

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

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

**Khadijeh Kadivar, M.D.**

**Physician's and Surgeon's  
Certificate No. A 125422**

**Respondent.**

**Case No.: 800-2019-055361**

**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 October 13, 2022.**

**IT IS SO ORDERED: September 13, 2022.**

**MEDICAL BOARD OF CALIFORNIA**



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

1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 PEGGIE BRADFORD TARWATER  
Deputy Attorney General  
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7 *Attorneys for Complainant*

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

12 In the Matter of the First Amended Accusation  
13 Against:

14 **KHADIJEH KADIVAR, M.D.**  
15 **8902 West Progress Place**  
**Littleton, CO 80123**

16 Physician's and Surgeon's Certificate No. A  
17 125422,

18 Respondent.

Case No. 800-2019-055361

OAH No. 2022010091

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19  
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 Peggie Bradford Tarwater,  
26 Deputy Attorney General.

27 2. Respondent Khadijeh Kadivar, M.D. (Respondent) is representing herself in this  
28 proceeding and has chosen not to exercise her right to be represented by counsel.





1           1.    PATIENT DISCLOSURE. Before a patient's first visit following the effective date  
2 of this order and while Respondent is on probation, Respondent must provide all patients, or  
3 patient's guardian or health care surrogate, with a separate disclosure that includes Respondent's  
4 probation status, the length of the probation, the probation end date, all practice restrictions  
5 placed on Respondent by the board, the board's telephone number, and an explanation of how the  
6 patient can find further information on Respondent's probation on Respondent's profile page on  
7 the board's website. Respondent shall obtain from the patient, or the patient's guardian or health  
8 care surrogate, a separate, signed copy of that disclosure. Respondent shall not be required to  
9 provide a disclosure if any of the following applies: (1) The patient is unconscious or otherwise  
10 unable to comprehend the disclosure and sign the copy of the disclosure and a guardian or health  
11 care surrogate is unavailable to comprehend the disclosure and sign the copy; (2) The visit occurs  
12 in an emergency room or an urgent care facility or the visit is unscheduled, including  
13 consultations in inpatient facilities; (3) Respondent is not known to the patient until immediately  
14 prior to the start of the visit; (4) Respondent does not have a direct treatment relationship with the  
15 patient.

16           2.    CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain  
17 completely from the personal use or possession of controlled substances as defined in the  
18 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and  
19 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not  
20 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide  
21 illness or condition.

22           Within 15 calendar days of receiving any lawfully prescribed medications, Respondent  
23 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone  
24 number; medication name, strength, and quantity; and issuing pharmacy name, address, and  
25 telephone number.

26           3.    ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the  
27 use of products or beverages containing alcohol.

28           4.    CANNABIS – ABSTAIN FROM USE. Respondent shall abstain from the use of all

1 cannabis products, including medicinal cannabis products that have been recommended by a  
2 health care provider.

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

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

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

21 6. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,  
22 Respondent shall submit to the Board or its designee for prior approval the name and  
23 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who  
24 has a doctoral degree in psychology and at least five years of postgraduate experience in the  
25 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall  
26 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
27 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

28 The psychotherapist shall consider any information provided by the Board or its designee

1 and any other information the psychotherapist deems relevant and shall furnish a written  
2 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
3 psychotherapist with any information and documents that the psychotherapist may deem  
4 pertinent.

5 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
6 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
7 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
8 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
9 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
10 period of probation shall be extended until the Board determines that Respondent is mentally fit  
11 to resume the practice of medicine without restrictions.

12 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

13 7. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the  
14 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
15 where: (1) Respondent merely shares office space with another physician but is not affiliated for  
16 purposes of providing patient care, or (2) Respondent is the sole physician practitioner at that  
17 location.

18 If Respondent fails to establish a practice with another physician or secure employment in  
19 an appropriate practice setting within 60 calendar days of the effective date of this Decision,  
20 Respondent shall receive a notification from the Board or its designee to cease the practice of  
21 medicine within three calendar days after being so notified. Respondent shall not resume practice  
22 until an appropriate practice setting is established.

