

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

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

Elsagav Sagi Shaham, M.D.

**Physician's and Surgeon's
Certificate No. G 50824**

Case No.: 800-2019-054853

Respondent.

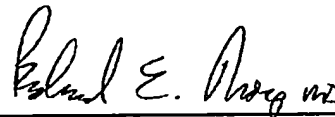
DECISION

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 December 15, 2023.

IT IS SO ORDERED: November 17, 2023.

MEDICAL BOARD OF CALIFORNIA



**Richard E. Thorp, Chair
Panel B**

1 ROB BONTA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 COLLEEN M. MCGURRIN
Deputy Attorney General
4 State Bar Number 147250
California Department of Justice
5 300 South Spring Street, Suite 1702
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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 Accusation Against:

13 **ELSAGAV SAGI SHAHAM, M.D.**
14 **3367 W. 1st St., #204**
15 **Los Angeles, CA 90004-6080**

16 **Physician's and Surgeon's Certificate**
17 **Number G 50824**

18 Respondent.

Case No. 800-2019-054853

OAH No. 2023050930

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. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
23 California (Board). His predecessor brought this action solely in his official capacity and
24 Complainant is being represented in this matter by Rob Bonta, Attorney General of the State of
25 California, by Colleen M. McGurrin, Deputy Attorney General.

26 2. Elsagav Sagi Shaham, M.D. (Respondent) is represented in this proceeding by
27 attorney Thomas R. Bradford, Esq., of Peterson Bradford Burkwitz, LLP, whose address is 100
28 North First Street, Suite 300, Burbank, CA, 91502-1845.

3. On or about July 25, 1983, the Board issued Physician's and Surgeon's Certificate Number G 50824 to Elsagav Sagi Shaham, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-054853, and will expire on November 30, 2022, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-054853 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 29, 2021. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2019-054853 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-054853. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

8. Respondent freely, voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2019-054853, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. Respondent does not contest that, at an administrative hearing, Complainant could establish a prima facie case with respect to the charges and allegations in Accusation No. 800-2019-054853, a true and correct copy of which is attached hereto as Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate Number G 50824 to disciplinary action.

11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

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

13. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2019-054853 shall be deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

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

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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 50824 issued
6 to Respondent ELSAGAV SAGI SHAHM, M.D. is revoked. However, the revocation is stayed
7 and Respondent is placed on probation for three (3) years on the following terms and conditions:

8 1. EDUCATION COURSE. Within 60 calendar days of the effective date of this
9 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
10 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
11 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
12 correcting any areas of deficient practice or knowledge and shall be Category I certified,
13 including, but not limited to the area(s) of Supervising Nurse Practitioners and other subordinate
14 licensees or assistants, cosmetic procedures, or any other area(s) determined by the Board, its
15 agent(s) or designee(s). The educational program(s) or course(s) shall be at Respondent's
16 expense and shall be in addition to the Continuing Medical Education (CME) requirements for
17 renewal of licensure. Following the completion of each course, the Board or its designee may
18 administer an examination to test Respondent's knowledge of the course. Respondent shall
19 provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this
20 condition.

21 2. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
22 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
23 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
24 Respondent shall participate in and successfully complete that program. Respondent shall
25 provide any information and documents that the program may deem pertinent. Respondent shall
26 successfully complete the classroom component of the program not later than six (6) months after
27 Respondent's initial enrollment, and the longitudinal component of the program not later than the
28 time specified by the program, but no later than one (1) year after attending the classroom

1 component. The professionalism program shall be at Respondent's expense and shall be in
2 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

11 3. PROHIBITED PRACTICE. During probation, Respondent is prohibited from
12 supervising, practicing, and/or performing any laser and/or cosmetic or other type of procedures.
13 After the effective date of this Decision, all patients being treated by the Respondent shall be
14 notified that the Respondent is prohibited from supervising, practicing, and/or performing any
15 laser and/or cosmetic or other type of procedures. Any new patients must be provided this
16 notification at the time of their initial appointment.

