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8			
9	Attorneys for Complainant		
10	BEFORE THE		
11	MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS		
	STATE OF CALIFORNIA		
12			
13	In the Matter of the Accusation Against:	Case No. 800-2023-097328	
14	SAMI SELIM ELIAS, M.D.	DEFAULT DECISION	
15	79 Marseille Laguna Niguel, CA 92677-5407	AND ORDER	
16		[Gov. Code, §11520]	
.	Physician's and Surgeon's Certificate No. C 42061,	•	
17	,		
18	Respondent.		
19		•	
20	FINDINGS OF FACT		
21	1. On or about November 12, 2024, Complainant Reji Varghese, in his official capacity		
22	as the Executive Director of the Medical Board of California, Department of Consumer Affairs,		
23	filed Accusation No. 800-2023-097328 against Sami Selim Elias, M.D. (Respondent) before the		
24	Medical Board of California.		
25	2. On or about November 25, 1985, the Medical Board of California (Board) issued		
26	Physician's and Surgeon's Certificate No. C 42061 to Respondent. The Physician's and		
27	Surgeon's Certificate expired on December 31, 2020, and has not been renewed. A true and		
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(SAMI SELIM ELIAS, M.D.) DEFAULT DECISION & ORDER (800-2023-097328)

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correct copy of the Certificate of Licensure is attached as Exhibit A to the accompanying Default Decision Evidence Packet.¹

- 3. On or about November 12, 2024, Sharee Woods, an employee of the Medical Board of California, served by Certified Mail a copy of the Accusation No. 800-2023-097328, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes to Respondent's address of record with the Board, which was and is: 79 Marseille, Laguna Niguel, CA, 92677-5407. A copy of the Accusation, the related documents, and declaration of service are attached as Exhibit B.
- 4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).
- 5. On or about December 9, 2024, the aforementioned documents were returned by the U.S. Postal Service marked "Return to Sender. Not Deliverable as Addressed." A copy of the returned envelope is attached as Exhibit C.
- 6. On or about December 3, 2024, having not yet received the Notice of Defense, Deputy Attorney General Karolyn M. Westfall prepared a Courtesy Notice of Default, informing Respondent that his failure to file a Notice of Defense within 14 calendar days of the notice would result in the Board proceeding with a Default Decision against his license. The Courtesy Notice of Default along with the Accusation, the related documents, and declaration of service was mailed to Respondent by both regular and certified mail to his address of record with the Board, and was emailed to Respondent at his last known email address, which was and is: sameliasmd@cox.net. (Exhibit D, Declaration of Deputy Attorney General, Karolyn M. Westfall, ¶ 6.) Shortly thereafter, a notification was received that the email was returned as undeliverable. (Exhibit D, ¶ 7.)

¹ All exhibits are true and correct copies of the originals and are attached to the accompanying Default Decision Evidence Packet. The Default Decision Evidence Packet is hereby incorporated by reference, in its entirety, as if fully set forth herein.

- 7. Government Code section 11506 states, in pertinent part:
- (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.
- 8. To date, Respondent has not filed a Notice of Defense. (Exhibit D, ¶ 8.)
- 9. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2023-097328.
 - 10. California Government Code section 11520 states, in pertinent part:
 - (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.
- 11. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it as contained in the separate accompanying Default Decision Evidence Packet, Exhibits A through F, finds that the allegations in Accusation No. 800-2023-097328, and each of them, separately and severally, are true and correct.
 - 12. Section 118 of the Code² states:
 - (a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.
 - (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

² All section references are to the Business and Professions Code (Code) unless otherwise indicated.

(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

13. Section 820 of the Code states:

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.³

14. Section 821 of the Code provides that the licentiate's failure to comply with an order issued under section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.⁴

15. Section 822 of the Code states:

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

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

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³ An Order compelling examinations pursuant to Section 820 complies with state procedural due process. (*Alexander D. v. State Board of Dental Examiners* (1991) 231 Cal.App.3d 92, 96-96.) Section 820 also complies with constitutional privacy interests. (*Kees v. Medical Board of California* (1992) 7 Cal.App.4th 1801, 1814.)

⁴ The Court of Appeal has upheld the Board's authority to discipline a licensee for failure to comply with an Order to submit to examinations. With regards to disciplinary action taken pursuant to Section 821, all that is relevant is that the licensee did not comply with the Order. (Lee v. Board of Registered Nursing (2012) 209 Cal.App.4th 793, 798.)

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- 16. Section 2234 of the Code, states, in pertinent part, that the board shall take action against any licensee who is charged with unprofessional conduct.
- 17. 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.)
 - 18. Business and Professions Code section 125.3 states, in pertinent part:
 - (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.
- 19. Respondent has subjected his Physician's and Surgeon's Certificate No. C 42061 to disciplinary action under sections 2227 and 821, of the Code, in that Respondent failed to comply with an Order issued pursuant to section 820 of the Code, as more particularly alleged hereinafter:
 - a) On or about September 23, 2020, Respondent got into a verbal argument with a garbage truck driver after the driver failed to pick up the garbage bins outside Respondent's home. The garbage truck driver informed Respondent that he had not paid his bill, suggested he contact the office to dispute the bill, and drove away. Respondent then got into his own vehicle and followed the garbage truck around the neighborhood. At some point, when the garbage truck was stopped, Respondent approached the garbage truck driver with a knife. Respondent then tried to open the driver's door of the garbage truck and said to the driver, "I'm going to kill you, [expletive]." The police were called to the scene and Respondent was subsequently placed under arrest. (Exhibit E, Declaration of Special Investigator Chris Jensen, ¶ 4.)

