

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

In the Matter of the First Amended
Accusation Against:

Moustafa Moataz Aboshady, M.D.

Physician's and Surgeon's
Certificate No. A 128437

Respondent.

Case No. 800-2018-041583

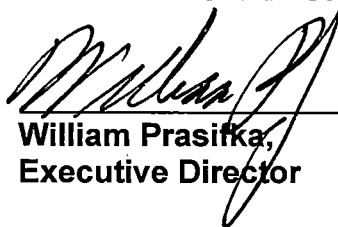
DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 16, 2022.

IT IS SO ORDERED June 9, 2022.

MEDICAL BOARD OF CALIFORNIA



William Prasifka,
Executive Director

1 ROB BONTA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
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8

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

12 In the Matter of the Accusation Against:

Case No. 800-2018-041583

13 MOUSTAFA MOATAZ ABOSHADY, M.D.

OAH No. 2021100198

14 30 Goldenrod
15 Lake Forest, California 92630

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Physician's and Surgeon's Certificate A 128437,
17 Respondent.

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 Wendy Widlus, Deputy
25 Attorney General.

26 2. Moustafa Moataz Aboshady, M.D. (Respondent) is represented in this proceeding by
27 attorney Sara E. Hersh of Nelson Hardiman, LLP, 1100 Glendon Avenue, Suite 1400, Los
28 Angeles, California 90024.

1 3. On January 13, 2014, the Board issued Physician's and Surgeon's Certificate No. A
2 128437 to Moustafa Moataz Aboshady, M.D. (Respondent). That license was in full force and
3 effect at all times relevant to the charges brought herein. It expired on January 31, 2020, and is
4 now in a delinquent status as a result of Respondent's failure to pay the renewal fee.

5 **JURISDICTION**

6 4. A First Amended Accusation No. 800-2018-041583 was filed before the Board, and
7 is currently pending against Respondent. The First Amended Accusation and all other statutorily
8 required documents were properly served on Respondent on February 24, 2022. Respondent
9 timely filed his Notice of Defense contesting the First Amended Accusation. A copy of First
10 Amended Accusation No. 800-2018-041583 is attached as Exhibit A and is incorporated by
11 reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in First Amended Accusation No. 800-2018-041583. Respondent also
15 has carefully read, fully discussed with counsel, and understands the effects of this Stipulated
16 Surrender of License and Order.

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

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

26 **CULPABILITY**

27 8. Respondent understands that the charges and allegations in First Amended
28 Accusation No. 800-2018-041583, if proven at a hearing, constitute cause for imposing discipline

1 upon his Physician's and Surgeon's Certificate.

2 9. For the purpose of resolving the Accusation without the expense and uncertainty of
3 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
4 basis for the charges in First Amended Accusation No. 800-2018-041583 and that those charges
5 constitute cause for discipline. Respondent hereby gives up his right to contest that cause for
6 discipline exists based on those charges.

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

10 CONTINGENCY

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

20 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Surrender of License and Order shall have the same force and effect as
22 the originals.

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

25 ORDER

26 **IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. A 128437,
27 issued to Respondent Moustafa Moataz Aboshady, M.D., is surrendered and accepted by the
28 Board.

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

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

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


9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked or
12 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
13 contained in First Amended Accusation No. 800-2018-041583 shall be deemed to be true, correct
14 and admitted by Respondent when the Board determines whether to grant or deny the petition.
15 Respondent may file an application for licensure or a petition for reinstatement at or after three
16 years from the effective date of the Board's Decision and Order.

17 5. If Respondent should ever apply or reapply for a new license or certification, or
18 petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in First Amended Accusation, No.
20 800-2018-041583 shall be deemed to be true, correct, and admitted by Respondent for the purpose
21 of any/Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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1 ACCEPTANCE

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

7
8 DATED: 4/16/2022 
9 MOUSTAFA MOATAZ ABOSHADY, M.D.
Respondent

10 I have read and fully discussed with Respondent Moustafa Moataz Aboshady, M.D. the
11 terms and conditions and other matters contained in this Stipulated Surrender of License and
12 Order. I approve its form and content.