17 Respondent shall maintain a log of all patients to whom the required oral notification was
18 made. The log shall contain the: 1) patient's name, address and phone number; 2) patient's
19 medical record number, if available; 3) the full name of the person making the notification; 4) the
20 date the notification was made; and 5) a description of the notification given. Respondent shall
21 keep this log in a separate file or ledger, in chronological order, shall make the log available for
22 immediate inspection and copying on the premises at all times during business hours by the Board
23 or its designee, and shall retain the log for the entire term of probation.

24 4. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
25 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
26 Chief Executive Officer at every hospital where privileges or membership are extended to
27 Respondent, at any other facility where Respondent engages in the practice of medicine,
28 including all physician and locum tenens registries or other similar agencies, and to the Chief

1 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
2 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
3 calendar days.

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

5 5. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
6 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
7 advanced practice nurses.

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

11 7. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
12 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
13 limited to, expert review, pleadings, legal reviews, and communications with client agency and
14 others, as applicable, in the amount of \$11,676.25 (Eleven thousand six hundred seventy-six
15 dollars and twenty-five cents). Costs shall be payable to the Medical Board of California. Failure
16 to pay such costs shall be considered a violation of probation.

17 Payment must be made in full within 30 calendar days of the effective date of the Order, or
18 by a payment plan approved by the Medical Board of California. Any and all requests for a
19 payment plan shall be submitted in writing by respondent to the Board. Failure to comply with
20 the payment plan shall be considered a violation of probation.

21 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
22 repay investigation and enforcement costs, including expert review costs.

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

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

28 9. GENERAL PROBATION REQUIREMENTS.

1 Compliance with Probation Unit

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

3 Address Changes

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

9 Place of Practice

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

13 License Renewal

14 Respondent shall maintain a current and renewed California physician's and surgeon's
15 license.

16 Travel or Residence Outside California

17 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
18 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
19 (30) calendar days.

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

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

26 11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
27 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
28 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is

1 defined as any period of time Respondent is not practicing medicine as defined in Business and
2 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
3 patient care, clinical activity or teaching, or other activity as approved by the Board. If
4 Respondent resides in California and is considered to be in non-practice, Respondent shall
5 comply with all terms and conditions of probation. All time spent in an intensive training
6 program which has been approved by the Board or its designee shall not be considered non-
7 practice and does not relieve Respondent from complying with all the terms and conditions of
8 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
9 on probation with the medical licensing authority of that state or jurisdiction shall not be
10 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
11 period of non-practice.

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

17 Respondent's period of non-practice while on probation shall not exceed two (2) years.

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

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

24 12. COMPLETION OF PROBATION. Respondent shall comply with all financial
25 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
26 completion of probation. This term does not include cost recovery, which is due within 30
27 calendar days of the effective date of the Order, or by a payment plan approved by the Medical
28 Board and timely satisfied. Upon successful completion of probation, Respondent's certificate

1 shall be fully restored.

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

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

19 15. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
20 with probation monitoring each and every year of probation, as designated by the Board, which
21 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
22 California and delivered to the Board or its designee no later than January 31 of each calendar
23 year.

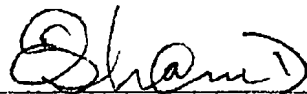
24 16. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
25 a new license or certification, or petition for reinstatement of a license, by any other health care
26 licensing action agency in the State of California, all of the charges and allegations contained in
27 Accusation No. 800-2019-054853 shall be deemed to be true, correct, and admitted by
28 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or

1 restrict license.

2 **ACCEPTANCE**

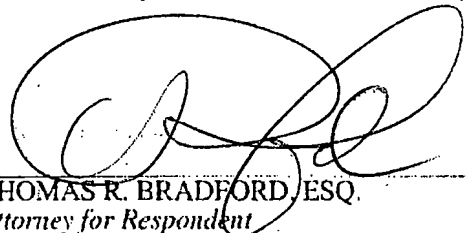
3 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
4 discussed it with my attorney, Thomas R. Bradford, Esq.. I understand the stipulation and the
5 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
6 Settlement and Disciplinary Order freely, voluntarily, knowingly, and intelligently, and agree to
7 be bound by the Decision and Order of the Medical Board of California.

