

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

In the Matter of the Accusation Against:

Bahram Tabibian, M.D.

Physician's and Surgeon's
Certificate No. A 40033

Respondent.

Case No. 800-2018-040806

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 AUG 02 2024.
JUL 26 2024
IT IS SO ORDERED _____.

MEDICAL BOARD OF CALIFORNIA

JENNA JONES FOR
Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6475
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Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 800-2018-040806

12 **BAHRAM TABIBIAN, M.D.**
8 Aspen Way
13 Rolling Hills Estates, CA 90274-3408
14 **Physician's and Surgeon's Certificate**
No. A 40033,

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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 **PARTIES**

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 Rebecca L. Smith, Deputy
23 Attorney General.

24 2. Bahram Tabibian, M.D. (Respondent) is represented in this proceeding by attorney
25 Michael H. Artan, whose address is 35 North Lake Avenue, Suite 710, Pasadena, California
26 91101.

27 3. On or about July 1, 1983, the Board issued Physician's and Surgeon's Certificate No.
28 A 40033 to Respondent. That license was in full force and effect at all times relevant to the

1 charges brought herein and will expire on August 31, 2024, unless renewed.

2 **JURISDICTION**

3 4. Accusation No. 800-2018-040806 was filed before the Board, and is currently
4 pending against Respondent. The Accusation and all other statutorily required documents were
5 properly served on Respondent. A copy of Accusation No. 800-2018-040806 is attached as
6 Exhibit A and incorporated by reference.

7 **ADVISEMENT AND WAIVERS**

8 5. Respondent has carefully read, fully discussed with counsel, and understands the
9 charges and allegations in Accusation No. 800-2018-040806. Respondent also has carefully read,
10 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
11 and Order.

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

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

20 **CULPABILITY**

21 8. Respondent admits the truth of the charges and allegations set forth in the Second
22 Cause for Discipline as alleged in Accusation No. 800-2018-040806. Respondent agrees that
23 cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate
24 No. A 40033 for the Board's formal acceptance.

25 9. Respondent understands that by signing this stipulation he enables the Board to issue
26 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
27 process.

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CONTINGENCY

1
2 10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
3 part, that the Medical Board “shall delegate to its executive director the authority to adopt a ...
4 stipulation for surrender of a license.”

5 11. Respondent understands that, by signing this stipulation, he enables the Executive
6 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
7 Physician's and Surgeon's Certificate No. A 40033 without further notice to, or opportunity to be
8 heard, by Respondent.

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

17 13. The parties agree that this Stipulated Surrender of License and Disciplinary Order
18 shall be null and void and not binding upon the parties unless approved and adopted by the
19 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
20 force and effect. Respondent fully understands and agrees that in deciding whether or not to
21 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
22 Director and/or the Board may receive oral and written communications from its staff and/or the
23 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
24 Executive Director, the Board, any member thereof, and/or any other person from future
25 participation in this or any other matter affecting or involving respondent. In the event that the
26 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
27 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
28 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied

1 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
2 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
3 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
4 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
5 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
6 of any matter or matters related hereto.

7 **ADDITIONAL PROVISIONS**

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

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

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

17 **ORDER**

18 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 40033, issued
19 to Respondent Bahram Tabibian, M.D., is surrendered and accepted by the Board.

20 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
21 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
22 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
23 of Respondent's license history with the Board.

24 2. Respondent shall lose all rights and privileges as a physician and surgeon in
25 California as of the effective date of the Board's Decision and Order.

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

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1 4. If Respondent ever files an application for licensure or a petition for reinstatement in
2 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
3 comply with all the laws, regulations and procedures for reinstatement of a revoked or
4 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
5 contained in Accusation No. 800-2018-040806 shall be deemed to be true, correct and admitted
6 by Respondent when the Board determines whether to grant or deny the petition.

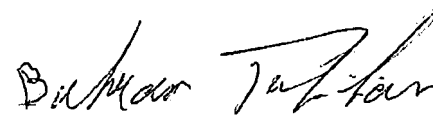
7 5. Respondent shall pay the Board its costs of investigation and enforcement in the
8 amount of \$7,473.75 (Seven Thousand Four Hundred Seventy-Three Dollars and Seventy-Five
9 Cents) prior to issuance of a new or reinstated license.

