

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

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

Kambiz Youabian, M.D.

**Physician's and Surgeon's
Certificate No. A 72457**

Respondent.

Case No. 800-2023-095492

DECISION

The attached Stipulated Surrender of License 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 9,
2025. IT IS SO ORDERED October 2, 2025.**

MEDICAL BOARD OF CALIFORNIA



**Reji Varghese
Executive Director**

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROSEMARY F. LUZON
Deputy Attorney General
4 State Bar No. 221544
600 West Broadway, Suite 1800
5 San Diego, CA 92101
Telephone: (619) 738-9074
6 Facsimile: (916) 732-7920

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **Kambiz Youabian, M.D.**
14 **468 S. Hamel Road**
Los Angeles, CA 90048-3919

15 **Respondent is currently incarcerated at:**
16 **DCI LOMPOC II**
3901 Klein Blvd.
17 **Lompoc, CA 93436**
Register Number: 37808-510

18 **Physician's and Surgeon's Certificate**
19 **No. A 72457,**

20 Respondent.

Case No. 800-2023-095492

OAH No. 2025020571

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

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

23 **PARTIES**

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

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2. Kambiz Youabian, M.D. (Respondent) is represented in this proceeding by attorney Alaleh Kamran, Esq., whose address is: 16130 Ventura Blvd, Ste. 320, Encino, CA 91436-2531.

3. On or about July 1, 2000, the Board issued Physician's and Surgeon's Certificate No. A 72457 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2023-095492 and will expire on June 30, 2026, unless renewed.

4. On or about September 12, 2024, pursuant to Business and Professions Code section 2236.1, the Board issued a Notice of Automatic Suspension of License to Respondent arising from Respondent's January 29, 2024, felony conviction and subsequent incarceration, which is continuing.

JURISDICTION

5. On or about December 13, 2024, Accusation No. 800-2023-095492 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on or about December 13, 2024. Respondent timely filed his Notice of Defense contesting the Accusation.

6. A true and correct copy of Accusation No. 800-2023-095492 is attached as Exhibit A and incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2023-095492. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

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

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1 rights accorded by the California Administrative Procedure Act and other applicable laws, having
2 been fully advised of same by his attorney, Alaleh Kamran, Esq.

3 9. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
4 waives and gives up each and every right set forth above.

5 **CULPABILITY**

6 10. Respondent admits the truth of each and every charge and allegation in Accusation
7 No. 800-2023-095492, agrees that cause exists for discipline, and hereby surrenders his
8 Physician's and Surgeon's Certificate No. A 72457 for the Board's formal acceptance.

9 11. Respondent understands that by signing this stipulation he enables the Board to issue
10 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
11 process.

12 **CONTINGENCY**

13 12. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
14 part, that the Medical Board "shall delegate to its executive director the authority to adopt a ...
15 stipulation for surrender of a license[.]"

16 13. Respondent understands that, by signing this stipulation, he enables the Executive
17 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
18 Physician's and Surgeon's Certificate No. A 72457 without further notice to, or opportunity to be
19 heard by, Respondent.

20 14. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
21 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
22 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his
23 consideration in the above-entitled matter and, further, that the Executive Director shall have a
24 reasonable period of time in which to consider and act on this Stipulated Surrender of License and
25 Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands
26 and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the
27 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

28 ///

15. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Executive Director on behalf of the Board does not, in his discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent will assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

16. This Stipulated Surrender of License and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final, and exclusive embodiment of the agreements of the parties in the above-entitled matter.

17. The parties agree that copies of this Stipulated Surrender of License and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

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

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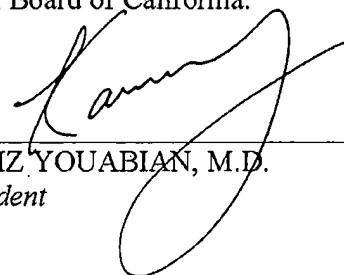
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1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order and have fully
3 discussed it with my attorney, Alaleh Kamran, Esq. I understand the stipulation and the effect it
4 will have on my Physician's and Surgeon's Certificate No. A 72457. I enter into this Stipulated
5 Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
6 to be bound by the Decision and Order of the Medical Board of California.