8
9 DATED: August 4, 2023


10 ELSAGAV SAGI SHAHAM, M.D.
Respondent

11 I have read and fully discussed with Respondent Elsagav Sagi Shaham, M.D. the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14
15 DATED: 8/8/23


16 THOMAS R. BRADFORD, ESQ.
Attorney for Respondent

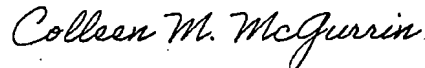
17 **ENDORSEMENT**

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

20 DATED: 08/08/2023

21 Respectfully submitted,

22 ROB BONTA
Attorney General of California
23 ROBERT MCKIM BELL
Supervising Deputy Attorney General

24 

25 COLLEEN M. MCGURRIN
26 Deputy Attorney General
Attorneys for Complainant

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28 66074180.docx

1 XAVIER BECERRA
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2 E. A. JONES III
Supervising Deputy Attorney General
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Facsimile: (916) 731-2117
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2019-054853

13 **Elsagav Sagi Shaham, M.D.**
14 **866 North Vermont Avenue #1**
Los Angeles, CA 90029

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. G 50824,**

17 Respondent.

18
19
20 **PARTIES**

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

24 2. On or about July 25, 1983, the Medical Board issued Physician's and Surgeon's
25 Certificate Number G 50824 to Elsagav Sagi Shaham, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on November 30, 2022, unless renewed.

28 ///

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 2004 of the Code states:

The board shall have the responsibility for the following:

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

(b) The administration and hearing of disciplinary actions.

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

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

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

(f) Approving undergraduate and graduate medical education programs.

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

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

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

5. Section 2227 of the Code states:

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

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

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

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

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

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

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

8 6. Section 2234 of the Code, states:

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

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

14 (b) Gross negligence.

15 (c) Repeated negligent acts. To be repeated, there must be two or more
16 negligent acts or omissions. An initial negligent act or omission followed by a
17 separate and distinct departure from the applicable standard of care shall constitute
18 repeated negligent acts.

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

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

27 (d) Incompetence.

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

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

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

FACTUAL SUMMARY

7. Respondent is a practicing physician, specializing in obstetrics and gynecology.

8. From July 17, 2017 to July 31, 2019, Respondent was the shareholder for The Skin
Agency, whose address of record was 10220 Riverside Drive, North Hollywood, CA 91602.

1 9. On August 9, 2017, Patient 1 (P-1)¹ visited The Skin Agency for laser hair removal.
2 P-1 signed a consent form detailing the risk of hyperpigmentation and scarring. On this date, P-1
3 was determined to be skin type 5 and underwent YAG laser treatment² of the face, underarms and
4 chest. The energy levels on the face, underarms, and chest were 12/10, 12, and 12 respectively.

5 10. On September 9, 2017, P-1 again visited The Skin Agency for laser hair removal. P-
6 1 underwent YAG laser treatment of the face, underarms and chest. The energy levels on the
7 face, underarms, and chest were unchanged.

8 11. On October 4, 2017, P-1 underwent YAG laser treatment of the face, underarms and
9 chest at the Skin Agency. The energy levels on the face, underarms, and chest were 12, 12, and
10 12 respectively.

11 12. On November 8, 2017, P-1 underwent ALEX laser treatment³ of the face and legs at
12 the Skin Agency. The energy levels on the face and legs were 16 and 14 respectively.

