

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

In the Matter of the Accusation Against:

Omar Amer Araim, M.D.

**Physician's and Surgeon's
Certificate No. A 97867**

Respondent.

Case No. 800-2022-093612

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 October 4, 2024.

IT IS SO ORDERED September 5, 2024.

MEDICAL BOARD OF CALIFORNIA

Michelle A. Bholat, MD

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

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 MATTHEW FLEMING
Deputy Attorney General
4 State Bar No. 277992
1300 I Street, Suite 125
5 P.O. Box 944255
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **OMAR AMER ARAIM, M.D.**
14 **820 S Akers St., Ste 120**
Visalia, CA 93277-8309

15 **Physician's and Surgeon's Certificate No. A**
16 **97867,**

17 Respondent.

Case No. 800-2022-093612

OAH No. 2024010504

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

22 **PARTIES**

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

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1 2. Respondent Omar Amer Araim, M.D. (Respondent) is represented in this proceeding
2 by attorney Kevin Thelen, whose address is:

3 P.O. Box 12092
4 Bakersfield, CA 93389-2092

5 Physical Address:
6 5001 East Commercenter, Suite 300
7 Bakersfield, CA 93389-2092

8 3. On or about October 27, 2006, the Board issued Physician's and Surgeon's Certificate
9 No. A 97867 to Omar Amer Araim, M.D. (Respondent). The Physician's and Surgeon's
10 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
11 No. 800-2022-093612, and will expire on July 31, 2026, unless renewed.

12 **JURISDICTION**

13 4. Accusation No. 800-2022-093612 was filed before the Board, and is currently
14 pending against Respondent. The Accusation and all other statutorily required documents were
15 properly served on Respondent on November 28, 2023. Respondent timely filed his Notice of
16 Defense contesting the Accusation.

17 5. A copy of Accusation No. 800-2022-093612 is attached as exhibit A and incorporated
18 herein by reference.

19 **ADVISEMENT AND WAIVERS**

20 6. Respondent has carefully read, fully discussed with counsel, and understands the
21 charges and allegations in Accusation No. 800-2022-093612. Respondent has also carefully read,
22 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
23 Disciplinary Order.

24 7. Respondent is fully aware of his legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
26 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
27 to the issuance of subpoenas to compel the attendance of witnesses and the production of

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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. 800-2022-093612, 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 or factual basis 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. 800-2022-093612, 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. A 97867 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

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1 action between the parties, and the Board shall not be disqualified from further action by having
2 considered this matter.

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

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

9 **DISCIPLINARY ORDER**

10 1. PUBLIC REPRIMAND. IT IS HEREBY ORDERED that Physician's and Surgeon's
11 Certificate No. A 97867 issued to Respondent OMAR AMER ARAIM, M.D. shall be and is
12 hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227,
13 subdivision (a), subsection (4). This Public Reprimand is issued in connection with Respondent's
14 care and treatment of Patient 1 as set forth in Accusation No. 800-2022-093612, is as follows: "In
15 2019, while on-call, you failed to adequately evaluate Patient 1 for intraoperative and post-
16 surgical arterial perfusion."

17 2. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
18 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
19 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
20 enforcement, as applicable, in the amount of \$36,901 (thirty-six thousand, nine hundred, and one
21 dollar). Costs shall be payable to the Medical Board of California. Failure to pay such costs shall
22 be considered a violation of probation.

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

26 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
27 repay investigation and enforcement costs, including expert review costs.

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3. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2022-093612 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict a license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kevin Thelen. 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:

3/28/2024

OMAR AMER ARAIM, M.D.
Respondent

I have read and fully discussed with Respondent Omar Amer Araim, 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:

3/28/24

KEVIN THELEN
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: 3/28/2024

Respectfully submitted,
ROB BONTA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General

Matthew Fleming
MATTHEW FLEMING
Deputy Attorney General
Attorneys for Complainant

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6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2022-093612

12 **Omar Amer Araim, M.D.**
13 **820 S Akers St., Ste 120**
Visalia, CA 93277

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. A 97867,**

16 Respondent.

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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 October 27, 2006, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 97867 to Omar Amer Araim, 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 July 31, 2024, unless renewed.

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JURISDICTION

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

4. Section 2227 of the Code states:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government 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:

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

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

(3) Be placed on probation and be required to pay the costs of probation 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.

5. Section 2234 of the Code, states:

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

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

(b) Gross negligence.

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

(1) An initial negligent diagnosis followed by an act or omission medically

appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

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

(d) Incompetence.

