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

13 In the Matter of the Petition to Revoke
Probation Against,

Case No. 800-2018-049934

14 MUNIR UWAYDAH, M.D.
15 16601 Ventura Blvd., Fourth Floor
Encino, CA 91436

**DEFAULT DECISION
AND ORDER**

16 Physician's and Surgeon's Certificate No. A
17 62059,

[Gov. Code, § 11520]

18 Respondent.

19
20 **FINDINGS OF FACT**

21 1. On November 20, 2019, Complainant Christine J. Lally, in her official capacity as the
22 Interim Executive Director of the Medical Board of California, Department of Consumer Affairs
23 (Board), filed Petition to Revoke Probation No. 800-2018-049934 against Munir Uwaydah, M.D.
24 (Respondent) before the Medical Board of California.

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1 2. On April 11, 1997, the Board issued Physician's and Surgeon's Certificate No. A
2 62059 to Respondent. The Physician's and Surgeon's Certificate expired on April 30, 2015, and
3 has not been renewed.¹ (Exh. 1.)

4 3. On November 20, 2019, Michelle Solorio, an employee of the Complainant Agency,
5 served by Certified Mail a copy of the Petition to Revoke Probation No. 800-2018-049934,
6 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
7 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
8 was and is 16601 Ventura Boulevard, Fourth Floor, Encino, CA 91436. Ms. Solorio also served a
9 copy of the same documents on Respondent's last known counsel of record, Peter Osinoff, Bonne
10 Bridges, *et al.*, 355 South Grand Avenue, Suite 1750, Los Angeles, CA 90071-1562. (Exh. 2.)

11 4. On November 23, 2019, counsel for the Board received an email from the office of
12 Bonne Bridges, *et al.*, indicating that the firm's representation of Respondent had concluded and
13 requesting that the office be removed from the service list. (Exh. 3.)

14 5. On December 4, 2019, the documents served at Respondent's address of record were
15 returned by the U.S. Post Office, marked "Return to Sender," "Unclaimed," and "Unable to
16 Forward." (Exh. 4.)

17 6. On January 26, 2020, Anna Logan, an employee of the Complainant Agency, served
18 by Certified Mail a copy of the Petition to Revoke Probation No. 800-2018-049934, Statement to
19 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
20 11507.6, and 11507.7 to the address of Stewart Frye, Law Offices of Frye & Hsieh, 888 South
21 Figueroa Street, Suite 860, Los Angeles, California 90017, as that address had been provided to
22 Board in a January 1, 2012 correspondence from Mr. Hsieh, as prior counsel for Respondent, for
23 use in communicating with Respondent. (Exh. 5.)

24 7. The documents served at the address provided by Stewart Frye were returned by the
25 U.S. Post Office, marked "Return to Sender," "Not Deliverable as Addressed," and "Unable to

26 _____
27 ¹ On June 10, 2013, an automatic cancellation order of Respondent's license order was
28 issued canceling Respondent's license. Respondent filed a petition for writ of mandate and
subsequent appeal contesting the order, and the matter was remanded to the Board for further
proceedings on December 1, 2017. (See Exh. 1.)

1 Forward.” (Exh. 6.)

2 8. On August 6, 2020, a Courtesy Notice of Default was served via FedEx by the Office
3 of the Attorney General on behalf of the Board to both Respondent’s address of record and to
4 Stewart Frye, of the Law Offices of Frye & Hsieh, at the address of Mr. Frye listed with the State
5 Bar of California, 2425 Mission Street, Suite 3, San Marino CA 91108-1620. (Exh. 7.)

6 9. The FedEx package addressed to Respondent’s address of record was returned to the
7 Office of the Attorney General with the word “Moved” written across the front of the envelope.
8 (Exh. 8.)

9 10. Service of the Petition to Revoke Probation was effective as a matter of law under the
10 provisions of Government Code section 11505, subdivision (c).

11 11. No Notice of Defense was received from Respondent. (Declaration of Peggie
12 Bradford Tarwater (Tarwater Declaration), Exh. 9.)

13 12. In a disciplinary action entitled, *In the Matter of the Third Amended Accusation*
14 *Against Munir Uwaydah, M.D.*, Case No. 04-2006-172448, the Medical Board of California,
15 issued a decision, effective October 1, 2010, in which Respondent's Physician's and Surgeon's
16 Certificate was revoked (Decision). However, the revocation was stayed and Respondent's
17 Physician's and Surgeon's Certificate was placed on probation for a period of two years with
18 certain terms and conditions. A copy of the Decision is attached as Exhibit A to the Petition to
19 Revoke Probation. (Exh. 2A.)

20 13. Condition 8 of Respondent’s probation, Residing or Practicing Out-Of-State, states in
21 pertinent part:

22 In the event Respondent should leave the State of California to reside or to
23 practice, Respondent shall notify the Board or its designee in writing 30 calendar days
24 prior to the dates of departure and return. Non-practice is defined as any period of
time exceeding 30 calendar days in which Respondent is not engaging in any
activities defined in Sections 2051 and 2052 of the Business and Professions Code.

25 . . . Periods of temporary or permanent residence outside California will not
26 apply to the reduction of the probationary term. Periods of temporary or permanent
27 residence or practice outside California will relieve Respondent of the responsibility
to comply with the probationary terms and conditions with the exception of this
28 condition and the following terms and conditions of probation: Obey All Laws and
Probation Unit Compliance.

