

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

In the Matter of the Accusation
Against:

Adrian Michael Jaffer, M.D.

Physician's and Surgeon's
Certificate No. A 25563

Respondent.

Case No. 800-2019-054051


DECISION

The attached Stipulated Surrender of License 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 December 22, 2021.

IT IS SO ORDERED December 15, 2021.

MEDICAL BOARD OF CALIFORNIA


For: William Prasifka Reji Varghese
Executive Director Deputy Director

1 ROB BONTA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 AARON L. LENT
Deputy Attorney General
4 State Bar No. 256857
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7545
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:
13 **ADRIAN MICHAEL JAFFER, M.D.**
14 **9850 Genesee Ave., Ste. 420**
La Jolla, CA 92037-1212
15 **Physician's and Surgeon's Certificate**
No. A 25563
16
17 Respondent.

Case No. 800-2019-054051

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

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

20 **PARTIES**

21 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
22 California (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Rob Bonta, Attorney General of the State of California, by Aaron L. Lent, Deputy
24 Attorney General.

25 2. Adrian Michael Jaffer, M.D. (Respondent) is representing himself in this proceeding
26 and has chosen not to exercise his right to be represented by counsel.

27 3. On or about August 31, 1973, the Board issued Physician's and Surgeon's Certificate
28 No. A 25563 to Adrian Michael Jaffer, M.D. (Respondent). The Physician's and Surgeon's

1 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 800-2019-054051 and will expire on August 31, 2023, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 800-2019-054051 was filed before the Board, and is currently
5 pending against Respondent. The Accusation and all other statutorily required documents were
6 properly served on Respondent on September 7, 2021. Respondent timely filed his Notice of
7 Defense contesting the Accusation.

8 5. A copy of Accusation No. 800-2019-054051 is attached as Exhibit A and
9 incorporated by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 800-2019-054051. Respondent also has carefully read, and understands the
13 effects of this Stipulated Surrender of License and Disciplinary Order.

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

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

23 **CULPABILITY**

24 9. Respondent understands and agrees that the charges and allegations in Accusation
25 No. 800-2019-054051, if proven at a hearing, constitute cause for imposing discipline upon his
26 Physician's and Surgeon's Certificate.

27 ///

28 ///

1 5. If Respondent should ever apply or reapply for a new license or certification, or
2 petition for reinstatement of a license, by any other health care licensing agency in the State of
3 California, all of the charges and allegations contained in Accusation, No. 800-2019-054051 shall
4 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
5 Issues or any other proceeding seeking to deny or restrict licensure.

6 **ACCEPTANCE**

7 I have carefully read the Stipulated Surrender of License and Order. I understand the
8 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
9 this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and
10 intelligently, and agree to be bound by the Decision and Order of the Medical Board of
11 California.

12
13 DATED: 11/8/2021


14 ADRIAN MICHAEL JAFFER, M.D.
15 Respondent

16 **ENDORSEMENT**

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

19 DATED: 11/22/2021

Respectfully submitted,

20 ROB BONTA
21 Attorney General of California
22 STEVEN D. MUNI
23 Supervising Deputy Attorney General


24 AARON L. LENT
25 Deputy Attorney General
26 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2019-054051

1 ROB BONTA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 AARON L. LENT
Deputy Attorney General
4 State Bar No. 256857
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7545
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8 *Attorneys for Complainant*

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

In the Matter of the Accusation Against:

Adrian Michael Jaffer, M.D.
9850 Genesee Ave., Ste. 420
La Jolla, CA 92037-1212

Physician's and Surgeon's Certificate
No. A 25563,

Respondent.

Case No. 800-2019-054051
A C C U S A T I O N

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 August 31, 1973, the Medical Board issued Physician's and Surgeon's Certificate No. A 25563 to Adrian Michael Jaffer, 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 August 31, 2023, unless renewed.