7
8 DATED: September 3, 2025


9 KAMBIZ YOUABIAN, M.D.
10 Respondent

11 I have read and fully discussed with Respondent Kambiz Youabian, M.D., the terms and
12 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
13 Order. I approve its form and content.

14
15 DATED: September 3, 2025

Alaleh Kamran
16 ALALEH KAMRAN
17 Attorney for Respondent

18 ENDORSEMENT

19 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
20 respectfully submitted for consideration by the Medical Board of California of the Department of
21 Consumer Affairs.

22 DATED: _____

Respectfully submitted,

23 ROB BONTA
24 Attorney General of California
25 ALEXANDRA M. ALVAREZ
26 Supervising Deputy Attorney General

27 ROSEMARY F. LUZON
28 Deputy Attorney General
Attorneys for Complainant

LA2024604224/85322938

1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order and have fully
3 discussed it with my attorney, Alaleh Kamran, Esq. I understand the stipulation and the effect it
4 will have on my Physician's and Surgeon's Certificate No. A 72457. I enter into this Stipulated
5 Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
6 to be bound by the Decision and Order of the Medical Board of California.

7
8 DATED: _____

9 KAMBIZ YOUABIAN, M.D.
10 *Respondent*

11 I have read and fully discussed with Respondent Kambiz Youabian, M.D., the terms and
12 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
13 Order. I approve its form and content.

14
15 DATED: _____

16 ALALEH KAMRAN
17 *Attorney for Respondent*

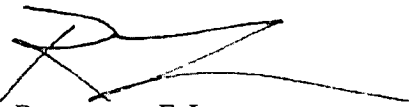
18 ENDORSEMENT

19 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
20 respectfully submitted for consideration by the Medical Board of California of the Department of
21 Consumer Affairs.

22 DATED: 9/8/2025

Respectfully submitted,

23 ROB BONTA
24 Attorney General of California
25 ALEXANDRA M. ALVAREZ
26 Supervising Deputy Attorney General

27 
28 ROSEMARY F. LUZON
Deputy Attorney General
Attorneys for Complainant

LA2024604224/85322938

Exhibit A

Accusation No. 800-2023-095492

1 ROB BONTA
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2 EDWARD KIM
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3 DANG VU
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4 State Bar No. 306393
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:

Case No. 800-2023-095492

12 **Kambiz Youabian, M.D.**
13 **468 S. Hamel Road**
Los Angeles, CA 90048-3919

A C C U S A T I O N

14 **Respondent is currently incarcerated at:**
15 **DCI LOMPOC II**
16 **3901 Klein Blvd.**
Lompoc, CA 93436
Register Number: 37808-510

17 **Physician's and Surgeon's Certificate**
18 **No. A 72457,**

Respondent.

19 Complainant alleges:
20

PARTIES

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).

24 2. On or about July 1, 2000, the Board issued Physician's and Surgeon's Certificate
25 Number A 72457 to Kambiz Youabian, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on June 30, 2026, unless renewed.
28

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 2004 of the Code states:

The board shall have the responsibility for the following:

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

(b) The administration and hearing of disciplinary actions.

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

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

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

(f) Approving undergraduate and graduate medical education programs.

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

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

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

5. Section 2220 of the Code states:

Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders, and the board shall have all the powers granted in this chapter for these purposes including, but not limited to:

(a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying a report received pursuant to Section 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining order should be issued. The board shall otherwise provide timely disposition of the reports received pursuant to Section 805 and Section 805.01.

(b) Investigating the circumstances of practice of any physician and surgeon where there have been any judgments, settlements, or arbitration awards requiring the

1 physician and surgeon or his or her professional liability insurer to pay an amount in
2 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with
3 respect to any claim that injury or damage was proximately caused by the physician's
4 and surgeon's error, negligence, or omission.