23 If, during the course of the probation, Respondent's practice setting changes and the  
24 Respondent is no longer practicing in a setting in compliance with this Decision, Respondent  
25 shall notify the Board or its designee within five calendar days of the practice setting change. If  
26 Respondent fails to establish a practice with another physician or secure employment in an  
27 appropriate practice setting within 60 calendar days of the practice setting change, Respondent  
28 shall receive a notification from the Board or its designee to cease the practice of medicine within

1 three calendar days after being so notified. The Respondent shall not resume practice until an  
2 appropriate practice setting is established.

3 8. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven days  
4 of the effective date of this Decision, Respondent shall provide to the Board the names, physical  
5 addresses, mailing addresses, and telephone numbers of any and all employers and supervisors.  
6 Respondent shall also provide specific, written consent for the Board, Respondent's worksite  
7 monitor, and Respondent's employers and supervisors to communicate regarding Respondent's  
8 work status, performance, and monitoring.

9 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
10 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
11 privileges.

12 9. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
13 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
14 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
15 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
16 make daily contact with the Board or its designee to determine whether biological fluid testing is  
17 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
18 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
19 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
20 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
21 basis. The cost of biological fluid testing shall be borne by Respondent.

22 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.  
23 During the second year of probation and for the duration of the probationary term, up to five  
24 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no  
25 positive biological fluid tests in the previous five consecutive years of probation, may testing be  
26 reduced to one time per month. Nothing precludes the Board from increasing the number of  
27 random tests to the first-year level of frequency for any reason.

28 Prior to practicing medicine, Respondent shall contract with a laboratory or service,



1 approved in advance by the Board or its designee, that will conduct random, unannounced,  
2 observed, biological fluid testing and meets all of the following standards:

- 3 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
4 Association or have completed the training required to serve as a collector for the United  
5 States Department of Transportation.
- 6 (b) Its specimen collectors conform to the current United States Department of  
7 Transportation Specimen Collection Guidelines.
- 8 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
9 by the United States Department of Transportation without regard to the type of test  
10 administered.
- 11 (d) Its specimen collectors observe the collection of testing specimens.
- 12 (e) Its laboratories are certified and accredited by the United States Department of Health  
13 and Human Services.
- 14 (f) Its testing locations shall submit a specimen to a laboratory within one business day of  
15 receipt and all specimens collected shall be handled pursuant to chain of custody  
16 procedures. The laboratory shall process and analyze the specimens and provide legally  
17 defensible test results to the Board within seven business days of receipt of the specimen.  
18 The Board will be notified of non-negative results within one business day and will be  
19 notified of negative test results within seven business days.
- 20 (g) Its testing locations possess all the materials, equipment, and technical expertise  
21 necessary in order to test Respondent on any day of the week.
- 22 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
23 for the detection of alcohol and illegal and controlled substances.
- 24 (i) It maintains testing sites located throughout California.
- 25 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
26 computer database that allows Respondent to check in daily for testing.
- 27 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
28 access to drug test results and compliance reporting information that is available 24 hours a

1 day.

2 (l) It employs or contracts with toxicologists that are licensed physicians and have  
3 knowledge of substance abuse disorders and the appropriate medical training to interpret  
4 and evaluate laboratory biological fluid test results, medical histories, and any other  
5 information relevant to biomedical information.

6 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
7 while practicing, even if Respondent holds a valid prescription for the substance.

8 Prior to changing testing locations for any reason, including during vacation or other travel,  
9 alternative testing locations must be approved by the Board and meet the requirements above.

10 The contract shall require that the laboratory directly notify the Board or its designee of  
11 non-negative results within one business day and negative test results within seven business days  
12 of the results becoming available. Respondent shall maintain this laboratory or service contract  
13 during the period of probation.

14 A certified copy of any laboratory test result may be received in evidence in any  
15 proceedings between the Board and Respondent.

16 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
17 administered to herself or herself a prohibited substance, the Board shall order Respondent to  
18 cease practice and instruct Respondent to leave any place of work where Respondent is practicing  
19 medicine or providing medical services. The Board shall immediately notify all of Respondent's  
20 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
21 provide medical services while the cease-practice order is in effect.

