

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

In the Matter of the Accusation Against:

Farhaad R. Riyaz, M.D.

Physician's & Surgeon's
Certificate No A 169888

Petitioner.

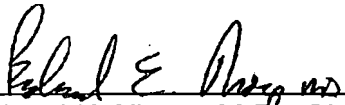
Case No.: 800-2022-086176

ORDER DENYING PETITION FOR RECONSIDERATION

The Petition filed by Complainant Reji Varghese, Executive Director for the reconsideration of the decision in the above-entitled matter having been read and considered by the Medical Board of California, is hereby denied.

This Decision remains effective at 5:00 p.m. on November 15, 2024.

IT IS SO ORDERED: November 15, 2024



Richard E. Thorp, M.D., Chair
Panel B

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

In the Matter of the Accusation Against:

Farhaad R. Riyaz, M.D.

**Physician's & Surgeon's
Certificate No. A 169888**

Respondent.

Case No. 800-2022-086176

ORDER GRANTING STAY

(Government Code Section 11521)

Complainant Reji Varghese, Executive Director, has filed a Request for Stay of execution of the Decision in this matter with an effective date of November 6, 2024, at 5:00 p.m.

Execution is stayed until November 16, 2024, at 5:00 p.m.

This Stay is granted solely for the purpose of allowing the Board time to review and consider the Petition for Reconsideration.

DATED: November 5, 2024

JENNA JONES FOR

Reji Varghese
Executive Director
Medical Board of California

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
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In the Matter of the Accusation:

Farhaad R. Riyaz, M.D.

**Physician's and Surgeon's
Certificate No. A 169888**

Case No.: 800-2022-086176

Respondent.

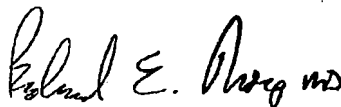
DECISION

The attached Proposed Decision 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 November 6, 2024.

IT IS SO ORDERED: October 7, 2024.

MEDICAL BOARD OF CALIFORNIA



**Richard E. Thorp, Chair
Panel B**

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

In the Matter of the Accusation Against:

FARHAAD R. RIYAZ, M.D.,

Physician's and Surgeon's Certificate No. A 169888,

Respondent.

Agency Case No. 800-2022-086176

OAH No. 2024020832

PROPOSED DECISION

Administrative Law Judge Michael C. Starkey, State of California, Office of Administrative Hearings, heard this matter on August 19, 2024, via videoconference.

Deputy Attorney General C. Hay-Mie Cho represented complainant Reji Varghese, Executive Director, Medical Board of California, Department of Consumer Affairs.

Attorney Lindsay M. Johnson represented respondent Farhaad R. Riyaz, M.D., who was present.

The matter was submitted on August 19, 2024.

FACTUAL FINDINGS

Jurisdictional Matters

1. On August 19, 2020, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A 169888 to respondent Farhaad R. Riyaz, M.D. This certificate was in full force and effect at all relevant times and, as of July 12, 2023, was scheduled to expire on December 31, 2024, unless renewed.

2. On December 7, 2023, acting in his official capacity as Executive Director of the Board, complainant Reji Varghese issued an accusation against respondent. Complainant alleges that respondent was convicted of mail fraud in 2021 and has been disciplined by licensing authorities in other jurisdictions, and that these facts establish cause to discipline his California physician's and surgeon's certificate. Complainant also seeks costs.

3. Respondent timely filed a notice of defense and this proceeding followed.

Criminal Convictions

4. On December 13, 2021, respondent was convicted in the United States District Court, Eastern District of Virginia, upon his plea of guilty, of violating section 1341 of title 18 of the United States Code (mail fraud).¹ Respondent was sentenced to

¹ In the accusation, complainant alleged this criminal conviction, but did not specify whether it was a felony or misdemeanor. The court records similarly do not clarify this issue and it was not addressed by either party at hearing.

one day in prison, and a three-year term of supervised release on numerous conditions including a six-month term of home confinement, completion of a mental health treatment program, completion of 200 hours of community service, payment of \$312,964.38 in restitution, and payment of a \$20,000 fine and a \$100 assessment.

