

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

In the Matter of the Accusation Against:)
)
)
ALI SEDGHI VAZIRI, M.D.) Case No. 12-2012-225261
)
Physician's and Surgeon's)
Certificate No. G 71962)
)
Respondent.)
_____)


DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on May 29, 2015.

IT IS SO ORDERED April 29, 2015.

MEDICAL BOARD OF CALIFORNIA


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

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 ASHLEY HARLAN
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Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **ALI SEDGHI VAZIRI, M.D.**

12 **935 Trancas Street, Suite 1A**
13 **Napa, CA 94558**

14 **Physician's and Surgeon's Certificate No.**
15 **G71962**

16 Respondent.

Case No. 12-2012-225261

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

19 PARTIES

20 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical
21 Board of California. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Ashley Harlan,
23 Deputy Attorney General.

24 2. Ali Sedghi Vaziri, M.D. ("Respondent") is represented in this proceeding by attorney
25 Robert J. Sullivan, whose address is:

26 Nossaman LLP

27 621 Capitol Mall, 25th Floor

28 Sacramento, CA 95814

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 12-2012-225261.

4 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
6 Disciplinary Order below.

7 CONTINGENCY

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

18 12. The parties understand and agree that Portable Document Format ("PDF") and
19 facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and
20 facsimile signatures thereto, shall have the same force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following
23 Disciplinary Order:

24 **DISCIPLINARY ORDER**

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G71962 issued
26 to Respondent Ali Sedghi Vaziri, M.D. is revoked. However, the revocation is stayed and
27 Respondent is placed on probation for seven (7) years on the following terms and conditions.
28

1 1. ACTUAL SUSPENSION

2 Beginning on the effective date of this decision or upon Respondents release from
3 incarceration, whichever is later, Respondent is suspended from the practice of medicine for six
4 (6) months or until Respondent has completed the psychological evaluation and ethics course
5 pursuant to conditions number three and four, whichever is sooner.

6 2. COMMUNITY SERVICE - FREE SERVICES

7 Within sixty (60) calendar days of the effective date of this Decision, Respondent shall
8 submit to the Board or its designee for prior approval a community service plan in which
9 Respondent shall within the first 2 years of probation, provide fifty (50) hours of free nonmedical
10 services to a community or non-profit organization, per year.

11 Prior to engaging in any community service Respondent shall provide a true copy of the
12 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief
13 executive officer at every community or non-profit organization where Respondent provides
14 community service and shall submit proof of compliance to the Board or its designee within
15 fifteen (15) calendar days. This condition shall also apply to any change(s) in community service.

16 Community service performed prior to the effective date of the Decision shall not be
17 accepted in fulfillment of this condition.

18 3. PROFESSIONALISM PROGRAM - ETHICS COURSE

19 Within sixty(60) calendar days of the effective date of this Decision, Respondent shall
20 enroll in a professionalism program, that meets the requirements of Title 16, California Code of
21 Regulations (“CCR”) section 1358. Respondent shall participate in and successfully complete that
22 program. Respondent shall provide any information and documents that the program may deem
23 pertinent. Respondent shall successfully complete the classroom component of the program not
24 later than six (6) months after Respondent’s initial enrollment, and the longitudinal component of
25 the program not later than the time specified by the program, but no later than one (1) year after
26 attending the classroom component. The professionalism program shall be at Respondent’s
27 expense and shall be in addition to the Continuing Medical Education (“CME”) requirements for
28 renewal of licensure.

1 A professionalism program taken after the acts that gave rise to the charges in the
2 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
3 or its designee, be accepted towards the fulfillment of this condition if the program would have
4 been approved by the Board or its designee had the program been taken after the effective date of
5 this Decision.

6 Respondent shall submit a certification of successful completion to the Board or its
7 designee not later than fifteen (15) calendar days after successfully completing the program or not
8 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

9 4. PSYCHIATRIC EVALUATION

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

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

21 Respondent shall not engage in the practice of medicine until notified by the Board or its
22 designee that Respondent is mentally fit to practice medicine safely. The period of time that
23 Respondent is not practicing medicine shall not be counted toward completion of the term of
24 probation.