13 13. On December 20, 2017, P-1 again visited The Skin Agency for laser hair removal.
14 P-1 underwent ALEX laser treatment of the neck, partial chest, underarms, and full legs. The
15 energy levels on the neck, partial chest, underarms, and full legs were 14, 14, 14, and 16
16 respectively. The treatment was provided by a registered nurse, H.B.⁴

17 14. During the treatment on December 20, 2017, P-1 indicated to H.B. that the laser was
18 burning her badly. H.B. told P-1 that the pain would go away. After leaving the appointment
19 with H.B., P-1 felt that her legs were shaking and she appeared to be suffering from blistering and
20 welts on her legs; therefore, she decided to seek emergency treatment at Providence Saint Joseph
21 Medical Center. P-1 was determined to have minimum second degree burns on her neck and
22 legs. She was further treated at the Burn Center at Sherman Oaks.

23
24 ¹ For the purpose of privacy, the patient in this Accusation is referred to as Patient 1.
Respondent is aware of the identity of Patient 1.

25 ² The YAG laser is a solid-state laser using neodymium in a host of material of yttrium
aluminum garnet in order to generate a light pulse. The light pulse targets hair follicles, causing
26 the hairs to fall out and minimizing further growth.

27 ³ The ALEX laser is a solid-state laser using an alexandrite crystal to generate a light
pulse. The light pulse targets hair follicles, causing the hairs to fall out and minimizing further
growth.

28 ⁴ For the purpose of privacy, this individual is being referred to by initials only.
Respondent is aware of the identity of H.B.

1 15. Prior to seeking emergency treatment, P-1 called The Skin Agency to inform them of
2 the emergency situation and that she would be seeking treatment. P-1 was informed that
3 Respondent could not be reached for assistance.

4 16. During the course of her treatment at The Skin Agency, P-1 never met or spoke with
5 Respondent. Additionally, P-1 was never informed regarding the specific risks and benefits of
6 the laser treatment procedure.

7 17. During her employment at The Skin Agency, H.B.'s training to provide laser hair
8 treatment consisted of reading a manual and shadowing another registered nurse for two weeks.

9 18. Respondent never met, supervised, or trained H.B.

10 19. Respondent has specialized training or education in dermatology. Respondent's
11 training with laser treatment procedures consisted of shadowing another medical doctor several
12 years prior. Respondent has only personally performed laser hair removal treatment procedures a
13 couple of times. Respondent lacked a basic understanding of the laser hair removal treatment.

14 20. Respondent's oversight of the nurses at The Skin Agency was limited to the set-up of
15 the machines and the voltages of the machines. Respondent allowed the nurses at The Skin
16 Agency to change the settings on the laser treatment machines without his consultation and
17 Respondent had no protocol in place regarding the adjustment to the settings on the laser
18 treatment machines.

19 21. The practice at The Skin Agency was for the patient to complete their own history
20 and physical. These history and physicals were never reviewed by Respondent or a medical
21 doctor.

22 22. Respondent reviewed, at most, 10 percent of the medical charts provided to him.

23 Medical Issues

24 *Competency in Procedures Supervised*

25 23. The standard of care in California is that medical doctors must supervise nurses only
26 in procedures in which the medical doctor is competent and maintains competency through
27 continued practice and medical education.

28 24. Respondent was grossly negligent in his care and treatment of P-1 and/or practice of

1 medicine when he supervised nurse in laser treatment procedures that he was not qualified to
2 perform.

3 ***Supervision and Training of Nurses***

4 25. The standard of care in California is that medical doctors must ensure that nurses
5 under their supervision are properly trained to perform the delegated tasks.

6 26. Respondent was grossly negligent in his care and treatment of P-1 and/or practice of
7 medicine when he failed to supervise and/or properly train the nurses providing the laser
8 treatment.

9 ***Completion of History and Physicals***

10 27. The standard of care in California is that the medical doctor, a nurse practitioner, or a
11 physician assistant must be the one to provide an initial history and physical for a patient.

12 28. Respondent was grossly negligent in his practice of medicine when he failed to
13 ensure that he, another medical doctor, a nurse practitioner, or physician assistant performed the
14 initial history and physical for patients at The Skin Agency.

15 ***Review of Medical Charts***

16 29. The standard of medical practice in California is that medical doctors must review the
17 charts of nurses for adequacy, completion, and competence.