5. The facts and circumstances leading to this conviction are that between March 2017 and June 2020, respondent executed a scheme to defraud Amazon.com, Inc. (Amazon), an international online retailer. Respondent used multiple emails and accounts to purchase expensive products through Amazon. After receiving the products, he initiated returns based on false claims of an allowable reason under Amazon's return policies. Respondent kept the expensive products and instead returned much less expensive or inferior products that resembled the purchased products to Amazon. Respondent received refunds of the purchase prices. Thereby, he acquired expensive products from Amazon for the cost of much less expensive products. The fraudulently obtained items included expensive guitars, a video projector that cost more than \$37,000, and four toilets priced at \$4,462.08 each. The sum of the purchases prices of the products fraudulently obtained was greater than \$250,000.

License Discipline Imposed by Other States

6. On March 18, 2022, the Virginia Department of Health Professions (Virginia Department) entered an Order of Mandatory Suspension (Virginia Suspension Order). The Virginia Suspension Order suspended respondent's license to practice medicine in Virginia indefinitely because it had received evidence that the Colorado Medical Board (Colorado Board) had suspended respondent's license to practice medicine in Colorado on February 23, 2022.

7. On July 29, 2022, the Maryland State Board of Physicians (Maryland Board) entered a Final Decision and Order (Maryland Decision) revoking respondent's license to practice medicine in Maryland, based on the March 18, 2022, mail fraud conviction. Notably, in this decision the Maryland Board reported that its regulations prohibited consideration of mitigating factors.

8. Or about November 22, 2022, the Colorado Board entered a Stipulation and Final Agency Order (Colorado Order), placing respondent's license to practice medicine in Colorado on probation for three years, based on the March 18, 2022, criminal conviction. The terms of probation include oversight of respondent's ongoing mental health treatment.

Respondent's Evidence

9. Respondent testified at hearing. His testimony was internally consistent and much of it was corroborated by other evidence. His testimony was credible in all respects.

10. Respondent is 37 years old. He is married and has two children.

11. Respondent has had a distinguished career in medicine. In 2013, he graduated first in his class from Virginia Commonwealth University School of Medicine. He was selected chief resident in the last year of his residency program in dermatology at Henry Ford Hospital in Detroit, Michigan. He has been Board Certified by the American Board of Dermatology in dermatology and Mohs micrographic surgery (Mohs surgery) since 2017. He practiced in the District of Columbia for several years and was named Washingtonian Magazine's Doctor of the Year in 2019 and 2020. He returned to Michigan in 2021.

12. Respondent's medical practice primarily involves performing Mohs surgery, a treatment for skin cancer in which the surgeon removes tissue, has the tissue tested for cancer, and repeats these steps until all of the cancerous tissue has been removed. In respondent's practice he fulfills the roles of both surgeon and pathologist during these procedures. He primarily treats a traditionally underserved community southeast of Detroit.

13. Approximately 25 percent of respondent's practice involves providing dermatology consultations via telemedicine. This practice includes treatment of patients outside of his state of domicile. As a result, he has held licenses to practice medicine in more than 30 states. Respondent sometimes treats California residents via telemedicine but has never practiced medicine while physically present in California.

14. Regarding the criminal behavior underlying his 2021 conviction, respondent provided the following information:

- Respondent does not dispute the allegations in the accusation or that cause for discipline exists.
- He attributes his criminal behavior to then-undiagnosed bipolar disorder.
- Between 2014 and 2017, respondent was involved in multiple disputes with Amazon. He purchased an expensive guitar but received just an empty guitar case. On another occasion, he purchased a laptop computer, but the box delivered contained only clay (likely to simulate the weight of a laptop).
- Respondent was angry and formed the sincere belief that Amazon had intentionally targeted him for mistreatment. In hindsight, he knows that this

belief was erroneous, and was the product of his then-undiagnosed bipolar disorder.

