

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

In the Matter of the Accusation)
Against:)
)
)
Ashiq V. Patel, M.D.)
)
Physician's and Surgeon's)
Certificate No. A 66156)
)
Respondent)
_____)

File No. 05-2011-213420


DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on November 15, 2013 .

IT IS SO ORDERED October 18, 2013 .

MEDICAL BOARD OF CALIFORNIA

By: 
Dev Gnanadev, M.D., Chair
Panel B

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 PEGGIE BRADFORD TARWATER
Deputy Attorney General
4 State Bar No. 169127
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 620-6068
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7 E-mail: Peggie.Tarwater@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 ASHIQ V. PATEL, M.D.
13 1331 W. Avenue J, Suite 206
14 Lancaster, CA 93534

15 Physician's and Surgeon's Certificate No. A
66156,

16 Respondent.

Case No. 05-2011-213420

OAH No. 2012060613

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Medical Board of California of the Department of Consumer
20 Affairs (Board), the parties hereby agree to the following Stipulated Settlement and Disciplinary
21 Order which will be submitted to the Board for approval and adoption as the final disposition of
22 the Accusation.

23 PARTIES

24 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
25 California. She brought this action solely in her official capacity and is represented in this matter
26 by Kamala D. Harris, Attorney General of the State of California, by Peggie Bradford Tarwater,
27 Deputy Attorney General.
28

1 2. Ashiq V. Patel, M.D. (Respondent) is represented in this proceeding by attorney
2 Joseph P. Furman, Esq., Furman Healthcare Law, whose address is 9701 Wilshire Boulevard,
3 10th Floor, Beverly Hills, California 90212

4 3. On or about July 31, 1998, the Medical Board of California issued Physician's and
5 Surgeon's Certificate No. A 66156 to Respondent. The Physician's and Surgeon's Certificate was
6 in full force and effect at all times relevant to the charges brought in Accusation No. 05-2011-
7 213420 and will expire on March 31, 2014, unless renewed.

8 JURISDICTION

9 4. Accusation No. 05-2011-213420 was filed before the Board and is currently pending
10 against Respondent. The Accusation and all other statutorily required documents were properly
11 served on Respondent on May 23, 2012. Respondent timely filed his Notice of Defense
12 contesting the Accusation.

13 5. A copy of Accusation No. 05-2011-213420 is attached as Exhibit A and incorporated
14 herein by reference.

15 ADVISEMENT AND WAIVERS

16 6. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 05-2011-213420. Respondent has also carefully read,
18 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
19 Disciplinary Order.

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

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

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 05-2011-213420, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
8 those charges.

9 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
10 discipline, and he agrees to be bound by the Board's imposition of discipline as set forth in the
11 Disciplinary Order below.

12 RESERVATION

13 12. The admissions made by Respondent herein are only for the purposes of this
14 proceeding, or any other proceedings in which the Medical Board of California or other
15 professional licensing agency is involved, and shall not be admissible in any other criminal or
16 civil proceeding.

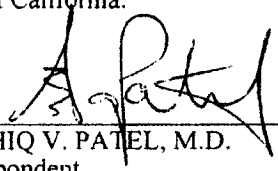
17 CONTINGENCY

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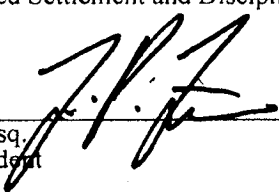
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Joseph P. Furman, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 4/4/13 
ASHIQ V. PATEL, M.D.
Respondent

I have read and fully discussed with Respondent Ashiq V. Patel, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: April 5, 2013 
Joseph P. Furman, Esq.
Attorney for Respondent

ENDORSEMENT

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

Dated: Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

PEGGIE BRADFORD TARWATER
Deputy Attorney General
Attorneys for Complainant

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Joseph P. Furman, Esq. I understand the stipulation and the effect
4 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
5 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: _____
9 ASHIQ V. PATEL, M.D.
10 Respondent

11 I have read and fully discussed with Respondent Ashiq V. Patel, M.D. the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14 DATED: _____
15 Joseph P. Furman, Esq.
16 Attorney for Respondent

