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

In the Matter of the Accusation Against:

George Farid El-Khoury, M.D.

Physician's & Surgeon's Certificate No. A 40394

Case No. 800-2020-070079

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 June 03, 2024.

IT IS SO ORDERED: May 03, 2024.

MEDICAL BOARD OF CALIFORNIA

Laurie Rose Lubiano, J.D., Chair

Panel A

1	ROB BONTA Attorney General of California EDWARD KIM			
2				
3	Supervising Deputy Attorney General CHRISTINA SEIN GOOT			
4	Deputy Attorney General State Bar No. 229094			
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013			
6	Telephone: (213) 269-6481 Facsimile: (916) 731-2117			
7	Attorneys for Complainant			
8	BEFORE THE MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
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11	In the Matter of the Accusation Against:	Case No. 800-2020-070079		
12	GEORGE FARID EL-KHOURY, M.D. 2650 Elm Avenue, Suite 218	OAH No. 2023090886		
13	Long Beach, CA 90806	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER		
14	Physician's and Surgeon's Certificate No. A 40394,			
15	Respondent.			
16]		
17	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-			
18	entitled proceedings that the following matters are true:			
19	<u>PARTIES</u>			
20	1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of			
21	California (Board). He brought this action solely	in his official capacity and is represented in this		
22	matter by Rob Bonta, Attorney General of the State of California, by Christina Sein Goot, Deput			
23	Attorney General.			
24	2. Respondent George Farid El-Khoury, M.D. (Respondent) is represented in this			
25	proceeding by attorney Raymond J. McMahon, whose address is: 5440 Trabuco Road			
26	Irvine, CA 92620.			
27	3. On or about August 29, 1983, the Board issued Physician's and Surgeon's Certificate			
28	No. A 40394 to Respondent. The Physician's and Surgeon's Certificate was in full force and			
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effect at all times relevant to the charges brought in Accusation No. 800-2020-070079, and will expire on July 31, 2025, unless renewed.

JURISDICTION

- 4. Accusation No. 800-2020-070079 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 August 14, 2023. Respondent timely filed his Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 800-2020-070079 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. 800-2020-070079. 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 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. 800-2020-070079, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate. Respondent hereby gives up his right to contest those charges and allegation.
 - 10. Respondent does not contest that, at an administrative hearing, Complainant could

establish a prima facie case with respect to the charges and allegations contained in Accusation No. 800-2020-070079 and that he has thereby subjected his license 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 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. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreement of the parties in this above-entitled matter.
- 14. Respondent agrees that if he ever petitions for modification of these terms, or if a subsequent accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2020-070079 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.
- 15. 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.
 - 16. In consideration of the foregoing admissions and stipulations, the parties agree that

the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 40394 issued to Respondent George Farid El-Khoury, M.D. is publicly reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4), and it is further ordered that Respondent comply with the following attendant terms and conditions:

1. PUBLIC REPRIMAND

The Public Reprimand issued in connection with Accusation No. 800-2020-070079, against Respondent George Farid El-Khoury, M.D., is as follows:

"During the period from 2019 through 2020, you failed to document an offer of naloxone hydrochloride to Patients 1, 2, and 3 while prescribing opioid medications to them. Naloxone hydrochloride is extremely effective at reversing opioid overdoses, and promotion of patient awareness of its benefits enhances consumer safety."

2. MEDICAL RECORD KEEPING COURSE

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

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of

this Decision.

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

Respondent's failure to enroll, participate in, or successfully complete the medical record keeping course within the designated time period, unless the Board or its designee agrees in writing to an extension of that time, shall constitute general unprofessional conduct and may serve as grounds for further disciplinary action.

3. <u>INVESTIGATION/ENFORCEMENT COST RECOVERY</u>

Respondent is hereby ordered to reimburse the Board its costs of investigation and enforcement, including, but not limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena enforcement, as applicable, in the amount of \$24,678.00 (twenty-four thousand six hundred seventy-eight dollars and zero cents). Costs shall be payable to the Medical Board of California within one (1) year from the effective date of this Decision.

Any and all requests for a payment plan shall be submitted in writing by Respondent to the Board. The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility to repay investigation and enforcement costs.

4. FAILURE TO COMPLY

Failure to comply with any of the terms of this Disciplinary Order shall constitute unprofessional conduct and shall be a basis for further disciplinary action by the Board. In such circumstances, the Complainant may reinstate Accusation No. 800-2020-070079 and/or file a supplemental accusation alleging any failure to comply with any provision of this order by Respondent as unprofessional conduct.

5. **FUTURE ADMISSIONS CLAUSE**

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 action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2020-070079 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of

1	Issues or any other proceeding seeking to deny or restrict license.		
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3	ACCEPTANCE		
4	I have carefully read the above Stipulated Settlement and Disciplinary Order and have full		
5	discussed it with my attorney, Raymond J. McMahon. I understand the stipulation and the effect		
6	it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement		
7	and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the		
8	Decision and Order of the Medical Board of California.		
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10	DATED: 3/1/24		
11	GEORGE FARID-EL-KHOURY, M.D. Respondent		
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13	I have read and fully discussed with Respondent George Farid El-Khoury, M.D. the terms		
14	and conditions and other matters contained in the above Stipulated Settlement and Disciplinary		
15	Order. I approve its form and content.		
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17	DATED: March 1, 2024 · Loy M2		
18	RAYMOND J. MCMAHON Attorney for Respondent		
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23	[Endorsement on following page]		
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ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California. Respectfully submitted, DATED: 3/1/2024_ ROB BONTA Attorney General of California EDWARD KIM Supervising Deputy Attorney General CHRISTINA SEIN GOOT Deputy Attorney General Attorneys for Complainant LA2023601576 66609440.docx

