

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

In the Matter of the Accusation
Against:

Shabbir Nooruddin Sabir, M.D.

Physician's and Surgeon's
Certificate No. A 110236

Respondent.

Case No.: 800-2022-092590

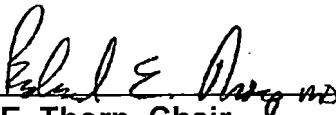
DECISION

The attached Stipulated Settlement and Disciplinary 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 August 28, 2024.

IT IS SO ORDERED: July 28, 2024.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, Chair
Panel B

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROBERT W. LINCOLN
Deputy Attorney General
4 State Bar No. 316290
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8 *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:
SHABBIR NOORUDDIN SABIR, M.D.
25 Los Monteros Drive
Dana Point, CA 92629-4149
Physician's and Surgeon's Certificate No.
A 110236

Respondent.

Case No. 800-2022-092590
OAH No. 2023120237
**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 Robert W. Lincoln, Deputy Attorney General.

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1 2. Respondent Shabbir Nooruddin Sabir, M.D. (Respondent) is represented in this
2 proceeding by attorney Raymond J. McMahon, Esq., whose address is: 5440 Trabuco Road,
3 Irvine, CA 92620.

4 3. On or about December 2, 2009, the Board issued Physician's and Surgeon's
5 Certificate No. A 110236 to Shabbir Nooruddin Sabir, M.D. (Respondent). The Physician's and
6 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
7 Accusation No. 800-2022-092590, and will expire on December 31, 2025, unless renewed.

8 JURISDICTION

9 4. Accusation No. 800-2022-092590 was filed before the Board, and is currently
10 pending against Respondent. The Accusation and all other statutorily required documents were
11 properly served on Respondent on August 25, 2023. Respondent timely filed his Notice of
12 Defense contesting the Accusation.

13 5. A copy of Accusation No. 800-2022-092590 is attached as Exhibit A and
14 incorporated herein by reference.

15 ADVISEMENT AND WAIVERS

16 6. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 800-2022-092590. Respondent has also carefully read,
18 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
19 Disciplinary Order.

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

26 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 every right set forth above, having been fully advised of the same by her attorney of record
28 Raymond J. McMahon, Esq.

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2022-092590, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case
6 or factual basis for the charges in the Accusation, and that Respondent hereby gives up his right
7 to contest those charges.

8 11. Respondent does not contest that, at an administrative hearing, complainant could
9 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
10 2022-092590, a true and correct copy of which is attached hereto as Exhibit A, and that he has
11 thereby subjected his Physician's and Surgeon's Certificate, No. A 110236 to disciplinary action.

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

15 CONTINGENCY

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

26 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
27 be an integrated writing representing the complete, final and exclusive embodiment of the
28 agreement of the parties in this above entitled matter.

1 15. Respondent agrees that if he ever petitions for early termination or modification of
2 probation, or if an accusation and/or petition to revoke probation is filed against him before the
3 Board, all of the charges and allegations contained in Accusation No. 800-2022-092590 shall be
4 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
5 other licensing proceeding involving Respondent in the State of California.

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

9 17. In consideration of the foregoing admissions and stipulations, the parties agree that
10 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
11 enter the following Disciplinary Order:

12 **DISCIPLINARY ORDER**

13 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 110236 issued
14 to Respondent SHABBIR NOORUDDIN SABIR, M.D., is revoked. However, the revocation is
15 stayed and Respondent is placed on probation for four (4) years from the effective date of the
16 Decision on the following terms and conditions:

17 1. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
18 use of products or beverages containing alcohol.

19 2. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
20 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
21 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
22 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
23 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
24 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
25 testing. The contract shall require results of the tests to be transmitted by the laboratory or
26 service directly to the Board or its designee within four hours of the results becoming available.
27 Respondent shall maintain this laboratory or service contract during the period of probation.

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1 A certified copy of any laboratory test result may be received in evidence in any
2 proceedings between the Board and Respondent.

3 If Respondent fails to cooperate in a random biological fluid testing program within the
4 specified time frame, Respondent shall receive a notification from the Board or its designee to
5 immediately cease the practice of medicine. The Respondent shall not resume the practice of
6 medicine until the final decision on an accusation and/or a petition to revoke probation is
7 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30
8 days of the notification to cease practice. If the Respondent requests a hearing on the accusation
9 and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within
10 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by
11 an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board
12 within 15 days of submission of the matter. Within 15 days of receipt by the Board of the
13 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good
14 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
15 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
16 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
17 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
18 practice shall not apply to the reduction of the probationary time period.