25 5. MONITORING - PRACTICE/BILLING

26 Within thirty (30) calendar days of the effective date of this Decision, Respondent shall
27 submit to the Board or its designee for prior approval as a billing monitor(s), the name and
28 qualifications of one or more licensed physicians and surgeons whose licenses are valid and in

1 good standing, and who are preferably American Board of Medical Specialties (ABMS) certified.
2 A monitor shall have no prior or current business or personal relationship with Respondent, or
3 other relationship that could reasonably be expected to compromise the ability of the monitor to
4 render fair and unbiased reports to the Board, including but not limited to any form of bartering,
5 shall be in Respondent's field of practice, and must agree to serve as Respondent's monitor.
6 Respondent shall pay all monitoring costs.

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

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

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

24 The monitor(s) shall submit a quarterly written report to the Board or its designee which
25 includes an evaluation of Respondent's performance, indicating whether Respondent's billing is
26 within the standard of practice, and whether Respondent is billing appropriately. It shall be the
27 sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports
28 to the Board or its designee within ten (10) calendar days after the end of the preceding quarter.

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

9 In lieu of a monitor, Respondent may participate in a professional enhancement program
10 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the
11 University of California, San Diego School of Medicine, that includes, at minimum, quarterly
12 chart review, semi-annual practice assessment, and semi-annual review of professional growth
13 and education. Respondent shall participate in the professional enhancement program at
14 Respondent's expense during the term of probation.

15 6. NOTIFICATION

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

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

24 7. SUPERVISION OF PHYSICIAN ASSISTANTS

25 During probation, Respondent is prohibited from supervising physician assistants.

26 8. OBEY ALL LAWS

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

1 payments, and other orders.

2 9. QUARTERLY DECLARATIONS

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

5 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
6 the end of the preceding quarter.

7 10. GENERAL PROBATION REQUIREMENTS.

8 Compliance with Probation Unit

9 Respondent shall comply with the Board's probation unit and all terms and conditions of
10 this Decision.

11 Address Changes

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

17 Place of Practice

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

21 License Renewal

22 Respondent shall maintain a current and renewed California physician's and surgeon's
23 license.

24 Travel or Residence Outside California

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

28 In the event Respondent should leave the State of California to reside or to practice

1 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the
2 dates of departure and return.

3 11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE

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

7 12. NON-PRACTICE WHILE ON PROBATION

8 Respondent shall notify the Board or its designee in writing within fifteen (15) calendar
9 days of any periods of non-practice lasting more than thirty (30) calendar days and within fifteen
10 (15) calendar days of Respondent's return to practice. Non-practice is defined as any period of
11 time Respondent is not practicing medicine in California as defined in Business and Professions
12 Code sections 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient
13 care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an
14 intensive training program which has been approved by the Board or its designee shall not be
15 considered non-practice. Practicing medicine in another state of the United States or Federal
16 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction
17 shall not be considered non-practice. A Board-ordered suspension of practice shall not be
18 considered as a period of non-practice.

19 In the event Respondent's period of non-practice while on probation exceeds eighteen (18)
20 calendar months, Respondent shall successfully complete a clinical training program that meets
21 the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary
22 Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

25 Periods of non-practice will relieve Respondent of the responsibility to comply with the
26 probationary terms and conditions with the exception of this condition and the following terms
27 and conditions of probation: Obey All Laws; and General Probation Requirements.
28

1 13. COMPLETION OF PROBATION

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

5 14. VIOLATION OF PROBATION

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

12 15. LICENSE SURRENDER

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

23 16. PROBATION MONITORING COSTS

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

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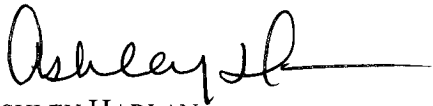
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ENDORSEMENT

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

Dated: *March 19, 2015*

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General


ASHLEY HARLAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 12-2012-225261

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO OCTOBER 21, 2014
BY: JTELCHAK ANALYST