///

1 **JURISDICTION**

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

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

9 5. Section 2234 of the Code, states:

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

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

14 (b) Gross negligence.

15 (c) Repeated negligent acts. To be repeated, there must be two or more
16 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.

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

19 (2) When the standard of care requires a change in the diagnosis, act, or
20 omission that constitutes the negligent act described in paragraph (1), including, but
21 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.

22 (d) Incompetence.

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

25 (f) Any action or conduct that would have warranted the denial of a certificate.

26 (g) The failure by a certificate holder, in the absence of good cause, to attend
27 and participate in an interview by the board. This subdivision shall only apply to a
28 certificate holder who is the subject of an investigation by the board.

1 6. Unprofessional conduct under Business and Professions Code section 2234 is conduct
2 which breaches the rules or ethical conduct of the medical profession, or conduct which is
3 unbecoming to a member in good standing of the medical profession, and which demonstrates an
4 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
5 25 575.)

6 7. Section 2228.1 of the Code states:

7 (a) On and after July 1, 2019, except as otherwise provided in subdivision (c),
8 the board shall require a licensee to provide a separate disclosure that includes the
9 licensee's probation status, the length of the probation, the probation end date, all
10 practice restrictions placed on the licensee by the board, the board's telephone
11 number, and an explanation of how the patient can find further information on the
12 licensee's probation on the licensee's profile page on the board's online license
information Internet Web site, to a patient or the patient's guardian or health care
surrogate before the patient's first visit following the probationary order while the
licensee is on probation pursuant to a probationary order made on and after July 1,
2019, in any of the following circumstances:

13 (1) A final adjudication by the board following an administrative hearing or
14 admitted findings or prima facie showing in a stipulated settlement establishing any
of the following:

15 (A) The commission of any act of sexual abuse, misconduct, or relations with a
16 patient or client as defined in Section 726 or 729.

17 (B) Drug or alcohol abuse directly resulting in harm to patients or the extent
that such use impairs the ability of the licensee to practice safely.

18 (C) Criminal conviction directly involving harm to patient health.

19 (D) Inappropriate prescribing resulting in harm to patients and a probationary
20 period of five years or more.

21 (2) An accusation or statement of issues alleged that the licensee committed any
22 of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a
23 stipulated settlement based upon a nolo contendere or other similar compromise that
does not include any prima facie showing or admission of guilt or fact but does
include an express acknowledgment that the disclosure requirements of this section
would serve to protect the public interest.

24 (b) A licensee required to provide a disclosure pursuant to subdivision (a) shall
25 obtain from the patient, or the patient's guardian or health care surrogate, a separate,
signed copy of that disclosure.

26 (c) A licensee shall not be required to provide a disclosure pursuant to
27 subdivision (a) if any of the following applies:

28 (1) The patient is unconscious or otherwise unable to comprehend the
disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a

1 guardian or health care surrogate is unavailable to comprehend the disclosure and
2 sign the copy.

3 (2) The visit occurs in an emergency room or an urgent care facility or the visit
4 is unscheduled, including consultations in inpatient facilities.

5 (3) The licensee who will be treating the patient during the visit is not known to
6 the patient until immediately prior to the start of the visit.

7 (4) The licensee does not have a direct treatment relationship with the patient.

8 (d) On and after July 1, 2019, the board shall provide the following
9 information, with respect to licensees on probation and licensees practicing under
10 probationary licenses, in plain view on the licensee's profile page on the board's
11 online license information Internet Web site.

12 (1) For probation imposed pursuant to a stipulated settlement, the causes
13 alleged in the operative accusation along with a designation identifying those causes
14 by which the licensee has expressly admitted guilt and a statement that acceptance of
15 the settlement is not an admission of guilt.

16 (2) For probation imposed by an adjudicated decision of the board, the causes
17 for probation stated in the final probationary order.

18 (3) For a licensee granted a probationary license, the causes by which the
19 probationary license was imposed.