1 Respondent's license shall be automatically cancelled if Respondent's period
of temporary or permanent residence or practice outside California total two years.

2 (Exh. 2A, Decision at pp. 6-7.)

3 14. On or about October 12, 2010, counsel for Respondent advised the Board in writing
4 that Respondent left the United States for Lebanon the last week of June 2010. The departure
5 was reportedly the result of Respondent's need to appear in a family law matter. No known date
6 of return was provided. (Exh. 10.)

7 15. On or about April 27, 2011, the Board advised Respondent that his probation was in
8 "residing or Practicing Out-of-State status" and that the license would be automatically cancelled
9 if his period of temporary or permanent residence or practice outside California totaled two years.
10 (Exh. 11.)

11 16. A grand jury indictment, filed on February 25, 2015, in *People v. Munir Uwaydah, et*
12 *al.*, Los Angeles County Superior Court Case No. BA425397, accuses Respondent of the
13 following crimes based on acts occurring between November 15, 2004, and February 20, 2015:
14 conspiracy to commit insurance fraud in violation of Penal Code section 182, subdivision (a)(1)
15 (Count 1); insurance fraud by knowingly submitting claims for health care benefits which were
16 not used by, or on behalf of, the complainants, in violation of Penal Code section 550, subdivision
17 (a)(7) (Counts 2-21); insurance fraud by knowingly making and causing to be made false and
18 fraudulent claims for payment of health care benefits, in violation of Penal Code section 550,
19 subdivision (a)(6) (Counts 22-30, 32); insurance fraud by knowingly creating writings with the
20 intent to present and use them in support of false and fraudulent claims, in violation of Penal
21 Code section 550, subdivision (a)(5) (Counts 31, 33); aggravated mayhem, in violation of Penal
22 Code section 205, as to 21 patients (Counts 34-54); and unlawful client or patient referrals in
23 violation of Labor Code section 3215 (Counts 55-57). (Exh. 12.)

24 17. On or about September 16, 2015, the Los Angeles County Superior Court issued a
25 warrant for Respondent's arrest with "full extradition." As of the filing of the Petition to Revoke
26 Probation, Respondent had not made an appearance in the case. (Exh. 12.)

27 18. A grand jury indictment, filed on January 17, 2019, in *People v. Munir Uwaydah, et*
28 *al.*, Riverside County Superior Court Case No. RIF1990022, alleges that Respondent committed

1 the following crimes: conspiracy to commit insurance fraud in violation of Penal Code sections
2 182, subdivision (a)(1), and 550, subdivision (a)(6) (Count 1); insurance fraud by knowingly
3 making and causing to be made false and fraudulent claims for payment of health care benefits, in
4 violation of Penal Code section 550, subdivision (a)(6) (Counts 2-12); money laundering, in
5 violation of Penal Code section 186.10, subdivision (a) (Counts 13-90). As to counts 14 through
6 30, 43, 67 through 69, 72, and 74-77, it was alleged that the monetary amount of the transactions
7 exceeded \$150,000, but less than \$1 million. As to counts 31 through 39, 44 through 45, 49
8 through 51, 60, 65, 70 through 71, and 73, it was alleged that the monetary amount of the
9 transactions exceeded \$50,000, but less than \$150,000. It was further alleged as a white collar
10 crime enhancement that Respondent and other defendants committed two or more related
11 felonies, a material element of which was fraud or embezzlement, involving a pattern of related
12 felony conduct and the taking of more than \$500,000, within the meaning of Penal Code section
13 186.11, subdivision (a)(2). (Exh. 13.)

14 19. On or about January 18, 2019, a bench warrant for Respondent's arrest was issued. It
15 remains outstanding. As of the filing of the Petition to Revoke Probation, Respondent had not
16 made an appearance in the case. (Exh. 13.)

17 20. Respondent has not notified the Board of his return to California. (Declaration of
18 Paulette Romero, Exh. 14.)

19 21. Condition 6 of Respondent's Probation, Probation Unit Compliance, states in
20 pertinent part:

21 Respondent shall comply with the Board's probation unit. Respondent shall, at
22 all times, keep the Board informed of his business and residence addresses. Changes
23 of such addresses shall be immediately communicated in writing to the Board or its
designee. . . .

24 22. Respondent has failed to provide the Board with current business and residence
addresses. (Exhs. 2-9.)

25 23. Business and Professions Code section 118 states, in pertinent part:

26 (b) The suspension, expiration, or forfeiture by operation of law of a license
27 issued by a board in the department, or its suspension, forfeiture, or cancellation by
28 order of the board or by order of a court of law, or its surrender without the written
consent of the board, shall not, during any period in which it may be renewed,

1 restored, reissued, or reinstated, deprive the board of its authority to institute or
2 continue a disciplinary proceeding against the licensee upon any ground provided by
3 law or to enter an order suspending or revoking the license or otherwise taking
4 disciplinary action against the license on any such ground.

5 24. Government Code section 11506 states, in pertinent part:

6 (c) The respondent shall be entitled to a hearing on the merits if the respondent
7 files a notice of defense, and the notice shall be deemed a specific denial of all parts
8 of the accusation not expressly admitted. Failure to file a notice of defense shall
9 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
10 may nevertheless grant a hearing.