7
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:

Case No. 12-2012-225261

13 **ALI SEDGHI VAZIRI, M.D.**
14 935 Trancas St., Suite 1A
15 Napa, CA 94558

ACCUSATION

16 Physician's and Surgeon's Certificate No.
17 G71962

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about July 17, 1991, the Medical Board of California issued Physician's and
25 Surgeon's Certificate No. G71962 to Ali Sedghi Vaziri, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein
27 and will expire on May 31, 2015, unless renewed. Said Certificate is currently SUSPENDED by
28 operation of law pursuant to Business and Professions Code section 2236.1. Notice of Automatic
Suspension of License was issued on October 2, 2014.

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board)¹, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 provides that the Board is responsible for the administration and hearing of disciplinary actions involving enforcement of the Medical Practice Act (section 2000 et seq.) and the carrying out of disciplinary action appropriate to findings made by a medical quality review committee, the Board, or an administrative law judge with respect to the quality of medical practice carried out by physician's and surgeon's certificate holders.

5. 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 Division deems proper.

6. 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.

"..."

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

7. Section 2236 of the Code states in pertinent part:

"(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

¹ The term "Board" means the Medical Board of California. "Division of Medical Quality" shall also be deemed to refer to the Board. (Bus. & Prof. Code, section 2002).

1 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive
2 evidence only of the fact that the conviction occurred.

3 ...

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

7 CAUSE FOR DISCIPLINE

8 (Criminal Conviction/Unprofessional Conduct/Dishonesty)

9 8. Respondent is subject to disciplinary action under section 2236 [criminal conviction]
10 and/or 2234 [unprofessional conduct] and/or 2234(e) [dishonesty] in that Respondent has been
11 convicted of violating 26 U.S.C. § 7206(1), Willfully Subscribing a False Income Tax Return, a
12 felony. The circumstances are as follows:

13 9. On or about April 12, 2012, an indictment was filed in the case of *USA v. Ali Sedghi*
14 *Vaziri*, United States District Court, Northern District of California, San Francisco Division, Case
15 No. CR 12-00251. The indictment charged Respondent with multiple counts of violating 26
16 U.S.C. § 7206(1), Willfully Subscribing a False Income Tax Return, a felony. On or about June
17 28, 2012, a superseding indictment was filed in *USA v. Ali Sedghi Vaziri*, charging Respondent
18 with multiple counts of violating 18 U.S.C. § 1347, Health Care Fraud, a felony, and multiple
19 counts of violating 26 U.S.C. § 7206(1), Willfully Subscribing a False Income Tax Return, a
20 felony.

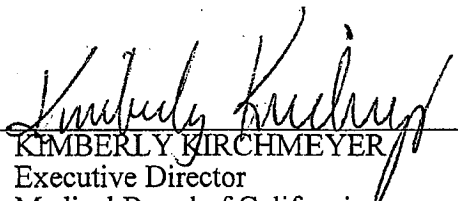
21 10. On or about February 3, 2014, Respondent pled guilty to four (4) felony counts of
22 violating 26 U.S.C. § 7206(1), Willfully Subscribing a False Income Tax Return. On or about
23 June 12, 2014, Respondent was sentenced by the court to federal prison for one year and one day.
24 Respondent was committed into the custody of the United States Bureau of Prisons to start
25 serving his sentence on August 15, 2014.

26 PRAYER

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

- 1 1. Revoking or suspending Physician's and Surgeon's Certificate No. G71962 issued to
2 Ali Sedghi Vaziri, M.D.;
- 3 2. Revoking, suspending or denying approval of Ali Sedghi Vaziri, M.D.'s authority to
4 supervise physician assistants, pursuant to section 3527 of the Code;
- 5 3. Ordering Ali Sedghi Vaziri, M.D., if placed on probation, to pay the Medical Board of
6 California the costs of probation monitoring; and
- 7 4. Taking such other and further action as deemed necessary and proper.

8
9 DATED: October 21, 2014


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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