

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

**In the Matter of the Accusation Against:**

**Wael Kouli, M.D.**

**Physician's and Surgeon's  
Certificate No. C 55343**

**Case No.: 800-2021-076836**

**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 October 7, 2024.**

**IT IS SO ORDERED: September 6, 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 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 JASON J. AHN  
Deputy Attorney General  
4 State Bar No. 253172  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9433  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **Wael Kouli, M.D.**  
15 **120 C Ave., Ste. 130**  
16 **Coronado, CA 92118-1990**

17 **Physician's and Surgeon's**  
18 **Certificate No. C 55343**

19 Respondent.

Case No. 800-2021-076836

OAH No. 2024010887

20 **STIPULATED SETTLEMENT AND**  
21 **DISCIPLINARY ORDER**

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

24 **PARTIES**

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

///

1           2.     Respondent Wael Kouli, M.D. (Respondent) is represented in this proceeding by  
2 attorney Alan B. Graves, Esq., whose address is: Neil, Dymott, Hudson, APLC,  
3 110 West A Street, Suite 1200, San Diego, CA 92101.

4           3.     On or about June 22, 2012, the Board issued Physician's and Surgeon's Certificate  
5 No. C 55343 to Respondent. The Physician's and Surgeon's Certificate was in full force and  
6 effect at all times relevant to the charges brought in Accusation No. 800-2021-076836, and will  
7 expire on January 31, 2026, unless renewed.

8                                   **JURISDICTION**

9           4.     On January 8, 2024, Accusation No. 800-2021-076836 was filed before the Board,  
10 and is currently pending against Respondent. The Accusation and all other statutorily required  
11 documents were properly served on Respondent on or about January 8, 2024. Respondent timely  
12 filed his Notice of Defense contesting the Accusation.

13           5.     A copy of Accusation No. 800-2021-076836 is attached as exhibit A and incorporated  
14 herein by reference.

15                                   **ADVISEMENT AND WAIVERS**

16           6.     Respondent has carefully read, fully discussed with counsel, and fully understands the  
17 charges and allegations in Accusation No. 800-2021-076836. Respondent has also carefully read,  
18 fully discussed with his counsel, and fully understands the effects of this Stipulated Settlement  
19 and Disciplinary Order.

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

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

28     ///

1 **CULPABILITY**

2 9. Respondent does not contest that, at an administrative hearing, Complainant could  
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation  
4 No. 800-2021-076836, a copy of which is attached hereto as Exhibit A, and that he has thereby  
5 subjected his Physician's and Surgeon's Certificate No. A 55343 to disciplinary action.

6 10. Respondent agrees that if an accusation is ever filed against him before the Medical  
7 Board of California, all of the charges and allegations contained in Accusation No. 800-2021-  
8 076836 shall be deemed true, correct, and fully admitted by Respondent for purposes of that  
9 proceeding or any other licensing proceeding involving Respondent in the State of California.

10 11. Respondent agrees that his Physician's and Surgeon's Certificate No. A 55343 is  
11 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth  
12 in the Disciplinary Order below.

13 **CONTINGENCY**

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

24 13. Respondent agrees that if he ever petitions for early termination or modification of  
25 probation, or if an accusation and/or petition to revoke probation is filed against him before the  
26 Board, all of the charges and allegations contained in Accusation No. 800-2021-076836 shall be  
27 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any  
28 other licensing proceeding involving Respondent in the State of California.

- 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
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49
- 50
- 51
- 52
- 53
- 54
- 55
- 56
- 57
- 58
- 59
- 60
- 61
- 62
- 63
- 64
- 65
- 66
- 67
- 68
- 69
- 70
- 71
- 72
- 73
- 74
- 75
- 76
- 77
- 78
- 79
- 80
- 81
- 82
- 83
- 84
- 85
- 86
- 87
- 88
- 89
- 90
- 91
- 92
- 93
- 94
- 95
- 96
- 97
- 98
- 99
- 100

2  
3  
4

5  
6  
7

89

## 1

12

13

14

1  
1  
1  
1  
1  
2  
2  
2  
2  
2

•

.