10 6. If Respondent should ever apply or reapply for a new license or certification, or
11 petition for reinstatement of a license, by any other health care licensing agency in the State of
12 California, all of the charges and allegations contained in Accusation No. 800-2018-040806 shall
13 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
14 Issues or any other proceeding seeking to deny or restrict licensure.

15 ACCEPTANCE

16 I have carefully read the above Stipulated Surrender of License and Order and have fully
17 discussed it with my attorney Michael Artan. I understand the stipulation and the effect it will
18 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
19 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
20 Decision and Order of the Medical Board of California.

21
22 DATED: July 19, 2024


BAHRAM TABIBIAN, M.D.
Respondent

24 I have read and fully discussed with Respondent BAIHRAM TABIBIAN, M.D. the terms
25 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
26 approve its form and content.

27 DATED: July 19, 2024


MICHAEL ARTAN
Attorney for Respondent

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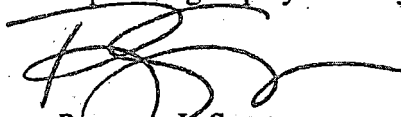
ENDORSEMENT

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

DATED: July 22, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



REBECCA L. SMITH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-040806

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 REBECCA L. SMITH
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4 State Bar No. 179733
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12 In the Matter of the Accusation Against:

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13 **BAHRAM TABIBIAN, M.D.**
14 **8 Aspen Way**
Rolling Hills Estates, CA 90274-3408

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A 40033,**

Respondent.

17
18 **PARTIES**

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

22 2. On or about July 1, 1983, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 40033 to Bahram Tabibian, M.D. (Respondent). That license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on August 31,
25 2024, unless renewed.

26 3. On or about October 4, 2019, in proceedings entitled *The People of the State of*
27 *California v. Bahram Tabibian*, Los Angeles Superior Court Case No. SA101063, Respondent
28 was ordered to cease and desist from the practice of medicine as a condition of bail or own

1 recognizance release, during the pendency of the criminal action until its final conclusion and
2 sentence.

3 JURISDICTION

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

7 5. Section 2227 of the Code states:

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

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

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

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

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

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

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

29 STATUTORY PROVISIONS

30 6. Section 490 of the Code states:

31 (a) In addition to any other action that a board is permitted to take against a
32 licensee, a board may suspend or revoke a license on the ground that the licensee has
33 been convicted of a crime, if the crime is substantially related to the qualifications,
34 functions, or duties of the business or profession for which the license was issued.

35 (b) Notwithstanding any other provision of law, a board may exercise any
36 authority to discipline a licensee for conviction of a crime that is independent of the
37 authority granted under subdivision (a) only if the crime is substantially related to the
38 qualifications, functions, or duties of the business or profession for which the

licensee's license was issued.

1
2 (c) A conviction within the meaning of this section means a plea or verdict of
3 guilty or a conviction following a plea of nolo contendere. Any action that a board is
4 permitted to take following the establishment of a conviction may be taken when the
5 time for appeal has elapsed, or the judgment of conviction has been affirmed on
6 appeal, or when an order granting probation is made suspending the imposition of
7 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
8 the Penal Code

9 (d) The Legislature hereby finds and declares that the application of this section
10 has been made unclear by the holding in *Petropoulos v. Department of Real Estate*
11 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant
12 number of statutes and regulations in question, resulting in potential harm to the
13 consumers of California from licensees who have been convicted of crimes.
14 Therefore, the Legislature finds and declares that this section establishes an
15 independent basis for a board to impose discipline upon a licensee, and that the
16 amendments to this section made by Chapter 33 of the Statutes of 2008 do not
17 constitute a change to, but rather are declaratory of, existing law.

18
19 7. Section 822 of the Code states:

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

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

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

26 (c) Placing the licentiate on probation.

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

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

8. Section 2228.1 of the Code states:

(a) On and after July 1, 2019, except as otherwise provided in subdivision (c),
the board and the Podiatric Medical Board of California shall require a licensee to
provide a separate disclosure that includes the licensee's probation status, the length
of the probation, the probation end date, all practice restrictions placed on the licensee
by the board, the board's telephone number, and an explanation of how the patient
can find further information on the licensee's probation on the licensee's profile page
on the board's online license information internet web site, to a patient or the
patient's guardian or health care surrogate before the patient's first visit following the
probationary order while the licensee is on probation pursuant to a probationary order
made on and after July 1, 2019, in any of the following circumstances:

(1) A final adjudication by the board following an administrative hearing or

1 admitted findings or prima facie showing in a stipulated settlement establishing any
2 of the following:

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

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

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

8 (D) Inappropriate prescribing resulting in harm to patients and a probationary
9 period of five years or more.

