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

In the Matter of the Accusation Against: Camellia Babaie, M.D. Physician's and Surgeon's Certificate No. A 119462 Respondent.	Case No.: 800-2021-078471

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 July 11, 2024.

IT IS SO ORDERED: June 11, 2024.

MEDICAL BOARD OF CALIFORNIA

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

ROB BONTA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General
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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CAMELLIA BABAIE, M.D.** **24251 Town Center Drive** **Suite 175 Studio 222** **Valencia, CA 91355** **Physician's and Surgeon's Certificate No. A 119462** Respondent.	Case No. 800-2021-078471 OAH No. 2023120252 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Vladimir Shalkevich, Deputy Attorney General.

2. Respondent Camellia Babaie, M.D. (Respondent) is represented in this proceeding by attorney Derek F. O'Reilly-Jones, Esq., whose address is: 355 South Grand Ave., Ste. 1750 Los Angeles, CA 90071-1562. On or about December 23, 2011, the Board issued Physician's

and Surgeon's Certificate No. A119462 to Camellia Babaie, 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. 800-2021-078471, and will expire on June 30, 2025, unless renewed.

JURISDICTION

3. Accusation No. 800-2021-078471 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 October 19, 2023. Respondent timely filed her Notice of Defense contesting the Accusation.

4. A copy of Accusation No. 800-2021-078471 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2021-078471. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her 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 her; the right to present evidence and to testify on her 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.

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

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2021-078471, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

9. Respondent agrees that, at an administrative hearing, Complainant could establish a prima facie case with respect to the charges and allegations in Accusation No. 800-2021-078471, a true and correct copy of which is attached hereto as Exhibit A. Respondent hereby gives up her right to contest those charges and agrees that she has thereby subjected her Physician's and Surgeon's Certificate, No. A119462 to disciplinary action.

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

CONTINGENCY

11. 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 her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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.

12. Respondent agrees that if she ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against her before the Board, all of the charges and allegations contained in Accusation No. 800-2021-078471 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.

13. 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.

14. 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 119462 issued to Respondent Camellia Babaie, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. PROHIBITED PRACTICE. During probation, Respondent is prohibited from working as a Medical Director, or from supervising any owner, partner, shareholder or employee of any Med-Spa, or any other business establishment where any cosmetic or aesthetic medical or non-medical treatment or service is offered to the public, unless Respondent is physically present for the duration of the cosmetic or aesthetic medical or non-medical treatment. Respondent is prohibited from supervising physician assistants and advanced practice nurses in performing any aesthetic or cosmetic procedures, treatments or services.

After the effective date of this Decision, all patients or customers seeking aesthetic or cosmetic treatment or service at any business establishment where Respondent is a Medical Director or supervisor, shall be notified in writing that Respondent is required to be physically present at the business establishment while any cosmetic or aesthetic treatment or service is rendered.

All Respondent's patients or customers seeking aesthetic or cosmetic treatment or service must be provided this notification. Respondent shall maintain a log of all patients or customers to whom the required written notification was made. The log shall contain the: 1) patient's or customer's name, address and phone number; 2) patient's or customer's medical record number, if available; 3) full name of the person making the notification; 4) date the notification was made; and 5) a description of the notification given. Respondent shall keep this log in a separate file or ledger in chronological order, shall make the log available for immediate inspection and copying on the premises at all times during business hours by the Board or its designee, and shall retain the log for the entire term of probation.

2. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at subjects related to appropriate supervision of medical extenders and related issues. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

3. 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.

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4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program 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 program would have been approved by the Board or its designee had the program 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 program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

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

If Respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the effective date of this Decision, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Respondent shall not resume practice until an appropriate practice setting is established.

If, during the course of the probation, the Respondent's practice setting changes and the Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent shall notify the Board or its designee within five (5) calendar days of the practice setting change. If Respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the practice setting change, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Respondent shall not resume practice until an appropriate practice setting is established.