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

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

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

COST RECOVERY

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

FACTUAL ALLEGATIONS

7. On or about November 3, 2019, Patient 1¹ was severely injured in a motorcycle accident. He presented to the emergency room of Kaweah Delta Hospital with a right lower extremity comminuted fracture of the femur, tibial plateau fracture, compartment syndrome, and dislocation of the right shoulder. He had a firm right thigh which was tender, and no sensation below the right knee. The thigh was tense, and the right lower leg had no sensation and no pulse detectable on palpation or Doppler, and had reduced capillary refill. A Computed Tomography Angiogram (CTA) of the right lower extremity showed abrupt cutoff of the right superficial femoral artery "compatible with vascular injury. Distally, no contrast is seen within the popliteal artery or arteries below the knee."

¹ Patient names are redacted to protect their privacy.

1 8. While in the emergency room, Patient 1 was seen by an orthopedic surgeon, who
2 believed the compartment pressure of the thigh was causing limb ischemia. Prior to performing
3 surgery, the orthopedic surgeon contacted Respondent, who was the on-call vascular surgeon at
4 the time, by telephone. The orthopedic surgeon informed Respondent that he had a patient with a
5 femur fracture, that there was concern about the blood flow below the fracture, but that he
6 believed that once he reduced the fracture that should resolve the blood flow issue. The
7 orthopedic surgeon told Respondent that if he had concerns after the surgery he would let
8 Respondent know. Respondent briefly accessed Patient 1's electronic medical record to add
9 Patient 1 to Respondent's list of patients, but did not review any information regarding Patient 1's
10 presentation or treatment. After completing surgery on Patient 1's femur the same evening, the
11 orthopedic surgeon sent a text message to Respondent's telephone stating "Patient has flow back"
12 and a second text message stating "Good cap refill." Respondent replied with two emojis which
13 he intended to express "thank you." Respondent had no further contact with the orthopedic
14 surgeon during Patient 1's first night at the hospital, and Respondent took no further action
15 regarding Patient 1 until the following morning, more than nine hours later.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Gross Negligence)**

18 9. Respondent Omar Amer Araim, M.D. is subject to disciplinary action under section
19 2234, subdivision (b), of the Code, in that he engaged in act(s) and/or omission(s) amounting to
20 gross negligence. The circumstances are set forth in paragraphs 7 and 8, above, which are
21 incorporated here by reference as if fully set forth. Additional circumstances are as follows:

22 10. The standard of care for an on-call vascular surgeon, upon notification of a patient
23 with significant injuries including suspected injury to a blood vessel, requires that the vascular
24 surgeon review any imaging related to the patient's blood flow. Arterial vascular trauma bears a
25 great risk of poor functional outcome or limb loss. When Respondent was first contacted by the
26 orthopedic surgeon, he was provided with sufficient information to access Patient 1's electronic
27 medical record. The standard of care required Respondent to immediately review Patient 1's
28 CTA imaging, which did demonstrate vascular injury in the right lower extremity. Respondent's

1 failure to review that imaging immediately following his telephone call with the orthopedic
2 surgeon constitutes gross negligence.

3 11. The standard of care for an on-call vascular surgeon, having been notified of a patient
4 undergoing orthopedic surgery to repair a fractured femur with suspected injury to a blood vessel,
5 requires that the on-call vascular surgeon adequately evaluate post-surgical arterial perfusion.
6 Most reasonable vascular surgeons under such circumstances would perform a vascular
7 evaluation intraoperatively by Doppler or ultrasound examination or on-table angiogram, and
8 post-operatively would have had medical staff evaluate the patient hourly by Doppler pulse
9 examination. Respondent's failure to either personally evaluate Patient 1's arterial perfusion
10 intra- or immediately post-operatively, or to instruct medical staff to do so, and instead to rely on
11 simple capillary refill and observation of skin color by an orthopedic surgeon who lacked training
12 to evaluate vascular injury, constitutes gross negligence.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Repeated Negligent Acts)**

15 12. Respondent Omar Amer Araim, M.D. is subject to disciplinary action under section
16 2234, subdivision (c), of the Code, in that he committed repeated act(s) and/or omission(s)
17 amounting to negligence. The circumstances are set forth in paragraphs 7 through 11, above,
18 which are incorporated here by reference as if fully set forth.

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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 Number A 97867, issued to Respondent Omar Amer Araim, M.D.;
2. Revoking, suspending or denying approval of Respondent Omar Amer Araim, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Omar Amer Araim, 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;
4. Taking such other and further action as deemed necessary and proper.

DATED: NOV 28 2023



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

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