

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

**In the Matter of the First Amended  
Accusation Against:**

**Afshin S. Gerayli, M.D.**

**Physician's & Surgeon's  
Certificate No. G 80098**

**Respondent.**

**Case No. 800-2018-051171**

**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 12, 2022.**

**IT IS SO ORDERED: August 12, 2022.**

**MEDICAL BOARD OF CALIFORNIA**



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

1 ROB BONTA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 JOSEPH F. MCKENNA III  
Deputy Attorney General  
4 State Bar No. 231195  
600 West Broadway, Suite 1800  
5 San Diego, California 92101  
P.O. Box 85266  
6 San Diego, California 92186-5266  
Telephone: (619) 738-9417  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*  
8

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

12 In the Matter of the First Amended Accusation  
Against:

13  
14 **AFSHIN S. GERAYLI, M.D.**  
**35 Creek Road**  
**Irvine, California 92604**

15  
16 **Physician's and Surgeon's Certificate**  
**No. G 80098,**

17 Respondent.  
18

Case No. 800-2018-051171  
OAH No. 2021100562

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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, and by Joseph F. McKenna III,  
25 Deputy Attorney General.

26 2. Respondent Afshin S. Gerayli, M.D. (Respondent) is represented in this proceeding  
27 by attorney Raymond J. McMahon, Esq., whose address is: 5440 Trabuco Road, Irvine,  
28 California, 92620.

1           3.    On or about October 26, 1994, the Medical Board issued Physician's and Surgeon's  
 2 Certificate No. G 80098 to Afshin S. Gerayli, M.D. (Respondent). The Physician's and  
 3 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
 4 herein and will expire on September 30, 2022, unless renewed.

5                                                                       **JURISDICTION**

6           4.    On July 28, 2021, Accusation No. 800-2018-051171 was filed before the Board. A  
 7 true and correct copy of the Accusation and all other statutorily required documents were  
 8 properly served on Respondent on July 28, 2021. Respondent timely filed his Notice of Defense  
 9 contesting the Accusation.

10          5.    On January 21, 2022, First Amended Accusation No. 800-2018-051171 was filed  
 11 before the Board. A true and correct copy of the First Amended Accusation and all other  
 12 statutorily required documents were properly served on Respondent on January 21, 2022. A true  
 13 and correct copy of the First Amended Accusation is attached hereto as Exhibit A and hereby  
 14 incorporated by reference as if fully set forth herein

15                                                                       **ADVISEMENT AND WAIVERS**

16          6.    Respondent has carefully read, discussed with counsel, and fully understands the  
 17 charges and allegations in First Amended Accusation No. 800-2018-051171. Respondent has  
 18 also carefully read, discussed with his counsel, and fully understands the effects of this Stipulated  
 19 Settlement and Disciplinary Order.

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

27          8.    Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently  
 28 waives and gives up each and every right set forth above.

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations contained in First  
3 Amended Accusation No. 800-2018-051171, if proven at a hearing, constitute cause for imposing  
4 discipline upon his Physician's and Surgeon's Certificate No. G 80098.

5 10. Respondent stipulates that, at a hearing, Complainant could establish a *prima facie*  
6 case or factual basis for the charges and allegations contained in the First Amended Accusation;  
7 that he gives up his right to contest those charges and allegations contained in the First Amended  
8 Accusation; and that he has thereby subjected his Physician's and Surgeon's Certificate to  
9 disciplinary action.

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 settlement, 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 Settlement 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. Respondent agrees that if an accusation is ever filed against him before the Board, all  
21 of the charges and allegations contained in First Amended Accusation No. 800-2018-051171 shall  
22 be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or  
23 any other licensing proceeding involving Respondent in the State of California.

24 ADDITIONAL PROVISIONS

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

28 ////

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

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Respondent Afshin S. Gerayli, M.D.'s Physician's and  
9 Surgeon's Certificate No. G 80098 shall be and is hereby Publicly Reprimanded pursuant to  
10 California Business and Professions Code section 2227, subdivision (a), subsection (4). This  
11 Public Reprimand, which is issued in connection with the charges and allegations contained in  
12 First Amended Accusation No. 800-2018-051171, is as follows:

13 1. **PUBLIC REPRIMAND.**

14 Respondent failed to maintain adequate and accurate records in connection with the  
15 monitoring and prescribing of opioids to Patient A, as alleged in the First Amended Accusation,  
16 paragraphs 13 and 14.

17 2. **PRESCRIBING PRACTICES COURSE.**

18 Within sixty (60) calendar days of the effective date of this Decision, Respondent shall  
19 enroll in a course in prescribing practices approved in advance by the Board or its designee.  
20 Respondent shall provide the approved course provider with any information and documents that  
21 the approved course provider may deem pertinent. Respondent shall participate in and  
22 successfully complete the classroom component of the course not later than twelve (12) months  
23 after Respondent's initial enrollment. Respondent shall successfully complete any other  
24 component of the course within one (1) year of enrollment. The prescribing practices course shall  
25 be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME)  
26 requirements for renewal of licensure.