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

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

15       Respondent shall submit a certification of successful completion to the Board or its  
16 designee not later than 15 calendar days after successfully completing the course, or not later than  
17 15 calendar days after the effective date of the Decision, whichever is later.

18       3.   CLINICAL COMPETENCE ASSESSMENT PROGRAM. Within 60 calendar days  
19 of the effective date of this Decision, Respondent shall enroll in a clinical competence assessment  
20 program approved in advance by the Board or its designee. Respondent shall successfully  
21 complete the program not later than six (6) months after Respondent's initial enrollment unless  
22 the Board or its designee agrees in writing to an extension of that time.

23       The program shall consist of a comprehensive assessment of Respondent's physical and  
24 mental health and the six general domains of clinical competence as defined by the Accreditation  
25 Council on Graduate Medical Education and American Board of Medical Specialties pertaining to  
26 Respondent's current or intended area of practice. The program shall take into account data  
27 obtained from the pre-assessment, self-report forms and interview, and the Decision(s),  
28 Accusation(s), and any other information that the Board or its designee deems relevant. The

1 program shall require Respondent's on-site participation as determined by the program for the  
2 assessment and clinical education and evaluation. Respondent shall pay all expenses associated  
3 with the clinical competence assessment program.

4 At the end of the evaluation, the program will submit a report to the Board or its designee  
5 which unequivocally states whether the Respondent has demonstrated the ability to practice  
6 safely and independently. Based on Respondent's performance on the clinical competence  
7 assessment, the program will advise the Board or its designee of its recommendation(s) for the  
8 scope and length of any additional educational or clinical training, evaluation or treatment for any  
9 medical condition or psychological condition, or anything else affecting Respondent's practice of  
10 medicine. Respondent shall comply with the program's recommendations.

11 Determination as to whether Respondent successfully completed the clinical competence  
12 assessment program is solely within the program's jurisdiction.

13 If Respondent fails to enroll, participate in, or successfully complete the clinical  
14 competence assessment program within the designated time period, Respondent shall receive a  
15 notification from the Board or its designee to cease the practice of medicine within three (3)  
16 calendar days after being so notified. The Respondent shall not resume the practice of medicine  
17 until enrollment or participation in the outstanding portions of the clinical competence assessment  
18 program have been completed. If the Respondent did not successfully complete the clinical  
19 competence assessment program, the Respondent shall not resume the practice of medicine until a  
20 final decision has been rendered on the accusation and/or a petition to revoke probation. The  
21 cessation of practice shall not apply to the reduction of the probationary time period.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1           4.    MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective  
2 date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a  
3 practice monitor(s), the name and qualifications of one or more licensed physicians and surgeons  
4 whose licenses are valid and in good standing, and who are preferably American Board of  
5 Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or  
6 personal relationship with Respondent, or other relationship that could reasonably be expected to  
7 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
8 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
9 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

10           The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
11 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the  
12 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed  
13 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role  
14 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees  
15 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the  
16 signed statement for approval by the Board or its designee.

17           Within 60 calendar days of the effective date of this Decision, and continuing throughout  
18 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall  
19 make all records available for immediate inspection and copying on the premises by the monitor  
20 at all times during business hours and shall retain the records for the entire term of probation.

21           If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective  
22 date of this Decision, Respondent shall receive a notification from the Board or its designee to  
23 cease the practice of medicine within three (3) calendar days after being so notified. Respondent  
24 shall cease the practice of medicine until a monitor is approved to provide monitoring  
25 responsibility.

26           The monitor(s) shall submit a quarterly written report to the Board or its designee which  
27 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
28 are within the standards of practice of medicine, and whether Respondent is practicing medicine



1 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure  
2 that the monitor submits the quarterly written reports to the Board or its designee within 10  
3 calendar days after the end of the preceding quarter.