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

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

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

21 (1) The patient is unconscious or otherwise unable to comprehend the
22 disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a
23 guardian or health care surrogate is unavailable to comprehend the disclosure and
24 sign the copy.

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

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

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

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

(1) For probation imposed pursuant to a stipulated settlement, the causes
alleged in the operative accusation along with a designation identifying those causes
by which the licensee has expressly admitted guilt and a statement that acceptance of
the settlement is not an admission of guilt.

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

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

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

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

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

4 9. Section 2234 of the Code, states:

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

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

10 (b) Gross negligence.

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

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

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

23 (d) Incompetence.

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

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

28 (g) The failure by a certificate holder, in the absence of good cause, to attend
and participate in an interview by the board no later than 30 calendar days after being
notified by the board. This subdivision shall only apply to a certificate holder who is
the subject of an investigation by the board.

(h) Any action of the licensee, or another person acting on behalf of the
licensee, intended to cause their patient or their patient's authorized representative to
rescind consent to release the patient's medical records to the board or the
Department of Consumer Affairs, Health Quality Investigation Unit.

(i) Dissuading, intimidating, or tampering with a patient, witness, or any person
in an attempt to prevent them from reporting or testifying about a licensee.

10. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications,

1 functions, or duties of a physician and surgeon constitutes unprofessional conduct
2 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
of conviction shall be conclusive evidence only of the fact that the conviction
occurred.

3 (b) The district attorney, city attorney, or other prosecuting agency shall notify
4 the Medical Board of the pendency of an action against a licensee charging a felony
or misdemeanor immediately upon obtaining information that the defendant is a
5 licensee. The notice shall identify the licensee and describe the crimes charged and
the facts alleged. The prosecuting agency shall also notify the clerk of the court in
6 which the action is pending that the defendant is a licensee, and the clerk shall record
prominently in the file that the defendant holds a license as a physician and surgeon.

7 (c) The clerk of the court in which a licensee is convicted of a crime shall,
8 within 48 hours after the conviction, transmit a certified copy of the record of
conviction to the board. The division may inquire into the circumstances surrounding
9 the commission of a crime in order to fix the degree of discipline or to determine if
the conviction is of an offense substantially related to the qualifications, functions, or
10 duties of a physician and surgeon.

11 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
deemed to be a conviction within the meaning of this section and Section 2236.1.
12 The record of conviction shall be conclusive evidence of the fact that the conviction
occurred.

13 REGULATORY PROVISIONS

14 11. California Code of Regulations, title 16, section 1360, states:

15 (a) For the purposes of denial, suspension or revocation of a license pursuant to
16 Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime,
professional misconduct, or act shall be considered to be substantially related to the
17 qualifications, functions or duties of a person holding a license if to a substantial
degree it evidences present or potential unfitness of a person holding a license to
18 perform the functions authorized by the license in a manner consistent with the public
health, safety or welfare. Such crimes, professional misconduct, or acts shall include
19 but not be limited to the following: Violating or attempting to violate, directly or
indirectly, or assisting in or abetting the violation of, or conspiring to violate any
20 provision of state or federal law governing the applicant's or licensee's professional
practice.

21 (b) In making the substantial relationship determination required under subdivision (a) for a
22 crime, the board shall consider the following criteria:

- 23 (1) The nature and gravity of the crime;
- 24 (2) The number of years elapsed since the date of the crime; and
- 25 (3) The nature and duties of the profession.

26 COST RECOVERY

27 12. Section 125.3 of the Code states:

28 (a) Except as otherwise provided by law, in any order issued in resolution of a

1 disciplinary proceeding before any board within the department or before the
2 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
3 administrative law judge may direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
5 investigation and enforcement of the case.

6 (b) In the case of a disciplined licensee that is a corporation or a partnership, the
7 order may be made against the licensed corporate entity or licensed partnership.

8 (c) A certified copy of the actual costs, or a good faith estimate of costs where
9 actual costs are not available, signed by the entity bringing the proceeding or its
10 designated representative shall be prima facie evidence of reasonable costs of
11 investigation and prosecution of the case. The costs shall include the amount of
12 investigative and enforcement costs up to the date of the hearing, including, but not
13 limited to, charges imposed by the Attorney General.