1	ROB BONTA		
2	Attorney General of California EDWARD KIM		
3	Supervising Deputy Attorney General CHRISTINA SEIN GOOT		
4	Deputy Attorney General State Bar No. 229094		
5	Department of Justice 300 So. Spring Street, Suite 1702		
6	Los Angeles, CA 90013 Telephone: (213) 269-6481		
7	Facsimile: (916) 731-2117 Attorneys for Complainant		
8	BEFORE THE		
9	MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against:	Case No. 800-2020-070079	
12	George Farid El-Khoury, M.D.	ACCUSATION	
13	2650 Elm Avenue, Suite 218 Long Beach, CA 90806		
14	Physician's and Surgeon's Certificate No. A 40394,		
15	Respondent.		
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17	. ·		
18	<u>PARTIES</u>		
19	1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as		
20	the Executive Director of the Medical Board of C	California, Department of Consumer Affairs	
21	(Board).		
22	2. On or about August 29, 1983, the Board issued Physician's and Surgeon's Certificate		
23	Number A 40394 to George Farid El-Khoury, M.D. (Respondent). The Physician's and Surgeon'		
24	Certificate was in full force and effect at all times relevant to the charges brought herein and will		
25	expire on July 31, 2025, unless renewed.		
26	<u>JURISDICTION</u>		
27	3. This Accusation is brought before the Board, under the authority of the following		
28	laws. All section references are to the Business and Professions Code (Code) unless otherwise		
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(GEORGE FARID EL-KHOURY, M.D.) ACCUSATION NO. 800-2020-070079

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

STATUTORY PROVISIONS

5. Section 2234 of the Code states:

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

- (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
 - (b) Gross negligence.
- (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.
- (1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.
 - (2) When the standard of care requires a change in the diagnosis, act, or

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- (h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.
- (i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.
- (j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

- 8. Respondent is subject to disciplinary action under sections 2234, subdivision (b), and 741 of the Code for the commission of acts and/or omissions involving gross negligence in the care and treatment of Patients 1¹ through 3, in that he failed to offer or prescribe the patients naloxone hydrochloride² when prescribing them chronic opioids. The circumstances are as follows:
- 9. For the time period of 2019-2020, Respondent treated Patient 1, a 66-year-old female, for low back pain. During this time period, Respondent prescribed Patient 1 monthly refills of oxycodone³-acetaminophen 7.5 mg-325 mg tablets (1 tablet, 3 times per day). During this same time period, Patient 1 was also regularly prescribed lorazepam⁴ by her psychiatrist. Respondent did not offer or prescribe Patient 1 naloxone hydrochloride (or another drug approved for reversal of opioid-induced respiratory depression) when he prescribed her opioid medications despite benzodiazepines having been dispensed to the patient within a year from the date of the patient's prescriptions for such opioid medications.
- 10. For the time period of 2019-2020, Respondent treated Patient 2, a 57-year-old female, for severe low back pain. During this time period, Respondent prescribed Patient 2 monthly refills of hydrocodone-acetaminophen 7.5 mg-325 mg (1 tablet, 3 times per day). During this

¹ Patients are identified by numbers to protect their privacy.

² Naloxone hydrochloride is a medication designed to rapidly reverse an opioid overdose.

³ Oxycodone is an opioid analgesic used to help relieve moderate to severe pain.

⁴ Benzodiazepines are depressants that produce sedation and hypnosis, relieve anxiety and muscle spasms, and reduce seizures. Lorazepam is a benzodiazepine used to treat anxiety. Risks associated with use of benzodiazepines include: 1) tolerance and dependence, 2) potential interactions with alcohol and pain medications, and 3) possible impairment of driving. When benzodiazaepines are combined with other CNS depressants such as alcoholic drinks and opioids, the potential for toxicity and fatal overdose increases.

same time period, Patient 2 was prescribed lorazepam by her psychiatrist. Respondent did not offer or prescribe Patient 2 naloxone hydrochloride (or another drug approved for reversal of opioid-induced respiratory depression) when he prescribed her opioid medications despite benzodiazepines having been dispensed to the patient within a year from the date of the patient's prescriptions for such opioid medications.

- 11. For the time period of 2019-2020, Respondent treated Patient 3, a 72-year-old male, for severe low back pain and neck pain. During this time period, Respondent prescribed Patient 3 monthly refills of oxycodone-acetaminophen 10 mg-325 mg (1 tablet, 3 times per day). During this same time period, Patient 3 was prescribed alprazolam⁵ by his psychiatrist. Respondent did not offer or prescribe Patient 3 naloxone hydrochloride (or another drug approved for reversal of opioid-induced respiratory depression) when he prescribed him opioid medications despite benzodiazepines having been dispensed to the patient within a year from the date of the patient's prescriptions for such opioid medications.
- 12. Respondent's failure to offer or prescribe naloxone hydrochloride when prescribing opioid medications to Patients 1 through 3 constitutes an extreme departure from the standard of care.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

- 13. Respondent's license is subject to disciplinary action under section 2234, subdivision (c), of the Code in that he committed repeated negligent acts in his care and treatment of Patients 1 through 3, inclusive. The circumstances are as follows:
- 14. The allegations of the First Cause for Discipline are incorporated by reference as if fully set forth herein.
- 15. The acts and/or omissions by Respondent set forth in the First Cause for Discipline with respect to Patients 1 through 3, inclusive, either collectively or in any combination thereof, constitute repeated negligent acts.

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⁵ Alprazolam is a benzodiazepine used to treat anxiety.

PRAYER

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

- 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 40394, issued to George Farid El-Khoury, M.D.;
- 2. Revoking, suspending or denying approval of George Farid El-Khoury, M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 3. Ordering George Farid El-Khoury, 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 George Farid El-Khoury, 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: AUG 1 4 2023

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

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