

26 2. KEVIN PEZESHKI, M.D. (Respondent) is represented in this proceeding by attorney
27 David L. Rosner, whose address is 21781 Ventura Boulevard, Suite 516, Woodland Hills, CA
28 91364.

1 3. On or about December 11, 1998, the Medical Board of California issued Physician's
2 and Surgeon's Certificate No. A67148 to Kevin Pezeshki, M.D. (Respondent). His license was in
3 full force and effect at all times relevant to the charges brought in Accusation No. 22-2012-
4 225236, and will expire on April 30, 2014, unless renewed. On April 4, 2013, Respondent's
5 Physician's and Surgeon's Certificate was placed on an Interim Suspension Order.

6
7 JURISDICTION

8 4. First Amended Accusation No. 22-2012-225236 was filed before the Medical Board
9 of California (Board), Department of Consumer Affairs, and is currently pending against
10 Respondent. The First Amended Accusation was properly served on Respondent on November 5,
11 2013. Respondent timely filed his Notice of Defense contesting the original Accusation. A copy
12 of the First Amended Accusation No. 22-2012-225236 is attached as Exhibit A and incorporated
13 by reference.

14 ADVISEMENT AND WAIVERS

15 5. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in the First Amended Accusation No. 22-2012-225236. Respondent also
17 has carefully read, fully discussed with counsel, and understands the effects of this Stipulated
18 Revocation of License and Order.

19 6. Respondent is fully aware of his legal rights in this matter, including the right to a
20 hearing on the charges and allegations in the First Amended Accusation; the right to be
21 represented by counsel, at his own expense; the right to confront and cross-examine the witnesses
22 against him; the right to present evidence and to testify on his own behalf; the right to the
23 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
24 the right to reconsideration and court review of an adverse decision; and all other rights accorded
25 by the California Administrative Procedure Act and other applicable laws.

26 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 every right set forth above.
28

1 CULPABILITY

2 8. Respondent admits that he was convicted of sexual battery and is required to register
3 as a sex offender, as alleged in the First Amended Accusation No. 22-2012-225236, and agrees
4 that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No.
5 A67148 for the Board's formal acceptance.

6 9. Respondent understands that by signing this stipulation he enables the Board to issue
7 an order accepting the revocation of his Physician's and Surgeon's Certificate without further
8 process.

9 CONTINGENCY

10 10. This stipulation for revocation shall be subject to approval by the Medical Board of
11 California. Respondent understands and agrees that counsel for Complainant and the staff of the
12 Medical Board of California may communicate directly with the Board regarding this stipulation
13 without notice to or participation by Respondent or his counsel. By signing the stipulation,
14 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
15 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
16 stipulation as its Decision and Order, the Stipulated Revocation and Disciplinary Order shall be of
17 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
18 the parties, and the Board shall not be disqualified from further action by having considered this
19 matter.

20 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Revocation of License and Order, including Portable Document Format
22 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

23 12. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following Order:

25 ORDER

26 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A67148, issued
27 to Respondent KEVIN PEZESHKI, M.D., is revoked and accepted by the Medical Board of
28 California.

1 1. The revocation of Respondent's Physician's and Surgeon's Certificate and the
2 acceptance of the revoked license by the Board shall constitute the imposition of discipline
3 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
4 of Respondent's license history with the Medical Board of California.

5 2. Respondent shall lose all rights and privileges as a physician in California as of the
6 effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
8 issued, his wall certificate on or before the effective date of the Decision and Order.

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed. The charges and allegations contained in the First Amended
13 Accusation No. 22-2012-225236, first and second causes of action, and paragraphs A-D of the
14 third cause of action shall be deemed to be true, correct and admitted by Respondent when the
15 Board determines whether to grant or deny the petition. Respondent agrees that Complainant
16 could establish a factual basis for the charges in paragraphs E-G in third cause of action of the
17 First Amended Accusation.

1 ACCEPTANCE

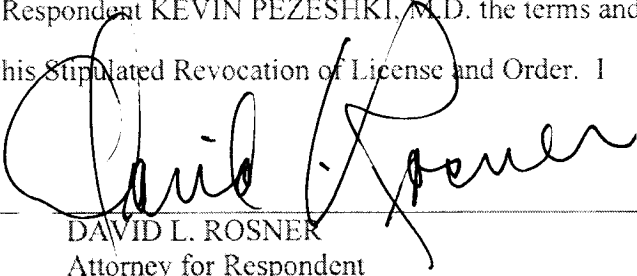
2 I have carefully read the above Stipulated Revocation of License and Order and have fully
3 discussed it with my attorney, David L. Rosner. I understand the stipulation and the effect it will
4 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Revocation of
5 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: 2/6/14


9 KEVIN PEZESHKI, M.D.
Respondent

10
11 I have read and fully discussed with Respondent KEVIN PEZESHKI, M.D. the terms and
12 conditions and other matters contained in this Stipulated Revocation of License and Order. I
13 approve its form and content.

