

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

In the Matter of the Accusation
Against:

Wafik Andrew Abdou, M.D.

Physician's and Surgeon's
Certificate No. G 66371

Case No.: 800-2022-090543

Respondent.

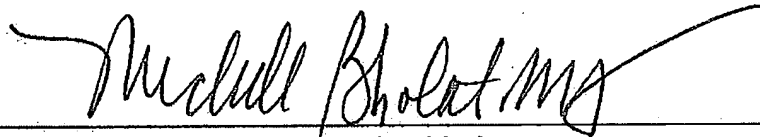
DECISION

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 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
6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 800-2022-090543

13 **WAFIK ANDREW ABDOU, M.D.**
2612 Eagle Crest Drive
14 Bakersfield, CA 93311

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate**
No. G 66371,
16

Respondent.
17

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 Rebecca L. Smith, Deputy
25 Attorney General.

26 2. Wafik Andrew Abdou, M.D. (Respondent) is represented in this proceeding by
27 attorney Dennis R. Thelen, whose address is 5001 East Commercenter Drive, Suite 300,
28 Bakersfield, California 93309-1687.

3. On or about July 24, 1989, the Board issued Physician's and Surgeon's Certificate No. G 66371 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2022-090543, and will expire on July 31, 2025, unless renewed.

JURISDICTION

4. Accusation No. 800-2022-090543 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 25, 2024.

5. A copy of Accusation No. 800-2022-090543 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2022-090543. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2022-090543, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

///

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

11. Respondent does not contest that, at an administrative hearing, Complainant could establish a prima facie case with respect to the charges and allegations in Accusation No. 800-2022-090543, a true and correct copy of which is attached hereto as Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate, No. G 66371 to disciplinary action.

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

CONTINGENCY

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

14. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2022-090543 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile

signatures thereto, shall have the same force and effect as the originals.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 66371 issued to Respondent Wafik Andrew Abdou, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within fifteen (15) calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

2. **ALCOHOL - ABSTAIN FROM USE.** Respondent shall abstain completely from the use of products or beverages containing alcohol.

3. **PSYCHOTHERAPY.** Within sixty (60) calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval the name and qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

The psychotherapist shall consider any information provided by the Board or its designee

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

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

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

13 4. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
14 days of the effective date of this Decision, Respondent shall provide to the Board the names,
15 physical addresses, mailing addresses, and telephone numbers of any and all employers and
16 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
17 worksite monitor, and Respondent's employers and supervisors to communicate regarding
18 Respondent's work status, performance, and monitoring.

19 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
20 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
21 privileges.

22 5. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
23 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
24 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
25 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
26 make daily contact with the Board or its designee to determine whether biological fluid testing is
27 required. Respondent shall be tested on the date of the notification as directed by the Board or its
28 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at

1 any time, including weekends and holidays. Except when testing on a specific date as ordered by
2 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
3 basis. The cost of biological fluid testing shall be borne by the Respondent.

4 During the first year of probation, Respondent shall be subject to fifty-two (52) to one
5 hundred four (104) random tests. During the second year of probation and for the duration of the
6 probationary term, up to five (5) years, Respondent shall be subject to thirty-six (36) to one
7 hundred four (104) random tests per year. Only if there has been no positive biological fluid tests
8 in the previous five (5) consecutive years of probation, may testing be reduced to one (1) time per
9 month. Nothing precludes the Board from increasing the number of random tests to the first-year
10 level of frequency for any reason.

11 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
12 approved in advance by the Board or its designee, that will conduct random, unannounced,
13 observed, biological fluid testing and meets all of the following standards:

14 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
15 Association or have completed the training required to serve as a collector for the United
16 States Department of Transportation.

17 (b) Its specimen collectors conform to the current United States Department of
18 Transportation Specimen Collection Guidelines.

19 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
20 by the United States Department of Transportation without regard to the type of test
21 administered.

22 (d) Its specimen collectors observe the collection of testing specimens.

23 (e) Its laboratories are certified and accredited by the United States Department of Health
24 and Human Services.

25 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
26 of receipt and all specimens collected shall be handled pursuant to chain of custody
27 procedures. The laboratory shall process and analyze the specimens and provide legally
28 defensible test results to the Board within seven (7) business days of receipt of the

specimen. The Board will be notified of non-negative results within one (1) business day and will be notified of negative test results within seven (7) business days.

(g) Its testing locations possess all the materials, equipment, and technical expertise necessary in order to test Respondent on any day of the week.

(h) Its testing locations are able to scientifically test for urine, blood, and hair specimens for the detection of alcohol and illegal and controlled substances.

(i) It maintains testing sites located throughout California.

(j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line computer database that allows the Respondent to check in daily for testing.

(k) It maintains a secure, HIPAA-compliant website or computer system that allows staff access to drug test results and compliance reporting information that is available twenty-four (24) hours a day.

(l) It employs or contracts with toxicologists that are licensed physicians and have knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate laboratory biological fluid test results, medical histories, and any other information relevant to biomedical information.