- Between March 2017 and June 2020 respondent committed the offenses described in Factual Finding 5. He estimates that he fraudulently returned products to Amazon 30 to 40 times over that period. His motivation was revenge, not profit.
- During this period respondent was experiencing bouts of depression, but experienced small pleasures in “getting Amazon back,” which he now understands was ridiculous.
- Respondent did not use or sell the items he fraudulently procured from Amazon. He simply stored them in his house. His wife raised concerns about the number of products accumulating in their home, but respondent made excuses.
- In June 2020, detectives arrived at respondent’s house with Amazon representatives. He welcomed them in and explained what he had been doing. He let them take away all the products he fraudulently procured. Respondent was not arrested or charged at this time.
- In early 2021, respondent learned an investigation was active. He fully cooperated with the authorities, even meeting with representatives of Amazon to help them deter such fraud in the future.
- Respondent offered to pay restitution to Amazon. The \$312,964.38 amount ordered by the court was calculated by Amazon. It did not include credits for the items recovered but respondent felt that full repayment was the right

thing to do. Respondent and his wife had to sell their house to make the payment. As a result, they and their children still live with her parents.

15. Respondent complied with all terms of his supervised release, including one day of imprisonment (which he describes as the worst day of his life), six months of home confinement, 200 hours of community service (for a group called Physicians for Human Rights) and full payment of the restitution, fine, and fee. The court discharged respondent early from supervised release on June 16, 2023, approximately halfway through the three-year term. The criminal case is closed.

16. In July 2020, respondent was diagnosed with bipolar disorder. Respondent began treatment with Peter Robbins, M.D., a psychiatrist who prescribes medications but also delivers psychotherapy treatments. Respondent reports that his bipolar disorder has been controlled by medications (lamotrigine and quetiapine) since fall 2020.

17. At the time respondent started treatment with Dr. Robbins, he still lived in the District of Columbia, near where Dr. Robbins practices in Fairfax, Virginia. After respondent moved back to Michigan, he routinely travelled to Virginia to receive treatment from Dr. Robbins. During the period that respondent was subject to the terms of supervised release, however, he was not allowed to leave Michigan and was instead treated by a psychologist, John G. Heger, and a psychiatrist, Debora Ferguson, M.D. When this restriction was lifted, respondent resumed travelling to Virginia for treatment with Dr. Robbins once every two weeks.

18. In an undated letter (apparently prior to March 2024), Dr. Robbins confirms his treatment of respondent since July 2020 and the medications prescribed. Dr. Robbins reports:

Under this regimen of medication, combined with regular weekly psychotherapy, [respondent] has been able to make significant progress in both his understanding of his mood disorder, as well as control of the impulses and manic behaviors.

Under his current regimen, I believe that his ability to function as a physician is unimpaired.

I know of no reason why he cannot continue to provide excellent medical and surgical care to his patient. If his treatment continues without interruption, I think his prognosis is excellent.

19. In a letter dated March 15, 2024, Dr. Robbins reports:

[Respondent's] current regimen consists of medication management and psychotherapy. Thus far he has been compliant with the treatment plan, coming to scheduled meetings on time and taking the prescribed medications.

Continuing follow up recommendations involve medication compliance, and clarification of who his psychotherapy provider will be in the long run.

Current prognosis is excellent.

20. Respondent submitted six letters from psychologist Dr. Heger, dated June 14, and November 28, 2022, June 4, and August 15, 2023, and February 24, and

May 15, 2024. In the most recent letter, Dr. Heger reports treating respondent since May 5, 2022, and states:

Your [respondent's] medication regimen is managed by your medical provider. In my assessment it appears that you have been adequately medicated to address any mood issues. I have found that in our sessions your mood is level and manageable. I observe within our meetings, that your symptoms are within the normal range with the general population. I do not see pathology of concern in our sessions. I have seen you process manage life stressors with honesty and with healthy coping. I see within our sessions your ability to have reasonable and well-adjusted thought patterns. It's my opinion that your prognosis is positive and stable. I look forward to [continuing] to work with you as your therapist.

21. Respondent submitted quarterly counseling report forms from Dr. Ferguson. These forms were submitted to the Michigan Bureau of Professional Licensing. The forms are dated August 3, 2022, and March 14, September 3, and November 15, 2023. In each form, Dr. Ferguson checked boxes indicating that respondent's thought processes were normal ("appears to exhibit good judgment, function independently as appropriate, use logical steps in planning and delivering care"); that respondent was safe to practice; and that respondent should "continue with treatment/counseling."

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22. Respondent reports that he has greatly benefitted from the treatment he received. He understands that bipolar disorder is “lifelong” and he needs to take appropriate, prescribed medications for the rest of his life.