5 (c) Investigating the nature and causes of injuries from cases which shall be
6 reported of a high number of judgments, settlements, or arbitration awards against a
7 physician and surgeon.

8 6. Section 2221 of the Code states:

9 (a) The board may deny a physician's and surgeon's certificate to an applicant
10 guilty of unprofessional conduct or of any cause that would subject a licensee to
11 revocation or suspension of their license. The board, in its sole discretion, may issue a
12 probationary physician's and surgeon's certificate to an applicant subject to terms and
13 conditions, including, but not limited to, any of the following conditions of probation:

14 (1) Practice limited to a supervised, structured environment where the
15 licensee's activities shall be supervised by another physician and surgeon.

16 (2) Total or partial restrictions on drug prescribing privileges for controlled
17 substances.

18 (3) Continuing medical or psychiatric treatment.

19 (4) Ongoing participation in a specified rehabilitation program.

20 (5) Enrollment and successful completion of a clinical training program.

21 (6) Abstention from the use of alcohol or drugs.

22 (7) Restrictions against engaging in certain types of medical practice.

23 (8) Compliance with all provisions of this chapter.

24 (9) Payment of the cost of probation monitoring.

25 (b) The board may modify or terminate the terms and conditions imposed on
26 the probationary certificate upon receipt of a petition from the licensee. The board
27 may assign the petition to an administrative law judge designated in Section 11371 of
28 the Government Code. After a hearing on the petition, the administrative law judge
shall provide a proposed decision to the board.

(c) The board shall deny a physician's and surgeon's certificate to an applicant
who is required to register pursuant to Section 290 of the Penal Code. This
subdivision does not apply to an applicant who is required to register as a sex
offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor
conviction under Section 314 of the Penal Code.

(d) An applicant shall not be eligible to reapply for a physician's and surgeon's
certificate for a minimum of three years from the effective date of the denial of his or
her application, except that the board may, in its discretion and for good cause
demonstrated, permit reapplication after not less than one year has elapsed from the
effective date of the denial.

(e) The board shall disclose a probationary physician's and surgeon's certificate

1 issued pursuant to this section and the operative statement of issues to an inquiring
2 member of the public and shall post the certificate and statement on the board's
internet website for 10 years from issuance.

3 7. Section 2227 of the Code states:

4 (a) A licensee whose matter has been heard by an administrative law judge of
5 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
6 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:

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

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

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

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

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

15 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
16 medical review or advisory conferences, professional competency examinations,
continuing education activities, and cost reimbursement associated therewith that are
17 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.

18 STATUTORY PROVISIONS

19 8. Section 2228.1 of the Code states:

20 (a) On and after July 1, 2019, except as otherwise provided in subdivision (c),
21 the board and the Podiatric Medical Board of California shall require a licensee to
22 provide a separate disclosure that includes the licensee's probation status, the length
of the probation, the probation end date, all practice restrictions placed on the licensee
23 by the board, the board's telephone number, and an explanation of how the patient
can find further information on the licensee's probation on the licensee's profile page
24 on the board's online license information internet web site, to a patient or the
patient's guardian or health care surrogate before the patient's first visit following the
probationary order while the licensee is on probation pursuant to a probationary order
25 made on and after July 1, 2019, in any of the following circumstances:

26 (1) A final adjudication by the board following an administrative hearing or
admitted findings or prima facie showing in a stipulated settlement establishing any
27 of the following:

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

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

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

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

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

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

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

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

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

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

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

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

21 (1) For probation imposed pursuant to a stipulated settlement, the causes
22 alleged in the operative accusation along with a designation identifying those causes
by which the licensee has expressly admitted guilt and a statement that acceptance of
the settlement is not an admission of guilt.

23 (2) For probation imposed by an adjudicated decision of the board, the causes
24 for probation stated in the final probationary order.

25 (3) For a licensee granted a probationary license, the causes by which the
probationary license was imposed.

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

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

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

1 9. Section 2234 of the Code, states:

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

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

7 (b) Gross negligence.