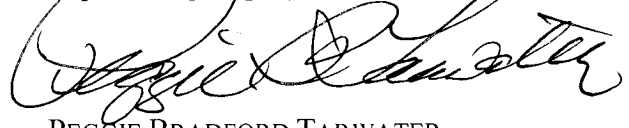
17 ENDORSEMENT

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

21 Dated: 4/5/13

Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 ROBERT MCKIM BELL
25 Supervising Deputy Attorney General



26 PEGGIE BRADFORD TARWATER
27 Deputy Attorney General
28 *Attorneys for Complainant*

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Exhibit A

Accusation No. 05-2011-213420

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 PEGGIE BRADFORD TARWATER
Deputy Attorney General
4 State Bar No. 169127
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 620-6068
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 23 20 12
BY H. Park ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 05-2011-213420

12 ASHIQ V. PATEL, M.D.
13 1331 W. Avenue J, Suite 206
Lancaster, California 93534

ACCUSATION

14 Physician's and Surgeon's Certificate No. A
15 66156,

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

21 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

23 2. On or about July 31, 1998, the Medical Board of California issued Physician's and
24 Surgeon's Certificate Number A 66156 to Ashiq V. Patel, M.D. (Respondent). The Physician's
25 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on March 31, 2014, unless renewed.

JURISDICTION

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

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states:

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

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

"(b) Gross negligence.

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

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

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

". . . ."

1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 6. Respondent is subject to disciplinary action under section 2234, subdivision (b), in
4 that Respondent was grossly negligent in his care and treatment of patient V.G. The
5 circumstances are as follows:

6 7. On or about August 2, 2010, Patient V.G. underwent a thyroidectomy at Antelope
7 Valley Hospital.

8 8. On or about August 3, 2010, Respondent assumed responsibility for V.G.'s endocrine
9 care. In order to maintain her normal thyroid metabolic state, Respondent prescribed 125
10 micrograms of Levothyroxine.¹

11 9. Lab test results dated August 26, 2010, revealed normal thyroid function.

12 10. On or about September 7, 2010, Respondent saw V.G. in his office. V.G. complained
13 of dizziness, dry skin and fatigue. She also reported she had been experiencing nervousness,
14 palpitations and weakness. The medical record further notes obesity as a comorbidity.
15 Respondent reviewed the lab test results and continued the prescription for 125 micrograms of
16 Levothyroxine. He counseled V.G. on diet and exercise.

17 11. Lab test results dated September 27, 2010, indicated a thyroid stimulating hormone
18 (TSH) level within normal limits. Respondent described a "just slightly elevated" thyroxine (T4)
19 level, and a triiodothyronine (T3) level at the "low end."²

20 12. On or about October 5, 2010, Respondent again saw V.G. in his office. V.G.
21 continued to complain of dizziness, dry skin, fatigue, nervousness, palpitations and weakness.
22 Obesity is again noted, and Respondent again counseled V.G. on diet and exercise. Respondent

23 ¹ Levothyroxine is a replacement for the hormone normally produced by the thyroid
24 gland to regulate the body's energy and metabolism.

25 ² Thyroid hormone production is regulated by TSH. TSH is made by the pituitary gland,
26 which is located in the brain. From the pituitary gland, TSH travels to the thyroid where it
27 stimulates the production of T3 and T4 and their release into the bloodstream. (See
28 <http://www.endocrine.niddk.nih.gov/pubs/thyroidtests/index.aspx#whatis.>)

1 reviewed the lab results. Respondent did not feel that the medication was causing V.G.'s
2 symptoms, but agreed to reduce the Levothyroxine dose to see if there would be a difference in
3 the symptoms. He reduced the dose to 100 micrograms.

4 13. Lab test results dated October 28, 2010, indicated V.G. was hypothyroid, suggesting
5 not enough thyroid replacement hormone.

6 14. On or about November 2, 2010, Respondent saw V.G. in his office. The medical
7 record provides that V.G. continues to experience dizziness, dry skin and fatigue. Obesity is
8 again noted, and Respondent again counseled V.G. on diet and exercise. Without explanation in
9 the medical record, Respondent switched V.G.'s medication to Armour Thyroid,³ two grains per
10 day.

