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

In the Matter of the Accusation Against Baharak Bagheri, M.D. Physician's and Surgeon's Certificate No. C 55648 Respondent.	Case No. 800-2019-060974

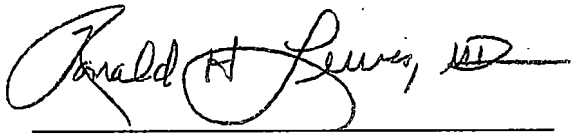
DECISION

The attached Stipulated Settlement and Disciplinary 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 19, 2021.

IT IS SO ORDERED February 17, 2021.

MEDICAL BOARD OF CALIFORNIA



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

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
ANA GONZALEZ
Deputy Attorney General
State Bar No. 190263
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3608
Facsimile: (415) 703-5480
E-mail: Ana.Gonzalez@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against: **BAHARAK BAGHERI, M.D.** **3935 E. Rough Rider Road, Unit 1297** **Phoenix, AZ 85050** **Physician's and Surgeon's No. C55648** Respondent.	Case No. 800-2019-060974 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPRIMAND**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Ana Gonzalez, Deputy Attorney General.

2. Respondent Baharak Bagheri, M.D. (Respondent) is represented in this proceeding by attorney Virgil F. Pryor, whose address is: 220 Montgomery Street, Suite 910, San Francisco, CA 94104-34402.

3. On December 7, 2012, the Board issued Physician's and Surgeon's Certificate No. C55648 to Baharak Bagheri, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-060974, and will expire on November 30, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-060974 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 18, 2020. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2019-060974 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-060974. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

9. Respondent agrees that, at a hearing, Complainant could establish a prima facie case or factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

10. Respondent does not contest that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations in Accusation No. 800-2019-060974, a true and correct copy of which is attached hereto as Exhibit A, and that she has thereby subjected her Physician's and Surgeon's Certificate, No. C55648 to disciplinary action.

11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

12. Respondent agrees that if an accusation and/or petition to revoke probation is filed against her before the Board, all of the charges and allegations contained in Accusation No. 800-2019-060974 shall be deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any other licensing proceeding involving respondent in the State of California.

RESERVATION

13. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

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

15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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

DISCIPLINARY ORDER

PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Respondent Baharak Bagheri, M.D., as holder of Physician's and Surgeon's Certificate No. C55648, shall be and hereby is Publicly Reprimanded pursuant to Business and Professions Code section 2227. This public reprimand is issued as a result of the following conduct by Respondent as set forth in Accusation No. 800-2020-060974: Respondent, while practicing in Maine, was issued a "warning" from the State of Maine Board of Licensure in Medicine for violating a standard of professional behavior when she reported an abdominal CT scan, MRI and transvaginal ultrasound as unremarkable when it was highly suggestive of metastatic disease and a diagnosis should have been made most of the time.

ACCEPTANCE

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

DATED: 1/17/20 BAHARAK BAGHERI, M.D.
Respondent

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

DATED: November 18, 2020

VIRGIL F. PRYOR
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: 11/18/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

Ana Gonzalez

ANA GONZALEZ
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2019-060974

XAVIER BECERRA
Attorney General of California
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Supervising Deputy Attorney General
ANA GONZALEZ
Deputy Attorney General
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E-mail: Ana.Gonzalez@doj.ca.gov
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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Baharak Bagheri, M.D.** **3935 E. Rough Rider Road, Unit 1297** **Phoenix, AZ 85050-7363** **Physician's and Surgeon's** **No. C55648,** Respondent.	Case No. 800-2019-060974 **ACCUSATION**

PARTIES

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

2. On or about December 7, 2012, the Medical Board issued Physician's and Surgeon's Certificate Number C55648 to Baharak Bagheri, M.D. (Respondent). The Physician's and Surgeon's certificate was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2020, unless renewed.

///

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 (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 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license 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 under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

6. 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 a 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)

7. On October 23, 2019, the State of Maine Board of Licensure in Medicine imposed discipline on Respondent's Maine medical license. Respondent was issued a "warning" for engaging in unprofessional conduct. The discipline was based on a complaint that Respondent

violated a standard of professional behavior when she reported an abdominal CT scan, MRI and transvaginal ultrasound as unremarkable, when in fact it was highly suggestive of metastatic disease and a diagnosis should have been made. A copy of the State of Maine Consent Agreement is attached as Exhibit A.

8. Respondent's conduct and the action of the State of Maine Board of Licensure in Medicine as set forth in paragraph 7, above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code

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. Disciplining, revoking or suspending Physician's and Surgeon's Certificate Number C55648, issued to Baharak Bagheri, M.D.;

2. Disciplining, revoking, suspending or denying approval of Baharak Bagheri, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Baharak Bagheri, 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: SEP 18 2020

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

State of Maine Board of Licensure in Medicine
Consent Agreement Effective date: 10/23/2019

Janet T. Mills
GOVERNOR

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE
137 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0137

Louisa Barnhart, MD
CHAIR

Dennis E. Smith, JD
EXECUTIVE DIRECTOR

Timothy E. Terranova
ASSISTANT EXECUTIVE DIRECTOR

November 25, 2019

[redacted]
Management Services Technician
Medical Board of California
Enforcement Program
2005 Evergreen Street, Suite 1200
Sacramento, CA 95815-4501

Re: Records Request – Baharak Bagheri, M.D.

