

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

In the Matter of the Accusation Against:

Reza Khodaverdian, M.D.

**Physician's & Surgeon's
Certificate No. A 127413**

Respondent.

Case No. 800-2018-043744

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 September 9, 2022.

IT IS SO ORDERED: August 11, 2022.

MEDICAL BOARD OF CALIFORNIA



**Laurie Rose Lubiano, J.D., Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 TESSA L. HEUNIS
Deputy Attorney General
4 State Bar No. 241559
600 West Broadway, Suite 1800
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8 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:
14 **REZA KHODAVERDIAN, M.D.**
39000 Bob Hope Drive, Suite K108
15 **Rancho Mirage, CA 92270-7001**
16
17 **Physician's and Surgeon's Certificate**
No. A 127413
18
19 Respondent.

Case No. 800-2018-043744
OAH No. 2021080011

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

22 **PARTIES**

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

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 800-2018-043744.

4 9. Respondent agrees that his Physician's and Surgeon's Certificate No. A 127413 is
5 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
6 in the Disciplinary Order below.

7 **RESERVATION**

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

12 **CONTINGENCY**

13 11. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the
14 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
15 submitted to the Board for its consideration in the above-entitled matter and, further, that the
16 Board shall have a reasonable period of time in which to consider and act on this Stipulated
17 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
18 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
19 prior to the time the Board considers and acts upon it.

20 12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
21 and void and not binding upon the parties unless approved and adopted by the Board, except for
22 this paragraph, which shall remain in full force and effect. Respondent fully understands and
23 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
24 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
25 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify
26 the Board, any member thereof, and/or any other person from future participation in this or any
27 other matter affecting or involving Respondent. In the event that the Board does not, in its
28 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the

1 exception of this paragraph, it shall not become effective, shall be of no evidentiary value
2 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party
3 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order
4 be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any
5 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this
6 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

7 **ADDITIONAL PROVISIONS**

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

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

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

17 **DISCIPLINARY ORDER**

18 **A. PUBLIC REPRIMAND**

19 IT IS HEREBY ORDERED that Respondent REZA KHODAVERDIAN, M.D.'s
20 Physician's and Surgeon's Certificate No. A 127413 shall be and is hereby Publicly Reprimanded
21 pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This
22 Public Reprimand, which is issued in connection with Respondent's care and treatment of Patient
23 P-1 as set forth in Accusation No. 800-2018-043744, is as follows:

24 You committed repeated negligent acts in your care and treatment of Patient-1 on
25 or about or between May 1 and May 2, 2018, as more fully set forth in Accusation
26 No. 800-2018-043744, a true and correct copy of which is attached hereto as
27 Exhibit A and incorporated by reference as if fully set forth herein.

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B. EDUCATION COURSES

Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval not less than 60 hours of educational program(s) or course(s). The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent’s expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent’s knowledge of the course. Respondent shall provide proof of attendance for 85 hours of CME of which 60 hours were in satisfaction of this condition.

C. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is

hereby ordered to reimburse the Board its costs of investigation and enforcement since January 1, 2022, including, but not limited to, legal reviews, joint investigations, and subpoena enforcement, as applicable, in the amount of \$825.00 (eight hundred twenty-five dollars). These costs shall be payable to the Medical Board of California within 60 calendar days of the effective date of this Decision unless otherwise agreed to in writing by the Board or its designee.

Any and all requests for a payment plan shall be submitted in writing by Respondent to the Board.

The filing of bankruptcy by respondent shall not relieve Respondent of the responsibility to repay investigation and enforcement costs.

C. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply

for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2018-043744 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

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ACCEPTANCE

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I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys Kent T. Brandmeier, Esq., and/or Jeannette L. Van Horst, Esq. Having the benefit of counsel, enter into it freely, voluntarily, intelligently, and with full knowledge of its force and effect on my Physician's and Surgeon's Certificate A 127413. I fully understand that, after signing this stipulation, I may not withdraw from it, that it shall be submitted to the Medical Board of California for its consideration, and that the Board shall have a reasonable period of time to consider and act on this stipulation after receiving it. By entering into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall be publicly reprimanded by the Board and shall be required to comply with all of the terms and conditions of the Disciplinary Order set forth above. I also fully understand that any failure to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and will subject my Physician's and Surgeon's Certificate No. A 127413 to further disciplinary action.

DATED: 3-11-22


REZA KHODAVERDIAN, M.D.
Respondent

I have read and fully discussed with Respondent Reza Khodaverdian, 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: 3/14/22


KENT T. BRANDMEYER, ESQ.
JEANNETTE L. VAN HORST, ESQ.
Attorneys for Respondent

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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: March 16, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



TESSA L. HEUNIS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2018-043744

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 JOSHUA M. TEMPLET
Deputy Attorney General
4 State Bar No. 267098
California Department of Justice
5 300 So. Spring Street, Suite 1702
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6 Telephone: (213) 269-6688
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7 E-mail: Joshua.Templet@doj.ca.gov
Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 800-2018-043744

14 **Reza Khodaverdian, M.D.**
15 **39000 Bob Hope Drive, Suite K108**
Rancho Mirage, CA 92270

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 127413,**

Respondent.

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20 **PARTIES**

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

24 2. On or about September 25, 2013, the Medical Board issued Physician's and Surgeon's
25 Certificate Number A 127413 to Reza Khodaverdian, M.D. (Respondent). The certificate was in
26 full force and effect at all times relevant to the charges brought herein and will expire on July 31,
27 2021, 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 2004 of the Code provides that the Board shall have the responsibility for the
6 enforcement of the disciplinary provisions of the Medical Practice Act.