23. Respondent reports that to the best of his knowledge, his bipolar disorder did not impact his medical decision-making or patient care. However, he understands that, if not treated properly, it poses a significant risk to his patients. In his words, it “is imperative that I’m never that person.”

24. In retrospect, respondent sees many warning signs of his bipolar disorder. During some periods, he routinely worked double shifts; yet during others, he took fewer shifts and was much less productive. He had periods of very low energy. In 2017, respondent enrolled in a Master of Business Administration program but uncharacteristically fell behind and received an “F” in one class. He quit the program in summer 2018 (he recently completed this program).

25. Respondent’s wife is also a physician. He reports that she is now acutely aware of, and watchful for, the signs of a manic or depressive episode, even monitoring his sleep (reduced need for sleep is a sign of a possible manic episode). Respondent understands that he received a second chance in his marriage but will not receive a third.

26. Respondent is deeply remorseful for his criminal behavior. He understands that he may have caused workers at Amazon to be disciplined, that he disappointed his parents, and that he caused significant negative impact on his wife and children. He is also remorseful for the harm he caused to the reputation of the medical profession by eroding trust in physicians. Respondent now views practicing

medicine as a privilege. For all these reasons, he is determined to properly manage his bipolar disorder and never repeat this behavior.

27. Respondent reports that he promptly notified each of the more than 30 licensing authorities of his criminal conviction and cooperated with all investigation efforts. In addition to the actions discussed in Factual Findings 6 through 8, several states closed their investigations without imposition of discipline; some suspended him or placed his license on probation. Respondent is, one by one, following the relevant procedures to fully restore his license status in each jurisdiction where he has been licensed. Respondent is in full compliance with all terms and conditions imposed upon him in other jurisdictions. He plans to reapply for licensure in Maryland, the only jurisdiction in which his license was revoked outright, when he is eligible to do so in 2025. In addition, the American Board of Dermatology suspended his board certification and recently restored it on a provisional basis, and also directed respondent to work towards restoration of all his licenses. Although this endeavor is expensive and time-consuming, respondent reports that he views it as an opportunity to make amends.

28. Respondent has a long history of performing volunteer work, and continues to do so, most recently with Physicians for Human Rights, performing medical evaluations in connection with asylum proceedings. In 2023 he travelled to Tanzania to perform surgeries in a remote community.

29. Dennis Porto, M.D., testified and wrote a letter in support of respondent. Dr. Porto is also a Mohs surgeon and has known respondent since they met in their residency program approximately 10 years ago. Dr. Porto has lived in a different city since they both finished the residency program, but they have remained in close contact. Dr. Porto became aware of respondent's criminal conduct, as well as his

bipolar disorder diagnosis and treatment in 2020. Dr. Porto reports that respondent quickly took responsibility, was very contrite, and addressed his bipolar disorder with medication and therapy once it was discovered. Dr. Porto holds respondent in high regard, reporting that he is an attentive listener and cares about others in all domains of his life. Dr. Porto believes that respondent's contrition and efforts to make amends are sincere. He also corroborates respondent's testimony regarding performing volunteer work for Physicians for Human Rights. Dr. Porto reports that he would not hesitate to have respondent provide medical care to him or his loved ones.

30. Respondent also submitted 12 other letters of support from seven physicians (including a former employer and the Department Chair of respondent's residency program), two former medical assistants who worked with respondent, a longtime family friend, a cousin, and the Director of Volunteer Resources for the Arlington Free Clinic. The authors are aware of respondent's criminal conviction, but nonetheless hold him in high esteem. Former colleagues report no knowledge of any problems with respondent's care for patients. Authors corroborate respondent's longstanding commitment to volunteer work as well as his medical practice. The authors regard respondent as kind, supportive, conscientious, and generous.

Costs

31. In connection with the investigation and enforcement of this accusation, complainant requests an award of costs in the total amount of \$16,020, comprised of \$1,891.25 in investigative services and \$14,128.75 in attorney and paralegal services provided by the Department of Justice and billed to the Board. That request is supported by declarations that comply with the requirements of California Code of Regulations, title 1, section 1042. These costs are found to be reasonable.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Complainant is required to prove cause for discipline of a professional license, permit, or registration by "clear and convincing proof to a reasonable certainty." (Cf. *Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) To the extent respondent contends mitigation or rehabilitation, it is his burden to prove those contentions by a preponderance of the evidence. (Evid. Code, §§ 115, 500.)