18 30. Respondent was grossly negligent in his practice of medicine when he failed to
19 review all medical charts provided to him and annotate that the reviews were performed.

20 ***Availability of Medical Doctor***

21 31. The standard of care in California is that medical doctors must be available for
22 consultation in the case of an emergency or adverse event.

23 32. Respondent was grossly negligent in his care and treatment of P-1 when he failed to
24 be available for consultation after P-1 experienced second degree burns from the laser treatment
25 and was forced to seek emergency care.

26 **FIRST CAUSE FOR DISCIPLINE**

27 (Gross Negligence)

28 33. Respondent is subject to disciplinary action under section 2234, subdivision (b), of

1 the Code, in that he engaged in gross negligence in the care and treatment of P-1. Complainant
2 refers to and, by this reference, incorporates herein, paragraphs 7 through 32, as though fully set
3 forth herein.

4 34. Respondent's acts and/or omissions as set forth in paragraphs 7 through 32, whether
5 proven individually, jointly, or in any combination thereof, constitute gross negligence pursuant
6 to section 2234, subdivision (b), of the Code. Therefore, cause for discipline exists.

7 SECOND CAUSE FOR DISCIPLINE

8 (Repeated Negligent Acts)

9 35. Respondent is subject to disciplinary action under section 2234, subdivision (c), of
10 the Code, in that he engaged in repeated acts of negligence in the care and treatment of P-1.
11 Complainant refers to and, by this reference, incorporates herein, paragraphs 7 through 34, as
12 though fully set forth herein.

13 36. Respondent's acts and/or omissions as set forth in paragraphs 7 through 34, whether
14 proven individually, jointly, or in any combination thereof, constitute repeated negligent acts
15 pursuant to section 2234, subdivision (c), of the Code. Therefore, cause for discipline exists.

16 THIRD CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct)

18 37. Respondent is subject to disciplinary action under section 2234 of the Code, in that he
19 engaged in unprofessional conduct generally in the care and treatment of P-1. Complainant refers
20 to and, by this reference, incorporates herein, paragraphs 7 through 36, as though fully set forth
21 herein.

22 38. Respondent's acts and/or omissions as set forth in paragraphs 7 through 36, whether
23 proven individually, jointly, or in any combination thereof, constitute unprofessional conduct
24 pursuant to section 2234 of the Code. Therefore, cause for discipline exists.

25 DISCIPLINARY CONSIDERATIONS

26 39. To determine the degree of discipline, if any, to be imposed on Respondent,
27 Complainant alleges, in a previous disciplinary action entitled *In the Matter of the Accusation*
28 *Against Elsagav Sagi Shahm, M.D.*, in Case Number 17-2013-235259, the Medical Board of

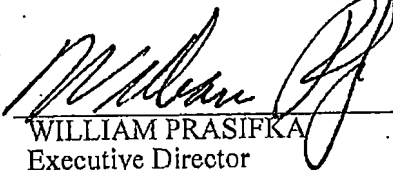
1 California issued a Decision after Non-Adoption and Order, effective September 23, 2016, in
2 which a Public Letter of Reprimand was issued. Said Decision is now final and a true and correct
3 copy is attached as Exhibit A and is incorporated by reference as if fully set forth herein.

4 **PRAYER**

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

- 7 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 50824,
8 issued to Elsagav Sagi Shahm, M.D.;
- 9 2. Revoking, suspending or denying approval of Elsagav Sagi Shahm, M.D.'s authority
10 to supervise physician assistants and advanced practice nurses;
- 11 3. Ordering Elsagav Sagi Shahm, M.D., if placed on probation, to pay the Board the
12 costs of probation monitoring; and
- 13 4. Taking such other and further action as deemed necessary and proper.

14
15 DATED: **MAR 29 2021**

16 
17 WILLIAM PRASIFKA
18 Executive Director
19 Medical Board of California
20 Department of Consumer Affairs
21 State of California
22 Complainant

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