6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

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

7. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES. During probation, Respondent is permitted to supervise physician assistants and advanced practice nurses, however, as ordered in Condition 1 herein, Respondent is prohibited from supervising physician assistants and advanced practice nurses in performing any aesthetic or cosmetic procedures, treatments or services.

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

9. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby ordered to reimburse the Board its costs of investigation and enforcement in the amount of $23,250.00 (twenty three thousand two hundred and fifty dollars). Costs shall be payable to the

Medical Board of California. Failure to pay such costs shall be considered a violation of probation.

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

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

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

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

11. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

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

Place of Practice

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

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's

license.

Travel or Residence Outside California

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

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

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

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

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete the Federation of State Medical Boards' Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment program

that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

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

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

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

16. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent

shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

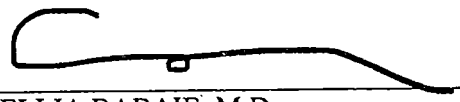
17. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its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

18. 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. 800-2021-078471 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 license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Derek F. O'Reilly-Jones, Esq.. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 05/03/2024



CAMELLIA BABAIE, M.D.
Respondent

I have read and fully discussed with Respondent Camellia Babaie, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 05/03/2024

DEREK F. O'REILLY-JONES, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: May 3, 2024

Respectfully submitted,

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

VLADIMIR SHALKEVICH
Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against: **CAMELLIA BABAIE, M.D.** **24251 Town Center Drive** **Suite 175 Studio 222** **Valencia, California 91355** Physician's and Surgeon's Certificate No. A 119462, Respondent.	Case No. 800-2021-078471 **ACCUSATION**

PARTIES

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

2. On December 23, 2011, the Medical Board issued Physician's and Surgeon's Certificate Number A 119462 to Camellia Babaie, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2025, 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 Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

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 omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.
>
> (d) Incompetence.
>
> (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.

6. Section 2052 of the Code states:

(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter [Chapter 5, the Medical Practice Act], or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law, is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars ($10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.

(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense, subject to the punishment described in that subdivision.

(c) The remedy provided in this section shall not preclude any other remedy provided by law.

7. Section 2264 of the Code states:

The employing, directly or indirectly, the aiding, or the abetting of any unlicensed person or any suspended, revoked, or unlicensed practitioner to engage in the practice of medicine or any other mode of treating the sick or afflicted which requires a license to practice constitutes unprofessional conduct.

8. Section 2272 of the Code states:

Any advertising of the practice of medicine in which the licensee fails to use his or her own name or approved fictitious name constitutes unprofessional conduct.

9. Section 2286 of the Code states:

It shall constitute unprofessional conduct for any licensee to violate, to attempt to violate, directly or indirectly, to assist in or abet the violation of, or to conspire to violate any provision or term of Article 18 (commencing with Section 2400), of the Moscone-Knox Professional Corporation Act (Part 4 commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or of any rules and regulations duly adopted under those laws.

10. Section 2400 of the Code states:

Corporations and other artificial legal entities shall have no professional rights, privileges, or powers. However, the Division of Licensing may in its discretion, after such investigation and review of such documentary evidence as it may require, and under regulations adopted by it, grant approval of the employment of licensees on a salary basis by licensed charitable institutions, foundations, or clinics, if no charge for professional services rendered patients is made by any such institution, foundation, or clinic.

11. Section 2406 of the Code states:

A medical or podiatry corporation is a corporation which is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors and employees rendering

professional services who are physicians and surgeons, psychologists, registered nurses, optometrists, podiatrists, chiropractors, acupuncturists, naturopathic doctors, physical therapists, occupational therapists, or, in the case of a medical corporation only, physician assistants, marriage and family therapists, clinical counselors, or clinical social workers, are in compliance with the Moscone-Knox Professional Corporation Act [Corporations Code section 13400 et seq.], the provisions of this article and all other statutes and regulations now or hereafter enacted or adopted pertaining to the corporation and the conduct of its affairs.

