

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

In the Matter of the Accusation
Against:

Anousheh Ashouri, M.D.

Physician's and Surgeon's
Certificate No. A 113709

Case No.: 800-2021-080057

Respondent.

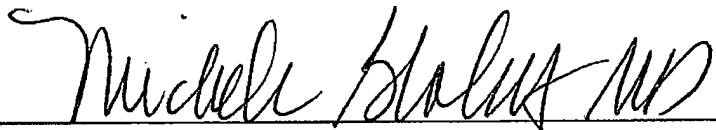
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 12, 2024.

IT IS SO ORDERED: August 13, 2024.

MEDICAL BOARD OF CALIFORNIA



Michelle Bholat, M.D., Interim Chair
Panel A

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
Deputy Attorney General
4 State Bar No. 285973
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 800-2021-080057

13 **ANOUSHEH ASHOURI, M.D.**
14 **6926 Brockton Avenue, Suite B**
Riverside, CA 92506-3804

OAH No. 2024010429

15 **Physician's and Surgeon's Certificate**
16 **No. A 113709,**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Latrice R. Hemphill, Deputy
25 Attorney General.

26 2. Respondent Anousheh Ashouri, M.D. (Respondent) is represented in this proceeding
27 by attorney David Rosenberg, Esq., whose address is: 10815 Rancho Bernardo Road, Suite 260,
28 San Diego, CA 92127.

1 10. Respondent does not contest that, at an administrative hearing, complainant could
2 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
3 2021-080057, a true and correct copy of which is attached hereto as Exhibit A, and that she has
4 thereby subjected her Physician's and Surgeon's Certificate, No. A 113709 to disciplinary action.

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

8 **CONTINGENCY**

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

19 13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
20 be an integrated writing representing the complete, final and exclusive embodiment of the
21 agreement of the parties in this above entitled matter.

22 14. Respondent agrees that if she ever petitions for early termination or modification of
23 probation, or if an accusation and/or petition to revoke probation is filed against her before the
24 Board, all of the charges and allegations contained in Accusation No. 800-2021-080057 shall be
25 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or
26 any other licensing proceeding involving Respondent in the State of California.

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

4 16. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
6 enter the following Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 113709 issued
9 to Respondent ANOUSHEH ASHOURI, M.D. is revoked. However, the revocation is stayed and
10 Respondent is placed on probation for thirty-five (35) months on the following terms and
11 conditions:

12 1. **EDUCATION COURSE.** Within 60 calendar days of the effective date of this
13 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
14 for its prior approval educational program(s) or course(s), which shall not be less than 40 hours
15 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
16 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
17 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
18 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the
19 completion of each course, the Board or its designee may administer an examination to test
20 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
21 hours of CME of which 40 hours were in satisfaction of this condition.

22 2. **PRESCRIBING PRACTICES COURSE.** Within 60 calendar days of the effective
23 date of this Decision, Respondent shall enroll in a course in prescribing practices approved in
24 advance by the Board or its designee. Respondent shall provide the approved course provider
25 with any information and documents that the approved course provider may deem pertinent.
26 Respondent shall participate in and successfully complete the classroom component of the course
27 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
28 complete any other component of the course within one (1) year of enrollment. The prescribing

1 practices course shall be at Respondent's expense and shall be in addition to the Continuing
2 Medical Education (CME) requirements for renewal of licensure.

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

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

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

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

25 Respondent shall submit a certification of successful completion to the Board or its
26 designee not later than 15 calendar days after successfully completing the course, or not later than
27 15 calendar days after the effective date of the Decision, whichever is later.

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

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

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

13 6. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
14 ordered to reimburse the Board its costs of investigation and enforcement in the amount of
15 \$22,432.25 (twenty-two thousand four hundred thirty-two dollars and twenty-five cents). Costs
16 shall be payable to the Medical Board of California. Failure to pay such costs shall be considered
17 a violation of probation.

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

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

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

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

1 8. GENERAL PROBATION REQUIREMENTS.

2 Compliance with Probation Unit

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

4 Address Changes

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

10 Place of Practice

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

14 License Renewal

15 Respondent shall maintain a current and renewed California physician's and surgeon's
16 license.

17 Travel or Residence Outside California

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

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

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

27 10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
28 its designee in writing within 15 calendar days of any periods of non-practice lasting more than

1 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
2 defined as any period of time Respondent is not practicing medicine as defined in Business and
3 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
4 patient care, clinical activity or teaching, or other activity as approved by the Board. If
5 Respondent resides in California and is considered to be in non-practice, Respondent shall
6 comply with all terms and conditions of probation. All time spent in an intensive training
7 program which has been approved by the Board or its designee shall not be considered non-
8 practice and does not relieve Respondent from complying with all the terms and conditions of
9 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
10 on probation with the medical licensing authority of that state or jurisdiction shall not be
11 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
12 period of non-practice.