11 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
12 Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of Petition
13 to Revoke Probation No. 800-2018-049934. (See Tarwater Declaration, Exh. 9.)

14 25. California Government Code section 11520 states, in pertinent part:

15 (a) If the respondent either fails to file a notice of defense or to appear at the
16 hearing, the agency may take action based upon the respondent's express admissions
17 or upon other evidence and affidavits may be used as evidence without any notice to
18 respondent.

19 26. Pursuant to its authority under Government Code section 11520, the Board finds
20 Respondent is in default. The Board will take action without further hearing and, based on
21 Respondent's express admissions by way of default and the evidence before it, contained in
22 exhibits A, B and C, finds that the allegations in Petition to Revoke Probation No. 800-2018-
23 049934 are true.

24 **DETERMINATION OF ISSUES**

25 1. Based on the foregoing findings of fact, Respondent Munir Uwaydah, M.D. has
26 subjected his Physician's and Surgeon's Certificate No. A 62059 to discipline.

27 2. A copy of the Petition to Revoke Probation and the related documents and
28 Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

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1 4. The Medical Board of California is authorized to revoke Respondent's Physician's and
2 Surgeon's Certificate based upon the following violations alleged in the Petition to Revoke
3 Probation:

4 a. Respondent's period of temporary or permanent residence or practice outside
5 California exceeds two years in violation of Condition No. 8 of his probationary order, and
6 probation should be revoked.

7 b. Respondent failed to provide the Board with current business and residence
8 addresses in violation of Condition No. 6 of his probationary order, and probation should be
9 revoked.

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ORDER

12 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 62059, heretofore
13 issued to Respondent Munir Uwaydah, M.D., is revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
15 written motion requesting that the Decision be vacated and stating the grounds relied on
16 within seven (7) days after service of the Decision on Respondent. The agency in its
17 discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in
18 the statute.

19 This Decision shall become effective on **OCT 21 2020**.

20 It is so ORDERED **SEP 21 2020**

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FOR THE MEDICAL BOARD OF
CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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1 **FIRST CAUSE TO REVOKE PROBATION**

2 (Failure to Practice Medicine)

3 8. At all times after the effective date of Respondent's probation, Condition 8, Residing
4 or Practicing Out-Of-State, states in pertinent part:

5 "In the event Respondent should leave the State of California to reside or to
6 practice, Respondent shall notify the Board or its designee in writing 30 calendar days
7 prior to the dates of departure and return. Non-practice is defined as any period of
8 time exceeding 30 calendar days in which Respondent is not engaging in any
9 activities defined in Sections 2051 and 2052 of the Business and Professions Code.

10 "... Periods of temporary or permanent residence outside California will not
11 apply to the reduction of the probationary term. Periods of temporary or permanent
12 residence or practice outside California will relieve Respondent of the responsibility
13 to comply with the probationary terms and conditions with the exception of this
14 condition and the following terms and conditions of probation: Obey All Laws and
15 Probation Unit Compliance."

16 "Respondent's license shall be automatically cancelled if Respondent's
17 period of temporary or permanent residence or practice outside California total two
18 years."

19 9. Respondent's probation is subject to revocation because his period of temporary or
20 permanent residence or practice outside California exceeds two years in violation of Condition 8.
21 The facts and circumstances regarding this violation are as follows:

22 10. On or about October 12, 2010, Respondent advised the Board in writing that he left
23 the United States for Lebanon the last week of June 2010. He represented that his departure was
24 the result of a family law matter with an unknown date of return.

25 11. On or about April 27, 2011, the Board advised Respondent that his probation was in
26 "residing or Practicing Out-of-State status" and that the license would be automatically cancelled
27 if his period of temporary or permanent residence or practice outside California totaled two years.

28 12. A grand jury indictment, filed on February 25, 2015, in *People v. Munir Uwaydah, et*
al., Los Angeles County Superior Court Case No. BA425397, accuses Respondent of the
following crimes based on acts occurring between November 15, 2004, and February 20, 2015:
conspiracy to commit insurance fraud in violation of Penal Code section 182, subdivision (a)(1)
(Count 1); insurance fraud by knowingly submitting claims for health care benefits which were
not used by, or on behalf of, the complainants, in violation of Penal Code section 550, subdivision

1 (a)(7) (Counts 2-21); insurance fraud by knowingly making and causing to be made false and
2 fraudulent claims for payment of health care benefits, in violation of Penal Code section 550,
3 subdivision (a)(6) (Counts 22-30, 32); insurance fraud by knowingly creating writings with the
4 intent to present and use them in support of false and fraudulent claims, in violation of Penal
5 Code section 550, subdivision (a)(5) (Counts 31, 33); aggravated mayhem, in violation of Penal
6 Code section 205, as to 21 patients (Counts 34-54); and unlawful client or patient referrals in
7 violation of Labor Code section 3215 (Counts 55-57).

8 13. On July 21, 2014, the Los Angeles County Superior Court issued a warrant for
9 Respondent's arrest with "full extradition." Respondent has not made an appearance in the case.