20 (4) The length of the probation and end date.

21 (5) All practice restrictions placed on the license by the board.

22 (e) Section 2314 shall not apply to this section.

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

26 9. Section 726 of the Code states:

27 (a) The commission of any act of sexual abuse, misconduct, or relations with a
28 patient, client, or customer constitutes unprofessional conduct and grounds for
disciplinary action for any person licensed under this or under any initiative act
referred to in this division.

(b) This section shall not apply to consensual sexual contact between a licensee
and his or her spouse or person in an equivalent domestic relationship when that
licensee provides medical treatment, to his or her spouse or person in an equivalent
domestic relationship.

10. Section 729 of the Code states:

(a) Any physician and surgeon, psychotherapist, alcohol and drug abuse
counselor or any person holding himself or herself out to be a physician and surgeon,
psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual

1 intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or
2 with a former patient or client when the relationship was terminated primarily for the
3 purpose of engaging in those acts, unless the physician and surgeon, psychotherapist,
4 or alcohol and drug abuse counselor has referred the patient or client to an
5 independent and objective physician and surgeon, psychotherapist, or alcohol and
6 drug abuse counselor recommended by a third-party physician and surgeon,
7 psychotherapist, or alcohol and drug abuse counselor for treatment, is guilty of sexual
8 exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse
9 counselor.

10 (b) Sexual exploitation by a physician and surgeon, psychotherapist, or alcohol
11 and drug abuse counselor is a public offense:

12 (1) An act in violation of subdivision (a) shall be punishable by imprisonment
13 in a county jail for a period of not more than six months, or a fine not exceeding one
14 thousand dollars (\$1,000), or by both that imprisonment and fine.

15 (2) Multiple acts in violation of subdivision (a) with a single victim, when the
16 offender has no prior conviction for sexual exploitation, shall be punishable by
17 imprisonment in a county jail for a period of not more than six months, or a fine not
18 exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

19 (3) An act or acts in violation of subdivision (a) with two or more victims shall
20 be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the
21 Penal Code for a period of 16 months, two years, or three years, and a fine not
22 exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by
23 imprisonment in a county jail for a period of not more than one year, or a fine not
24 exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

25 (4) Two or more acts in violation of subdivision (a) with a single victim, when
26 the offender has at least one prior conviction for sexual exploitation, shall be
27 punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal
28 Code for a period of 16 months, two years, or three years, and a fine not exceeding
ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment
in a county jail for a period of not more than one year, or a fine not exceeding one
thousand dollars (\$1,000), or by both that imprisonment and fine.

(5) An act or acts in violation of subdivision (a) with two or more victims, and
the offender has at least one prior conviction for sexual exploitation, shall be
punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal
Code for a period of 16 months, two years, or three years, and a fine not exceeding
ten thousand dollars (\$10,000).

For purposes of subdivision (a), in no instance shall consent of the patient or
client be a defense. However, physicians and surgeons shall not be guilty of sexual
exploitation for touching any intimate part of a patient or client unless the touching is
outside the scope of medical examination and treatment, or the touching is done for
sexual gratification.

(c) For purposes of this section:

(1) "Psychotherapist" has the same meaning as defined in Section 728:

(2) "Alcohol and drug abuse counselor" means an individual who holds himself
or herself out to be an alcohol or drug abuse professional or paraprofessional.

1 (3) "Sexual contact" means sexual intercourse or the touching of an intimate
part of a patient for the purpose of sexual arousal, gratification, or abuse.

2 (4) "Intimate part" and "touching" have the same meanings as defined in
3 Section 243.4 of the Penal Code.

4 (d) In the investigation and prosecution of a violation of this section, no person
5 shall seek to obtain disclosure of any confidential files of other patients, clients, or
former patients or clients of the physician and surgeon, psychotherapist, or alcohol
and drug abuse counselor.