(m) It will not consider a toxicology screen to be negative if a positive result is obtained while practicing, even if the Respondent holds a valid prescription for the substance.

Prior to changing testing locations for any reason, including during vacation or other travel, alternative testing locations must be approved by the Board and meet the requirements above.

The contract shall require that the laboratory directly notify the Board or its designee of non-negative results within one (1) business day and negative test results within seven (7) business days of the results becoming available. Respondent shall maintain this laboratory or service contract during the period of probation.

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

If a biological fluid test result indicates Respondent has used, consumed, ingested, or administered to himself or herself a prohibited substance, the Board shall order Respondent to

1 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
2 medicine or providing medical services. The Board shall immediately notify all of Respondent's
3 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
4 provide medical services while the cease-practice order is in effect.

5 A biological fluid test will not be considered negative if a positive result is obtained while
6 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
7 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

8 After the issuance of a cease-practice order, the Board shall determine whether the positive
9 biological fluid test is in fact evidence of prohibited substance use by consulting with the
10 specimen collector and the laboratory, communicating with the licensee, his or her treating
11 physician(s), other health care provider, or group facilitator, as applicable.

12 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
13 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

14 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
15 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
16 Respondent and approved by the Board, alcohol, or any other substance Respondent has been
17 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

18 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
19 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
20 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
21 any other terms or conditions the Board determines are necessary for public protection or to
22 enhance Respondent's rehabilitation.

23 6. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
24 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
25 probation.

26 A. If Respondent commits a major violation of probation as defined by section
27 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
28 one or more of the following actions:

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

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

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

13 B. If Respondent commits a minor violation of probation as defined by section
14 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
15 one or more of the following actions:

16 (1) Issue a cease-practice order;

17 (2) Order practice limitations;

18 (3) Order or increase supervision of Respondent;

19 (4) Order increased documentation;

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

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

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

25 C. Nothing in this Decision shall be considered a limitation on the Board's authority
26 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
27 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
28 opportunity to be heard, may revoke probation and carry out the disciplinary order that was

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

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

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

13 8. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
14 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
15 advanced practice nurses.

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

19 10. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
20 ordered to reimburse the Board its costs of investigation and enforcement, in the amount of
21 \$14,744.80 (fourteen thousand seven hundred forty-four dollars and eighty cents). Costs shall be
22 payable to the Medical Board of California. Failure to pay such costs shall be considered a
23 violation of probation.

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

28 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility

1 to repay investigation and enforcement costs.

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

5 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
6 the end of the preceding quarter.

7 12. GENERAL PROBATION REQUIREMENTS.

8 Compliance with Probation Unit

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

10 Address Changes

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

16 Place of Practice

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

20 License Renewal

21 Respondent shall maintain a current and renewed California physician's and surgeon's
22 license.

23 Travel or Residence Outside California

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

27 In the event Respondent should leave the State of California to reside or to practice
28 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the

1 dates of departure and return.

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

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

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

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

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

26 Periods of non-practice for a Respondent residing outside of California will relieve
27 Respondent of the responsibility to comply with the probationary terms and conditions with the
28 exception of this condition and the following terms and conditions of probation: Obey All Laws;

1 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
2 Controlled Substances; and Biological Fluid Testing.

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

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

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

26 18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
27 with probation monitoring each and every year of probation, as designated by the Board, which
28 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of

1 California and delivered to the Board or its designee no later than January 31 of each calendar
2 year.

3 19. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
4 a new license or certification, or petition for reinstatement of a license, by any other health care
5 licensing action agency in the State of California, all of the charges and allegations contained in
6 Accusation No. 800-2022-090543 shall be deemed to be true, correct, and admitted by
7 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
8 restrict license.

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorney, Dennis R. Thelen. I understand the stipulation and the effect it will
12 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
14 Decision and Order of the Medical Board of California.

15
16 DATED: 6/6/24


17 WAFIK ANDREW ABDOU, M.D.
18 Respondent

19 I have read and fully discussed with Respondent Wafik Andrew Abdou, M.D. the terms and
20 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

21 I approve its form and content.

22 DATED: 6-6-24


23 DENNIS R. THELEN
24 Attorney for Respondent

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

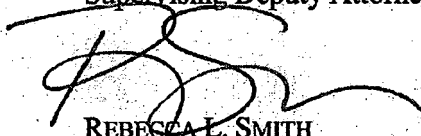
ENDORSEMENT

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

DATED: June 7, 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

LA2023604898
66789434.docx

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
6 Facsimile: (916) 731-2117
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. 800-2022-090543

13 **WAFIK ANDREW ABDOU, M.D.**
14 **2612 Eagle Crest Drive**
Bakersfield, CA 93311

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. G 66371,**

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 24, 1989, the Board issued Physician's and Surgeon's Certificate
23 Number G 66371 to Wafik Andrew Abdou, M.D. (Respondent). The Physician's and Surgeon's
24 Certificate was in full force and effect at all times relevant to the charges brought herein and will
25 expire on July 31, 2025, unless renewed.