10 14. A grand jury indictment, filed on January 17, 2019, in *People v. Munir Uwaydah, et*
11 *al.*, Riverside County Superior Court Case No. RIF1990022, accuses Respondent of the following
12 crimes based on acts occurring between September 1, 2015, through September 1, 2018:
13 conspiracy to commit insurance fraud in violation of Penal Code sections 182, subdivision (a)(1),
14 and 550, subdivision (a)(6) (Count 1); insurance fraud by knowingly making and causing to be
15 made false and fraudulent claims for payment of health care benefits, in violation of Penal Code
16 section 550, subdivision (a)(6) (Counts 2-12); money laundering, in violation of Penal Code
17 section 186.10, subdivision (a) (Counts 13-90). As to counts 14 through 30, 43, 67 through 69,
18 72, and 74-77, it was alleged that the monetary amount of the transactions exceeded \$150,000,
19 but less than \$1 million. As to counts 31 through 39, 44 through 45, 49 through 51, 60, 65, 70
20 through 71, and 73, it was alleged that the monetary amount of the transactions exceeded
21 \$50,000, but less than \$150,000. It was further alleged as a white collar crime enhancement that
22 Respondent and other defendants committed two or more related felonies, a material element of
23 which was fraud or embezzlement, involving a pattern of related felony conduct and the taking of
24 more than \$500,000, within the meaning of Penal Code section 186.11, subdivision (a)(2).

25 15. On or about January 18, 2019, a bench warrant for Respondent's arrest was issued. It
26 remains outstanding. Respondent has not made an appearance in the case.

27 16. Respondent has not notified the Board of his return to California.

28 ///

1 17. Respondent's period of temporary or permanent residence or practice outside
2 California exceeds two years, and his license is subject to cancellation.

3 18. Respondent is in violation of Condition No. 8 of his probationary order, and
4 probation should be revoked.

5 **SECOND CAUSE TO REVOKE PROBATION**

6 (Probation Unit Non-Compliance)

7 19. At all times after the effective date of Respondent's probation, Condition 6, Probation
8 Unit Compliance, states in pertinent part:

9 "Respondent shall comply with the Board's probation unit. Respondent shall,
10 at all times, keep the Board informed of his business and residence addresses.
11 Changes of such addresses shall be immediately communicated in writing to the
12 Board or its designee. . . ."

13 20. Respondent's probation is subject to revocation because he has failed to comply with
14 the Probation Unit requirements in violation of Condition 6. The facts and circumstances
15 regarding this violation are as follows:

16 21. Respondent has failed to provide the Board with current business and residence
17 addresses.

18 22. Respondent is in violation of Condition No. 6 of his probationary order, and
19 probation should be revoked.

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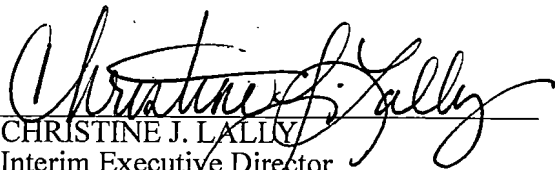
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PRAYER

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 the probation that was granted by the Medical Board of California in Case No. 04-2006-172448 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. A 62059 issued to Respondent Munir Uwaydah, M.D.;
2. Revoking or suspending Physician's and Surgeon's Certificate No. A 62059, issued to Respondent;
3. Revoking, suspending or denying approval of Respondent's authority to supervise physician's assistants, pursuant to section 3527 of the Code;
4. Ordering Respondent to pay the Medical Board of California the reasonable costs of probation monitoring if placed on probation monitoring;
5. Taking such other and further action as deemed necessary and proper.

DATED: November 20, 2019


CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Medical Board of California Case No. 800-2018-049934

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

In the Matter of the Third Amended)
Accusation Against:)
MUNIR UWAYDAH, M.D.)
Physician's and Surgeon's)
Certificate No. A 62059)
Respondent.)

File No. 04-2006-172448


DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 1, 2010.

DATED September 3, 2010

MEDICAL BOARD OF CALIFORNIA



Hedy Chang
Chair, Panel B

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is a true
and correct copy of the original on file in this
office.

S. Woods
Signature
For Custodian of Records
Title
11/16/2010
Date

1 EDMUND G. BROWN JR.
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 HEIDI R. WEISBAUM
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P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2098
7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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

12 In the Matter of the Third Amended
Accusation Against:

13 **MUNIR UWAYDAH, M.D.**
14 4712 Admiralty Way, #857
Marina del Rey, CA 90292

15 Physician's and Surgeon's Certificate
16 No. A62059,

17 Respondent.
18

Case No. 04-2006-172448; 04-2005-170536

OAH No. L2007080190

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

21 PARTIES

22 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
23 California. This action was brought by Barbara Johnston, solely in her official capacity as the
24 then-Executive Director of the Medical Board. Ms Johnston was succeeded in her capacity by
25 Ms. Whitney, who is represented in this matter by Edmund G. Brown Jr., Attorney General of the
26 State of California, by Heidi R. Weisbaum, Deputy Attorney General.

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1. 2. Respondent Munir Uwaydah, M.D. (Respondent) is represented in this proceeding by
2 Fenton & Nelson, by attorney Benjamin Fenton, whose address is 11835 W. Olympic Blvd., Ste.
3 925, Los Angeles, CA 90064.

4 3. On or about April 11, 1997, the Medical Board of California (Board) issued
5 Physician's and Surgeon's Certificate No. A62059 to Munir Uwaydah, M.D. (Respondent). The
6 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
7 charges brought in the Third Amended Accusation, Case Nos. 04-2006-172448; 04-2005-170536,
8 and will expire on April 30, 2011, unless renewed.