22 A biological fluid test will not be considered negative if a positive result is obtained while  
23 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
24 substance use exists, the Board shall lift the cease-practice order within one business day.

25 After the issuance of a cease-practice order, the Board shall determine whether the positive  
26 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
27 specimen collector and the laboratory, communicating with the licensee, her or her treating  
28 physician(s), other health care provider, or group facilitator, as applicable.

1 For purposes of this condition, the terms “biological fluid testing” and “testing” mean the  
2 acquisition and chemical analysis of a respondent’s urine, blood, breath, or hair.

3 For purposes of this condition, the term “prohibited substance” means an illegal drug, a  
4 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
5 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
6 instructed by the Board not to use, consume, ingest, or administer to herself or herself.

7 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
8 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
9 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
10 any other terms or conditions the Board determines are necessary for public protection or to  
11 enhance Respondent’s rehabilitation.

12 10. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within 30 days of the  
13 effective date of this Decision, Respondent shall submit to the Board or its designee, for its prior  
14 approval, the name of a substance abuse support group which she or she shall attend for the  
15 duration of probation. Respondent shall attend substance abuse support group meetings at least  
16 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance  
17 abuse support group meeting costs.

18 The facilitator of the substance abuse support group meeting shall have a minimum of three  
19 years experience in the treatment and rehabilitation of substance abuse, and shall be licensed or  
20 certified by the state or nationally certified organizations. The facilitator shall not have a current  
21 or former financial, personal, or business relationship with Respondent within the last five years.  
22 Respondent’s previous participation in a substance abuse group support meeting led by the same  
23 facilitator does not constitute a prohibited current or former financial, personal, or business  
24 relationship.

25 The facilitator shall provide a signed document to the Board or its designee showing  
26 Respondent’s name, the group name, the date and location of the meeting, Respondent’s  
27 attendance, and Respondent’s level of participation and progress. The facilitator shall report any  
28 unexcused absence by Respondent from any substance abuse support group meeting to the Board,

1 or its designee, within 24 hours of the unexcused absence.

2 11. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
3 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of  
4 probation.

5 A. If Respondent commits a major violation of probation as defined by section  
6 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
7 one or more of the following actions:

8 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
9 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
10 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
11 order issued by the Board or its designee shall state that Respondent must test negative for at least  
12 a month of continuous biological fluid testing before being allowed to resume practice. For  
13 purposes of determining the length of time a Respondent must test negative while undergoing  
14 continuous biological fluid testing following issuance of a cease-practice order, a month is  
15 defined as 30 calendar days. Respondent may not resume the practice of medicine until notified  
16 in writing by the Board or its designee that she or she may do so.

17 (2) Increase the frequency of biological fluid testing.

18 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
19 other action as determined by the Board or its designee.

20 B. If Respondent commits a minor violation of probation as defined by section  
21 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
22 one or more of the following actions:

23 (1) Issue a cease-practice order;

24 (2) Order practice limitations;

25 (3) Order or increase supervision of Respondent;

26 (4) Order increased documentation;

27 (5) Issue a citation and fine, or a warning letter;

28 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in

1 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
2 Regulations, at Respondent's expense;

3 (7) Take any other action as determined by the Board or its designee.

4 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
5 to revoke Respondent's probation if she or she has violated any term or condition of probation. If  
6 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
7 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
8 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
9 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
10 is final, and the period of probation shall be extended until the matter is final.

11 12. NOTIFICATION. Within seven days of the effective date of this Decision,  
12 Respondent shall provide a true copy of this Decision and First Amended Accusation to the Chief  
13 of Staff or the Chief Executive Officer at every hospital where privileges or membership are  
14 extended to Respondent, at any other facility where Respondent engages in the practice of  
15 medicine, including all physician and locum tenens registries or other similar agencies, and to the  
16 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage  
17 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within  
18 15 calendar days.

19 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

20 13. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
21 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
22 advanced practice nurses.

23 14. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
24 governing the practice of medicine in California and remain in full compliance with any court  
25 ordered criminal probation, payments, and other orders.