27 A prescribing practices course taken after the acts that gave rise to the charges contained in  
28 the First Amended Accusation, but prior to the effective date of the Decision may, in the sole

1 discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the  
2 course would have been approved by the Board or its designee had the course been taken after the  
3 effective date of this Decision.

4 Respondent shall submit a certification of successful completion to the Board or its  
5 designee not later than fifteen (15) calendar days after successfully completing the course, or not  
6 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later

7 3. MEDICAL RECORD KEEPING COURSE.

8 Within sixty (60) calendar days of the effective date of this Decision, Respondent shall  
9 enroll in a course in medical record keeping approved in advance by the Board or its designee.  
10 Respondent shall provide the approved course provider with any information and documents  
11 that the approved course provider may deem pertinent. Respondent shall participate in and  
12 successfully complete the classroom component of the course not later than six (6) months after  
13 Respondent's initial enrollment. Respondent shall successfully complete any other component  
14 of the course within one (1) year of enrollment. The medical record keeping course shall be  
15 at Respondent's expense and shall be in addition to the CME requirements for renewal of  
16 licensure.

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

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

25 4. INVESTIGATION/ENFORCEMENT COST RECOVERY.

26 Respondent is hereby ordered to reimburse the Board its costs of enforcement, including  
27 legal review and expert review, as applicable, eleven thousand six hundred twenty dollars  
28 (\$11,620.00). Costs shall be payable to the Board. Failure to pay such costs shall be considered

1 a violation of this agreement and shall be deemed an act of unprofessional conduct and a separate  
2 and distinct basis for discipline.

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


5 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility  
6 to repay investigation and enforcement costs, including expert review costs (if applicable).

7 5. FAILURE TO COMPLY. Any failure by Respondent to comply with the terms  
8 and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct  
9 and grounds for further disciplinary action.

10 **ACCEPTANCE**


11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with my attorney, Raymond J. McMahon, Esq. I fully understand the stipulation and  
13 the effect it will have on my Physician's and Surgeon's Certificate No. G 80098. I enter into this  
14 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
15 to be bound by the Decision and Order of the Medical Board of California.

16  
17 DATED: 7-22-22

  
\_\_\_\_\_  
AFSHIN S. GERAYLI, M.D.  
*Respondent*

19 I have read and fully discussed with Respondent Afshin S. Gerayli, M.D., the terms and  
20 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
21 I approve its form and content.

22  
23 DATED: July 22, 2022

  
\_\_\_\_\_  
RAYMOND J. MCMAHON, ESQ.  
*Attorney for Respondent*

24  
25 ////

26 ////

27 ////

28 ////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

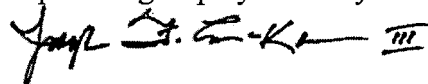
**ENDORSEMENT**

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

DATED: July 27, 2022

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General



JOSEPH F. MCKENNA III  
Deputy Attorney General  
*Attorneys for Complainant*

SD2021800916  
Doc.No.83513151



**Exhibit A**

**First Amended Accusation No. 800-2018-051171**

1 ROB BONTA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 JOSEPH F. MCKENNA III  
Deputy Attorney General  
4 State Bar No. 231195  
600 West Broadway, Suite 1800  
5 San Diego, California 92101  
P.O. Box 85266  
6 San Diego, California 92186-5266  
Telephone: (619) 738-9417  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9

10

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

11

12

13

In the Matter of the First Amended Accusation  
Against:

Case No. 800-2018-051171  
OAH No. 2021100562

14

**AFSHIN S. GERAYLI, M.D.**  
35 Creek Road  
Irvine, California 92604

**FIRST AMENDED ACCUSATION**

15

16

**Physician's and Surgeon's Certificate  
No. G 80098,**

17

18

Respondent.

19

20

Complainant alleges:

21

**PARTIES**

22

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

25

2. On or about October 26, 1994, the Medical Board issued Physician's and Surgeon's  
26 Certificate No. G 80098 to Afshin S. Gerayli, M.D. (Respondent). The Physician's and  
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on September 30, 2022, unless renewed.

1 JURISDICTION

2 3. This First Amended Accusation which supersedes Accusation No. 800-2018-051171,  
3 filed on July 28, 2021, in the above-entitled matter, is brought before the Board, under the  
4 authority of the following laws. All section references are to the Business and Professions Code  
5 (Code) unless otherwise indicated.

6 STATUTORY PROVISIONS

7 4. Section 2227 of the Code states:

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

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

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

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

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

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

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

5. Section 2234 of the Code states, in relevant part:

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.

...