26 **JURISDICTION**

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

1 indicated.

2 4. Section 2004 of the Code states:

3 The board shall have the responsibility for the following:

4 (a) The enforcement of the disciplinary and criminal provisions of the Medical
5 Practice Act.

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

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

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

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

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

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

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

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

18 5. Section 2227 of the Code states:

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

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

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

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

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

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

(b) Any matter heard pursuant to subdivision (a), except for warning letters,
medical review or advisory conferences, professional competency examinations,

continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

STATUTORY PROVISIONS

6. Section 822 of the Code states:

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

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

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

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency 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.

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

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

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

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

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

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

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

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

12 (1) The patient is unconscious or otherwise unable to comprehend the
13 disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a
14 guardian or health care surrogate is unavailable to comprehend the disclosure and
15 sign the copy.

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

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

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

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

25 (1) For probation imposed pursuant to a stipulated settlement, the causes
26 alleged in the operative accusation along with a designation identifying those causes
27 by which the licensee has expressly admitted guilt and a statement that acceptance of
28 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.

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

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

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

COST RECOVERY

8. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a
disciplinary proceeding before any board within the department or before the
Osteopathic Medical Board, upon request of the entity bringing the proceeding, the

1 administrative law judge may direct a licensee found to have committed a violation or
2 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
3 investigation and enforcement of the case.

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

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

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

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

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

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

28 (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.

///

///

///

1 **FACTUAL ALLEGATIONS**

2 9. On or about August 2, 2022, the Board received a complaint alleging that on or about
3 July 27, 2022, Respondent, an anesthesiologist, may possibly be using drugs. A Board
4 investigation followed.

5 10. In or around 2001, Respondent completed a drug and rehabilitation program and
6 remained sober from opioids for thirteen years. He also enrolled in and completed the Board's
7 then-diversion program from 2001 to 2006. In or around 2015, Respondent suffered a relapse.

8 11. In or around 2015, Respondent used Vicodin¹ and tramadol² for pain and then began
9 using fentanyl³ intravenously, up to 500 mcg.

10 12. On or about August 11, 2017, a medical doctor evaluated Respondent for opioid use
11 disorder. Respondent told the doctor that he tapered down his fentanyl dose, with his last use on
12 or about August 10, 2017. Respondent was diagnosed with substance use disorder and prescribed
13 naltrexone for relapse prevention.

14 13. In order to safely practice medicine, Respondent requires monitoring, treatment and
15 oversight.

16 **CAUSE FOR DISCIPLINE**

17 **(Inability to Safely Practice Medicine)**

18 14. Respondent Wafik Andrew Abdou, M.D. is subject to disciplinary action pursuant to
19 section 822 of the Code, in that Respondent cannot safely practice medicine without practice
20 restrictions. The circumstances are as follows:

21 _____
22 ¹"Vicodin" is a brand name for a combination drug, namely, hydrocodone/paracetamol, also
23 known as hydrocodone/acetaminophen or hydrocodone/APAP. Hydrocodone is a semisynthetic opioid
24 analgesic that has a significant risk of addiction, dependency, or abuse. Hydrocodone is a Schedule II
controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(I), and a
dangerous drug pursuant to Code section 4022.

25 ²"Tramadol" is a synthetic pain medication used to treat moderate to moderately severe pain. It is
26 a Schedule IV controlled substance pursuant to the federal Controlled Substances Act as listed in Code of
Federal Regulations, title 21, section 1308.14(b)(3), and a dangerous drug pursuant to Code section 4022.

27 ³"Fentanyl" is a potent, synthetic narcotic analgesic with a rapid onset and short duration of
28 action. It has a significant risk of addiction, dependency, or abuse. It is a Schedule II controlled substance
pursuant to Health and Safety Code section 11055, subdivision (c)(8), and a dangerous drug pursuant to
Code section 4022.

1 15. Complainant refers to and, by this reference, incorporates paragraphs 9 through 13,
2 above, as though set forth fully herein.

3 PRAYER

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

6 1. Revoking or suspending Physician's and Surgeon's Certificate Number G.66371,
7 issued to Respondent Wafik Andrew Abdou, M.D.;

8 2. Revoking, suspending or denying approval of Respondent Wafik Andrew Abdou,
9 M.D.'s authority to supervise physician assistants and advanced practice nurses;

10 3. Ordering Respondent Wafik Andrew Abdou, M.D., to pay the Board the costs of the
11 investigation and enforcement of this case, and if placed on probation, the costs of probation
12 monitoring;

13 4. Ordering Respondent Wafik Andrew Abdou, M.D., if placed on probation, to provide
14 patient notification in accordance with Business and Professions Code section 2228.1; and

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

16
17 DATED: APR 25 2024

18 
19 REJI VARGHESE
20 Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant

22 LA2023604898
23 66738575.docx