26 15. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby  
27 ordered to reimburse the Board its costs of investigation and enforcement in the amount of  
28 \$5,700. Costs shall be payable to the Medical Board of California. Failure to pay such costs shall

1 be considered a violation of probation.

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

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

6 16. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
7 under penalty of perjury on forms provided by the Board, stating whether there has been  
8 compliance with all the conditions of probation.

9 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
10 of the preceding quarter.

11 17. GENERAL PROBATION REQUIREMENTS.

12 Compliance with Probation Unit

13 Respondent shall comply with the Board's probation unit.

14 Address Changes

15 Respondent shall, at all times, keep the Board informed of Respondent's business and  
16 residence addresses, email address (if available), and telephone number. Changes of such  
17 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
18 circumstances shall a post office box serve as an address of record, except as allowed by Business  
19 and Professions Code section 2021, subdivision (b).

20 Place of Practice

21 Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
22 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
23 facility.

24 License Renewal

25 Respondent shall maintain a current and renewed California physician's and surgeon's  
26 license.

27 Travel or Residence Outside California

28 Respondent shall immediately inform the Board or its designee, in writing, of travel to any

1 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30  
2 calendar days.

3 In the event Respondent should leave the State of California to reside or to practice  
4 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
5 departure and return.

6 18. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
7 available in person upon request for interviews either at Respondent's place of business or at the  
8 probation unit office, with or without prior notice throughout the term of probation.

9 19. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
10 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
11 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
12 defined as any period of time Respondent is not practicing medicine as defined in Business and  
13 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
14 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
15 Respondent resides in California and is considered to be in non-practice, Respondent shall  
16 comply with all terms and conditions of probation. All time spent in an intensive training  
17 program which has been approved by the Board or its designee shall not be considered non-  
18 practice and does not relieve Respondent from complying with all the terms and conditions of  
19 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
20 on probation with the medical licensing authority of that state or jurisdiction shall not be  
21 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
22 period of non-practice.

23 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
24 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
25 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
26 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
27 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

28 Respondent's period of non-practice while on probation shall not exceed two years.

1           Periods of non-practice will not apply to the reduction of the probationary term.

2           Periods of non-practice for a Respondent residing outside of California will relieve  
3 Respondent of the responsibility to comply with the probationary terms and conditions with the  
4 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
5 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
6 Controlled Substances; and Biological Fluid Testing..

7           20. COMPLETION OF PROBATION. Respondent shall comply with all financial  
8 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
9 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
10 be fully restored.

11           21. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
12 of probation is a violation of probation. If Respondent violates probation in any respect, the  
13 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
14 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke  
15 Probation, or an Interim Suspension Order is filed against Respondent during probation, the  
16 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall  
17 be extended until the matter is final.

18           22. LICENSE SURRENDER. Following the effective date of this Decision, if  
19 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
20 the terms and conditions of probation, Respondent may request to surrender her or her license.  
21 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
22 determining whether or not to grant the request, or to take any other action deemed appropriate  
23 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
24 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
25 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
26 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
27 application shall be treated as a petition for reinstatement of a revoked certificate.

28           23. PROBATION MONITORING COSTS. Respondent shall pay the costs associated



1 with probation monitoring each and every year of probation, as designated by the Board, which  
2 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
3 California and delivered to the Board or its designee no later than January 31 of each calendar  
4 year.

5 24. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for  
6 a new license or certification, or petition for reinstatement of a license, by any other health care  
7 licensing action agency in the State of California, all of the charges and allegations contained in  
8 First Amended Accusation No. 800-2019-055361 shall be deemed to be true, correct, and  
9 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding  
10 seeking to deny or restrict license.

11  
12 ACCEPTANCE

13 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
14 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into  
15 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and  
16 agree to be bound by the Decision and Order of the Medical Board of California.

17  
18 DATED: 5/23/2022    
19 KHADIJEH KADIVAR, M.D.  
*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: May 23, 2022

Respectfully submitted,

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

Peggie Bradford Tarwater  
Digitally signed by Peggie Bradford Tarwater  
Date: 2022.05.23 10:36:48 -07'00'  
PEGGIE BRADFORD TARWATER  
Deputy Attorney General  
*Attorneys for Complainant*

LA2021602486

**Exhibit A**

**Accusation No. 800-2019-055361**

1 ROB BONTA  
Attorney General of California  
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OAH Case No. 2022010091

**FIRST AMENDED ACCUSATION**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 125422,**

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, Department of  
23 Consumer Affairs (Board).