13 DATED: 4/20/22 
14 SARA E. HERSH
15 Attorney for 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: April 21, 2022 Respectfully submitted,
20 ROB BONTA
21 Attorney General of California
22 ROBERT MCKIM BELL
Supervising Deputy Attorney General

23 *Wendy Widlus*
24 WENDY WIDLUS
25 Deputy Attorney General
Attorneys for Complainant

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28 64961620.docx

Exhibit A

First Amended Accusation No. 800-2018-041583

1 ROB BONTA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 WENDY WIDLUS
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Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

Case No. 800-2018-041583

14 MOUSTAFA MOATAZ ABOSHADY, M.D.

OAH No. 2021100198

15 30 Goldenrod
16 Lake Forest, California 92630-8375

FIRST AMENDED ACCUATION

17 Physician's and Surgeon's Certificate A 128437,
18 Respondent.

19
20 **PARTIES**

- 21 1. William Prasifka (Complainant) brings this First Amended Accusation solely in his
22 official capacity as the Executive Director of the Medical Board of California (Board).
- 23 2. On January 13, 2014, the Board issued Physician's and Surgeon's Certificate Number
24 A 128437 to Moustafa Moataz Aboshady, M.D. (Respondent). That license was in full force and
25 effect at all times relevant to the charges brought herein. It expired on January 31, 2020, and is
26 now in a delinquent status as a result of Respondent's failure to pay the renewal fee.

27 //

28 //

1 JURISDICTION

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

5 4. Section 2004 of the Code states:

6 The board shall have the responsibility for the following:

7 (a) The enforcement of the disciplinary and criminal provisions of the Medical
8 Practice Act.

9 (b) The administration and hearing of disciplinary actions.

10 (c) Carrying out disciplinary actions appropriate to findings made by a panel or
11 an administrative law judge.

12 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion
13 of disciplinary actions.

14 (e) Reviewing the quality of medical practice carried out by physician and
15 surgeon certificate holders under the jurisdiction of the board.

16 (f) Approving undergraduate and graduate medical education programs.

17 (g) Approving clinical clerkship and special programs and hospitals for the
18 programs in subdivision (f).

19 (h) Issuing licenses and certificates under the board's jurisdiction.

20 (i) Administering the board's continuing medical education program.

21 5. Section 2227 of the Code states:

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

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

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

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

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

board.

1
2 (5) Have any other action taken in relation to discipline as part of an order of
probation, as the board or an administrative law judge may deem proper.

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

7
8 6. Section 2234 of the Code, states:

9 The board shall take action against any licensee who is charged with
10 unprofessional conduct. In addition to other provisions of this article, unprofessional
11 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
17 separate and distinct departure from the applicable standard of care shall constitute
18 repeated negligent acts.

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

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

26 (d) Incompetence.

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

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

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

7. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications,
functions, or duties of a physician and surgeon constitutes unprofessional conduct

1 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
2 of conviction shall be conclusive evidence only of the fact that the conviction
3 occurred.

4 (b) The district attorney, city attorney, or other prosecuting agency shall notify
5 the Medical Board of the pendency of an action against a licensee charging a felony
6 or misdemeanor immediately upon obtaining information that the defendant is a
7 licensee. The notice shall identify the licensee and describe the crimes charged and
8 the facts alleged. The prosecuting agency shall also notify the clerk of the court in
9 which the action is pending that the defendant is a licensee, and the clerk shall record
10 prominently in the file that the defendant holds a license as a physician and surgeon.

11 (c) The clerk of the court in which a licensee is convicted of a crime shall,
12 within 48 hours after the conviction, transmit a certified copy of the record of
13 conviction to the board. The division may inquire into the circumstances surrounding
14 the commission of a crime in order to fix the degree of discipline or to determine if
15 the conviction is of an offense substantially related to the qualifications, functions, or
16 duties of a physician and surgeon.

17 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
18 deemed to be a conviction within the meaning of this section and Section 2236.1.
19 The record of conviction shall be conclusive evidence of the fact that the conviction
20 occurred.

21 8. Section 2261 of the Code states:

22 Knowingly making or signing any certificate or other document directly or indirectly
23 related to the practice of medicine or podiatry which falsely represents the existence or
24 nonexistence of a state of facts, constitutes unprofessional conduct.