Dear Ms[redacted]:

I am writing in response to your letter dated November 19, 2019, in which you requested certified copies of: (1) the administrative complaint; and (2) final disposition document disciplinary documents as they pertain to the above-identified physician whose date of birth is: [redacted]

In response to your request, enclosed with this cover letter please find certified copies of the Board's disciplinary document and the initial complaint.

I hereby certify that the enclosed documents are true and correct copies of the original documents that are maintained in the files of the Maine Board of Licensure in Medicine. If I may be of further assistance, please contact me at (207) 287-3605.

Sincerely,

Dennis E. Smith, Esq.
Executive Director

Enclosures

BOARD SEAL

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:	)	CONSENT AGREEMENT
BAHARAK BAGHERI, M.D.	)	
Complaint No. CR18-128	)	

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Baharak Bagheri, M.D. The parties to the Consent Agreement are: Baharak Bagheri, M.D. ("Dr. Bagheri"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. Dr. Bagheri held a license to practice medicine in the State of Maine from April 8, 2010 through October 22, 2018, when Dr. Bagheri converted her license status to an emeritus license, a non-clinical status with no active practice (license number MDE18430). When Dr. Bagheri was practicing clinically in Maine, she specialized in radiology and nuclear medicine.

2. On June 13, 2018, the Board received a complaint from a patient regarding care provided during an emergency department visit in October 2017. The patient noted that Dr. Bagheri was the radiologist who reported an abdominal CT scan, MRI, and transvaginal ultrasound as unremarkable except for a moderate amount of fluid in the pelvis, a uterine fibroid, and pelvic congestion. The patient stated that on her own initiative she followed up with a

gynecologist, who referred her to a gynecological oncologist. The gynecological oncologist reviewed the October 2017 CT scan, and diagnosed the patient with ovarian cancer. The Board docketed that complaint as CR18-128, and sent it to Dr. Bagheri for a response.

3. By letter dated August 9, 2016 [sic], Dr. Bagheri responded to the complaint. Dr. Bagheri explained that the emergency department visit physicians expressed concern for an acute infectious or inflammatory disease. Dr. Bagheri stated that following the ultrasound, she had "suspicions of abnormal tissue in the region of left adnexa" and suggested a pelvic MRI with contrast, which was not done. Dr. Bagheri stated that she told a general surgeon involved in the care that she could not "exclude masses from ovary." Dr. Bagheri stated that in "retrograde review" of the images, she can see that the "pelvic soft tissues were the perforated mass and peritoneal metastasis."

4. An independent outside expert review found that the "constellation of findings" of the CT scan which demonstrated extensive "omental caking" was "highly suggestive of metastatic disease of the peritoneal surfaces, most commonly in the setting of ovarian cancer, but also occasionally seen with gastric, colon or other mucinous neoplasm", and graded the CT report as "discrepancy in interpretation, diagnosis should be made most of the time, discrepancy likely to be clinically significant."

5. Pursuant to 32 M.R.S. § 3282-A(2)(F), the Board may impose discipline for unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional

behavior that has been established for the practice of medicine.

6. On November 13, 2018, the Board reviewed complaint CR18-128 and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Bagheri this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Bagheri's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before January 29, 2019, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

7. Dr. Bagheri admits the facts stated above and agrees that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. §§ 3282-A(2)(F) for engaging in unprofessional conduct.

8. As discipline for the foregoing conduct, Dr. Bagheri agrees to accept a WARNING for engaging in unprofessional conduct.

9. Dr. Bagheri acknowledges that while this Consent Agreement is in effect she must directly communicate with the Board or Board staff and has the obligation to respond to any request for information or documentation within the timeframe specified or requested. Failure to comply with or respond to any request shall be considered a violation of this Consent Agreement.

10. Violation by Dr. Bagheri of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not

limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

11. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

12. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Bagheri or any other matter relating to this Consent Agreement.

13. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

14. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

15. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

16. Dr. Bagheri acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

17. Dr. Bagheri has been represented by Christopher C. Taintor, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

18. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.

I, BAHARAK BAGHERI, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 10,01,19 BBagheri
BAHARAK BAGHERI, M.D.

STATE OF Arizona
Maricopa County, S.S.