19 If the Board does not file an accusation or petition to revoke probation within 15 days of the
20 issuance of the notification to cease practice or does not provide Respondent with a hearing
21 within 30 days of such a request, the notification of cease practice shall be dissolved.

22 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
23 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
24 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
25 Respondent shall participate in and successfully complete that program. Respondent shall
26 provide any information and documents that the program may deem pertinent. Respondent shall
27 successfully complete the classroom component of the program not later than six (6) months after
28 Respondent's initial enrollment, and the longitudinal component of the program not later than the

1 time specified by the program, but no later than one (1) year after attending the classroom
2 component. The professionalism program shall be at Respondent's expense and shall be in
3 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

12 4. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
13 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
14 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
15 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
16 consider any information provided by the Board or designee and any other information the
17 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
18 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
19 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
20 psychiatric evaluations and psychological testing.

21 Respondent shall comply with all restrictions or conditions recommended by the evaluating
22 psychiatrist within 15 calendar days after being notified by the Board or its designee.

23 5. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
24 Respondent shall submit to the Board or its designee for prior approval the name and
25 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
26 has a doctoral degree in psychology and at least five years of postgraduate experience in the
27 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
28 undergo and continue psychotherapy treatment, including any modifications to the frequency of

1 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

2 The psychotherapist shall consider any information provided by the Board or its designee
3 and any other information the psychotherapist deems relevant and shall furnish a written
4 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
5 psychotherapist with any information and documents that the psychotherapist may deem
6 pertinent.

7 Respondent shall have the treating psychotherapist submit quarterly status reports to the
8 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
9 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
10 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
11 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
12 period of probation shall be extended until the Board determines that Respondent is mentally fit
13 to resume the practice of medicine without restrictions.

14 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

15 6. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar days of the
16 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board
17 or its designee, Respondent shall undergo a medical evaluation by a Board-appointed physician
18 who shall consider any information provided by the Board or designee and any other information
19 the evaluating physician deems relevant and shall furnish a medical report to the Board or its
20 designee. Respondent shall provide the evaluating physician with any information and
21 documentation that the evaluating physician may deem pertinent.

22 Following the evaluation, Respondent shall comply with all restrictions or conditions
23 recommended by the evaluating physician within 15 calendar days after being notified by the
24 Board or its designee. If Respondent is required by the Board or its designee to undergo medical
25 treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the
26 Board or its designee for prior approval the name and qualifications of a California licensed
27 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent
28 shall within 15 calendar days undertake medical treatment and shall continue such treatment until

1 further notice from the Board or its designee.

2 The treating physician shall consider any information provided by the Board or its designee
3 or any other information the treating physician may deem pertinent prior to commencement of
4 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
5 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
6 Respondent shall provide the Board or its designee with any and all medical records pertaining to
7 treatment that the Board or its designee deems necessary.

8 If, prior to the completion of probation, Respondent is found to be physically incapable of
9 resuming the practice of medicine without restrictions, the Board shall retain continuing
10 jurisdiction over Respondent's license and the period of probation shall be extended until the
11 Board determines that Respondent is physically capable of resuming the practice of medicine
12 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

13 7. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Within thirty (30)
14 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as
15 may be required by the Board or its designee, Respondent shall undergo and complete a clinical
16 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed
17 board certified physician and surgeon. The examiner shall consider any information provided by
18 the Board or its designee and any other information he or she deems relevant, and shall furnish a
19 written evaluation report to the Board or its designee.

20 The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon
21 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of
22 physicians and surgeons with substance abuse disorders, and is approved by the Board or its
23 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable
24 professional standards for conducting substance abuse clinical diagnostic evaluations. The
25 evaluator shall not have a current or former financial, personal, or business relationship with
26 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and
27 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the
28 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a

1 threat to himself or herself or others, and recommendations for substance abuse treatment,
2 practice restrictions, or other recommendations related to Respondent's rehabilitation and ability
3 to practice safely. If the evaluator determines during the evaluation process that Respondent is a
4 threat to himself or herself or others, the evaluator shall notify the Board within twenty-four (24)
5 hours of such a determination.