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

12 (1) An initial negligent diagnosis followed by an act or omission medically
13 appropriate for that negligent diagnosis of the patient shall constitute a single
14 negligent act.

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

20 (d) Incompetence.

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

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

25 (g) The failure by a certificate holder, in the absence of good cause, to attend
26 and participate in an interview by the board no later than 30 calendar days after being
27 notified by the board. This subdivision shall only apply to a certificate holder who is
28 the subject of an investigation by the board.

 (h) Any action of the licensee, or another person acting on behalf of the
 licensee, intended to cause their patient or their patient's authorized representative to
 rescind consent to release the patient's medical records to the board or the
 Department of Consumer Affairs, Health Quality Investigation Unit.

 (i) Dissuading, intimidating, or tampering with a patient, witness, or any person
 in an attempt to prevent them from reporting or testifying about a licensee.

 10. Section 2236 of the Code states:

 (a) The conviction of any offense substantially related to the qualifications,
 functions, or duties of a physician and surgeon constitutes unprofessional conduct
 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
 of conviction shall be conclusive evidence only of the fact that the conviction
 occurred.

1 (b) The district attorney, city attorney, or other prosecuting agency shall notify
2 the Medical Board of the pendency of an action against a licensee charging a felony
3 or misdemeanor immediately upon obtaining information that the defendant is a
4 licensee. The notice shall identify the licensee and describe the crimes charged and
the facts alleged. The prosecuting agency shall also notify the clerk of the court in
which the action is pending that the defendant is a licensee, and the clerk shall record
prominently in the file that the defendant holds a license as a physician and surgeon.

5 (c) The clerk of the court in which a licensee is convicted of a crime shall,
6 within 48 hours after the conviction, transmit a certified copy of the record of
7 conviction to the board. The division may inquire into the circumstances surrounding
the commission of a crime in order to fix the degree of discipline or to determine if
the conviction is of an offense substantially related to the qualifications, functions, or
duties of a physician and surgeon.

8 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
9 deemed to be a conviction within the meaning of this section and Section 2236.1.
10 The record of conviction shall be conclusive evidence of the fact that the conviction
occurred.

11 11. Section 2236.1 of the Code states:

12 (a) A physician and surgeon's certificate shall be suspended automatically
13 during any time that the holder of the certificate is incarcerated after conviction of a
14 felony, regardless of whether the conviction has been appealed. The Medical Board
15 shall, immediately upon receipt of the certified copy of the record of conviction,
16 determine whether the certificate of the physician and surgeon has been automatically
suspended by virtue of his or her incarceration, and if so, the duration of that
suspension. The division shall notify the physician and surgeon of the license
suspension and of his or her right to elect to have the issue of penalty heard as
provided in this section.

17 (b) Upon receipt of the certified copy of the record of conviction, if after a
18 hearing it is determined therefrom that the felony of which the licensee was convicted
19 was substantially related to the qualifications, functions, or duties of a physician and
20 surgeon, the Medical Board shall suspend the license until the time for appeal has
21 elapsed, if no appeal has been taken, or until the judgment of conviction has been
affirmed on appeal or has otherwise become final, and until further order of the
division. The issue of substantial relationship shall be heard by and administrative
law judge from the Medical Quality Hearing Panel sitting alone or with a panel of the
division, in the discretion of the division.

22 (c) Notwithstanding subdivision (b), a conviction of any crime referred to in
23 Section 2237, or a conviction of Section 187, 261, 288, or former Section 262, of the
24 Penal Code, shall be conclusively presumed to be substantially related to the
25 qualifications, functions, or duties of a physician and surgeon and no hearing shall be
26 held on this issue. Upon its own motion or for good cause shown, the board may
decline to impose or may set aside the suspension when it appears to be in the interest
of justice to do so, with due regard to maintaining the integrity of and confidence in
the medical profession.