4 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
5 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
6 name and qualifications of a replacement monitor who will be assuming that responsibility within  
7 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
8 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
9 notification from the Board or its designee to cease the practice of medicine within three (3)  
10 calendar days after being so notified. Respondent shall cease the practice of medicine until a  
11 replacement monitor is approved and assumes monitoring responsibility.

12 In lieu of a monitor, Respondent may participate in a professional enhancement program  
13 approved in advance by the Board or its designee that includes, at minimum, quarterly chart  
14 review, semi-annual practice assessment, and semi-annual review of professional growth and  
15 education. Respondent shall participate in the professional enhancement program at Respondent's  
16 expense during the term of probation.

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

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

26 6. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
27 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
28 advanced practice nurses.

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

4           8.   INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby  
5 ordered to reimburse the Board its costs of investigation and enforcement, including, but not  
6 limited to, expert review, legal reviews, investigation(s), applicable, in the amount of \$20,260.80  
7 (twenty thousand two hundred sixty dollars and eighty cents). Costs shall be payable to the  
8 Medical Board of California. Failure to pay such costs shall be considered a violation of  
9 probation.

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

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

16          9.   QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
17 under penalty of perjury on forms provided by the Board, stating whether there has been  
18 compliance with all the conditions of probation.

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

21          10.   GENERAL PROBATION REQUIREMENTS.

22          Compliance with Probation Unit

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

24          Address Changes

25          Respondent shall, at all times, keep the Board informed of Respondent's business and  
26 residence addresses, email address (if available), and telephone number. Changes of such  
27 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
28 circumstances shall a post office box serve as an address of record, except as allowed by Business

1 and Professions Code section 2021, subdivision (b).

2 Place of Practice

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

6 License Renewal

7 Respondent shall maintain a current and renewed California physician's and surgeon's  
8 license.

9 Travel or Residence Outside California

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

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

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

19 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
20 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
21 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
22 defined as any period of time Respondent is not practicing medicine as defined in Business and  
23 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
24 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
25 Respondent resides in California and is considered to be in non-practice, Respondent shall  
26 comply with all terms and conditions of probation. All time spent in an intensive training  
27 program which has been approved by the Board or its designee shall not be considered non-  
28 practice and does not relieve Respondent from complying with all the terms and conditions of

1 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
2 on probation with the medical licensing authority of that state or jurisdiction shall not be  
3 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
4 period of non-practice.

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

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

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

12 Periods of non-practice for a Respondent residing outside of California will relieve  
13 Respondent of the responsibility to comply with the probationary terms and conditions with the  
14 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
15 General Probation Requirements; Quarterly Declarations.

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

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

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

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

16       17. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for  
17 a new license or certification, or petition for reinstatement of a license, by any other health care  
18 licensing action agency in the State of California, all of the charges and allegations contained in  
19 Accusation No. 800-2021-076836 shall be deemed to be true, correct, and admitted by  
20 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or  
21 restrict license.

22       ///

23       ///

24       ///

25       ///

26       ///

27       ///

28       ///

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Alan B. Graves, Esq. I fully 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 fully agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

6.18.24

  
\_\_\_\_\_  
WAEL KOULI, M.D.  
Respondent

I have read and fully discussed with Respondent Wael Kouli, 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:

6-18-2024

  
\_\_\_\_\_  
ALAN B. GRAVES, ESQ.  
Attorney for Respondent

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

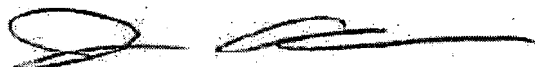
**ENDORSEMENT**

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

DATED: June 18, 2024

Respectfully submitted,

ROB BONTA  
Attorney General of California  
MATTHEW M. DAVIS  
Supervising Deputy Attorney General