11 15. Lab test results dated November 24, 2010, indicated that TSH levels were suppressed,
12 suggesting that V.G. was receiving too much thyroid hormone. However, at V.G.'s subsequent
13 office visit of November 30, 2010, Respondent made no change to V.G.'s thyroid medication.

14 16. Lab test results dated December 17, 2010, demonstrated normal thyroid hormone
15 levels. The lab test results also demonstrated elevated cholesterol, elevated testosterone and an
16 "off" ratio of follicle stimulating hormone to luteinizing hormone that led Respondent to suspect
17 polycystic ovarian syndrome (PCOS) or insulin resistance.⁴ No hemoglobin A1c⁵ test was
18 ordered. At V.G.'s subsequent office visit of December 23, 2010, Respondent increased the
19 Armour Thyroid to three grains per day. At that visit, obesity was again noted, and Respondent
20 again counseled V.G. on diet and exercise.

21
22
23 ³ Armour Thyroid is the brand name of natural thyroid hormone replacement.

24 ⁴ PCOS is a condition in which there is an imbalance of a woman's female sex hormones,
25 which may cause changes in the menstrual cycle, skin changes, small ovarian cysts, trouble
26 getting pregnant and other problems. (See
[http://www.ncbi.nlm.nih.gov/pubmedhealth/PMH0001408/.](http://www.ncbi.nlm.nih.gov/pubmedhealth/PMH0001408/))

27 ⁵ The hemoglobin A1c test is used to measure blood sugar levels. (See
28 [http://www.nlm.nih.gov/medlineplus/ency/article/003640.htm.](http://www.nlm.nih.gov/medlineplus/ency/article/003640.htm))

1 17. Lab test results dated January 25, 2011, showed slight lowering of cholesterol levels,
2 suppressed levels of TSH, indicating that V.G. was receiving too much thyroid hormone, and
3 triglycerides within normal range. The lab test results were consistent with PCOS.

4 18. The medical record of V.G.'s February 4, 2011, visit with Respondent indicates that
5 Respondent diagnosed V.G. with dysmetabolic syndrome⁶ and prescribed Victoza, an injectible
6 medication used for the treatment of type 2 diabetes. At this visit, V.G.'s heart rate was 118 beats
7 per minute. There was no change in the prescription for Armour Thyroid.

8 19. Respondent was grossly negligent in the care and treatment of V.G. when he failed to
9 recognize abnormal thyroid function tests and failed to properly adjust thyroid medications.

10 SECOND CAUSE FOR DISCIPLINE

11 (Repeated Negligent Acts)

12 20. Respondent is subject to disciplinary action under section 2234, subdivision (c), in
13 that Respondent committed repeated negligent acts in his care and treatment of V.G. The
14 circumstances are as follows:

15 21. The facts and circumstances contained in paragraphs 7 through 18 are incorporated as
16 if fully set forth.

17 22. Respondent was negligent in his care and treatment of V.G. as follows:

- 18 a. Respondent failed to recognize abnormal thyroid function tests and failed to
19 properly adjust thyroid medications;
- 20 b. Respondent improperly diagnosed prediabetes and dysmetabolic syndrome;
21 and
- 22 c. Respondent improperly prescribed Victoza to treat dysmetabolic syndrome.

23 ///

24 ///

25 ///

26 _____
27 ⁶ Metabolic syndrome, also known as dysmetabolic syndrome, is the name for a group of
28 risk factors that raises the risk for heart disease and other health problems, including diabetes.
(See <http://www.nhlbi.nih.gov/health/health-topics/topics/ms/>.)

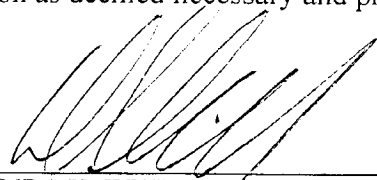
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PAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 66156, issued to Ashiq V. Patel, M.D.
2. Revoking, suspending or denying approval of his authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. If placed on probation, ordering him to pay the Medical Board of California the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: May 23, 2012



LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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