First Cause for Discipline (Unprofessional Conduct: Criminal Conviction)

2. The Board may discipline the physician's and surgeon's certificate of a licensee who commits unprofessional conduct. (Bus. & Prof. Code, § 2234 [all further statutory references are to the Business and Professions Code unless stated otherwise].) Conviction of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct. (§ 2236, subd. (a).) A criminal offense is substantially related to the qualifications, functions, or duties of a physician and surgeon "if to a substantial degree it evidences present or potential unfitness of a person holding a license . . . to perform the functions authorized by the license . . . in a manner consistent with the public health, safety or welfare." (Cal. Code Regs., tit. 16, § 1360.) Respondent's 2021 criminal conviction for mail fraud suggests potential unfitness to perform his licensed functions safely because it involved multiple acts of fraud. (Factual Findings 4 & 5.) Cause exists

to discipline respondent's physician's and surgeon's certificate under sections 2234 and 2236, subdivision (a), and California Code of Regulations, title 16, section 1360.

Second Cause for Discipline (Discipline, Restriction, or Limitation Imposed by Another State)

3. The Board may discipline a licensee whose license to practice medicine in another jurisdiction is disciplined by the licensing authority of that jurisdiction, if the discipline was based upon an act substantially related to the practice of medicine or if the grounds for that discipline would have been grounds for discipline under the Medical Practice Act (§ 2000 et seq.). (§§ 141, 2035.) Cause exists to discipline respondent's physician's and surgeon's certificate under sections 141 and 2035, in light of the matters set forth in Factual Findings 6 through 8.

Determination of Discipline

4. Cause for discipline having been established, the next issue is what discipline is appropriate. The Board's highest priority is protection of the public. (§ 2229.) However, "to the extent not inconsistent with public protection, disciplinary actions shall be calculated to aid in the rehabilitation of licensees." (Board's Manual of Model Disciplinary Orders and Disciplinary Guidelines ("Guidelines") (12th ed. 2016), at p. 2; see Cal. Code Regs., tit. 16, § 1361.) The Board may consider a respondent's attitude toward his offense and his character, as evidenced by his behavior and demeanor at hearing. (*Yellen v. Board of Medical Quality Assurance* (1985) 174 Cal.App.3d 1040, 1059–1060.) The Guidelines expressly provide for disciplinary orders that deviate from the recommended discipline, in appropriate circumstances where the departures and supporting facts are identified.

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5. For conviction of a misdemeanor not arising from patient care, treatment, management, or billing, the Guidelines recommend a minimum disciplinary order of: a five-year period of probation, with standard conditions of probation plus (1) community service; (2) professionalism program; (3) psychiatric evaluation; (4) medical evaluation and training; and (5) victim restitution. (Guidelines, at p. 25.) For conviction of a felony not arising from patient care, treatment, management, or billing, the Guidelines recommend a seven-year period of probation with the additional conditions of monitoring of practice/billing and a 30-day suspension. Here, it was neither alleged nor proven that respondent was convicted of a felony. Complainant's counsel argues for outright revocation. Respondent's counsel argues that he is fully rehabilitated, and asks for a deviation from the standard term of probation that would require respondent to practice in California at least 40 hours per month; respondent asks that the Board instead permit him to continue practicing as he has been for several years.

6. Respondent's criminal conduct was serious and involved fraud. It has been less than three years since the conviction and just over four years since the underlying conduct ended. This conduct raises serious questions about respondent's trustworthiness, and thus whether he is safe to practice. On the other hand, the offense was unrelated to respondent's practice and he proved significant mitigation and rehabilitation. He demonstrated sincere remorse, paid restitution, and completed his supervised release early. He suffered from undiagnosed bipolar disorder which provides a quite plausible explanation for his misconduct and his conduct was not motivated by financial gain. This greatly alleviates the concerns about respondent's character. However, his bipolar disorder diagnosis raises additional safety concerns and an untreated manic episode is especially concerning. Respondent addressed these additional concerns by proving insight, successful medical and psychological

treatment, and a robust support network of family, friends, and colleagues who are now aware of his condition and are better situated to serve as guardrails should respondent's symptoms recur. Respondent is determined to stay vigilant with his medications and treatment. In light of all these factors, deviation from the Guidelines is warranted. The public will be adequately protected by a three-year period of probation, with standard terms and conditions, plus a psychiatric evaluation, and a requirement that respondent continue treatment for his bipolar disorder and submit quarterly reports from his treating psychiatrist.