JASON J. AHN  
Deputy Attorney General  
*Attorneys for Complainant*

SD2023803562  
84565459.docx

**Exhibit A**

**Accusation No. 800-2021-076836**



1 ROB BONTA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 JASON J. AHN  
Deputy Attorney General  
4 State Bar No. 253172  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9433  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

Case No. 800-2021-076836

15 **Wael Kouli, M.D.**  
120 C Ave., Ste. 130  
Coronado, CA 92118-1990

**A C C U S A T I O N**

16 **Physician's and Surgeon's**  
17 **Certificate No. C 55343,**

18 Respondent.

19  
20 **PARTIES**

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

25 2. On or about June 22, 2012, the Medical Board issued Physician's and Surgeon's  
26 Certificate No. C 55343 to Wael Kouli, M.D. (Respondent). The Physician's and Surgeon's  
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on January 31, 2026, unless renewed.

## 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.

6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

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

#### 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 administrative law judge may 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.

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

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

limited to, charges imposed by the Attorney General.

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

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

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

///

///

///

///

///

///

///

///

///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 9. Respondent has subjected his Physician's and Surgeon's Certificate No. C 55343 to  
4 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of  
5 the Code, in that he committed gross negligence in his care and treatment of Patient A<sup>1</sup>, as more  
6 particularly alleged hereinafter:

7 10. On or about October 7, 2020, Patient A presented to Respondent for a liposuction<sup>2</sup>  
8 procedure. The areas of liposuction included the abdomen, arms, back, and flanks. Respondent  
9 failed to perform and/or failed to document having performed a physical examination, prior to  
10 performing the liposuction procedure. According to the medical records, liposuction tumescent<sup>3</sup>  
11 placed is noted to be 1500 mL, whereas liposuction aspirate is noted to be 4900 mLs, but the  
12 exact composition of the tumescent is not documented. Respondent also failed to document the  
13 content(s) of tumescent used, including, but not limited to, medication dose(s) and expiration  
14 date(s) of the medication(s) used in the tumescent fluid. There is no documentation of a  
15 preoperative pregnancy test or urine dip, or standard preoperative blood tests such as a CBC.<sup>4</sup>  
16 Respondent also failed to document whether Patient A suffered blood loss, if any, during the  
17 procedure.

18 11. During the October 7, 2020 liposuction procedure on Patient A, Respondent used an  
19 overly aggressive liposuction technique, demonstrating a lack of skill in safe handling of  
20 liposuction cannula, resulting in thinned skin, and/or necrotic<sup>5</sup> skin, and/or multiple areas of

21 \_\_\_\_\_  
22 <sup>1</sup> References are made to Patient A in order to protect patient privacy.

23 <sup>2</sup> Liposuction is a type of surgery, which uses suction to remove fat from specific areas of  
24 the body such as the stomach, hips, thighs, buttocks, arms, or neck.

25 <sup>3</sup> Tumescent Liposuction - This technique involves subcutaneous infiltration of large  
26 volumes of crystalloid fluid called Klein's solution, which contains low concentrations of  
27 lignocaine and epinephrine, followed by suction-assisted aspiration of fat by using small  
28 aspiration cannulae.

<sup>4</sup> Complete Blood Count (CBC) is a blood test, which is used to look at overall health and  
to determine a wide range of conditions including anemia, infection, and leukemia.

<sup>5</sup> Necrotic means causing the death of tissues.

1 scarring.

2 12. During the October 7, 2020 liposuction procedure on Patient A, Respondent  
3 inappropriately aspirated more blood than fat.

4 13. On or about October 10, 2020, Patient A called Respondent's clinic, reporting pain  
5 and/or peeling skin, and/or bleeding.

6 14. On or about October 16, 2020, nine (9) days after the October 7, 2020 liposuction  
7 procedure on Patient A, Respondent drafted the operative note.