14 DATED: 2/6/2014


15 DAVID L. ROSNER
16 Attorney for Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted
19 for consideration by the Medical Board of California of the Department of Consumer Affairs.

20 Dated: 2.19.14

Respectfully submitted,

21 KAMALA D. HARRIS
22 Attorney General of California
23 ROBERT MCKIM BELL
Supervising Deputy Attorney General

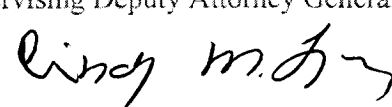
24 
25 CINDY M. LOPEZ
26 Deputy Attorney General
27 Attorneys for Complainant

Exhibit A

First Amended Accusation No. 22-2012-225236

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
Deputy Attorney General
4 State Bar No. 119988
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 897-7373
Facsimile: (213) 897-9395
7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO November 8 2013
BY R. FIRD AUS ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
Against:

Case No. 22-2012-225236

13 KEVIN PEZESHKI, M.D.

FIRST AMENDED ACCUSATION

14 7963 Van Nuys Blvd., Suite 101
15 Panorama City, CA 91402

16 Physician and Surgeon's Certificate A67148,
17 Respondent.

18
19
20 Complainant alleges:

21 PARTIES

22 1. Kimberly Kirchmeyer, (Complainant) brings this First Amended Accusation solely in
23 her official capacity as the Interim Executive Director of the Medical Board of California
24 (Board).

25 2. On or about December 11, 1998, the Board issued Physician's and Surgeon's
26 Certificate number A67148 to Kevin Pezeshki, M.D. (Respondent). At all times relevant to this
27 proceeding, said license has been in full force and effect and will expire on April 30, 2014. On
28 April 4, 2013, Respondent's license was suspended pursuant to an Interim Suspension Order.

JURISDICTION

3. This First Amended 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 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, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, states:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"(d) Incompetence.

"(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

1 "(f) Any action or conduct which would have warranted the denial of a certificate.

2 "(g) The practice of medicine from this state into another state or country without meeting
3 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
4 apply to this subdivision. This subdivision shall become operative upon the implementation of the
5 proposed registration program described in Section 2052.5.

6 "(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
7 participate in an interview scheduled by the mutual agreement of the certificate holder and the
8 board. This subdivision shall only apply to a certificate holder who is the subject of an
9 investigation by the board."

10 6. Section 726 of the Code states:

11 "The commission of any act of sexual abuse, misconduct, or relations with a patient, client,
12 or customer constitutes unprofessional conduct and grounds for disciplinary action for any
13 person licensed under this division, under any initiative act referred to in this division and under
14 Chapter 17 (commencing with Section 9000) of Division 3.

15 "This section shall not apply to sexual contact between a physician and surgeon and his or
16 her spouse or person in an equivalent domestic relationship when that physician and surgeon
17 provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person
18 in an equivalent domestic relationship."

19 7. Section 2232 of the Code states in pertinent part:

20 "(a) Except as provided in subdivisions (b), (c) , and (d), the board shall promptly revoke
21 the license of any person who, at any time after January 1, 1947, has been required to register as a
22 sex offender pursuant to the provisions of Section 290 of the Penal Code."

23 FIRST CAUSE FOR DISCIPLINE

24 CAUSE FOR MANDATORY REVOCATION OF LICENSE

25 (Registration as a Sex Offender)

26 8. Respondent's Physician and Surgeon's Certificate No. A67148 is subject to
27 mandatory revocation under section 2232, subdivision (a), of the Code in that he has been
28

1 required to register as a sex offender pursuant to the provisions of section 290 of the Penal Code.

2 The circumstances are as follows:

3 A. In the case of *The People of the State of California v. Kevin Pezeshki*, Los
4 Angeles County Superior Court case number LA071845, Respondent was ordered, as part of his
5 sentence, to register as a sex offender pursuant to the provisions of Penal Code section 290.

6 B. As a result of his being ordered to register as a sex offender, Respondent's Physician's
7 and Surgeon's Certificate No. A67148 is subject to mandatory revocation pursuant to the
8 provisions of Business and Professions Code Section 2232.

9 SECOND CAUSE FOR DISCIPLINE

10 (Conviction of a Crime)

11 9. Respondent is subject to disciplinary action under sections 2236 and 2232 for
12 conviction of a crime. The circumstances are as follows:

13 A. On May 24, 2013, in the case of *The People of the State of California v. Kevin*
14 *Pezeshki*, Los Angeles County Superior Court case number LA071845, in an Amended
15 Information, Respondent was charged with three counts of sexual penetration by a foreign object
16 against victims Carmen C. and Cindy T., and three counts of sexual battery by fraud against both
17 victims, all violations of the Penal Code.

18 B. On August 16, 2103, Respondent pled nolo contendere to one count of sexual battery
19 by fraud. As a result of his plea, he now stands convicted of a sexual offense which requires him
20 to register as a sex offender.