7. An additional deviation from the Guidelines is warranted. Respondent is licensed in more than 30 states and telemedicine is only about one quarter of his practice. It is unnecessary for public protection and would be unduly burdensome to require him to practice in California for "at least 40 hours in a calendar month" as effectively required by Standard Term No. 33 (Non-Practice While on Probation). Accordingly, respondent will be allowed to maintain his current practice. Practicing in another state of the United States or Federal jurisdiction, even if respondent is not on probation in that jurisdiction, shall not be considered non-practice while on probation.

Costs

8. A licensee who is found to have committed a violation of the licensing act may be ordered to pay a sum not to exceed the reasonable costs of investigation and enforcement. (§ 125.3.) Cause exists to order respondent to pay the Board's costs in the amount of \$16,020. (Factual Finding 31 & Legal Conclusions 2 & 3.)

9. Cost awards must not deter licensees with potentially meritorious claims from exercising their right to an administrative hearing. (*Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45.) Cost awards must be reduced where a

licensee has been successful at hearing in getting the charges dismissed or reduced; a licensee is unable to pay; or where the scope of the investigation was disproportionate to the alleged misconduct. (*Ibid.*) The agency must also consider whether the licensee has raised a colorable challenge to the proposed discipline, and a licensee's good faith belief in the merits of his or her position. (*Ibid.*) Respondent conceded cause for discipline and successfully proved mitigation and rehabilitation sufficient to show that probation, instead of outright revocation, was the appropriate level of discipline. Accordingly, pursuant to *Zuckerman*, the award of costs will be reduced from \$16,020 to \$7,000.

ORDER

Physician's and Surgeon's Certificate Number A 169888 issued to respondent Farhaad R. Riyaz, M.D., is revoked; however, revocation is stayed, and respondent is placed on probation for three years under the following terms and conditions:

1. Psychiatric Evaluation

Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this

requirement. Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

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

2. Bipolar Disorder Treatment

Respondent shall continue receiving treatment for bipolar disorder from a licensed and board-certified psychiatrist. The psychiatrist shall consider any information provided by the Board or its designee and any other information the psychiatrist deems relevant and shall furnish a written evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychiatrist any information and documents that the psychiatrist may deem pertinent.

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

Respondent shall pay the cost of all psychiatric treatment and evaluations.

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3. Notification

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

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

4. Supervision of Physician Assistants and Advanced Practice Nurses

During probation, respondent is prohibited from supervising physician assistants and advanced practice nurses.

5. Obey All Laws

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

6. Quarterly Declarations

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

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

7. General Probation Requirements

Compliance with Probation Unit: respondent shall comply with the Board's probation unit.

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

Place of Practice; respondent shall not engage in the practice of medicine in respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal: respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California: respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar days.

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

8. Interview with the Board or its Designee

Respondent shall be available in person upon request for interviews either at respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

9. Non-Practice While on Probation

Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of respondent's return to practice. Non-practice is defined as any period of time respondent is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If respondent resides in California and is considered to be in non-practice, respondent shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve respondent from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

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

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

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

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

10. Completion of Probation

Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, respondent's certificate shall be fully restored.

11. Violation of Probation

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

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12. License Surrender

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

13. Cost Recovery

Respondent is hereby ordered to reimburse the Medical Board of California the amount of \$7,000 for its enforcement costs, pursuant to Business and Professions Code section 125.3. Respondent shall complete this reimbursement within 90 days from the effective date of this decision, or pursuant to a payment plan authorized by the Board.

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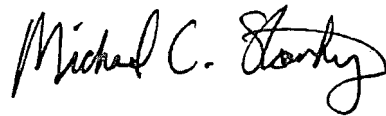
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14. Probation Monitoring Costs

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

DATE: 09/18/2024

A handwritten signature in black ink, reading "Michael C. Starkey". The signature is fluid and cursive, with the first name "Michael" and last name "Starkey" clearly legible.

MICHAEL C. STARKEY

Administrative Law Judge

Office of Administrative Hearings