6 In formulating his or her opinion as to whether Respondent is safe to return to either part-
7 time or full-time practice and what restrictions or recommendations should be imposed, including
8 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
9 following factors: Respondent's license type; Respondent's history; Respondent's documented
10 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);
11 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical
12 history and current medical condition; the nature, duration and severity of Respondent's
13 substance abuse problem or problems; and whether Respondent is a threat to himself or herself or
14 the public.

15 For all clinical diagnostic evaluations, a final written report shall be provided to the Board
16 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator
17 requests additional information or time to complete the evaluation and report, an extension may
18 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally
19 assigned the matter.

20 The Board shall review the clinical diagnostic evaluation report within five (5) business
21 days of receipt to determine whether Respondent is safe to return to either part-time or full-time
22 practice and what restrictions or recommendations shall be imposed on Respondent based on the
23 recommendations made by the evaluator. Respondent shall not be returned to practice until he or
24 she has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating
25 that he or she has not used, consumed, ingested, or administered to himself or herself a prohibited
26 substance, as defined in section 1361.51, subdivision (e), of Title 16 of the California Code of
27 Regulations.

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1 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall
2 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic
3 evaluation, including any and all testing deemed necessary by the examiner, the Board or its
4 designee, shall be borne by the licensee.

5 Respondent shall not engage in the practice of medicine until notified by the Board or its
6 designee that he or she is fit to practice medicine safely. The period of time that Respondent is
7 not practicing medicine shall not be counted toward completion of the term of probation.
8 Respondent shall undergo biological fluid testing as required in this Decision at least two (2)
9 times per week while awaiting the notification from the Board if he or she is fit to practice
10 medicine safely.

11 Respondent shall comply with all restrictions or conditions recommended by the examiner
12 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified
13 by the Board or its designee.

14 8. VIOLETION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
15 LICENSEES . Failure to fully comply with any term or condition of probation is a violation of
16 probation.

17 A. If Respondent commits a major violation of probation as defined by section
18 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
19 one or more of the following actions:

20 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
21 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
22 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
23 order issued by the Board or its designee shall state that Respondent must test negative for at least
24 a month of continuous biological fluid testing before being allowed to resume practice. For
25 purposes of determining the length of time a Respondent must test negative while undergoing
26 continuous biological fluid testing following issuance of a cease-practice order, a month is
27 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
28 notified in writing by the Board or its designee that he or she may do so.

1 (2) Increase the frequency of biological fluid testing.

2 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
3 other action as determined by the Board or its designee.

4 B. If Respondent commits a minor violation of probation as defined by section
5 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
6 one or more of the following actions:

7 (1) Issue a cease-practice order;

8 (2) Order practice limitations;

9 (3) Order or increase supervision of Respondent;

10 (4) Order increased documentation;

11 (5) Issue a citation and fine, or a warning letter;

12 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
13 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
14 Regulations, at Respondent's expense;

15 (7) Take any other action as determined by the Board or its designee.

16 C. Nothing in this Decision shall be considered a limitation on the Board's authority
17 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
18 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
19 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
20 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
21 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
22 is final, and the period of probation shall be extended until the matter is final.

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

1 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
2 calendar days.

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

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

7 11. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
8 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
9 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
10 enforcement, as applicable, in the amount of \$16,134.40 (sixteen thousand one hundred thirty-
11 four dollars and forty cents). Costs shall be payable to the Medical Board of California. Failure to
12 pay such costs shall be considered a violation of probation.

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

17 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
18 repay investigation and enforcement costs, including expert review costs (if applicable).

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

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

24 13. GENERAL PROBATION REQUIREMENTS.

25 Compliance with Probation Unit

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

27 Address Changes

28 Respondent shall, at all times, keep the Board informed of Respondent's business and

1 residence addresses, email address (if available), and telephone number. Changes of such
2 addresses shall be immediately communicated in writing to the Board or its designee. Under no
3 circumstances shall a post office box serve as an address of record, except as allowed by Business
4 and Professions Code section 2021, subdivision (b).

5 Place of Practice

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

9 License Renewal

10 Respondent shall maintain a current and renewed California physician's and surgeon's
11 license.

12 Travel or Residence Outside California

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

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

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

22 15. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
23 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
24 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
25 defined as any period of time Respondent is not practicing medicine as defined in Business and
26 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
27 patient care, clinical activity or teaching, or other activity as approved by the Board. If
28 Respondent resides in California and is considered to be in non-practice, Respondent shall

1 comply with all terms and conditions of probation. All time spent in an intensive training
2 program which has been approved by the Board or its designee shall not be considered non-
3 practice and does not relieve Respondent from complying with all the terms and conditions of
4 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
5 on probation with the medical licensing authority of that state or jurisdiction shall not be
6 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
7 period of non-practice.