8 15. On or about October 20, 2020, nearly two (2) weeks after the October 7, 2020  
9 procedure on Patient A, Respondent personally provided post-operative care, for the first time,  
10 since October 7, 2020. At this visit, Respondent failed to document vital signs. Respondent also  
11 failed to document vital signs in any of the subsequent post-operative visit(s) by Patient A.

12 16. On or about April 2, 2021, Respondent performed a scar revision surgery on Patient  
13 A.

14 17. Respondent committed gross negligence in his care and/or treatment of Patient A,  
15 including, but not limited to:

16 a. Respondent performed an overly aggressive liposuction procedure on October 7,  
17 2020;

18 b. Respondent failed to provide adequate post-operative care; and

19 c. Respondent inappropriately aspirated more blood than fat during the October 7, 2020  
20 liposuction procedure.

## 21 **SECOND CAUSE FOR DISCIPLINE**

### 22 **(Repeated Negligent Acts)**

23 18. Respondent has subjected his Physician's and Surgeon's Certificate No. C 55343 to  
24 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of  
25 the Code, in that he committed repeated negligent acts in his care and treatment of Patient A, as  
26 more particularly alleged herein:

27 a. Paragraphs 9 through 17, above, are hereby incorporated by reference and realleged  
28 as if fully set forth herein.

b. Respondent performed an overly aggressive liposuction procedure on October 7, 2020;

c. Respondent failed to provide adequate post-operative care;

d. Respondent excessively aspirated more blood than fat during the October 7, 2020 liposuction procedure;

e. Respondent failed to maintain adequate records of his preoperative and post-operative care of Patient A;

f. Respondent failed to timely draft the operative note on the October 7, 2020 liposuction procedure; and

g. Respondent failed to document the contents of the tumescent fluid and/or expiration date(s) of the medication(s) used in the tumescent fluid that was used for the October 7, 2020 liposuction procedure.

### THIRD CAUSE FOR DISCIPLINE

**(Failure to Maintain Adequate and Accurate Records)**

19. Respondent has further subjected his Physician's and Surgeon's Certificate No. C 55343 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the Code, in that Respondent failed to maintain adequate and accurate records regarding his care and treatment of Patient A, as more particularly alleged in paragraphs 9 through 18, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

#### FOURTH CAUSE FOR DISCIPLINE

**(General Unprofessional Conduct)**

20. Respondent has further subjected his Physician's and Surgeon's Certificate No. C 55343 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming of a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 9 through 19, above, which are hereby incorporated by reference as if fully set forth herein.

///

1 **DISCIPLINARY CONSIDERATIONS**

2 21. To determine the degree of discipline, if any, to be imposed on Respondent Wael  
3 Kouli, M.D., Complainant alleges that on or about April 24, 2020, in a prior disciplinary action  
4 titled *In the Matter of the Accusation Against Wael Kouli, M.D.* before the Medical Board of  
5 California, in Case Number 800-2017-037169, a public reprimand was issued against  
6 Respondent's license, based on Respondent's care and treatment of a patient involving a breast  
7 augmentation procedure. That decision is now final and is incorporated by reference as if fully  
8 set forth herein.

9 **PRAYER**

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

12 1. Revoking or suspending Physician's and Surgeon's Certificate No. C 55343, issued to  
13 Respondent Wael Kouli, M.D.;

14 2. Revoking, suspending or denying approval of Respondent Wael Kouli, M.D.'s  
15 authority to supervise physician assistants and advanced practice nurses;

16 3. Ordering Respondent Wael Kouli, M.D., to pay the Board the costs of the  
17 investigation and enforcement of this case, and if placed on probation, the costs of probation  
18 monitoring; and

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

20 DATED: JAN 08 2024

21 JENNA JONES FOR  
22 REJI VARGHESE  
23 Executive Director  
24 Medical Board of California  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant

26 SD2023803562  
27 84298056.docx