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- b) On or about December 8, 2023, the Board issued an Order Granting Petition to Compel Mental and Physical Examinations of Respondent (Order). (Exhibit E, ¶
 7.)
- c) On or about December 15, 2023, Special Investigator Chris Jensen (Investigator Jensen) mailed the Order to Respondent by regular and certified mail to his address of record with the Board, along with a letter informing Respondent that his physical evaluation had been scheduled for January 15, 2024, and his mental evaluation had been scheduled for January 16, 2024. (Exhibit E, ¶ 8.)
- d) On or about January 11, 2024, Investigator Jensen mailed the Order to Respondent by regular and certified mail to his address of record with the Board, along with a letter informing Respondent that his physical evaluation had been rescheduled for January 22, 2024. (Exhibit E, ¶ 9.)
- e) On or about January 16, 2024, Respondent failed to appear for his scheduled mental evaluation. (Exhibit E, ¶ 10.)
- f) On or about January 18, 2024, Investigator Jensen received a phone call from Respondent's family member. Respondent's family member informed Investigator Jensen that she had received his letters, but that Respondent was unable to attend the scheduled appointments. Respondent then got on the phone call and informed Investigator Jensen that he was suffering from a serious medical condition, that he cannot practice medicine, and his license is expired. (Exhibit E, ¶ 11.)
- g) On or about January 22, 2024, Respondent failed to appear for his scheduled physical evaluation. (Exhibit E, ¶ 12.)
- 20. Respondent has further subjected his Physician's and Surgeon's Certificate No. C 42061 to disciplinary action under sections 2227 and 2234 of the Code, in that Respondent has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which

ORDER IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C 42061, heretofore issued to Respondent Sami Selim Elias, M.D., is revoked. Respondent Sami Selim Elias, M.D., is ordered to pay the Board the costs of the investigation and enforcement of this case in the amount of \$6,882.00. Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The Board in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute. FEB 13 2025 This Decision shall become effective on JAN 14 2025 It is so ORDERED OR THE MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS SD2024803621 84878448.docx

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8	E-mail: Karolyn. Westfall@doj.ca.gov		
9	Attorneys for Complainant		
10	DEEODE TITE		
11	MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS		
12	STATE OF CALIFORNIA		
13	In the Matter of the Accusation Against:	Case No. 800-2023-097328	
14 15	SAMI SELIM ELIAS, M.D. 79 Marseille Laguna Niguel, CA 92677-5407	ACCUSATION	
16 17	Physician's and Surgeon's Certificate No. C 42061,		
18	Respondent.		
19			
20	<u>PARTIES</u>		
21	1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as		
22	the Executive Director of the Medical Board of California, Department of Consumer Affairs		
23	(Board).		
	2. On or about November 25, 1985, the Medical Board issued Physician's and		
24	Surgeon's Certificate No. C 42061 to Sami Selim Elias, M.D. (Respondent). The Physician's and		
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26	Surgeon's Certificate expired on December 31, 2020, and has not been renewed.		
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JURISDICTION

- This Accusation is brought before the Board, under the authority of the following 3. laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
 - 4. Section 2227 of the Code states, in pertinent part:
 - (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.

Section 118 of the Code states: 5.

- (a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.
- (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.
- (c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

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6. Section 820 of the Code states:

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

7. Section 821 of the Code provides that the licentiate's failure to comply with an order issued under section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.²

8. Section 822 of the Code states:

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

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

9. Section 2234 of the Code, states, in pertinent part, that the board shall take action against any licensee who is charged with unprofessional conduct.

¹ An Order compelling examinations pursuant to Section 820 complies with state procedural due process. (Alexander D. v. State Board of Dental Examiners (1991) 231 Cal.App.3d 92, 96-96.) Section 820 also complies with constitutional privacy interests. (Kees v. Medical Board of California (1992) 7 Cal.App.4th 1801, 1814.)

² The Court of Appeal has upheld the Board's authority to discipline a licensee for failure to comply with an Order to submit to examinations. With regards to disciplinary action taken pursuant to Section 821, all that is relevant is that the licensee did not comply with the Order. (*Lee v. Board of Registered Nursing* (2012) 209 Cal.App.4th 793, 798.)

10. 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

11. 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.

FIRST CAUSE FOR DISCIPLINE

(Failure to Comply with Order of Examination)

- 12. Respondent has subjected his Physician's and Surgeon's Certificate No. C 42061 to disciplinary action under sections 2227 and 821, of the Code, in that Respondent failed to comply with an Order issued pursuant to section 820 of the Code, as more particularly alleged hereinafter:
- 13. On or about September 23, 2020, Respondent got into a verbal argument with a garbage truck driver after the driver failed to pick up the garbage bins outside Respondent's home. The garbage truck driver informed Respondent that he had not paid his bill, suggested he contact the office to dispute the bill, and drove away. Respondent then got into his own vehicle and followed the garbage truck around the neighborhood. At some point, when the garbage truck was stopped, Respondent approached the garbage truck driver with a knife. Respondent then tried to open the driver's door of the garbage truck and said to the driver, "I'm going to kill you, [expletive]." The police were called to the scene and Respondent was subsequently placed under arrest.
- 14. On or about December 8, 2023, the Board issued an Order Granting Petition to Compel Mental and Physical Examinations of Respondent (Order).