24 2. On April 19, 2013, the Board issued Physician's and Surgeon's Certificate Number A  
25 125422 to Khadijeh Kadivar, M.D. (Respondent). The Physician's and Surgeon's Certificate was  
26 in full force and effect at all times relevant to the charges brought herein and will expire on  
27 August 31, 2022, unless renewed.

28 ///

1 JURISDICTION

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

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

9 5. Section 2228 of the Code states:

10 The authority of the board or the California Board of Podiatric Medicine to  
11 discipline a licensee by placing him or her on probation includes, but is not limited to,  
the following:

12 (a) Requiring the licensee to obtain additional professional training and to pass  
13 an examination upon the completion of the training. The examination may be written  
14 or oral, or both, and may be a practical or clinical examination, or both, at the option  
of the board or the administrative law judge.

15 (b) Requiring the licensee to submit to a complete diagnostic examination by  
16 one or more physicians and surgeons appointed by the board. If an examination is  
17 ordered, the board shall receive and consider any other report of a complete  
diagnostic examination given by one or more physicians and surgeons of the  
licensee's choice.

18 (c) Restricting or limiting the extent, scope, or type of practice of the licensee,  
19 including requiring notice to applicable patients that the licensee is unable to perform  
the indicated treatment, where appropriate.

20 (d) Providing the option of alternative community service in cases other than  
violations relating to quality of care.

21 6. Section 2228.1 of the Code states.

22 (a) On and after July 1, 2019, except as otherwise provided in subdivision (c),  
23 the board and the Podiatric Medical Board of California shall require a licensee to  
24 provide a separate disclosure that includes the licensee's probation status, the length  
of the probation, the probation end date, all practice restrictions placed on the licensee  
25 by the board, the board's telephone number, and an explanation of how the patient  
can find further information on the licensee's probation on the licensee's profile page  
26 on the board's online license information internet web site, to a patient or the  
patient's guardian or health care surrogate before the patient's first visit following the  
27 probationary order while the licensee is on probation pursuant to a probationary order  
made on and after July 1, 2019, in any of the following circumstances:

28 (1) A final adjudication by the board following an administrative hearing or

1 admitted findings or prima facie showing in a stipulated settlement establishing any  
2 of the following:

3 . . . .

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

6 . . . .

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

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

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

18 (1) The patient is unconscious or otherwise unable to comprehend the  
19 disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a  
20 guardian or health care surrogate is unavailable to comprehend the disclosure and  
21 sign the copy.

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

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

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

27 (d) On and after July 1, 2019, the board shall provide the following  
28 information, with respect to licensees on probation and licensees practicing under  
probationary licenses, in plain view on the licensee's profile page on the board's  
online license information internet web site.

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

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

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

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

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

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

2 **STATUTORY PROVISIONS**

3 7. Section 2234 of the Code, states:

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

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

9 . . . .

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

13 . . . .

14 8. Section 820 of the Code states:

15 Whenever it appears that any person holding a license, certificate or permit  
16 under this division or under any initiative act referred to in this division may be  
17 unable to practice his or her profession safely because the licentiate's ability to  
18 practice is impaired due to mental illness, or physical illness affecting competency,  
19 the licensing agency may order the licentiate to be examined by one or more  
20 physicians and surgeons or psychologists designated by the agency. The report of the  
21 examiners shall be made available to the licentiate and may be received as direct  
22 evidence in proceedings conducted pursuant to Section 822.

23 9. Section 822 of the Code states:

24 If a licensing agency determines that its licentiate's ability to practice his or her  
25 profession safely is impaired because the licentiate is mentally ill, or physically ill  
26 affecting competency, the licensing agency may take action by any one of the  
27 following methods:

28 (a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency  
in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or  
license until it has received competent evidence of the absence or control of the  
condition which caused its action and until it is satisfied that with due regard for the  
public health and safety the person's right to practice his or her profession may be  
safely reinstated.

