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

12 In the Matter of the Accusation Against:

Case No. 800-2022-093204

13 **ARASH MALIAN PADIDAR, M.D.**  
105 N. Bascom Ave. Ste. 104  
14 San Jose, CA 95128-1811

**A C C U S A T I O N**

15 **Physician's and Surgeon's Certificate**  
16 **No. G 74857,**

Respondent.

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18  
19 **PARTIES**

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

23 2. On or about August 4, 1992, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G 74857 to Arash Malian Padidar, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on April 30, 2024, unless renewed.

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**JURISDICTION**

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

4. Section 2227 of the Business and Professions Code authorizes the Board to take action against a licensee by revoking, suspending for a period not to exceed one year, placing the license on probation and requiring payment of costs of probation monitoring, or taking such other action taken as the Board deems proper.

5. Section 2228.1 of the Code states.

(a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board and the Podiatric Medical Board of California shall require a licensee to 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 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 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 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:

(1) A final adjudication by the board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:

(A) The commission of any act of sexual abuse, misconduct, or relations with a patient or client as defined in Section 726 or 729.

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

(C) Criminal conviction directly involving harm to patient health.

(D) Inappropriate prescribing resulting in harm to patients and a probationary

1 period of five years or more.

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

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

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

13 (1) The patient is unconscious or otherwise unable to comprehend the  
14 disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a  
15 guardian or health care surrogate is unavailable to comprehend the disclosure and  
16 sign the copy.

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

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

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

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

26 (1) For probation imposed pursuant to a stipulated settlement, the causes  
27 alleged in the operative accusation along with a designation identifying those causes  
28 by which the licensee has expressly admitted guilt and a statement that acceptance of

1 the settlement is not an admission of guilt.

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

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

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

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

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

9 6. Section 820 of the Code provides that whenever it appears that a licensee may be  
10 unable to practice his or her profession safely as a result of mental illness or physical illness  
11 affecting competency, the licensing agency may order an examination of licensee.

12 7. Section 822 of the Code provides that, if a licensing agency determines that a  
13 licensee's ability to practice his or her profession safely is impaired because of mental or physical  
14 illness affecting competency, the licensing agency may take action by revoking the licensee's  
15 certificate or license, suspending the licensee's right to practice, placing the licensee on probation,  
16 or taking such other action in relation to the licensee as the licensing agency in its discretion  
17 deems proper.

#### 18 **COST RECOVERY**

19 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
20 administrative law judge to direct a licensee found to have committed a violation or violations of  
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
23 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
24 included in a stipulated settlement.

#### 25 **DEFINITIONS**

26 9. Buprenorphine is a medication approved by the Food and Drug Administration  
27 (FDA) to treat Opioid Use Disorder. Buprenorphine is a dangerous drug as defined in Business  
28 and Professions Code section 4022, and is a schedule III narcotic analgesic.

10. Cocaine is a schedule II controlled substance pursuant to Health and Safety Code Section 11055(b)(2)(6) and dangerous drug pursuant to Business and Professions Code section 4022.

11. Norco, the trade name for hydrocodone w/APAP (hydrocodone with acetaminophen), is semisynthetic narcotic analgesic, a dangerous drug as defined in Business and Professions Code section 4022 of the Business and Professions Code, and a schedule II controlled substance and narcotic as defined by section 11055, subdivision (e) of the Health and Safety Code.

12. CURES “is California’s prescription drug monitoring program. By statute, every prescription of a Schedule II, III, or IV controlled substance must be logged in CURES, along with the patient’s name, address, telephone number, gender, date of birth, drug name, quantity, number of refills, and information about the prescribing physician and pharmacy. [Citation.]” (*Lewis v. Superior Court* (2017) 3 Cal.5th 561, 565 (*Lewis*).) The Board is authorized to access the CURES database (*id.* at p. 567), which is maintained by the California Department of Justice (*id.* at p. 566).

## FACTS

13. On October 7, 2020, the United States Drug Enforcement Administration (DEA) executed a state search warrant at Respondent's residence and at his clinic. Cocaine was found at his home, and Respondent acknowledged using cocaine to stay awake, and then Norco afterwards.

14. When interviewed by the Medical Board on March 28, 2023, Respondent noted that codeine tolerance came about due to knee pain. When discussing his prescribing practice to patients, including family members, Respondent stated, in part:

"I wrote prescriptions for them which may have been appropriate at that time. However, as you know, we are here because I became dependent on codeine product and I then asked some of these folks who were family members, some were friends, would they help me, and you know, fill prescriptions for me on my behalf. And so, it was wrong of me, I did a stupid thing and a non-responsible thing, definitely, and I'm ashamed of it. But that's the explanation for why there is so many Norcos in the CURES that you see."

15. When discussing prescribing to Respondent's biological father, it was noted there were 25 prescriptions for Norco, amounting to 100 pills each prescription, written to the father under

1 another physician's name although that physician stated he had not written the prescriptions, and  
2 would not write a prescription for 100 pills. Respondent stated he would take responsibility for  
3 those prescriptions, but that it could have been done by a nurse to avoid prescriptions under the  
4 same name. Respondent said his father had real pain issues and so the majority of the medication  
5 probably went to his father rather than to him.

6 16. On May 7, 2023, Respondent underwent an evaluation by a Board appointed  
7 psychiatrist. During the course of the examination, Respondent noted that after the raid at his  
8 home by the DEA, Respondent sought treatment that included monitoring, counseling, education,  
9 and medication support (buprenorphine), and he claims to have been in recovery since October  
10 2020. Respondent also informed the Board appointed psychiatrist that at the time of the DEA  
11 raid Respondent was using cocaine more regularly to see if he could substitute it for the opioids,  
12 but did not like it.

13 17. In a report dated May 15, 2023, the Board appointed psychiatrist opined that  
14 Respondent "clearly meets criteria for opioid use disorder." The Board appointed psychiatrist  
15 further noted, "He does clearly meet criteria for an Opioid Use Disorder, Severe, which is  
16 currently in Sustained Remission."

### 17 **CAUSE FOR DISCIPLINE**

#### 18 **(Impairment Affecting Competency)**

19 18. The allegations of paragraphs 13 - 17 above are incorporated by reference as if set out  
20 in full.

21 18. Respondent Arash Malian Padidar, M.D. is subject to disciplinary action under  
22 Business and Professions Code sections 822, 2227, and 2228.1, in that due to a mental illness  
23 (opioid use disorder), his ability to practice medicine safely is impaired.

### 24 **PRAYER**

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

27 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 74857,  
28 issued to Arash Malian Padidar, M.D.;

1           2.     Revoking, suspending or denying approval of Arash Malian Padidar, M.D.'s authority  
2 to supervise physician assistants and advanced practice nurses;

3           3.     Ordering Arash Malian Padidar, M.D., to pay the Board the costs of the investigation  
4 and enforcement of this case, and if placed on probation, the costs of probation monitoring;

5           4.     Ordering Respondent Arash Malian Padidar, M.D., if placed on probation, to provide  
6 patient notification in accordance with Business and Professions Code section 2228.1; and

7           5.     Taking such other and further action as deemed necessary and proper.

8  
9     DATED:     **AUG 18 2023**

JENNA JONES FOR

REJI VARGHESE  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*