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

11 **STATUTORY PROVISIONS**

12 6. Section 2234 of the Code states, in part:

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

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

17 (b) Gross negligence.

18 (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts
19 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.

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

22 (2) When the standard of care requires a change in the diagnosis, act, or omission
23 that constitutes the negligent act described in paragraph (1), including, but not
24 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.

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1 **DEFINITIONS**

2 7. Tension pneumothorax: This is a life-threatening condition that develops when air
3 continuously enters the chest without evacuation. The trapped air develops positive pressure,
4 compresses and displaces mediastinal structures like the heart, and compromises cardiopulmonary
5 function.

6 8. Thoracotomy: This surgical procedure involves a cut made between the ribs to see
7 and reach the lungs or other organs in the chest.

8 9. Video-assisted thoracoscopic surgery (VATS): During a VATS procedure, a small
9 camera (thoracoscope) and surgical instruments are inserted into the patient's chest through one or
10 more small incisions in the chest wall. The thoracoscope transmits images of the inside of the
11 chest onto a video monitor, guiding the surgeon in performing the procedure.

12 **FACTUAL ALLEGATIONS**

13 10. In 2018 Respondent practiced as a thoracic surgeon.

14 11. On April 30, 2018, patient P-1 presented to the emergency room at Glendale
15 Adventist Hospital with a spontaneously collapsed right lung. P-1 was 43 years of age and had a
16 medical history of a spontaneous collapse of her right lung five years earlier. Radiographic
17 evidence showed signs of a tension component to her collapsed lung—tension pneumothorax—
18 and a pigtail catheter was placed in her chest to evacuate the air within her chest and allow her
19 lung to re-expand.

20 12. The patient was admitted to the hospital on May 1, 2018. Respondent was the
21 consulting thoracic surgeon and saw the patient that morning. His record notes that the patient's
22 catheter had been inadvertently removed. Respondent recommended video-assisted thoracoscopic
23 surgery to remove an abnormal portion of the top of her right lung. Respondent began the surgery
24 the following day, on May 2, 2018. As of the time of her surgery, the patient's catheter had not
25 been replaced.

26 13. Respondent began the surgery by inserting the thoracoscopic camera through an
27 incision in the patient's lower chest. Respondent evaluated the right chest cavity and found dense
28 adhesions between the right upper lobe of the lung and the posterior chest wall extending to the

1 top of the right chest. In addition, the top of the right lung seemed to be grossly abnormal with
2 scarring on its surface.

3 14. During a video-assisted thoracoscopic surgery, the surgeon must be prepared to
4 convert the procedure into an open thoracotomy in the event that intraoperative complications or
5 problems develop that require additional access and visualization to address, such as the dense
6 adhesions of the lung to the chest wall in this surgery.

7 15. Upon discovering the dense adhesions between the lung and chest wall, Respondent
8 should have considered converting his procedure to an open thoracotomy based on these findings.
9 Instead, Respondent proceeded with thoracoscopic surgery, attempting to remove the parts of the
10 lung that were adhered to the chest wall, and encountering an increasing amount of bleeding in so
11 doing. Respondent's attempts to control the bleeding were not successful.

12 16. Respondent then converted the surgery to an open thoracotomy. Rather than make a
13 new incision near the location of the bleeding and adhesions at the top of the chest/lung, to open
14 that area of the chest for access and visualization, Respondent instead relied on his existing
15 incisions in the lower parts of the chest. Respondent connected his previous two incisions to
16 create an opening in the lower chest. He also made another small incision to allow insertion and
17 continued use of a camera. Respondent continued to have difficulty in stopping the bleeding due
18 to lack of adequate access to and visualization of the area of bleeding at the top of the chest/lung.

19 17. Ultimately, after the patient had lost a significant amount of blood, Respondent was
20 able to find and control the source of the bleeding. He finished removing the abnormal portions of
21 the lung and closed and sutured the patient's chest.

22 **CAUSE FOR DISCIPLINE**

23 **(Repeated Negligent Acts)**

24 18. Respondent is subject to disciplinary action under Code section 2234, subdivision (c),
25 in that Respondent committed repeated negligent acts in his care of P-1 as described above,
26 including the following:

27 19. Once Respondent was consulted as the thoracic surgeon for P-1, it was his
28 responsibility to manage treatment for the collapsed lung. Respondent's failure to replace her

1 missing pigtail catheter to address and prevent possible recurrence of the previously demonstrated
2 tension pneumothorax, by ensuring continued evacuation of the air within her chest until surgery,
3 constitutes a departure from the standard of care.

4 20. When converting the thoroscopic surgery to an open thoracotomy, Respondent's
5 failure to make a new incision at the top of the chest near the area of adhesions and bleeding
6 constitutes a departure from the standard of care.

7 PRAYER

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

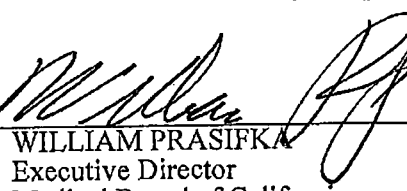
10 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 127413,
11 issued to Reza Khodaverdian, M.D.;

12 2. Revoking, suspending, or denying approval of Reza Khodaverdian, M.D.'s authority
13 to supervise physician assistants and advanced practice nurses;

14 3. Ordering Reza Khodaverdian, M.D., if placed on probation, to pay the Board the
15 costs of probation monitoring; and

16 4. Taking such other and further action as deemed necessary and proper.

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18 DATED: MAR 29 2021



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

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