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

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

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

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

25 11. COMPLETION OF PROBATION. Respondent shall comply with all financial
26 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
27 completion of probation. This term does not include cost recovery, which is due within 30
28 calendar days of the effective date of the Order, or by a payment plan approved by the Medical

1 Board and timely satisfied. Upon successful completion of probation, Respondent's certificate
2 shall be fully restored.

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

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

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

25 15. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
26 a new license or certification, or petition for reinstatement of a license, by any other health care
27 licensing action agency in the State of California, all of the charges and allegations contained in
28 Accusation No. 800-2021-080057 shall be deemed to be true, correct, and admitted by

1 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
2 restrict license.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, David Rosenberg, Esq. I understand the stipulation and the effect
6 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
7 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
8 Decision and Order of the Medical Board of California.

9
10 DATED: 06 / 25 / 2024


11 ANOUSHEH ASHOURI, M.D.
12 Respondent

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

16 DATED: 6/25/24


17 DAVID ROSENBERG, ESQ.
18 Attorney for Respondent

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ENDORSEMENT

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

DATED: 7/18/2024

Respectfully submitted,

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

Judith T. Alvarado
Digitally signed
by Judith T.
Alvarado
Date: 2024.07.18
14:21:05 -07'00' for

LATRICE R. HEMPHILL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2021-080057

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 800-2021-080057

13 **ANOUSHEH ASHOURI, M.D.**
14 **6926 Brockton Avenue, Suite 8**
Riverside, CA 92506

ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. A 113709,**

17 Respondent.

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 August 20, 2010, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 113709 to Anousheh Ashouri, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on April 30, 2026, 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 2004 of the Code states:

6 The board shall have the responsibility for the following:

7 (a) The enforcement of the disciplinary and criminal provisions of the Medical
8 Practice Act.

9 (b) The administration and hearing of disciplinary actions.

10 (c) Carrying out disciplinary actions appropriate to findings made by a panel or
an administrative law judge.

11 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion
12 of disciplinary actions.

13 (e) Reviewing the quality of medical practice carried out by physician and
surgeon certificate holders under the jurisdiction of the board.

14 (f) Approving undergraduate and graduate medical education programs.

15 (g) Approving clinical clerkship and special programs and hospitals for the
16 programs in subdivision (f).

17 (h) Issuing licenses and certificates under the board's jurisdiction.

18 (i) Administering the board's continuing medical education program.

19 5. Section 2227 of the Code states:

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

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

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

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

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

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

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

9 **STATUTORY PROVISIONS**

10 6. Section 2234 of the Code, states:

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

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

16 (b) Gross negligence.

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

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

24 (2) When the standard of care requires a change in the diagnosis, act, or
25 omission that constitutes the negligent act described in paragraph (1), including, but
26 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
27 licensee's conduct departs from the applicable standard of care, each departure
28 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.

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1 **COST RECOVERY**

2 7. Section 125.3 of the Code states:

3 (a) Except as otherwise provided by law, in any order issued in resolution of a
4 disciplinary proceeding before any board within the department or before the
5 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
6 administrative law judge may direct a licensee found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
8 investigation and enforcement of the case.

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

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

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

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

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

(g) (1) Except as provided in paragraph (2), the board shall not renew or
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

1 that board's licensing act provides for recovery of costs in an administrative
disciplinary proceeding.

2 **DEFINITIONS**

3 8. A supracondylar femur fracture is a break in the femur at the knee joint.

4 9. An intra-articular fracture is one in which the fracture line extends into the joint,
5 which is typically a more serious type of fracture.

6 10. Venous thromboembolism (VTE) is a condition that occurs when a blood clot forms
7 in a vein. VTE includes deep vein thrombosis (DVT) and pulmonary embolism (PE).

8 **FACTUAL ALLEGATIONS**

9 11. On or about December 23, 2017, Patient A,¹ a seventy-four year old woman, was
10 admitted to Riverside Community Hospital (Riverside) after falling at her home. It was
11 determined that Patient A suffered a left supracondylar femur fracture with intra-articular
12 extension.

13 12. On or about December 24, 2017, Patient A underwent surgery to repair the fracture.
14 No complications were noted following the surgery, and Patient A was instructed to return to
15 Riverside in three weeks for follow-up. Patient A was discharged from Riverside on or about
16 December 29, 2017.

17 13. On or about December 29, 2017, following her discharge from Riverside, Patient A
18 was admitted to Villa Health Care Center (Villa) for rehabilitation services. Respondent was
19 Patient A's treating physician at Villa.

20 14. Patient A underwent physical therapy and occupational therapy during her time at
21 Villa. Respondent also addressed some of Patient A's other maladies during her stay, such as
22 depression, anxiety and insomnia, among other things.

23 15. On January 10, 2018, the nursing staff at Villa made their rounds around 3:45 p.m.
24 Upon making contact with Patient A, staff noted that she was alert and oriented, and did not
25 complain of pain or discomfort. Around 5:45 p.m., staff offered Patient A dinner and she
26 indicated that she would eat dinner later. Minutes later, nursing staff returned to Patient A's room
27 and found that Patient A was non-responsive. There was no sign of a heart rate and no breathing

28 ¹ The patient is identified as "Patient A" in this Accusation to protect her privacy.