1 **COST RECOVERY**

2 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **FACTUAL ALLEGATIONS**

9 11. Respondent is board-certified in radiology and practicing tele-radiology.

10 12. In 2019, Respondent and her husband were in the midst of divorce proceedings and  
11 were living separately.

12 13. At that time, Respondent was abusing alcohol and marijuana. Respondent began  
13 using alcohol and marijuana after her marriage in 2016, but stated she was not able to handle the  
14 substances.

15 14. In the evening of April 19, 2019 through the early morning of April 20, 2019,  
16 Respondent drank Bloody Marys and wine. She traveled by Uber to her husband's home to  
17 retrieve the keys to a shared safe deposit box so that she could retrieve her property. She took  
18 pepper spray and a taser with her so she could be prepared in the event of a confrontation with her  
19 husband. She also carried a pair of scissors that she considered using for cutting the home's  
20 security camera wires. She saw her husband and sprayed him with pepper spray. She also  
21 attempted to tase him, but the taser did not make contact. She did not use the scissors. They  
22 dropped out of her pocket during the altercation and were later found on the ground.

23 15. Palos Verdes Estates Police Department Officers were dispatched to the home in  
24 response to a call of domestic violence, which resulted in Respondent's arrest.

25 16. A Domestic Violence Restraining Order against Respondent was issued protecting  
26 Respondent's husband and extending to their children. That restraining order ran from April 23,  
27 2019 through July 25, 2019.

28 ///



1           17. Respondent violated the restraining order three times in May 2019, by asking family  
2 and friends to contact her husband on her behalf. Respondent also made direct contact with her  
3 husband. Respondent violated the restraining order four times in June 2019, by directly calling  
4 and emailing her husband.

5           18. On June 10, 2019, Respondent was charged by Information in Los Angeles County  
6 Superior Court Case No. YA100293 with the following felony counts: first degree burglary, in  
7 violation of Penal Code section 459; infliction of corporal injury to a spouse with a deadly and  
8 dangerous weapon (scissors), in violation of Penal Code sections 273.5, subdivision (a), and  
9 12022, subdivision (b)(1); and assault with a deadly weapon (scissors), in violation of Penal Code  
10 section 245, subdivision (a)(1).

11           19. On October 8, 2019, Respondent was charged by misdemeanor Complaint in Los  
12 Angeles County Superior Court Case No. 9TR04999 with nine counts of contempt of court in  
13 violation of Penal Code section 166, subdivision (c)(1).

14           20. Respondent has a history of suicide attempts by overdose of drugs and alcohol in  
15 2019, and 2020. Respondent continued drinking alcohol while in court-ordered rehabilitation  
16 programs. On February 20, 2020, Respondent was accepted into Passages Addiction Treatment  
17 Program (Passages).

18           21. On August 10, 2020, the criminal charges were diverted pursuant to Penal Code  
19 sections 1001.35 and 1000.36 (mental health diversion), with the following terms and conditions:  
20 residency at Passages until released by staff and the Court; continued electronic monitoring with  
21 continuous remote alcohol monitor (SCRAM) for at least 180 days; upon release from Passages,  
22 twice weekly sessions for Post Traumatic Stress Disorder (PTSD)/Addiction/Alcohol Use  
23 treatment; monthly medication management and continued compliance with the prescribed  
24 medication regimen with changes in the course of medical treatment approved by the Court; three  
25 weekly support group meetings of Alcoholics Anonymous, Narcotics Anonymous, or Co-  
26 Dependents Anonymous, unless doctors recommend otherwise. A superseding protective order  
27 was issued allowing peaceful contact with protective persons for the safe exchange of children  
28 and court-ordered visitation as an exception to the “no-contact” or “stay away” provisions of the

1 order. Respondent was ordered to submit progress reports. The matter is set for a pre-trial  
2 hearing and proof of completion on August 22, 2022.

3 22. Respondent completed one month of in-patient treatment with Passages and nine  
4 months of "sober living" treatment. Respondent identifies her sobriety date as January 2020.  
5 She completed her treatment with Passages on November 2, 2020.