With respect to a medical corporation or podiatry corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the board.

COST RECOVERY

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

FACTUAL ALLEGATIONS

13. On or about December 19, 2019, Jade Jackson, who at that time was a Licensed Vocational Nurse, LVN license number 692102, filed Articles of Incorporation for a Professional Medical Corporation called Bombshell Aesthetics, Inc., with the California Secretary of State. The Professional Medical Corporation's place of business was to be at 1217 A Street, Hayward, California, 94541. Jade Jackson (R.N. Jackson) was issued a Registered Nurse license number 95221781 by the California Board of Registered Nursing on May 20, 2020.

14. After December 19, 2019, and until December 21, 2022, Bombshell Aesthetics, a Professional Medical Corporation, did not obtain a fictitious name permit from the Board and advertised to the public in violation of Code Section 2272.

15. On March 2, 2021, Patient 1[1] presented to Bombshell Aesthetics for treatment of heaviness in the upper eyelids and wrinkles, referred to as crow's feet. Patient 1 also reported that

[1] The patient in this matter is referred to by a number to protect her privacy. Patient 1's identifying information will be provided in response to a written Request for Discovery.

she had Belotero filler[2] in her tear trough[3] placed several weeks prior at a different clinic, and that procedure had created some bulging in the tear trough area that she was unhappy with. At that time, Respondent was not physically present on Bombshell Aesthetics' premises.

16. On March 2, 2021, R.N. Jackson, performed a plasma pen treatment, referred to as "fibroblast," on Patient 1's undereye tear trough, upper eyelid, and crow's feet regions. R.N. Jackson also inserted 4 smooth 30g x 25 mm PDO threads in each undereye/crow's feet region. Plasma pen (Fibroblast) treatment and insertion of PDO threads both involve penetration and/or damage or burning of a patient's skin, and constitute the practice of medicine. A licensed registered nurse may perform these treatments only upon an order of a licensed physician, after the licensed physician conducts a good faith examination of the patient. Patient 1 repeatedly stated to the Board investigators that she did not speak with and was not examined by Respondent on March 2, 2021, and R.N. Jackson told the Board investigators that fibroblast treatments do not constitute the practice of medicine and the good faith exam and physician's order was not necessary for her to perform fibroblast treatments. Respondent, therefore, did not order and/or did not document an order of Fibroblast treatment in Patient 1's medical record.

17. On March 17, 2021, approximately 2 weeks after her Fibroblast and PDO thread treatments, Patient 1 contacted R.N. Jackson via text, complaining that the treatments had not helped with her wrinkling or sagginess in the upper eyelid and that there was no improvement at all. R.N. Jackson texted back that it would take 6-8 weeks to see results. Patient 1 agreed to wait before proceeding with any other interventions.

18. On April 22, 2021, approximately 7 weeks after her treatments, Patient 1 once again texted R.N. Jackson, to complain that her undereye areas looked worse than prior to the treatments, with more hollowing and "dark circles" that look like "raccoon eyes". The patient also complained that the upper eyelid wrinkles and crow's feet also look worse. Patient 1 reminded

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[2] Belotero is a dermal filler made from hyaluronic acid thought to add volume and smooth out the skin's surface.

[3] The tear trough is the groove that sits in between the lower eye lid and the cheek. With weight loss or age, persons can experience a loss of volume in this area producing the appearance of hollowness. To address this, dermal fillers are used to fill in the hollowness and soften the appearance of the tear trough.

R.N. Jackson that she had said that the results would be better than Botox before she did the treatments, but that instead they are worse. Patient 1 also complained that she had a wedding to attend on April 24th and that now she is embarrassed about how she will look.