1 noted. Cardiopulmonary resuscitation (CPR) was initiated and emergency services were called.
2 Once the paramedics arrived, they took over and performed CPR on Patient A. Patient A expired
3 at Villa around 6:20 p.m. and the staff notified Respondent.

4 16. On or about January 18, 2018, an autopsy was performed on Patient A. It was
5 determined that Patient A's cause of death was "pulmonary thromboembolism, due to deep vein
6 thrombophlebitis, due to decreased mobility status post recent left femur fracture."
7 Arteriosclerotic hypertensive cardiovascular disease and morbid obesity were listed as other
8 significant causes contributing to Patient A's death. The manner of death was determined to be
9 an "accident."

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Gross Negligence)**

12 17. Respondent Anousheh Ashouri, M.D. is subject to disciplinary action under Code
13 section 2234, subdivision (b), in that he was grossly negligent in his care and treatment of Patient
14 A. The circumstances are as follows:

15 18. Complainant hereby re-alleges the facts set forth in paragraphs 11 through 16, above,
16 as though fully set forth.

17 19. VTE is a well-known risk after orthopedic surgery, and this risk is increased when a
18 patient has decreased mobility, is older in age, and is morbidly obese. The standard of care
19 requires pharmacologic VTE prophylaxis after such orthopedic surgeries. There must be a strong
20 justification for a provider to not use pharmacologic VTE prophylaxis on an elderly patient with
21 decreased mobility after such surgeries. If the risk of pharmacologic VTE prophylaxis outweighs
22 the benefit, mechanical prophylaxis measures will be considered.

23 20. Patient A's surgery warranted pharmacologic VTE prophylaxis. While in the
24 hospital, Patient A received Lovenox² as VTE prophylaxis, and did not have any
25 contraindications to such intervention. However, Patient A did not receive any type of VTE
26

27 ² Lovenox is an anticoagulant that helps to prevent the formation of blood clots.
28 Specifically, Lovenox is used to treat or prevent deep vein thrombosis, which can lead to blood
clots in the lungs.

1 prophylaxis while at Villa, despite a discharge note in the Riverside medical records indicating
2 that Lovenox should be continued through January 20, 2018.

3 21. Additionally, on or about January 4, 2018, Respondent made an independent decision
4 and noted in the Villa medical records that Lovenox would not be given to Patient A because she
5 was anemic and was a fall risk. However, these are inadequate reasons to withhold VTE
6 prophylaxis. In fact, Respondent's anemia concern should have been cured following Patient A's
7 improved hemoglobin level of 9.8 on January 2, 2018, which was an improvement from 8.3 while
8 Patient A was still at Riverside on December 29, 2017. Further, Patient A's hemoglobin level
9 was 9.3 on January 5, 2018. These improvements were not noted by Respondent in his medical
10 records, but should have eased his concerns and prompted Respondent to provide VTE
11 prophylaxis.

12 22. In an interview with the Board, Respondent claimed that Patient A had no signs or
13 symptoms of having clots anywhere. However, Respondent's medical records contradict this
14 notion. Respondent's December 30, 2017 admission records documents 2+ edema (swelling
15 caused by fluid trapped in the body's tissues) of the lower extremity. The nursing documentation
16 also notes 3+ edema of the bilateral lower extremity. Respondent's January 4, 2018 progress note
17 listed a problem of "mild respiratory distress," with a plan to give Patient A oxygen as needed.
18 Lower extremity edema and mild respiratory distress can have many causes, and VTE is one of
19 the most important to consider given Patient A's surgery.

20 23. Respondent's acts and omissions constitute an extreme departure from the standard of
21 care.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**

24 24. Respondent Anousheh Ashouri, M.D. is subject to disciplinary action under Code
25 section 2234, subdivision (a), in that Respondent engaged in unprofessional conduct. The
26 circumstances are as follows:

27 ///

28 ///

1 25. Complainant hereby re-alleges the facts and allegations in the First Cause for
2 Discipline, in paragraphs 17 through 23, above, which are incorporated herein by reference as if
3 fully set forth.

4 **PRAYER**

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

7 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 113709,
8 issued to Respondent Anousheh Ashouri, M.D.;

9 2. Revoking, suspending or denying approval of Respondent Anousheh Ashouri, M.D.'s
10 authority to supervise physician assistants and advanced practice nurses;

11 3. Ordering Respondent Anousheh Ashouri, M.D., to pay the Board the costs of the
12 investigation and enforcement of this case, and if placed on probation, the costs of probation
13 monitoring; and

14 4. Taking such other and further action as deemed necessary and proper.

15
16 DATED: DEC 05 2023

17 JEVNA JONG FOR
18 REJI VARGHESE
19 Executive Director
20 Medical Board of California
21 Department of Consumer Affairs
22 State of California
23 Complainant

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