27 (d) (1) Discipline may be ordered in accordance with Section 2227, or the
28 Medical Board may order the denial of the license when the time for appeal has
elapsed, the judgment of conviction has been affirmed on appeal, or an order granting
probation is made suspending the imposition of sentence, irrespective of a subsequent

1 order under Section 1203.4 of the Penal Code allowing the person to withdraw the
2 plea of guilty and to enter a plea of not guilty, setting aside the verdict of guilty, or
3 dismissing the accusation, complaint, information, or indictment.

4 (2) The issue of penalty shall be heard by an administrative law judge from the
5 Medical Quality Hearing Panel sitting alone or with a panel of the board, in the
6 discretion of the board. The hearing shall not be had until the judgment of conviction
7 has become final or, irrespective of a subsequent order under Section 1203.4 of the
8 Penal Code, an order granting probation has been made suspending the imposition of
9 sentence; except that a licensee may, at the licensee's option, elect to have the issue
10 of penalty decided before those time periods have elapsed. Where the licensee so
11 elects, the issue of penalty shall be heard in the manner described in this section at the
12 hearing to determine whether the conviction was substantially related to the
13 qualifications, functions, or duties of a physician and surgeon. If the conviction of a
14 licensee who has made this election is overturned on appeal, any discipline ordered
15 pursuant to this section shall automatically cease. Nothing in this subdivision shall
16 prohibit the division from pursuing disciplinary action based on any cause other than
17 the overturned conviction.

18 (e) The record of the proceedings resulting in the conviction, including a
19 transcript of the testimony therein, may be received in evidence.

20 (f) The other provisions of this article setting forth a procedure for the
21 suspension or revocation of a physician and surgeon's certificate shall not apply to
22 proceedings conducted pursuant to this section.

23 12. Unprofessional conduct is conduct which breaches rules or ethical codes of a
24 profession or conduct which is unbecoming a member in good standing of a profession. (*Shea v.*
25 *Board of Medical Examiners* (1978) 81 Cal.App.3rd 564, 575.)

26 13. California Code of Regulations, title 16, section 1360, states:

27 (a) For the purposes of denial, suspension or revocation of a license pursuant to
28 Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime,
professional misconduct, or act shall be considered to be substantially related to the
qualifications, functions or duties of a person holding a license 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. Such crimes, professional misconduct, or acts shall include
but not be limited to the following: Violating or attempting to violate, directly or
indirectly, or assisting in or abetting the violation of, or conspiring to violate any
provision of state or federal law governing the applicant's or licensee's professional
practice.

(b) In making the substantial relationship determination required under
subdivision (a) for a crime, the board shall consider the following criteria:

- (1) The nature and gravity of the crime;
- (2) The number of years elapsed since the date of the crime; and
- (3) The nature and duties of the profession.

COST RECOVERY

14. 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.

15. 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.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

16. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, in that Respondent has been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly alleged hereinafter:

17. Between in or around March 2016 and June 2022, in Los Angeles County and elsewhere, Respondent, together with others, participated in, and executed a scheme to defraud the victim medical providers (hereinafter, the VPs) and others, and to obtain money and property from the VPs, by means of material false and fraudulent pretenses, representations, and promises, and the concealment of material facts. Respondent's fraudulent scheme operated as follows:

A. Through GES¹, Respondent purchased depleted Ulthera² transducers³ for nominal amounts of money, often \$50. To conceal his role in GES, Respondent operated GES using stolen and fictitious identities (illicit identities).

¹ "GES" means Global Electronic Supplies, a company operating in Los Angeles, California, through which Respondent purchased depleted transducers and, with the specific intent to defraud, sold counterfeit PAC keys to the VPs. GES was not registered to do business in any state.

² "Ulthera" means Ulthera Inc., the manufacturer of a Class II FDA-cleared device called the "Ulthera System," an ultrasound device used to tighten the skin of dermatology patients.

³ "Ulthera transducer" or "transducer" means a component of the Ulthera System, which delivered the ultrasound energy and was applied directly to a patient's skin. Transducers used in the Ulthera System were designed to provide no more than 2,400 dosage lines of treatment. After 2,400 dosage lines of treatment, the transducer was considered depleted, and should have been disposed of in accordance with health code regulations.