19. RN Jackson offered to provide another treatment of the Fibroblast and Botox free of charge. Instead, the patient texted that she would like a refund. R.N. Jackson told Patient 1 that she could not get a refund and instead offered to give Botox, filler or more PDO threads complimentary. Patient 1 did not agree and recounted again that R.N. Jackson had persuaded her to undergo the treatments by telling her that they would work better than Botox and last 3 years. Patient 1 at this point texted that she would like to get advice from R.N. Jackson's Medical Director and asked for the name and contact information of the Medical Director. R.N. Jackson texted that Respondent was her Medical Director, and that she will contact the patient. Respondent did not contact Patient 1.

20. On April 27, 2021, approximately 8 weeks after her treatments, Patient 1 came to Bombshell Aesthetics clinic without a scheduled appointment. She complained that the fibroblast treatment had dissolved her prior filler, had caused pigmentation, and worsened hollowing of her tear trough region. Patient 1's medical record entry for that date indicates that Patient 1 was angry and agitated. R.N. Jackson tried to explain that Fibroblast cannot dissolve filler. Respondent was not on Bombshell Aesthetics' premises at the time and did not see or speak with Patient 1. R.N. Jade Jackson tried to use Face-Time to consult with Respondent, but technical issues prevented this. R.N. Jackson documented in the medical records that she received an order from Respondent to provide filler injection to try to improve the tear troughs by injecting Versa, 0.25ml, at no charge to Patient 1. This order, if Respondent gave it, was given without a prior good faith examination by Respondent. Patient 1 agreed to receive the treatment, and R.N. Jackson injected Patient 1.

21. Subsequently, Patient 1 was seen by her friend who was alarmed by Patient 1's appearance, and out of concern for Patient 1 did some investigation into Bombshell Aesthetics. She found out that Bombshell Aesthetics did not have a fictitious name permit registered with the Medical Board at that time. In addition, she discovered that the professional medical corporation

doing business as Bombshell Aesthetics was owned by Jade Jackson, who is not a licensed physician. Patient 1's friend filed a complaint with the Medical Board on April 26, 2021.

22. On May 24, 2021, Patient 1 sent a text message to R.N. Jackson. She was unhappy with results from prior treatment. Respondent then texted Patient 1 for the first time and introduced herself via text as being from Bombshell Aesthetics. Respondent stated that she would offer hydroquinone cream for the hyperpigmentation caused by the plasma pen treatment and provide a refund for that treatment. Patient 1 agreed. The patient then texted back asking if the cream would help with the "puffiness" caused by the "incorrect amount placement of the filler". Respondent then reviewed Patient 1's photos before and after, via text messages. Respondent told Patient 1 that the bulging is partially due to prior filler from a different clinic administered before Patient 1 ever came to Bombshell, and that some of the current swelling was due to migration of the prior filler from the other clinic. Respondent also suggested that Patient 1 use Vitamin E cream for dryness of skin and medication for seasonal allergies for the swelling around her eyes.

23. Respondent agreed to dissolve the filler, but delayed her meeting with Patient 1 until June 16, 2021. In her text message, Respondent told Patient 1 to apply hydroquinone cream for the hyperpigmentation in the meantime, after Patient 1 conveyed her unhappiness about the plasma pen (Fibroblast) treatment causing the hyperpigmentation. Respondent promised that the hydroquinone cream to treat the hyperpigmentation will be mailed to Patient 1 that day.

24. On June 1, 2021, Patient 1 texted Respondent, to inform her that the hydroquinone cream had not arrived. Respondent texted Patient 1 that it had been mailed out, but was returned because the mailing label had no zip code. Respondent promised to mail it out again. Patient 1 was upset about the Hydroquinone cream not having been properly mailed, and asked Respondent to overnight it. Patient 1 accused Respondent of having no idea about what is going on at her clinic because she is never there, to which Respondent stated that she was unable to travel to the clinic because of Covid restrictions. After additional arguments, Respondent confirmed that a refund was processed, and Patient 1 asked to receive the hydroquinone cream.