Personally appeared before me the above-named Baharak Bagheri, M.D., and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

DATED: 10-1-2019

ERICK E PENA NOTARY PUBLIC MARICOPA COUNTY ARIZONA

NOTARY PUBLIC/~~ATTORNEY~~

MY COMMISSION ENDS: 4-25-2022

DATED: 10/15/19

CHRISTOPHER C. TAINTOR, ESQ.
Attorney for Baharak Bagheri, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 10-23-19

LOUISA BARNHART, M.D., Chair

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: October 22 2019

MICHAEL MILLER
Assistant Attorney General

Effective Date: October 28, 2019

[redacted]

May 15, 2018

Peter Sirois, CEO
Northern Maine Medical Center
194 E Main St
Fort Kent
ME 04743

Dear Peter,

Episode of Care October 4, 2017

It is with disappointment I write to inform you of a less than satisfactory encounter at the Emergency Department of Northern Maine Medical Center on Wednesday, October 4, 2017 where I was seen by Dr [redacted]

I had not been feeling well for some time. I have a strong family history of cancer: breast cancer in my mother, pancreatic cancer in my brother, which caused their untimely deaths, and ocular melanoma in my father. I had visited a gynecologist in July 2017 with concerns with respect to gynecological cancers but was informed at the time that my examination was normal and that there was no gynecological cancer. No imaging was done at that time. Subsequent to this, in September, still with concerns, I visited my PCP who ordered imaging but before an appointment could be arranged I became ill and attended NMMC ED.

I gave a history as above and outlined my symptoms, which over the months had escalated from a sensation of a mass in my pelvis, occasional post prandial awareness of a gastric 'warmth', urinary frequency, difficulty passing stool without constipation, a sensation of a band round my waist, to nausea and vomiting the previous weekend, and that I had experienced severe back pain during the night, hypERtension and rapid heart rate (but not tachycardia) and believed that the mass that I had felt in my pelvis has burst. (I was no longer aware of the mass as I had been before.). I had had no abdominal or pelvic pain throughout, merely a discomfort with tenderness.

I was examined, a CT abdomen and pelvis with and without contrast, followed by an MRI pelvis without contrast, followed by a transvaginal ultrasound were ordered and performed in that order. Bloodwork was also ordered. I was not aware of the precise details of the bloodwork request at that time.

A pelvic examination was carried out and swabs were taken for STI (the implication of which I found mildly offensive at the time and which later proved to be negative).
Before I was discharged, I was informed that the CT was unremarkable except for a moderate amount of fluid in the pelvis, a uterine fibroid and pelvic congestion. The MRI added nothing. The transvaginal ultrasound was reported as showing small endometrial fluid, fibroids, left ovary/adnexa bulky tissue and recommended performing MRI with contrast.

Bloodwork results returned at that time were unremarkable except for a raised CRP.

Differentials at this time were possible ruptured ovarian cyst, PID, diverticulitis or localized ruptured appendix.

I was given ceftriaxone 1g IM stat, and doxycyline 100mg and metronidazole 500mg to take as a course.

I was also examined by Dr [redacted] who found nothing to add at the time and recommended that I return for further bloodwork and review the following day which I did.

At review with Dr [redacted] I was advised that the most likely differential was that of ruptured ovarian cyst and that I should follow up with the gynecologist in three months and, when I asked who would notify the gynecologist, he said he would send a referral.

Subsequent to this my symptoms improved slightly.

One week later I obtained copies of my consultation notes for both encounters and also the results of the investigations. It was at this time that I discovered that a CA 125 had been taken. I was not informed of this when at the ED.

The level of the CA125 was 994 (range 0-35). I noted that this was elevated but was waiting for contact from the gynecologist's office. When this was not forthcoming, I contacted the gynecologists office and was informed that no referral had been sent and they were unaware of my ED visit.

I subsequently saw the gynecologist after about 6 weeks.

From there I was referred to gynecological oncology at Maine Medical Center in Portland. At the first consultation, the consultant reviewed my CT scan from October 4, 2017, taken at NMMC, and diagnosed carcinomatosis due to ovarian cancer. This was subsequently staged at IIIC.

I am disappointed that ED, radiology and surgical staff were unable to made a more adequate interpretation of the imaging at the time and that, although a CA 125 was drawn, nobody advised me that this had been done at the time. Neither Dr [redacted] nor Dr [redacted] one of whom must have reviewed my bloodwork, noted this elevation and contacted me.

The delay in seeing the consultant after the October 4 ED attendance may have affected the stage and prognosis. Had I not collected the investigation results myself and observed the elevated CA 125 level, contacted the gynecologist, and pushed for early referral to gynecological oncology, my prognosis could have been much worse.

May I suggest that awareness of the possibility of a diagnosis of ovarian cancer be elevated in the minds of all medical staff at NMMC and that more care is taken in surveillance of results and continuity of care.

Yours sincerely,

[redacted]

cc Maine Board of Licensure in Medicine

Addendum:
May 31, 2018

I would like to add, for clarity, that the radiologist reporting on the CT scan, MRI and ultrasound was Baharak Bagheri MD

[redacted]