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

5 7. Section 2266 of the Code states:

6 The failure of a physician and surgeon to maintain adequate and accurate  
7 records relating to the provision of services to their patients constitutes unprofessional  
8 conduct.

### 8 COST RECOVERY

9 8. Section 125.3 of the Code states:

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

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

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

24 (d) The administrative law judge shall make a proposed finding of the amount  
25 of reasonable costs of investigation and prosecution of the case when requested  
26 pursuant to subdivision (a). The finding of the administrative law judge with regard  
27 to costs shall not be reviewable by the board to increase the cost award. The board  
28 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.

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

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

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

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

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Gross Negligence)**

9 9. Respondent has subjected his Physician's and Surgeon's Certificate No. G 80098  
10 to disciplinary action under sections 2227 and 2234, as defined in section 2234, subdivision (b),  
11 of the Code, in that Respondent committed gross negligence in his care and treatment of  
Patient A,<sup>1</sup> as more particularly alleged hereinafter:

12 10. **Patient A**

13 (a) On or about August 16, 2016, Patient A, a then-71-year-old female, was  
14 seen at Respondent's clinic for a follow up visit and medication refills. Patient A  
15 was already an established patient at Respondent's clinic where she received  
16 treatment for chronic headaches, neck/back pain, and bilateral leg and knee pain.  
17 At this visit, her refilled medications included opioids, benzodiazepines, and  
18 sedatives. Patient A also refilled a prescription for Fioricet with codeine.

19 (b) On or about December 7, 2017, Respondent removed codeine from the  
20 Fioricet prescription in order to reduce the amount of opiates Patient A was taking,  
21 according to the progress note for the clinical visit.

22 (c) On or about March 6, 2018, CURES was checked and it was noted that  
23 Patient A had recently obtained a prescription for Fioricet with codeine from  
24 another medical provider, according to the progress note for the clinical visit.

25 (d) Between in or around May 2017, and in or around March 2019,

26 ////

27 <sup>1</sup> To protect the privacy of the patient involved in this matter, the patient's name has not  
28 been included in this pleading. Respondent is aware of the identity of Patient A.

1 Patient A obtained Fioricet with codeine from other medical providers and on  
2 multiple occasions. Progress notes from Respondent's clinic during this time  
3 frame documented that Patient A had been admonished not to obtain her opiate  
4 medications from other medical providers, and that these medications should only  
5 be obtained from Respondent's clinic. Patient A, notwithstanding the  
6 admonishment, continued to obtain Fioricet prescriptions from medical providers  
7 outside of Respondent's clinic.<sup>2</sup>

8 (e) On or about September 6, 2018, Patient A was seen at Respondent's  
9 clinic for a follow up visit and medication refills. The progress note documented  
10 that Patient A was scheduled to undergo a "complex surgery" on her spine the  
11 following month. The progress note further documented that Patient A had been  
12 "medically cleared" for the surgical procedure by Respondent. Finally, the note  
13 indicated that Patient A was to return in three months for a follow up visit at  
14 Respondent's clinic in December.

15 (f) Patient A's medical record from Respondent's clinic contained  
16 correspondence received from the surgeon, Dr. F.M., after the spine surgery  
17 was performed.<sup>3</sup> The correspondence provided medical updates to Respondent  
18 on multiple dates including, on or about November 28, 2018, December 19, 2018,  
19 and January 22, 2019.

20 (g) On or about December 19, 2018, Dr. F.M. personally contacted  
21 Respondent's clinic to discuss his concerns involving Patient A, including his  
22 observations of signs of narcotic withdrawal. Dr. F.M. did not speak with  
23 Respondent that day, but he did document a conversation that he held with another

24 ////

25 <sup>2</sup> Prior to January 31, 2019, no opioid agreement is found in Patient A's medical record  
26 from Respondent's clinic.

27 <sup>3</sup> The surgery was performed sometime between October 22 and November 9, 2018; the  
28 exact date is not found in Patient A's medical record from Respondent's clinic.

1 provider, Dr. M.S., at the clinic.<sup>4</sup> Dr. M.S. agreed to see Patient A the following  
2 day, according to Dr. F.M.'s progress note from December 19, 2018.

3 (h) Patient A was not seen at Respondent's clinic until more than a month  
4 later, on or about January 30, 2019. Patient A was seen by Dr. M.S. that day. Dr.  
5 M.S. documented that he had spoken to Dr. F.M. a month earlier and had advised  
6 Dr. F.M. that Patient A was Respondent's patient, according to the progress note.  
7 Dr. M.S. further documented that he would not be taking over care of Patient A,  
8 and that she should follow up with Respondent if she had concerns with her pain  
9 management.