6 (e) This section does not apply to sexual contact between a physician and
7 surgeon and his or her spouse or person in an equivalent domestic relationship when
that physician and surgeon provides medical treatment, other than psychotherapeutic
treatment, to his or her spouse or person in an equivalent domestic relationship.

8 (f) If a physician and surgeon, psychotherapist, or alcohol and drug abuse
9 counselor in a professional partnership or similar group has sexual contact with a
10 patient in violation of this section, another physician and surgeon, psychotherapist, or
alcohol and drug abuse counselor in the partnership or group shall not be subject to
11 action under this section solely because of the occurrence of that sexual contact.

12 FACTUAL ALLEGATIONS

13 11. Respondent is a physician and surgeon, board certified in rheumatology, who at all
14 times relevant to the allegations brought herein worked at a clinic at Mammoth Hospital in
Mammoth Lakes, California.

15 12. Patient 1¹ was a 39-year-old female who first sought treatment and a consultation
16 from Respondent on or about March 30, 2018 for polyarthropathy (joint pain). Prior to that date,
17 Patient 1 had never met, communicated with, or had any knowledge of Respondent.

18 13. Prior to March 30, 2018, Patient 1's medical records indicate a history of multiple
19 medical problems including anxiety/depression, hypothyroidism and Hashimoto's thyroiditis,
20 gastroesophageal reflux, asthma/food allergies, mastocytosis with allergy and syncope, insomnia,
21 inflammatory polyarthropy, and hematochezia related to food allergies with a family history for
22 hypermobility syndromes.

23 14. On or about March 30, 2018, at Patient 1's first and last appointment with
24 Respondent at Mammoth Hospital, Patient 1 was taken to an examination room and waited alone
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26
27 ¹ To protect the privacy of the patient and witnesses involved, patient and witness names
28 were not included in this pleading. Respondent is aware of the identity of each patient and
witness.

1 until Respondent arrived. After Respondent entered the examination room, he spoke with Patient
2 1 and continuously referred to Patient 1 as "cutie" throughout the examination.

3 15. During the initial examination, Respondent inquired as to Patient 1's marital status, if
4 she had a boyfriend, and whether or not she felt lonely. Respondent also remarked that she was
5 "too cute and too young to be sick." Upon learning the ages of Patient 1's children, Respondent
6 told Patient 1 that she was too young to have children that age.

7 16. During the examination, and in response to the situation, Patient 1 popped/cracked
8 her knuckles and fingers in the presence of Respondent. After observing this behavior,
9 Respondent initially commented that it was not good for Patient 1 to pop/crack her knuckles.
10 However, when Patient 1 popped/cracked her knuckles and fingers a second time, Respondent
11 then told her, "Do I need to bend you over my knee?"

12 17. After the initial examination, Respondent left the examination room and a female
13 assistant entered the room with a hospital gown for Patient 1. Patient 1 was left alone in the
14 examination room without instruction as to the manner or extent of undress required for the
15 remaining examination with Respondent. Patient 1 took off her clothing other than her
16 undergarments and placed the hospital gown over her undergarments with the opening of the
17 gown facing her backside. The length of the hospital gown came down to approximately Patient
18 1's mid-thigh.

19 18. Respondent then re-entered the examination room with no one else present other than
20 Patient 1, wearing only the hospital gown and her undergarments. Respondent began to conduct a
21 physical examination of Patient 1 and had her lie back on an examination table in the room.
22 Respondent then asked Patient if she had a breast augmentation despite Patient 1 not reporting
23 and not experiencing any pain or discomfort in her breasts.

24 19. After inquiring as to Patient 1's breasts while she was lying supine on the
25 examination table, Respondent informed Patient 1 that he was going to examine her hips.
26 Respondent provided no additional description or communication to Patient 1 as to this portion of
27 the physical examination at that time. Respondent proceeded to slide his flattened hand in
28 between Patient 1's legs in the area of her mid-thigh without squeezing or palpating the area, and

1 in a continual motion without lingering, slid his hand from Patient 1's mid-thigh area toward her
2 pubic area, grazing Patient 1's pubic area which was covered by the hospital gown and her
3 undergarments.

4 20. Respondent then instructed Patient 1 to stand up from the examination table so that
5 Respondent could conduct an examination of Patient 1's back. While standing behind Patient 1,
6 Respondent opened her hospital gown from behind her, which exposed Patient 1's thong style
7 underwear from the rear to Respondent. Respondent made the comment, "those panties are not
8 very appropriate to be wearing to a doctor's appointment, are they? But that's okay, that's what
9 all the young ladies are wearing these days." Respondent also commented on how "muscular"
10 Patient 1's physique appeared.

11 21. When Respondent concluded his physical examination of Patient 1, he left the
12 examination room without further instructions to Patient 1, who got dressed, exited the
13 examination room, and was advised by the front desk that Respondent desired additional lab work
14 done, which Patient 1 later completed.

15 22. Even though Respondent examined Patient 1's joints and musculoskeletal system on
16 or about March 30, 2018, Respondent did not conduct a history and full general physical
17 examination of Patient 1.

18 23. The medical records from Patient 1's consultation and examination with Respondent
19 on or about March 30, 2018, did not fully delineate Patient 1's complaints of syncope and other
20 complaints in the history portion of the records.

21 24. The Review of Systems (ROS) records from Patient 1's consultation and examination
22 with Respondent on or about March 30, 2018, did not fully articulate Patient 1's complaints nor
23 what was explored in the examination. While the patient's recent history of depression and
24 anxiety were documented in the assessment and plan portion of the records, this is contraindicated
25 in the ROS portion of the record.

26 25. Throughout the entire examination that was conducted on or about March 30, 2018
27 between Respondent and Patient 1, no chaperone or anyone else was present in the examination
28 room while Respondent and Patient 1 were present.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 30. Respondent Adrian Michael Jaffer, M.D. has further subjected his Physician's and
4 Surgeon's Certificate No. A 25563 to disciplinary action under sections 2227 and 2234, as
5 defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent
6 acts in his care and treatment of Patient 1 as more particularly alleged in paragraphs 11 through
7 27, above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Failure to Maintain Adequate and Accurate Medical Records)**

10 31. Respondent Adrian Michael Jaffer, M.D. has further subjected his Physician's and
11 Surgeon's Certificate No. A 25563 to disciplinary action under sections 2227 and 2234, as
12 defined by section 2266 of the Code, in that he failed to maintain adequate and accurate medical
13 records of Patient 1 as more particularly alleged in paragraphs 11 through 27, above, which are
14 hereby incorporated by reference and re-alleged as if fully set forth herein.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct)**

17 32. Respondent Adrian Michael Jaffer, M.D. has further subjected his Physician's and
18 Surgeon's Certificate No. A 25563 to disciplinary action under sections 2227 and 2234, as
19 defined by section 2234 of the Code, in that he has engaged in conduct which breaches the rules
20 or ethical code of the medical profession, or conduct which is unbecoming of a member in good
21 standing of the medical profession, and which demonstrates an unfitness to practice medicine as
22 to his care and treatment of Patient 1 as more particularly alleged in paragraphs 11 through 27,
23 above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

24 **PRAYER**


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

27 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 25563, issued
28 to Adrian Michael Jaffer, M.D.;

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- 2. Revoking, suspending or denying approval of Adrian Michael Jaffer, M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 3. Ordering Adrian Michael Jaffer, M.D., if placed on probation, to pay the Board the costs of probation monitoring;
- 4. Ordering Adrian Michael Jaffer, M.D., if placed on probation, to disclose the disciplinary order to patients pursuant to Section 2228.1 of the Code; and
- 5. Taking such other and further action as deemed necessary and proper.

DATED: SEP 07 2021



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

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