6 23. Respondent resumed using marijuana, which was recommended by a physician for  
7 Respondent's back pain.

8 24. Respondent continues to undergo psychiatric treatment for depression, PTSD,  
9 addiction, and alcohol use.

10 25. On or about April 30, 2021, the Board issued an order compelling Respondent to  
11 undergo mental and physical examinations.

12 26. Respondent's physical examination was conducted by a physician who is board-  
13 certified in internal medicine. Based on the materials provided to him and his interview with  
14 Respondent, he found that Respondent suffers from post-traumatic stress disorder, anxiety and  
15 depression with suicidal ideation, and alcoholism and substance abuse (in remission). He opined  
16 that Respondent is not able to practice medicine safely without restrictions or conditions and  
17 concluded that Respondent required regular urine toxicology screening for alcohol and illicit drug  
18 use, and regular psychiatric evaluation and psychotherapy. The evaluator recommended that  
19 Respondent discontinue the use of medical marijuana.

20 27. Respondent's mental examination was conducted by a board-certified psychiatrist.  
21 Based on the materials provided to him and his interview with Respondent, the evaluator found  
22 that Respondent had a history of alcoholism, exacerbated by emotional distress. He also found a  
23 history of depressive disorder. He recommended that Respondent cease using marijuana and be  
24 monitored for the next three years for marijuana and alcohol use. He also recommended ongoing  
25 psychiatric and psychotherapeutic care for a three-year period.

26 28. On or about March 12, 2021, Respondent signed a credentialing application for  
27 Kaiser Permanente (credentialing application) in which she indicated she had not been dependent  
28 upon alcohol or drugs in the past five years. She also indicated she had not been in treatment for

1 alcohol or drug abuse dependency within the last five years.

2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Mental or Medical Condition Affecting Competency)**

4 29. Respondent Khadijeh Kadivar, M.D. is subject to disciplinary action under sections  
5 820, 822, and 2234, subdivision (a) of the Code in that her ability to safely practice medicine is  
6 impaired because she is physically and/or mentally impaired. The circumstances are as follows:

7 30. The allegations in paragraphs 11 through 27 are incorporated herein as if fully set  
8 forth.

9 31. Respondent's conditions and actions as set forth above demonstrate that she has a  
10 physical or mental condition affecting her competency to practice medicine, thus subjecting her  
11 license to action under section 822 of the Code.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Dishonesty)**

14 32. Respondent Khadijeh Kadivar, M.D. is subject to disciplinary action under section  
15 2234, subdivisions (a) and (e) of the Code in that she engaged in dishonesty. The circumstances  
16 are as follows:

17 33. The allegations in paragraphs 11 through 28 are incorporated herein as if fully set  
18 forth.

19 34. Respondent failed to disclose that she had been dependent upon alcohol and/or drugs  
20 in the past five years, as required in her credentialing application with Kaiser Permanente.

21 35. Respondent failed to disclose to Kaiser Permanente that she had been in treatment for  
22 alcohol and/or drug abuse dependency within the last five years, as required in her credentialing  
23 application.

24 36. Respondent was dishonest in the submission of her credentialing application, thus  
25 subjecting her license to action under section 2234, subdivisions (a) and (e) of the Code.

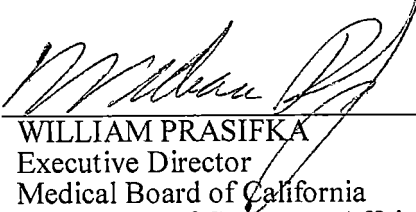
26 **PRAYER**

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

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1. Revoking or suspending Physician's and Surgeon's Certificate Number A 125422, issued to Respondent Khadijeh Kadivar, M.D.;
2. Revoking, suspending or denying approval of Respondent Khadijeh Kadivar, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Khadijeh Kadivar, 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;
4. Ordering Respondent Khadijeh Kadivar, M.D., if placed on probation, to provide patient notification in accordance with Business and Professions Code section 2228.1; and
5. Taking such other and further action as deemed necessary and proper.

DATED:     MAY 13 2022    

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

LA2021602486