10 (i) On or about January 31, 2019, Patient A returned to Respondent's  
11 clinic and was seen by Respondent. Respondent documented information related  
12 to Patient A's chronic pain issues and noted the recent back surgeries performed by  
13 Dr. F.M. Respondent also noted that Dr. F.M. had been prescribing Percocet to  
14 Patient A over the last three months. However, Respondent did not document any  
15 information concerning his monitoring and management of Patient A's care and  
16 opioid prescribing between September 2018 and January 2019.

17 (j) Significantly, Patient A's medical record from Respondent's clinic is  
18 missing critical information including, but not limited to: a plan for continuity of  
19 care at the time of Patient A's spine surgery in October 2018; documentation of  
20 Patient A's missed follow up visit in December 2018; documentation of Dr. F.M.'s  
21 telephone call with Dr. M.S. in December 2018; documentation of a timely response  
22 following Dr. F.M.'s telephone call with Dr. M.S. in December 2018; and  
23 documentation of Respondent's availability to Patient A during November 2018,  
24 December 2018, and January 2019.

25 (k) Patient A's medical record from Respondent's clinic is also missing:  
26 records of urine drug screens; documentation of communication between

27 <sup>4</sup> During Respondent's subject interview, he characterized his relationship with Dr. M.S.  
28 as a "partner."

1 Respondent and Dr. M.S. regarding Patient A; records or documentation of  
2 communication with Patient A's primary care physician regarding violations of the  
3 opioid agreement; and records documenting when prescriptions were transmitted  
4 electronically to the pharmacy.

5 11. Respondent committed gross negligence in his care and treatment of Patient A  
6 including, but not limited to, the following:

7 (a) Respondent failed to provide a plan for continuity of care at the time of  
8 Patient A's spine surgery in October 2018 including, but not limited to, lack of  
9 response to presumed missed visit in December 2018, failure to respond timely to  
10 Dr. F.M.'s call in December 2018, and general unavailability to Patient A during  
11 November 2018, December 2018, and January 2019.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Repeated Negligent Acts)**

14 12. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
15 G 80098 to disciplinary action under sections 2227 and 2234, as defined in section 2234,  
16 subdivision (c), of the Code, in that Respondent committed repeated negligent acts in his care  
17 and treatment of Patient A, as more particularly alleged hereinafter:

18 13. **Patient A**

19 (a) Paragraphs 10 and 11, above, are hereby incorporated by reference and  
20 realleged as if fully set forth herein.

21 (b) Between in or around May 2017, and in or around March 2019, Patient A  
22 obtained Fioricet with codeine from other medical providers on multiple occasions,  
23 despite admonishment and in violation of the January 31, 2019 opioid agreement.

24 (c) Patient A's medical record from Respondent's clinic is missing: records  
25 of urine drug screens; documentation of communication between Respondent and  
26 Dr. M.S.; records or documentation of communication with Patient A's primary  
27 care physician regarding violations of the opioid agreement; and records  
28 documenting when prescriptions were transmitted electronically to the pharmacy.



1 14. Respondent committed repeated negligent acts in his care and treatment of  
2 Patients A, including, but not limited to, the following:

3 (a) Respondent failed to appropriately monitor Patient A's care and prescribing  
4 of opioids between in or around October 2018 through in or around January 2019;

5 (b) Respondent failed to properly and consistently monitor Fioricet with  
6 codeine prescriptions obtained by Patient A from other medical providers; and

7 (c) Respondent failed to maintain adequate and accurate records for Patient A  
8 including, missing records of urine drug screens, missing documentation of  
9 communication between Respondent and Dr. M.S. regarding Patient A, missing  
10 records or documentation of communication with Patient A's primary care  
11 physician regarding violations of the opioid agreement, and missing records  
12 documenting when prescriptions were transmitted electronically to the pharmacy.

13 **THIRD CAUSE FOR DISCIPLINE**

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

15 15. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
16 G 80098 to disciplinary action under sections 2227 and 2234, as defined in section 2266, of the  
17 Code, in that Respondent failed to maintain adequate and accurate records in connection with his  
18 care and treatment of Patient A, as more particularly alleged in paragraphs 10 through 14, above,  
19 which are hereby incorporated by reference and realleged as if fully set forth herein.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct)**

22 16. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
23 G 80098 to disciplinary action under sections 2227 and 2234 of the Code, in that Respondent has  
24 engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct  
25 which is unbecoming to a member in good standing of the medical profession, and which  
26 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 10  
27 through 15, above, which are hereby incorporated by reference and realleged as if fully set forth  
28 herein.


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. G 80098, issued to Respondent Afshin S. Gerayli, M.D.;
2. Revoking, suspending or denying approval of Respondent Afshin S. Gerayli, M.D.'s authority to supervise physician assistants pursuant to section 3527 of the Code, and advanced practice nurses;
3. Ordering Respondent Afshin S. Gerayli, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: JAN 21 2022

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

SD2021800916  
Doc.No.83208427