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

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

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

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

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

26 17. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
27 of probation is a violation of probation. If Respondent violates probation in any respect, the
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and

1 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
2 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
4 the matter is final.

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

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

20 20. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
21 a new license or certification, or petition for reinstatement of a license, by any other health care
22 licensing action agency in the State of California, all of the charges and allegations contained in
23 Accusation No. 800-2022-092590 shall be deemed to be true, correct, and admitted by
24 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
25 restrict license.

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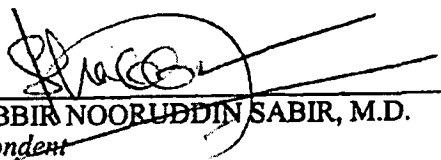
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Raymond J. McMahon, 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: 6/20/2024


SHABBIR NOORUDDIN SABIR, M.D.
Respondent

I have read and fully discussed with Respondent Shabbir Nooruddin Sabir, 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: June 20, 2024


RAYMOND J. MCMAHON, 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: 6/20/2024

Respectfully submitted,
ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

/s/ Robert W. Lincoln

ROBERT W. LINCOLN
Deputy Attorney General
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9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

Case No. 800-2022-092590

14 **Shabbir Nooruddin Sabir, M.D.**
15 **25 Los Monteros Drive**
Dana Point, CA 92629

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 110236,**

18 Respondent.

19
20 **PARTIES**

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

24 2. On or about December 2, 2009, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 110236 to Shabbir Nooruddin Sabir, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on December 31, 2023, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 2227 of the Code states:

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

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

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

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

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

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

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

27 **STATUTORY PROVISIONS**

28 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.

...

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

...

1 6. Unprofessional conduct under Business and Professions Code section 2234 is conduct
2 which breaches the rules or ethical code of the medical profession, or conduct which is
3 unbecoming a member in good standing of the medical profession, and which demonstrates an
4 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
5 575.)

6 7. Section 2236 of the Code states:

7 (a) The conviction of any offense substantially related to the qualifications,
8 functions, or duties of a physician and surgeon constitutes unprofessional conduct
9 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

10 ...

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

14 8. Section 2239 of the Code states:

15 (a) The use or prescribing for or administering to himself or herself, of any
16 controlled substance; or the use of any of the dangerous drugs specified in Section
4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
17 or injurious to the licensee, or to any other person or to the public, or to the extent that
such use impairs the ability of the licensee to practice medicine safely or more than
one misdemeanor or any felony involving the use, consumption, or
18 self-administration of any of the substances referred to in this section, or any
combination thereof, constitutes unprofessional conduct. The record of the
conviction is conclusive evidence of such unprofessional conduct.

19 (b) A plea or verdict of guilty or a conviction following a plea of nolo
20 contendere is deemed to be a conviction within the meaning of this section. The
Medical Board may order discipline of the licensee in accordance with Section 2227
21 or the Medical Board may order the denial of the license when the time for appeal has
elapsed or the judgment of conviction has been affirmed on appeal or when an order
22 granting probation is made suspending imposition of sentence, irrespective of a
subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
23 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
setting aside the verdict of guilty, or dismissing the accusation, complaint,
24 information, or indictment.

25 REGULATORY PROVISIONS

26 9. California Code of Regulations, title 16, section 1360, states:

27 (a) For the purposes of denial, suspension or revocation of a license pursuant to
28 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

1 qualifications, functions or duties of a person holding a license if to a substantial
2 degree it evidences present or potential unfitness of a person holding a license to
3 perform the functions authorized by the license in a manner consistent with the public
4 health, safety or welfare. Such crimes, professional misconduct, or acts shall include
5 but not be limited to the following: Violating or attempting to violate, directly or
6 indirectly, or assisting in or abetting the violation of, or conspiring to violate any
7 provision of state or federal law governing the applicant's or licensee's professional
8 practice.

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

11 (1) The nature and gravity of the crime;

12 (2) The number of years elapsed since the date of the crime; and

13 (3) The nature and duties of the profession.

