

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

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

Shir A. Miskinyar, M.D.

**Physician's and Surgeon's
Certificate No. A 50080**

Respondent.

Case No. 800-2022-094064

DECISION

The attached Stipulated Surrender of License and 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 February 9, 2024.

IT IS SO ORDERED January 12, 2024.

MEDICAL BOARD OF CALIFORNIA

JENNA JONES FOR

**Reji Varghese
Executive Director**

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
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8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

Case No. 8002022094064

15 **SHIR A. MISKINYAR, M.D.**
9950 Research Dr.
Irvine, CA 92618-4309

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 **Physician's and Surgeon's Certificate**
17 **No. A 50080**

Respondent.

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19 **IT IS HEREBY STIPULATED AND AGREED by and between the parties to the**
20 **above-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). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Tessa L. Heunis, Deputy
25 Attorney General.

26 2. Shir A. Miskinyar, M.D. (Respondent) is represented in this proceeding by attorney
27 Carlos Ramirez, Esq., whose address is: 701, 8989 S Sepulveda Blvd Ste 110, Los Angeles, CA
28 90045.

1 3. On or about October 22, 1991, the Board issued Physician's and Surgeon's Certificate
2 No. A 50080 to Respondent. That license expired on May 31, 2023, and has not been renewed.

3 **JURISDICTION**

4 4. On December 6, 2023, Accusation No. 800-2022-094064 was filed before the
5 Board, and is currently pending against Respondent. A true and correct copy of the Accusation
6 and all other statutorily required documents were properly served on Respondent on December 6,
7 2023. Respondent elected not to request a hearing on Accusation No. 800-2022-094064.
8 A true and correct copy of Accusation No. 8002022094064 is attached as Exhibit A and
9 incorporated by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and fully understands the
12 charges and allegations in Accusation No. 800-2022-094064. Respondent also has carefully read,
13 fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of
14 License and Order.

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

21 7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
22 waives and gives up each and every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 800-2022-094064, agrees that cause exists for action under Business and Professions Code
26 section 822, and hereby surrenders his Physician's and Surgeon's Certificate No. A 50080 for the
27 Board's formal acceptance.

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9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate No. A 50080 without further process.

CONTINGENCY

10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board “shall delegate to its executive director the authority to adopt a ... stipulation for surrender of a license.”

11. Respondent understands that, by signing this stipulation, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. A 50080 without further notice to, or opportunity to be heard by, Respondent.

12. This Stipulated Surrender of License and Disciplinary Order shall be subject to the approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

13. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the

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

10 ADDITIONAL PROVISIONS

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

14 15. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
15 Order, including copies of the signatures of the parties, may be used in lieu of original documents
16 and signatures and, further, that such copies shall have the same force and effect as originals.

17 16. In consideration of the foregoing admissions and stipulations, the parties agree the
18 Executive Director of the Board may, without further notice to or opportunity to be heard by
19 Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

20 ORDER

21 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 50080, issued
22 to Respondent Shir A. Miskinyar, M.D., is surrendered and accepted by the Board.

23 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
24 acceptance of the surrendered license by the Board shall become a part of Respondent's license
25 history with the Board.

26 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
27 California as of the effective date of the Board's Decision and Order.

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3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. As required by Business and Professions Code section 823, reinstatement of Respondent's Physician's and Surgeon's Certificate No. A 50080 shall be governed by the procedures in Article 12.5 of Chapter 1 of Division 2 of the Business and Professions Code.

5. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2022-094064 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$2,672.50 (two thousand six hundred seventy-two and 50/100 dollars) prior to issuance of a new or reinstated license.

7. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2022-094064 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Carlos Ramirez, Esq. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 50080. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: December 6, 2023

Shir Miskinyar
SHIR A. MISKINYAR, M.D.
Respondent

1 I have read and fully discussed with Respondent Shir A. Miskinyar, M.D., the terms and
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: December 6, 2023

carlos ramirez
CARLOS RAMIREZ, ESQ.
Attorney for Respondent

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7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Medical Board of California of the Department of Consumer Affairs.

10 DATED: December 6, 2023

Respectfully submitted,

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

14 Tessa L. Heunis
15 TESSA L. HEUNIS
16 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2022-094064

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Attorney General of California
2 MATTHEW M. DAVIS
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9950 Research Dr.
15 Irvine, CA 92618-4309

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
No. A 50080,

17 Respondent.
18

19
20 **PARTIES**

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

24 2. On or about October 22, 1991, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 50080 to Shir A. Miskinyar, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate expired on May 31, 2023, and has not been renewed.

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28 ////

1 **JURISDICTION**

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

5 4. Section 822 of the Code states:

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

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

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

12 (c) Placing the licentiate on probation.

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

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

20 **COST RECOVERY**

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

27 **SECTION 822 CAUSE FOR ACTION**

28 **(Mental Illness and/or Physical Illness Affecting Competency)**

6. Respondent's Physician's and Surgeon's Certificate No. A 50080 is subject to action
under section 822 of the Code in that his ability to practice medicine safely is impaired because
he is mentally ill, and/or physically ill affecting competency.

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1 PRAYER

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

4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 50080,
5 issued to Respondent Shir A. Miskinyar, M.D.;

6 2. Revoking, suspending or denying approval of Respondent Shir A. Miskinyar, M.D.'s
7 authority to supervise physician assistants and advanced practice nurses;

8 3. Taking action as authorized by section 822 of the Code as the Medical Board, in its
9 discretion, deems necessary and proper;

10 4. Ordering Respondent Shir A. Miskinyar, M.D., to pay the Board the costs of the
11 investigation and enforcement of this case, and if placed on probation, the costs of probation
12 monitoring; and

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

14
15 DATED: December 6, 2023

Tessa L. Heunis for

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