9 JURISDICTION

10 4. On May 30, 2007, Accusation No. 04-2006-172448 was filed against Respondent. A
11 true and correct copy of this Accusation and all other statutorily required documents were
12 properly served on Respondent, who timely filed his Notice of Defense contesting the
13 Accusation. On November 21, 2007, First Amended Accusation Nos. 04-2006-172448, 04-2005-
14 170536, was filed and served on Respondent. On April 16, 2008, Second Amended Accusation
15 Nos. 04-2006-172448, 04-2005-170536, was filed and served on Respondent. On June 9, 2009,
16 Third Amended Accusation Nos. 04-2006-172448; 04-2005-170536, was filed and served on
17 Respondent. Third Amended Accusation, Case Nos. 04-2006-172448; 04-2005-170536, is
18 currently pending against Respondent. A true and correct copy of Third Amended Accusation
19 Nos. 04-2006-172448; 04-2005-170536, is attached as Exhibit A and incorporated herein by
20 reference.

21 ADVISEMENT AND WAIVERS

22 5. Respondent has carefully read, fully discussed with counsel, and understands the
23 charges and allegations in the Third Amended Accusation Nos. 04-2006-172448; 04-2005-
24 170536. Respondent has also carefully read, fully discussed with counsel, and understands the
25 effects of this Stipulated Settlement and Disciplinary Order.

26 6. Respondent is fully aware of his legal rights in this matter, including the right to a
27 hearing on the charges and allegations in Third Amended Accusation Nos. 04-2006-172448; 04-
28 2005-170536; the right to confront and cross-examine the witnesses against him; the right to

1 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
2 the attendance of witnesses and the production of documents; the right to reconsideration and
3 court review of an adverse decision; and all other rights accorded by the California
4 Administrative Procedure Act and other applicable laws.

5 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
6 every right set forth above.

7 CULPABILITY

8 8. Respondent does not contest that, at an administrative hearing, Complainant could
9 establish a *prima facie* case with respect to all the charges and allegations contained in Third
10 Amended Accusation Nos. 04-2006-172448; 04-2005-170536, and that he has thereby subjected
11 his Physician's and Surgeon's Certificate No. A62059 to disciplinary action.

12 9. Respondent understands and agrees that if he ever petitions for early termination or
13 modification of probation, or if an accusation and/or petition to revoke probation is filed against
14 him before the Board, all of the charges and allegations contained in Third Amended Accusation
15 Nos. 04-2006-172448; 04-2005-170536, shall be deemed true, correct and fully admitted by
16 Respondent for purposes of any such proceeding or any other licensing proceeding involving
17 Respondent in the State of California.

18 CONTINGENCY

19 10. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
20 submitted to the Board for its consideration in the above-entitled matter and, further, that the
21 Board shall have a reasonable period of time in which to consider and act on this Stipulated
22 Settlement and Disciplinary Order after receiving it.

23 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
24 and void and not binding upon the parties unless approved and adopted by the Board, except for
25 this paragraph, which shall remain in full force and effect. Respondent fully understands and
26 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
27 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
28 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify

1 the Board, any member thereof, and/or any other person from future participation in this or any
2 other matter affecting or involving Respondent. In the event the Board, in its discretion, does not
3 approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this
4 paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall
5 not be relied upon or introduced in any disciplinary action by either party hereto. Respondent
6 further agrees that should the Board reject this Stipulated Settlement and Disciplinary Order for
7 any reason, Respondent will assert no claim that the Board, or any member thereof, was
8 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
9 Disciplinary Order or of any matter or matters related hereto

10 ADDITIONAL PROVISIONS

11 12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
12 be an integrated writing representing the complete, final and exclusive embodiment of the
13 agreements of the parties in the above-entitled matter.

14 13. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary
15 Order, including facsimile signatures of the parties, may be used in lieu of original documents and
16 signatures and, further, that facsimile copies shall have the same force and effect as originals.

17 14. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or opportunity to be heard by Respondent, issue and enter
19 the following Disciplinary Order:

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A62059 issued
22 to Respondent Munir Uwaydah, M.D., is revoked. However, the revocation is stayed and
23 Respondent is placed on probation for a period of two (2) years on the following terms and
24 conditions:

25 1. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent is
26 prohibited from supervising physician assistants.

27 2. ETHICS COURSE Within 60 calendar days of the effective date of this Decision,
28 Respondent shall enroll in a course in ethics, at his expense, approved in advance by the Board or

1 its designee. Failure to successfully complete the course during the first year of probation is a
2 violation of probation.

3 An ethics course taken after the acts that gave rise to the charges in the Third Amended
4 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
5 or its designee, be accepted towards the fulfillment of this condition if the course would have
6 been approved by the Board or its designee had the course been taken after the effective date of
7 this Decision.

8 Respondent shall submit a certification of successful completion to the Board or its
9 designee not later than 15 calendar days after successfully completing the course, or not later than
10 15 calendar days after the effective date of the Decision, whichever is later.

11 3. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the effective
12 date of this decision, Respondent shall enroll in a course in medical record keeping, at his
13 expense, approved in advance by the Board or its designee. Failure to successfully complete the
14 course during the first six (6) months of probation is a violation of probation.