25 9. Section 490 of the Code states:

26 (a) In addition to any other action that a board is permitted to take against a
27 licensee, a board may suspend or revoke a license on the ground that the licensee has
28 been convicted of a crime, if the crime is substantially related to the qualifications,
functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any
authority to discipline a licensee for conviction of a crime that is independent of the
authority granted under subdivision (a) only if the crime is substantially related to the
qualifications, functions, or duties of the business or profession for which the
licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of
guilty or a conviction following a plea of nolo contendere. Any action that a board is
permitted to take following the establishment of a conviction may be taken when the
time for appeal has elapsed, or the judgment of conviction has been affirmed on
appeal, or when an order granting probation is made suspending the imposition of
sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section
has been made unclear by the holding in *Petropoulos v. Department of Real Estate*
(2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant

1 number of statutes and regulations in question, resulting in potential harm to the
2 consumers of California from licensees who have been convicted of crimes.
3 Therefore, the Legislature finds and declares that this section establishes an
4 independent basis for a board to impose discipline upon a licensee, and that the
5 amendments to this section made by Chapter 33 of the Statutes of 2008 do not
6 constitute a change to, but rather are declaratory of, existing law.

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10. Section 493 of the Code states:

(a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(d) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(e) This section shall become operative on July 1, 2020.

11. California Code of Regulations, title 16, section 1360, states:

(a) For the purposes of denial, suspension or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes, professional misconduct, or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any

1 provision of state or federal law governing the applicant's or licensee's professional
2 practice.

3 (b) In making the substantial relationship determination required under
4 subdivision (a) for a crime, the board shall consider the following criteria:

- 5 (1) The nature and gravity of the crime;
6 (2) The number of years elapsed since the date of the crime; and
7 (3) The nature and duties of the profession.

8 **COST RECOVERY**

9 12. Effective on January 1, 2022, section 125.3 of the Code was amended to provide as
10 follows:

11 (a) Except as otherwise provided by law, in any order issued in resolution of a
12 disciplinary proceeding before any board within the department or before the
13 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
14 administrative law judge may direct a licensee found to have committed a violation or
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
16 investigation and enforcement of the case.

17 (b) In the case of a disciplined licensee that is a corporation or a partnership, the
18 order may be made against the licensed corporate entity or licensed partnership.

19 (c) A certified copy of the actual costs, or a good faith estimate of costs where
20 actual costs are not available, signed by the entity bringing the proceeding or its
21 designated representative shall be prima facie evidence of reasonable costs of
22 investigation and prosecution of the case. The costs shall include the amount of
23 investigative and enforcement costs up to the date of the hearing, including, but not
24 limited to, charges imposed by the Attorney General.

25 (d) The administrative law judge shall make a proposed finding of the amount
26 of reasonable costs of investigation and prosecution of the case when requested
27 pursuant to subdivision (a). The finding of the administrative law judge with regard to
28 costs shall not be reviewable by the board to increase the cost award. The board may
reduce or eliminate the cost award, or remand to the administrative law judge if the
proposed decision fails to make a finding on costs requested pursuant to subdivision
(a).

(e) If an order for recovery of costs is made and timely payment is not made as
directed in the board's decision, the board may enforce the order for repayment in any
appropriate court. This right of enforcement shall be in addition to any other rights
the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be
conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or
reinstate the license of any licensee who has failed to pay all of the costs ordered
under this section.

1 (2) Notwithstanding paragraph (1), the board may, in its discretion,
2 conditionally renew or reinstate for a maximum of one year the license of any
3 licensee who demonstrates financial hardship and who enters into a formal agreement
4 with the board to reimburse the board within that one-year period for the unpaid
5 costs.

6 (h) All costs recovered under this section shall be considered a reimbursement
7 for costs incurred and shall be deposited in the fund of the board recovering the costs
8 to be available upon appropriation by the Legislature.

9 (i) Nothing in this section shall preclude a board from including the recovery of
10 the costs of investigation and enforcement of a case in any stipulated settlement.

11 (j) This section does not apply to any board if a specific statutory provision in
12 that board's licensing act provides for recovery of costs in an administrative
13 disciplinary proceeding.

14 FACTUAL ALLEGATIONS

15 13. On September 21, 2018, in the case entitled *United States of America v. Moustafa*
16 *Aboshady*, criminal action number 16-10278-NMG, in the United States District Court, District of
17 Massachusetts, Respondent, upon the verdict of a jury, was convicted of a violation of Title 18,
18 United States Code, section 371 (conspiracy to make false statements in connection with health
19 care benefit programs), and two violations of Title, 18 United States Code, section 1035 (making
20 false statements in connection with health care benefit programs, or aiding and abetting).