1 B. Respondent then remanufactured or caused the remanufacturing of those
2 depleted transducers. Respondent also added and caused to be added to the transducers,
3 fabricated serial numbers to make the transducers appear new.

4 C. Respondent, doing business as Thermagen⁴, fraudulently marketed and sold, the
5 remanufactured used depleted transducers as "new" Ulthera transducers to the VPs and other
6 victim customers with 2,400 remaining dosage lines of treatment.

7 D. To conceal his role in Thermagen, Respondent used made up names of
8 fabricated Thermagen employees to pose as Thermagen employees to correspond with VPs and
9 used out-of-state commercial mailboxes for Thermagen's return address on shipments.

10 E. Respondent caused the VPs to send payment for the transducers via Paypal and
11 Square accounts that Respondent controlled.

12 F. Using the United States Postal Service (USPS), Respondent, doing business as
13 Thermagen, shipped and caused the shipping of the misbranded and adulterated transducers to the
14 VPs.

15 G. Through GES, Respondent also fraudulently marketed and sold counterfeit
16 PAC Keys⁵ to VPs.

17 H. Respondent shipped GES's counterfeit PAC keys to the VPs through USPS and
18 directed payments for those counterfeit PAC keys to payment processing accounts Respondent
19 controlled.

20 I. Respondent remitted fraudulent proceeds from the sale of misbranded and
21 adulterated medical devices to bank accounts Respondent controlled, including accounts
22 Respondent opened in the names of MSY Technologies⁶, MSY Property Investments LLC,
23 Respondent's au pair, and Respondent.

24 ⁴ "Thermagen" means a company operating in Los Angeles, California, through which
25 Respondent, with the specific intent to defraud, and via interstate mail carriers, sold misbranded
26 and adulterated transducers to the VPs that were falsely marked as new Ulthera transducers.
Thermagen was not registered to do business in any state.

27 ⁵ "PAC Keys" means USB-capable devices used to activate SculpSure machines, which
were FDA-cleared laser devices intended to reduce fat on medical patients and distributed by
Cynosure LLC (Cynosure).

28 ⁶ "MSY Technologies" means "MSY Technologies Inc.," an entity that did business as
(continued...)

1 18. On or about February 20, 2020, an undercover Food and Drug Administration (FDA)
2 agent visited the Thermagen website to purchase a transducer. The website falsely advertised
3 "Ulthera transducers (new) - \$1,695 Each," along with images of the transducers. The website
4 also falsely stated, "We sell NEW tips/transducers for the Ulthera Utherapy machines. We get
5 our transducers from clinics who sell their machines or close down their offices. All
6 tips/transducers have 2400 lines and have good expiration dates."

7 19. Later, on or about February 20, 2020, the undercover FDA agent then purchased a
8 transducer from Respondent, who was doing business as Thermagen, and received an order
9 confirmation with the transducer's USPS tracking number. USPS records showed that Thermagen
10 shipped the transducer from Los Angeles, California, to Florida on that same day.

11 20. Merz⁷ is the exclusive U.S. distributor of Ulthera lasers and transducers. Merz only
12 sells new transducers. Merz confirmed that the serial number on the transducer that the
13 undercover FDA agent purchased was false. Merz analyzed several more transducers that
14 Respondent sold into interstate commerce. At the conclusion of its analysis, Merz determined
15 that the transducers Respondent sold through Thermagen were unsafe, depleted, and shipped in
16 unsealed packaging that increased the risk of contamination.

17 21. To lawfully remanufacture, prepare, propagate, compound, or process transducers,
18 Respondent was required to register with the FDA. A search of FDA databases revealed that
19 Respondent had not been registered to remanufacture medical devices since June 2016. In
20 October of 2019, Respondent falsely stated to an FDA Consumer Safety Officer that Respondent
21 no longer sold medical devices and instead was in the "real estate" business.