21 C. On September 11, 2013, Respondent was placed on formal probation, and required to
22 register as a sex offender pursuant to Penal Code section 290.

23 THIRD CAUSE FOR DISCIPLINE

24 (Sexual Exploitation of Patients C.C. and C.T.)

25 10. Respondent is subject to disciplinary action under section 726 of the Code because he
26 sexually exploited two female patients. The circumstances are as follows:

1 Patient C.C.

2 A. Patient C.C. was a patient in Respondent's practice in approximately 2008. She went
3 to see him for problems with her bladder. In the summer of 2008, she had two visits with him in
4 his medical office and nothing inappropriate occurred. Chaperones were present.

5 B. In approximately August or September 2008, C.C. went to see Respondent for an
6 office visit. She was seen in the exam room without a chaperone present. The Respondent told
7 her to pull her pants down and underwear and directed her to lie on the exam table. He told her to
8 turn over on her left side so her back was facing him. C.C. could feel his body against her bare
9 buttocks. As the Respondent was hitting her on her back, she reached around to feel where it hurt
10 and her hand felt his erect penis. When C.C. turned around, she saw the Respondent pull up the
11 zipper of his pants.

12 C. In September 2008, C.C. was admitted to Northridge Hospital for a surgery to be
13 performed by the Respondent. The day after the surgery on September 26, 2008, a nurse came in
14 and told C.C. to bathe so the Respondent could examine her. A few moments later the
15 Respondent came into her room without a chaperone, and closed the door. Respondent turned her
16 on her side, began hitting her and placed his fingers in her vagina, which was very painful for her.
17 This seemed to last a long period of time and when Respondent was done he went into the
18 bathroom to wash up. The victim reached for an area near her buttocks and felt what she thought
19 was semen on her bed pad. She said it had a pungent odor. Having had the previous similar
20 experience a few weeks earlier, the victim took the bed sheet and turned it into the police.

21 D. The Scientific Investigation Division ("SID") of the Los Angeles Police Department
22 analyzed the materials from the bedding and compared it to a sample taken from Respondent.
23 The evidence on the bed pad (ejaculate) matched the DNA from the Defendant. SID analyzed the
24 materials from the bedding and compared it to a sample taken from the patient C.C. The
25 materials matched the DNA from C.C.

26 Patient C.T.

27 E. In June 2009, C.T. moved from Lancaster to the San Fernando Valley. She was about
28 six months pregnant and on MediCal so it was difficult to find a physician who would take her on

1 as a patient. She was referred to Respondent. She took her husband to the first appointment,
2 which she thought was in approximately June or July 2009. Her husband was positioned near her
3 head while Respondent examined her on the table.

4 F. When Respondent was performing a pelvic exam, he inserted two fingers in her
5 vagina and moved them in a slow in and out motion, and then swirled them in a circular motion.
6 This made C.T. feel uncomfortable especially since he was staring into her eyes as he was doing
7 this.

8 G. Then Respondent swirled his fingers in a circular motion around her clitoris, which
9 actually made her jump. Without explanation or warning, Respondent inserted his finger into her
10 anus. This entire time he stared into her eyes. Respondent told C.T. he needed to check her
11 breasts to see if her milk came in, which of course it had not. What C.T. found most troubling is
12 while Respondent was touching her breasts, he had an erection. During this entire visit,
13 Respondent directly stared into C.T.'s eyes, and his breathing was heavy, which made her all the
14 more uncomfortable. To make matters worse, Respondent did this in front of C.T.'s husband,
15 who was sitting next to her while she was on the exam table.

16 H. In August 2012, the Los Angeles County District Attorney's Office filed criminal
17 charges against Respondent: two felony counts of sexual penetration on an unconscious victim, a
18 violation of Penal Code section 289(d). On December 13, 2012, another count of sexual
19 penetration was added. A Superior Court judge held Respondent to answer on all the charges.

20 I. These office visits were turned into sexual encounters for defendant's own sexual
21 gratification. There was absolutely no medical justification for the manner in which Respondent
22 conducted these "examinations" on either patient. This behavior cannot be characterized as
23 anything other than a clear abuse of Respondent's position as a physician.

24 FOURTH CAUSE FOR DISCIPLINE

25 (Gross Negligence)

26 11. By reason of the facts set forth above in paragraph 10, Respondent is subject to
27 disciplinary action under Code section 2234, subdivision (b) in that he was grossly negligent in
28 his care and treatment of patients C.C. and C.T.

1 PRAYER

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

4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A67148,
5 issued to Kevin Pezeshki, M.D.;

6 2. Revoking, suspending or denying approval of Respondent's authority to supervise
7 physician assistants, pursuant to section 3527 of the Code;

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

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

11
12 DATED: November 8, 2013


13 KIMBERLY KIRCHMEYER
14 Interim Executive Director
15 Medical Board of California
16 Department of Consumer Affairs
17 State of California

18 *Complainant*

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