15 A medical record keeping course taken after the acts that gave rise to the charges in the
16 Third Amended Accusation, but prior to the effective date of the Decision may, in the sole
17 discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the
18 course would have been approved by the Board or its designee had the course been taken after the
19 effective date of this Decision.

20 Respondent shall submit a certification of successful completion to the Board or its
21 designee not later than 15 calendar days after successfully completing the course, or not later than
22 15 calendar days after the effective date of the Decision, whichever is later.

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

26 5. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations
27 under penalty of perjury on forms provided by the Board, stating whether there has been

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1 compliance with all the conditions of probation. Respondent shall submit quarterly declarations
2 not later than 10 calendar days after the end of the preceding quarter.

3 6. PROBATION UNIT COMPLIANCE Respondent shall comply with the Board's
4 probation unit. Respondent shall, at all times, keep the Board informed of his business and
5 residence addresses. Changes of such addresses shall be immediately communicated in writing to
6 the Board or its designee. Under no circumstances shall a post office box serve as an address of
7 record, except as allowed by Business and Professions Code section 2021(b).

8 Respondent shall not engage in the practice of medicine in his place of residence.

9 Respondent shall maintain a current and renewed California physician's and surgeon's license.

10 Respondent shall immediately inform the Board, or its designee, in writing, of travel to any
11 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30
12 calendar days.

13 7. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall be
14 available in person for interviews either at Respondent's place of business or at the probation unit
15 office, with the Board or its designee, upon request at various intervals, and either with or without
16 prior notice throughout the term of probation.

17 8. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should
18 leave the State of California to reside or to practice, Respondent shall notify the Board or its
19 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is
20 defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in
21 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

22 All time spent in an intensive training program outside the State of California which has
23 been approved by the Board or its designee shall be considered as time spent in the practice of
24 medicine within the State. A Board-ordered suspension of practice shall not be considered as a
25 period of non-practice. Periods of temporary or permanent residence or practice outside
26 California will not apply to the reduction of the probationary term. Periods of temporary or
27 permanent residence or practice outside California will relieve Respondent of the responsibility to

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1 comply with the probationary terms and conditions with the exception of this condition and the
2 following terms and conditions of probation: Obey All Laws and Probation Unit Compliance.

3 Respondent's license shall be automatically cancelled if Respondent's periods of temporary
4 or permanent residence or practice outside California total two years. However, Respondent's
5 license shall not be cancelled as long as Respondent is residing and practicing medicine in
6 another state of the United States and is on active probation with the medical licensing authority
7 of that state, in which case the two year period shall begin on the date probation is completed or
8 terminated in that state.

9 9. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

10 In the event Respondent resides in the State of California and for any reason Respondent
11 stops practicing medicine in California, Respondent shall notify the Board or its designee in
12 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any
13 period of non-practice within California, as defined in this condition, will not apply to the
14 reduction of the probationary term and does not relieve Respondent of the responsibility to
15 comply with the terms and conditions of probation. Non-practice is defined as any period of time
16 exceeding 30 calendar days in which Respondent is not engaging in any activities defined in
17 sections 2051 and 2052 of the Business and Professions Code.

18 All time spent in an intensive training program which has been approved by the Board or its
19 designee shall be considered time spent in the practice of medicine. For purposes of this
20 condition, non-practice due to a Board-ordered suspension or in compliance with any other
21 condition of probation, shall not be considered a period of non-practice.

22 Respondent's license shall be automatically cancelled if Respondent resides in California
23 and for a total of two years, fails to engage in California in any of the activities described in
24 Business and Professions Code sections 2051 and 2052.

25 10. PROBATION MONITORING COSTS Respondent shall pay the costs associated
26 with probation monitoring each and every year of probation, as set by the Board, and which may
27 be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California

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1 and delivered to the Board or its designee no later than January 31 of each calendar year. Failure
2 to pay costs within 30 calendar days of the due date is a violation of probation.

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

10 12. COMPLETION OF PROBATION Respondent shall comply with all financial
11 obligations (e.g., probation costs) not later than 120 calendar days prior to the completion of
12 probation. Upon successful completion of probation, Respondent's certificate shall be fully
13 restored.

14 13. LICENSE SURRENDER Following the effective date of this Decision, if
15 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
16 the terms and conditions of probation, Respondent may request the voluntary surrender of his
17 license. The Board reserves the right to evaluate Respondent's request and to exercise its
18 discretion whether or not to grant the request, or to take any other action deemed appropriate and
19 reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall,
20 within 15 calendar days, deliver his wallet and wall certificates to the Board or its designee and
21 shall no longer practice medicine. Respondent will no longer be subject to the terms and
22 conditions of probation and the surrender of his license shall be deemed disciplinary action. If
23 Respondent reapplies for a medical license, the application shall be treated as a petition for
24 reinstatement of a revoked certificate.

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26 ///

27 ///

28 ///

1 ACCEPTANCE

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

7 DATED: July 14, 2010

8 MUNIR UWAYDAH, M.D.
Respondent

9
10 I have read and fully discussed with Respondent Munir Uwaydah, M.D. the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: July 14, 2010

14 BENJAMIN FENTON, Esq.
Fenton & Nelson
Attorneys for Respondent

15
16 ENDORSEMENT

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

20 Dated: _____

21 Respectfully Submitted,

22 EDMUND G. BROWN, JR.
Attorney General of California
23 THOMAS S. LAZAR
Supervising Deputy Attorney General

24
25
26 HEIDI R. WEISSBALM
Deputy Attorney General
Attorneys for Complainant
27
28

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6 Decision and Order of the Medical Board of California.