14 COST RECOVERY

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

21 FACTUAL ALLEGATIONS

22 11. On or about March 14, 2020, Respondent was driving his vehicle in Dana Point,
23 California, when he ran a red light at a four-way intersection and, without braking, crashed the
24 vehicle he was driving into another passenger vehicle. When Orange County Sheriff's Deputies
25 arrived at the scene, Respondent was laying unresponsive on the asphalt next to the driver's door,
26 breathing oddly, making humming and gurgling noises, and his eyes were half opened but
27 unfocused. A passenger in the vehicle Respondent hit suffered a contusion on the soft tissue
28 between the bones in his right knee and was taken to the Mission Hospital in Mission Viejo,
California, as a result of the crash. The driver of the vehicle respondent hit was knocked
unconscious by the impact and sustained minor injuries, which required medical care.

12. Respondent sustained a severe concussion, lacerated kidney, fractured ribs, fractured
sternum, torn costal cartilage, slightly collapsed lung, and other injuries requiring medical

1 attention. The Sheriff Deputy dispatched to the scene noted that Respondent had bloodshot
2 watery eyes, smelled strongly of an alcoholic beverage, and had slurred speech.

3 13. Respondent admitted on scene to drinking two glasses of wine prior to driving. He
4 was unable to perform field sobriety tests. His initial blood alcohol screening at the hospital was
5 0.23%. Respondent was arrested for driving under the influence of alcohol (DUI).

6 14. On or about September 25, 2020, the Orange County District Attorney's Office, filed
7 a criminal complaint in the matter of *The People of the State of California v. Shabbir Nooruddin*
8 *Sabir, Superior Court of the State of California County of Orange*, Case No. 20HM09354.
9 Respondent was charged with two misdemeanor counts including: (1) Driving Under the
10 Influence of Alcohol and Causing Bodily Injury in violation of Vehicle Code section 23153(a);
11 and (2) Driving Under the Influence of Alcohol with a .08% or Greater Blood Alcohol content in
12 violation of Vehicle Code section 23152 (b).

13 15. On or about September 9, 2022, in the matter of *The People of the State of California*
14 *v. Shabbir Nooruddin Sabir, Superior Court of the State of California County of Orange*, Case
15 No., 20HM09354, Respondent was convicted upon his plea of guilty and was convicted of two
16 misdemeanors, under California Vehicle Code section 23153(a) (DUI with bodily injury) and
17 California Vehicle Code section 23153(b) (DUI with blood alcohol content greater than 0.08%).
18 He was placed on three years' informal probation and ordered to complete 90 days of SCRAM, a
19 nine-month, level-two first-offender program, and victim impact counseling. In addition, he was
20 prohibited from operating a motor vehicle unless equipped with ignition interlock and ordered to
21 pay fines, fees and restitution.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Conviction of Crimes Substantially Related)**

24 16. Respondent has subjected his Physician's and Surgeon's Certificate No. A 110236 to
25 disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, and
26 California Code of Regulations, title 16 section 1360, in that he has been convicted of an offense
27 substantially related to the qualifications, functions, or duties of a physician and surgeon, as more
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1 particularly alleged in paragraphs 11 through 15, above, and incorporated herein by reference as
2 if fully set forth.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Use of Alcohol in a Manner Dangerous to Self or Others)**

5 18. Respondent has further subjected his Physician's and Surgeon's Certificate No.
6 A 110236 to disciplinary actions under sections 2227 and 2234, as defined by section 2239,
7 subdivision (a), of the Code, in that he has used alcoholic beverages to the extent, or in such a
8 manner, as to be dangerous or injurious to himself, another person, or the public, as more
9 particularly alleged in paragraphs 11 through 16, above, which are hereby incorporated by
10 reference and realleged as if fully set forth herein.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 19. Respondent has further subjected his Physician's and Surgeon's Certificate No.
14 A 110236 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged
15 in conduct which breaches the rules or ethical code of the medical profession, or conduct which is
16 unbecoming a member in good standing of the medical profession, and which demonstrates an
17 unfitness to practice medicine, as more particularly alleged in paragraphs 11 through 15, above,
18 which are hereby incorporated by reference and realleged as if fully set forth herein.

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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 No. A 110236, issued to Shabbir Nooruddin Sabir, M.D.;
2. Revoking, suspending or denying approval of Shabbir Nooruddin Sabir, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Shabbir Nooruddin Sabir, 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; and
4. Taking such other and further action as deemed necessary and proper.

DATED: AUG 25 2023

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

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