21 14. Respondent was sentenced to the following terms and conditions:

- 22 A. 75 months of imprisonment.
- 23 B. Three years of supervised release
- 24 C. Pay restitution in the amount of \$1,852,459.46.

25 15. The circumstances leading to the above-referenced conviction are as follows:

26 A. Between 2010 and 2013, Respondent was employed by New England Wellness
27 & Pain Management (NEPA). NEPA consisted of three pain management clinics in
28 Massachusetts.

B. Dr. Fathalla Mashali, the owner of NEPA and Respondent's uncle, in
conjunction with physician assistants, prescribed opiates and other medications for the treatment
of pain.

1 C. NEPA also purported to test the urine specimens of patients to monitor
2 compliance with prescription regimes and determine consumption of other non-prescribed drugs,
3 such as cocaine, methadone, amphetamines, and marijuana.

4 D. Between 2010 and 2013, NEPA improperly billed for two types of medical
5 services: extensive medical services that Dr. Mashali and his physician assistants supposedly
6 performed during face-to-face interactions with patients and the testing of urine samples.

7 E. To support the false billing practices, Respondent coordinated with other NEPA
8 employees to add fraudulent documentation of non-existent medical services into patients'
9 electronic medical files as though services had been rendered. Respondent also created false urine
10 drug tests results.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Conviction of Substantially Related Crime)

13 16. By reason of the facts set forth in paragraphs 13, 14, and 15, Respondent is subject to
14 disciplinary action under Section 2236, subdivision (a), and Section 490 of the Code, as well as
15 California Code of Regulations, title 16, Section 1360, in that Respondent has been convicted of
16 crimes substantially related to the qualifications, functions or duties of a physician and surgeon.

17 17. By reason of the facts set forth in paragraphs 13, 14, and 15, Respondent is subject to
18 disciplinary action under Section 2261 of the Code, in that Respondent knowingly made or signed
19 any certificate or other document directly or indirectly related to the practice of medicine which
20 falsely represented the existence or nonexistence of a state of facts.

21 18. Respondent's acts and/or omissions as set forth in paragraphs 13, 14, and 15, whether
22 proven individually, jointly, or in any combination thereof, constitute knowingly making or
23 signing any certificate or other document directly or indirectly related to the practice of medicine
24 which falsely represents the existence or nonexistence of a state of facts pursuant to Section 2261
25 of the Code.

26 **SECOND CAUSE FOR DISCIPLINE**

27 (Conviction of Substantially Related Crime)

1 19. By reason of the facts set forth in paragraphs 13, 14, and 15, Respondent is subject to
2 disciplinary action under Section 2236, subdivision (a), and Section 490 of the Code, as well as
3 California Code of Regulations, title 16, Section 1360, in that Respondent has been convicted of
4 crimes substantially related to the qualifications, function or duties of a physician and surgeon.

5 20. Respondent's acts and/or omissions as set forth in paragraphs 13, 14, and 15, whether
6 proven individually, jointly, or in any combination thereof, constitute convictions of crimes
7 substantially related to the qualifications, function or duties of a physician and surgeon pursuant
8 to Section 2236, subdivision (a), and Section 490 of the Code, as well as California Code of
9 Regulations, title 16, Section 1360.

10 **THIRD CAUSE FOR DISCIPLINE**

11 (Making False Statements)

12 21. By reason of the facts set forth in paragraphs 13, 14, and 15, Respondent is subject to
13 disciplinary action under Section 2261 of the Code, in that Respondent knowingly made or signed
14 any certificate or other document directly or indirectly related to the practice of medicine which
15 falsely represented the existence or nonexistence of a state of facts.

16 22. Respondent's acts and/or omissions as set forth in paragraphs 13, 14, and 15, whether
17 proven individually, jointly, or in any combination thereof, constitute knowingly making or
18 signing any certificate or other document directly or indirectly related to the practice of medicine
19 which falsely represents the existence or nonexistence of a state of facts pursuant to Section 2261
20 of the Code.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 (Unprofessional Conduct)

23 23. By reason of the facts set forth in paragraphs 13, 14, and 15, Respondent is subject to
24 disciplinary action under Section 2234, subdivision (a) of the Code, in that Respondent
25 knowingly made or signed any certificate or other document directly or indirectly related to the
26 practice of medicine or podiatry which falsely represented the existence or nonexistence of a state
27 of facts and has been convicted of crimes substantially related to the qualifications, functions, or
28 duties of a physician and surgeon.