7 DATED: _____

8 MUNIR UWAYDAH, M.D.
9 Respondent

10 I have read and fully discussed with Respondent Munir Uwaydah, M.D. the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: _____

14 BENJAMIN FENTON, Esq.
15 Fenton & Nelson
16 Attorneys for Respondent

17 ENDORSEMENT

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

21 Dated: July 14, 2010

22 Respectfully Submitted,

23 EDMUND G. BROWN JR.
24 Attorney General of California
25 THOMAS S. LAZAR
26 Supervising Deputy Attorney General


27 
28 HEIDI R. WEISBAUM
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Thrd Amended Accusation No. 04-2006-172448; 04-2005-170536

1 EDMUND G. BROWN JR.
Attorney General of California
2 STEVEN V. ADLER
Supervising Deputy Attorney General
3 HEIDI R. WEISBAUM
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110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2098
7 Facsimile: (619) 645-2061
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 9, 2009
BY William R. Jensen ANALYST

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

12 In the Matter of the Third Amended
Accusation Against:
13
14 MUNIR UWAYDAH, M.D.
1874 S. Pacific Coast Highway, #385
Redondo Beach, CA 90277

04-2006-172448; 04-2005-170536

OAH No. L2007080190

THIRD AMENDED ACCUSATION

15
16 Physician's and Surgeon's
Certificate No. A62059

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Barbara Johnston (Complainant) brings this Third Amended Accusation solely in her
22 official capacity as the Executive Director of the Medical Board of California, Department of
23 Consumer Affairs.

24 2. On or about April 11, 1997, the Medical Board of California issued Physician's and
25 Surgeon's Certificate Number A62059 to MUNIR UWAYDAH, M.D. (Respondent). The
26 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
27 charges brought herein and will expire on April 30, 2011, unless renewed.

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JURISDICTION

3. This Third Amended Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 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 other disciplinary action taken as the Board deems proper.

5. Section 2234, subdivision (b) states: "The [Board] shall take action against any licensee who is charged with unprofessional conduct, [which] includes, but is not limited to, . . . [g]ross negligence."

6. Section 2234, subdivision (c) states: "The [Board] shall take action against any licensee who is charged with unprofessional conduct, [which] includes, but is not limited to, . . . [r]epeated 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."

7. Section 2234, subdivision (e) states: "The [Board] shall take action against any licensee who is charged with unprofessional conduct, [which] includes, but is not limited to, . . . [t]he commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon."

8. Section 2266 states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

9. Section 2261 states: "Knowingly making . . . any certificate or other document directly or indirectly related to the practice of medicine . . . which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct."

10. Section 3527, subdivision (c) provides that the Board "may order the . . . suspension or revocation of, or the imposition of probationary conditions upon an approval to supervise a

1 physician assistant . . . for unprofessional conduct, which includes, but is not limited to, a
2 violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations
3 adopted by the [C]ommittee or the [B]oard.”

4 11. California Code of Regulations, title 16, section 1399.541 states, in part, that “a
5 physician assistant may, pursuant to a delegation and protocols where present:

6 “

7 “(i)(1) Perform surgical procedures without the personal presence of the supervising
8 physician which are customarily performed under local anesthesia. . . . All other surgical
9 procedures requiring other forms of anesthesia may be performed by a physician assistant
10 only in the personal presence of an approved supervising physician.”

11 FIRST CAUSE FOR DISCIPLINE

12 (Gross Negligence)

13 12. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
14 by sections 2234, subdivision (b) and 3527, subdivision (c), in that he committed gross
15 negligence as follows:

16 a. On or about March 12, 2005, at Tustin Hospital and Medical Center, Tustin,
17 California, Respondent allowed his physician assistant to begin a surgical procedure on a
18 patient under general anesthesia even though respondent was not personally present in the
19 operating room.

20 b. On or about March 22, 2005, at Tustin Hospital and Medical Center, Tustin,
21 California, Respondent again allowed his physician assistant to begin a surgical procedure
22 on a patient under general anesthesia even though respondent was not personally present in
23 the operating room.

24 SECOND CAUSE FOR DISCIPLINE

25 (Repeated Negligent Acts)

26 13. Respondent is further subject to disciplinary action under section 2234, subdivision
27 (c), in that he committed repeated negligent acts as set forth in paragraphs 12.a. and 12.b., above.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Failure to Maintain Adequate Records)

3 14. Respondent is further subject to disciplinary action under section 2266, in that he
4 failed to maintain adequate records as follows:

5 a. From November 4, 2005, the date of patient S.C.'s admission to Tustin Hospital and
6 Medical Center, to November 8, 2005, Respondent failed to record an admission history
7 and physical exam on patient S.C. When Respondent finally performed a history and
8 physical exam, he failed to record the patient's vital signs and the patient's significant
9 recent surgery.

10 b. On July 13, 2005, at Tustin Hospital and Medical Center, Respondent did a history
11 and physical exam, but failed to record vital signs on patient R.N..

12 c. On July 16, 2005, at Tustin Hospital and Medical Center, Respondent wrote a
13 discharge order for patient R.N., but failed to dictate a discharge summary until November
14 30, 2005.