22 22. In or around June 2022, federal agents executed search warrants on Respondent's
23 home and the GES-Thermagen office in Los Angeles, California. In Respondent's home, agents
24 encountered Respondent and found several cell phones, a number of which were labeled with
25 company names, including GES. In at least one of those cell phones, agents discovered text
26 messages in which Respondent identified himself by aliases and talked to customers about the

27 Thermagen and GES. Respondent served as the Chief Executive Officer, Chief Financial Officer,
28 and Secretary of MSY Technologies.

⁷ "Merz" means Merz North America, Inc.

1 refurbished components that Thermagen and GES sold. In the Thermagen-GES office, agents
2 seized 75 Ulthera transducers in various stages of refurbishment, a manufacturing workstation
3 containing tools and transducer parts, and detailed records of Thermagen and GES's expenses.

4 23. In total, doing business as Thermagen and GES, Respondent unlawfully sold
5 thousands of medical devices, including transducers and PAC keys, and from those sales received
6 at least \$5,821,474.00 in proceeds from his fraudulent scheme that should have been paid to Merz
7 and Cynosure, the sole U.S. distributors of the transducers and PAC Keys, respectively.
8 Respondent's conduct also caused reputation harm to the device manufacturers and distributors,
9 including Merz and Cynosure.

10 24. On or about December 14, 2022, the United States Attorney's Office filed a felony
11 information against Respondent in the matter of *United States of America v. Kambiz Youabian*,
12 case number CR 2:22-cr-00588-DSF. Count one of the information charged Respondent with
13 mail fraud in violation of Title 18, United States Code Section 1341, a felony. Count two of the
14 information charged Respondent with introduction and delivery of a misbranded medical device
15 into interstate commerce in violation of Title 21, United States Code Section 331(a); 352(a), (o);
16 333(a)(2), a felony.

17 25. On or about January 9, 2023, Respondent was convicted upon his guilty pleas to
18 Count one, mail fraud, a felony, and Count two, introduction and delivery of a misbranded
19 medical device into interstate commerce, a felony. On or about January 29, 2024, the United
20 States District Court sentenced Respondent to prison for 30 months, and he was ordered to pay
21 \$5,937,049.64 in restitution.

22 SECOND CAUSE FOR DISCIPLINE

23 (Dishonesty)

24 26. Respondent is further subject to disciplinary action under sections 2227 and 2234(e)
25 of the Code, in that Respondent has engaged in conduct involving dishonesty or corruption that is
26 substantially related to the qualifications, functions, or duties of a physician and surgeon. The
27 circumstances are as follows:

28 27. The allegations of the First Cause for Discipline are incorporated herein by reference

1 as if fully set forth.

2 **THIRD CAUSE FOR DISCIPLINE**

3 **(General Unprofessional Conduct)**

4 28. Respondent is further subject to disciplinary action under sections 2227 and 2234 of
5 the Code, in that Respondent has engaged in conduct, which breaches the rules or ethical code of
6 the medical profession or conduct which is unbecoming to a member in good standing of the
7 medical profession, and which demonstrates an unfitness to practice medicine. The
8 circumstances are as follows:

9 29. The allegations of the First Cause for Discipline are incorporated herein by reference
10 as if fully set forth.

11 **PRAYER**

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

14 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 72457,
15 issued to Respondent Kambiz Youabian, M.D.;

16 2. Revoking, suspending, or denying approval of Respondent Kambiz Youabian, M.D.'s
17 authority to supervise physician assistants and advanced practice nurses;

18 3. Ordering Respondent Kambiz Youabian, M.D., to pay the Board the costs of the
19 investigation and enforcement of this case, and if placed on probation, the costs of probation
20 monitoring;

21 4. Ordering Respondent Kambiz Youabian, M.D., if placed on probation, to provide
22 patient notification in accordance with Business and Professions Code section 2228.1; and

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

24
25 DATED: DEC 13 2024

26 JENNA JONES FOR
27 REJI VARGHESE
28 Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant