

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

In the Matter of the Accusation Against:

Atef Labib Yacoub, M.D.

Physician's & Surgeon's
Certificate No. A 40189

Respondent.

Case No. 800-2018-051257

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 July 8, 2022.

IT IS SO ORDERED: June 9, 2022.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, M.D., Chair
Panel B

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
Deputy Attorney General
4 State Bar No. 285973
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6198
6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:
13 **ATEF LABIB YACOUB, M.D.**
14 **120 - 124 S. Montebello Blvd.**
Montebello, CA 90640
15 **Physician's and Surgeon's Certificate**
No. A 40189,
16
17 Respondent.

Case No. 800-2018-051257

OAH No. 2021070927

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
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. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Latrice R. Hemphill, Deputy
25 Attorney General.

26 2. Respondent Atef Labib Yacoub, M.D. (Respondent) is represented in this proceeding
27 by attorney Gary Wittenberg, Esq., whose address is: 1901 Avenue of the Stars, Suite 1750
28 Los Angeles, CA 90067.

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2018-051257, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima
7 facie case for the charges in the Accusation, and that Respondent hereby gives up his right to
8 contest those charges.

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

12 **CONTINGENCY**

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

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

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

DISCIPLINARY ORDER

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2 1. PUBLIC REPRIMAND. IT IS HEREBY ORDERED that Physician's and Surgeon's
3 Certificate No. A 40189 issued to Respondent Atef Yacoub, M.D. is publicly reprimanded
4 pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This
5 Public Reprimand is issued in connection with Respondent's use of fluoroscopy without the
6 required permit.

7 2. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
8 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
9 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
10 Respondent shall participate in and successfully complete that program. Respondent shall
11 provide any information and documents that the program may deem pertinent. Respondent shall
12 successfully complete the classroom component of the program not later than six (6) months after
13 Respondent's initial enrollment, and the longitudinal component of the program not later than the
14 time specified by the program, but no later than one (1) year after attending the classroom
15 component. The professionalism program shall be at Respondent's expense and shall be in
16 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

17 A professionalism program taken after the acts that gave rise to the charges in the
18 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
19 or its designee, be accepted towards the fulfillment of this condition if the program would have
20 been approved by the Board or its designee had the program been taken after the effective date of
21 this Decision.

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

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ENDORSEMENT

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

DATED: 2/7/2022

Respectfully submitted,

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



LATRICE R. HEMPHILL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-051257

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
Deputy Attorney General
4 State Bar No. 285973
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6198
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MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-051257

13 **Atef Labib Yacoub, M.D.**
14 **120 - 124 S. Montebello Blvd.**
Montebello, CA 90640

ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. A 40189,**

17 Respondent.

18
19 **PARTIES**

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

23 2. On or about July 18, 1983, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 40189 to Atef Labib Yacoub, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on June 30, 2023, unless renewed.

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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 states:

6 (a) A licensee whose matter has been heard by an administrative law judge of
7 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
8 Code, or whose default has been entered, and who is found guilty, or who has entered
9 into a stipulation for disciplinary action with the board, may, in accordance with the
10 provisions of this chapter:

11 (1) Have his or her license revoked upon order of the board.

12 (2) Have his or her right to practice suspended for a period not to exceed one
13 year upon order of the board.

14 (3) Be placed on probation and be required to pay the costs of probation
15 monitoring upon order of the board.

16 (4) Be publicly reprimanded by the board. The public reprimand may include a
17 requirement that the licensee complete relevant educational courses approved by the
18 board.

19 (5) Have any other action taken in relation to discipline as part of an order of
20 probation, as the board or an administrative law judge may deem proper.

21 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
22 medical review or advisory conferences, professional competency examinations,
23 continuing education activities, and cost reimbursement associated therewith that are
24 agreed to with the board and successfully completed by the licensee, or other matters
25 made confidential or privileged by existing law, is deemed public, and shall be made
26 available to the public by the board pursuant to Section 803.1.

27 5. Section 2234 of the Code, states:

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

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

(b) Gross negligence.

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

(1) An initial negligent diagnosis followed by an act or omission medically

1 appropriate for that negligent diagnosis of the patient shall constitute a single
2 negligent act.

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

8 (d) Incompetence.

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

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

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

16 DEFINITIONS

17 6. Fluoroscopy is a type of medical imaging that enables a physician to look at many
18 body systems by using a continuous x-ray beam, which is passed through the body part being
19 examined. The image is transmitted to a monitor so the movement of a body part or of an
20 instrument can be seen in detail.

21 7. Lithotripsy is a procedure that uses shock waves to break up stones in the kidney and
22 parts of the ureter.

23 FACTUAL ALLEGATIONS

24 8. In 2018, Respondent served as a urologist and medical director at Yacoub Medical,
25 Inc., located at 120 South Montebello Boulevard, Montebello, California 90640. Respondent also
26 had hospital privileges at several local hospitals, including Foothill Regional Medical Center
27 (Foothill), located at 14662 Newport Avenue, Tustin, California 92780, and United Medical
28 Systems (United), located at 502 Apollo Street, Brea, California 92821.

9. On or about August 16, 2018, the California Department of Public Health, Radiologic
Health Branch (CDPH-RHB) conducted a routine radiation safety inspection at Foothill. During
the course of the inspection, the Director of Imaging at Foothill indicated that the facility had one
physician who used the fluoroscopy during procedures without having the required permit.

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1 10. According to the Director of Imaging, once the facility became aware of
2 Respondent's unauthorized use, they made Foothill staff aware that they were to not allow
3 Respondent to use the fluoroscope. It was determined that Respondent scheduled procedures in
4 the evening and after-hours without reserving a fluoroscope. On the dates of the procedures,
5 Respondent would indicate that the fluoroscope use was emergently necessary and he was able to
6 bypass Foothill's usual procedures for scheduling and verifying credentials for fluoroscopy use.
7 The Director of Imaging indicated that Foothill made requests to Respondent, asking for a copy
8 of the required permit, but had not received anything, at the time of the inspection.

9 11. The CDPH-RHB inspector reviewed Foothill's fluoroscopy log books and found that
10 Respondent used fluoroscopy on December 27, 2016; May 19, 2018; May 25, 2018; and June 6,
11 2018. The CDPH-RHB determined that Respondent had been performing fluoroscopy
12 procedures without the required Fluoroscopy Supervisor and Operator permit.

13 12. The CDPH-RHB inspector issued Respondent a Notice of Violation and Radiation
14 User's Declaration (NOVRUD), citing Health and Safety Code section 107110, performing
15 fluoroscopy without proper certification.

16 13. On or about September 24, 2018, the CDPH-RHB conducted a radiation safety
17 inspection at United. The CDPH-RHB inspector reviewed United's records and found eleven
18 cases in which Respondent supervised or directed fluoroscopy during lithotripsy procedures, from
19 February 2016 through the date of the inspection.

20 14. The inspector issued Respondent a second NOVRUD.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Repeated Negligent Acts)**

23 15. Respondent Atef Labib Yacoub, M.D. is subject to disciplinary action under section
24 2234, subdivision (c), of the Code, in that he engaged in repeated acts of negligence.
25 Complainant refers to and, by this reference, incorporates herein, paragraphs 8 through 14, above,
26 as though fully set forth herein. The circumstances are as follows:

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