14 (d) The administrative law judge shall make a proposed finding of the amount
15 of reasonable costs of investigation and prosecution of the case when requested
16 pursuant to subdivision (a). The finding of the administrative law judge with regard
17 to costs shall not be reviewable by the board to increase the cost award. The board
18 may reduce or eliminate the cost award, or remand to the administrative law judge if
19 the proposed decision fails to make a finding on costs requested pursuant to
20 subdivision (a).

21 (e) If an order for recovery of costs is made and timely payment is not made as
22 directed in the board's decision, the board may enforce the order for repayment in any
23 appropriate court. This right of enforcement shall be in addition to any other rights
24 the board may have as to any licensee to pay costs.

25 (f) In any action for recovery of costs, proof of the board's decision shall be
26 conclusive proof of the validity of the order of payment and the terms for payment.

27 (g) (1) Except as provided in paragraph (2), the board shall not renew or
28 reinstate the license of any licensee who has failed to pay all of the costs ordered
under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion,
conditionally renew or reinstate for a maximum of one year the license of any
licensee who demonstrates financial hardship and who enters into a formal agreement
with the board to reimburse the board within that one-year period for the unpaid
costs.

(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.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime)**

3 13. Respondent is subject to disciplinary action under section 2234, subdivision (a),
4 section 2236, subdivision (a), and section 490 of the Code, and California Code of Regulations,
5 title 16, section 1360, in that he has admitted liability of a crime substantially related to the
6 qualifications, functions, or duties of a physician and surgeon. The circumstances are as follows:

7 14. On or about August 1, 2019, in *The People of the State of California v. Bahram*
8 *Tabibian*, Case No. SA101063, in the Superior Court of the State of California in Los Angeles, a
9 felony complaint was filed against Respondent alleging that on or between October 1, 2017 and
10 December 14, 2017, Respondent, in violation of Business and Professions Code section 2052,
11 subdivision (b), conspired with and/or abetted another to diagnose, treat, operate for, or prescribe
12 for an ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or
13 mental condition of a person, without having a valid, unrevoked, and unsuspended certificate as
14 provided in Chapter 5, of Division 2, of the Business and Professions Code, or without being
15 authorized to perform the act pursuant to a certificate obtained in accordance with some other
16 provision of law.

17 15. On or about October 21, 2022, in *The People of the State of California v. Bahram*
18 *Tabibian*, Case No. SA101063, Respondent admitted liability to violating Business and
19 Professions Code section 2052, subdivision (b), in allowing an unlicensed individual, M.K., to
20 practice medicine. The Court ordered diversion for twenty-four (24) months, including the
21 following terms and conditions: obey all laws, obey all orders of the court, and pay restitution.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Inability to Practice)**

24 16. Respondent is subject to disciplinary action under section 822 of the Code, in that he
25 is unable to engage in the practice of medicine due to mental and physical illnesses which impair
26 his ability to safely practice, as indicated by his treating physician, Dr. L.A.

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1 DISCIPLINARY CONSIDERATIONS


2 17. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges that on or about October 4, 2019, in proceedings entitled *The People of the*
4 *State of California v. Bahram Tabibian*, Case No. SA101063, Respondent was ordered to cease
5 and desist from the practice of medicine as a condition of bail or own recognizance release,
6 during the pendency of the criminal action until its final conclusion and sentence.

7 PRAYER

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

- 10 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 40033,
11 issued to Respondent Bahram Tabibian, M.D.;
- 12 2. Revoking, suspending or denying approval of Respondent Bahram Tabibian, M.D.'s
13 authority to supervise physician assistants and advanced practice nurses;
- 14 3. Ordering Respondent Bahram Tabibian, M.D., to pay the Board the costs of the
15 investigation and enforcement of this case, and if placed on probation, the costs of probation
16 monitoring;
- 17 4. Ordering Respondent Bahram Tabibian, M.D., if placed on probation, to provide
18 patient notification in accordance with Business and Professions Code section 2228.1; and
- 19 5. Taking such other and further action as deemed necessary and proper.

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21 DATED: MAY 30 2024

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23 REJI VARGHESE
24 Executive Director
25 Medical Board of California
26 Department of Consumer Affairs
27 State of California
28 Complainant

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