25. After the Board investigators contacted Respondent about the complaint submitted by Patient 1's friend, Bombshell Aesthetics, Inc. submitted a Statement of Information to the

California Secretary of State, on or about September 19, 2021. The Statement of Information was electronically signed by Respondent, and in it Respondent was designated at the Chief Executive Officer and Director, while R.N. Jackson was designated as the Chief Financial Officer, Director, and Agent for Service of Process.

26. On or about December 21, 2021, the Board issued a Fictitious Name Permit number 553518 to Bombshell Aesthetics.

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

27. Respondent Camellia Babaie, M.D. is subject to disciplinary action under section 2234, subdivision (c) in that she committed repeated negligent acts in the care and treatment of one patient. The circumstances are as follows:

28. The allegations of paragraphs 13 through 26 are incorporated herein by reference.

29. Each of the following constituted a separate and distinct departure from the standard of care:

A. Respondent did not perform an adequate good faith exam in the care and treatment of Patient 1 on or about March 2, 2021.

B. Respondent did not perform an adequate good faith exam in the care and treatment of Patient 1 on or about April 27, 2021.

C. Respondent failed to adequately and accurately document, and/or ensure that the registered nurse working under Respondent's direction adequately and accurately documented, medical treatment rendered to Patient 1.

D. Respondent failed to obtain appropriate informed consent from Patient 1 to render medical treatment provided.

E. Respondent failed to provide standard protocols and procedures for a registered nurse to administer plasma pen/fibroblast treatments in Respondent's absence.

F. Respondent failed to address and/or treat Patient 1's complications in a timely manner, falsely blaming Covid travel restrictions for the delay.

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SECOND CAUSE FOR DISCIPLINE

(Violation of Professional Corporations Act)

30. Respondent Camellia Babaie, M.D. is subject to disciplinary action under section 2286 of the Code in that she violated, attempted to violate, assisted, directly or indirectly or conspired to violate the provisions of Moscone-Knox Professional Corporations Act. The circumstances are as follows:

31. The allegations of paragraphs 13 through 26 are incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Aiding or Abetting Unlicensed Practice of Medicine)

32. Respondent Camellia Babaie, M.D. is subject to disciplinary action under sections 2234, 2052, 2264 and 2406 of the Code in that she aided and abetted the practice of medicine by Bombshell Aesthetics, Inc., a professional medical corporation organized and maintained in violation of Moscone-Knox Professional Corporations Act. The circumstances are as follows:

33. The allegations of paragraphs 13 through 26 are incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(Violation of Requirement for a Fictitious Name Permit)

34. Respondent Camellia Babaie, M.D. is subject to disciplinary action under sections 2234 and 2272 of the Code in that she allowed and or advertised Bombshell Aesthetics to the public without a fictitious name permit.

35. The allegations of paragraphs 13 through 26 are incorporated herein by reference.

FIFTH CAUSE FOR DISCIPLINE

(Inadequate and/or Inaccurate Record Keeping)

36. Respondent Camellia Babaie, M.D. is subject to disciplinary action under section 2266 in that she failed to keep accurate and adequate medical records in the care and treatment of Patient 1. The circumstances are as follows:

37. The allegations of paragraphs 13 through 26 are incorporated herein by reference.

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SIXTH CAUSE FOR DISCIPLINE

(False Statements in Medical Record)

38. Respondent Camellia Babaie, M.D. is subject to disciplinary action under section 2261 in that she knowingly made or signed documents related to the practice of medicine which falsely represented the existence or nonexistence of a state of facts.

39. The allegations of paragraphs 13 through 26 are incorporated herein by reference.

A. Respondent created and signed medical records documenting a good faith examination of Patient 1 on March 2, 2021 and/or April 27, 2021, when no such good faith medical examination took place.

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 119462, issued to Camellia Babaie, M.D.;

2. Revoking, suspending or denying approval of her authority to supervise physician assistants and advanced practice nurses;

3. Ordering her to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;

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

DATED: OCT 19 2023

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

Complainant

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