15 d. On November 22, 2004, at Alliance Surgery Center in Bakersfield, California,
16 Respondent failed to record an initial history and physical exam on patient H.G.

17 e. On December 15, 2004, at Alliance Surgery Center in Bakersfield, California,
18 Respondent did a preoperative history and physical exam on patient H.G., but failed to
19 record any vital signs. Respondent's postoperative note failed to include any neurologic
20 findings.

21 FOURTH CAUSE FOR DISCIPLINE

22 (Dishonesty)

23 15. Respondent is further subject to disciplinary action under section 2234, subdivision
24 (e), in that he committed dishonesty substantially related to the qualifications, functions, or duties
25 of a physician and surgeon as follows:

26 16. On about August 5, 2005, in United States District Court for the Northern District of
27 Ohio, Eastern Division, in the case entitled *General Electric Medical Systems Europe v.*
28 *Prometheus Health Imaging, Inc., and Dr. Munir Uwaydah* (Case No. 1:02cy1844) Respondent

1 was adjudged to have committed fraud and conversion, personally and as the alter ego for
2 Prometheus Health Imaging, Inc., in connection with a contract he entered into with the plaintiff
3 for the purchase of a CT scanner. The facts found by the court are the following:

4 a. In 2001, defendant Prometheus entered into a joint venture with Al Bandar
5 International Group (ABIG) to establish an imaging center in Riyadh, Saudi Arabia.
6 Prometheus agreed to buy the scanner from plaintiff General Electric Medical Systems
7 Europe (GEMS). The contract price was \$1,070,000. Prometheus agreed to pay a 10%
8 down payment by September 27, 2001, 50% upon shipment, 30% upon delivery, and the
9 remaining 10% upon acceptance and installation. ABIG established a letter of credit in the
10 amount of \$1,000,000, for the purpose of paying for the scanner, and named Prometheus as
11 beneficiary.

12 b. In September 2001, ABIG released \$200,000 to Prometheus from the letter of credit,
13 and Prometheus paid \$107,000 (10%) to GEMS. The remainder was allocated to business
14 expenses and a payment of \$20,000 to Respondent.

15 c. The contract was subsequently modified from 50% upon shipment to payment in full
16 upon delivery.

17 d. The scanner was shipped in early November 2001, to Riyadh, Saudi Arabia. Once it
18 arrived, Respondent informed GEMS that the funds had been released, and that after he
19 verified receipt of the funds, he would notify GEMS to deliver the scanner and would make
20 the final payment. On November 27, 2001, ABIG released the remaining \$800,000 to
21 Prometheus. Respondent did not notify GEMS of the receipt of the funds. Instead, two
22 days later Prometheus wired the funds (including a personal \$50,000 wire transfer to
23 Respondent) from the United States to a person in Beirut, Lebanon. On December 5, 2001,
24 after ABIG showed that the funds had been transferred to Prometheus and demanded
25 release of the scanner, GEMS released the scanner to ABIG. GEMS never received
26 payment for the scanner.

1 e. Respondent was the President, shareholder, one of two directors of Prometheus, and
2 had complete control of Prometheus' accounts. He was also solely responsible for
3 executing and authorizing wire transfers.

4 f. The District Court found Respondent used Prometheus to defraud GEMS and to
5 convert money and properties belonging to GEMS. The Court, therefore, held Respondent
6 liable for Prometheus's debts to GEMS. The Court entered judgment against Respondent
7 for fraud in the amount of \$963,000, for conversion of the \$70,000 paid directly to him, and
8 for conversion of \$893,000, as the alter ego of Prometheus.

9 g. Respondent appealed, and on November 27, 2006, the United States Court of Appeals
10 for the Sixth Circuit affirmed the fraud judgment against Respondent personally. (*General*
11 *Electric Medical Systems Europe, Inc., v. Prometheus Health Imaging, Inc., and Dr. Munir*
12 *Uwaydah*, Case No. 05-4163 (6th Cir. 2006).)

13 17. Respondent is further subject to disciplinary action under section 2234, subdivision
14 (e), in that he committed dishonesty substantially related to the qualifications, functions, or duties
15 of a physician and surgeon as follows:

16 a. From about 2006 to the present, Respondent offered a document he created entitled
17 "Practice Protocols Related to the Surgical Practice of Munir Uwaydah, MD and Peter
18 Nelson, PA-C," in which he falsely asserted that the "Practice Protocols" between himself
19 and his physician assistant, Peter Nelson, had been discussed with and approved by the
20 chairman of the Physician Assistant Committee as being in compliance with the laws and
21 regulations governing the practice of physician assistants.

22 FIFTH CAUSE FOR DISCIPLINE

23 (False Document)

24 18. Respondent is further subject to disciplinary action under sections 2234, subdivision
25 (e) and 2261, in that he knowingly created a document directly or indirectly related to the practice
26 of medicine that falsely represents the existence or nonexistence of a state of facts, as set forth in
27 paragraph 17.a., above.

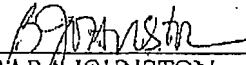
28 ///

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. A62059, issued to Munir Uwaydah, M.D.;
2. Revoking, suspending or denying approval of Munir Uwaydah, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Munir Uwaydah, M.D., 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: June 9, 2009


BARBARA JOHNSTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant