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

In the Matter of the Petition to Revoke Probation Against:	)	
Rehana Aziz, M.D.	)	**Case No. 800-2018-048569**
Physician's and Surgeon's Certificate No. A 54063	)	
Respondent	)	

DECISION

The attached Stipulated Surrender of License and 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 June 17, 2019.

IT IS SO ORDERED June 10, 2019.

MEDICAL BOARD OF CALIFORNIA

By: Kimberly Kirchmeyer
Kimberly Kirchmeyer
Executive Director

XAVIER BECERRA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General
SARAH J. JACOBS
Deputy Attorney General
State Bar No. 255899
California Department of Justice
2550 Mariposa Mall, Room 5090
Fresno, CA 93721
Telephone: (559) 705-2312
Facsimile: (559) 445-5106
Attorneys for Complainant

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

In the Matter of the Petition to Revoke Probation Against: **REHANA AZIZ, M.D.** **2383 E. Goshen Avenue** **Fresno, CA 93720** **Physician's and Surgeon's Certificate No. A 54063** Respondent.	Case No. 800-2018-048569 OAH No. 2019030161 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Sarah J. Jacobs, Deputy Attorney General.

\\

2. Rehana Aziz, M.D. (Respondent) is represented in this proceeding by attorney Marvin Firestone, MD, JD, whose address is: 1700 South El Camino Real, Suite 204, San Mateo, CA 94402.

3. On or about March 29, 1995, the Board issued Physician's and Surgeon's Certificate No. A 54063 to Rehana Aziz, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 800-2018-048569 and will expire on January 31, 2021, unless renewed.

JURISDICTION

4. Petition to Revoke Probation No. 800-2018-048569 was filed before the Board, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on October 18, 2018. Respondent timely filed her Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 800-2018-048569 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Petition to Revoke Probation No. 800-2018-048569. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her 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 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Petition to Revoke Probation No. 800-2018-048569, agrees that cause exists for discipline and hereby surrenders her Physician's and Surgeon's Certificate No. A 54063 for the Board's formal acceptance. Respondent agrees to surrender her Physician's and Surgeon's Certificate No. A 54063 due to a mental and/or physical illness pursuant to Business and Professions Code, section 822.

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

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 54063, issued to Respondent Rehana Aziz, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a licensed Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. 800-2018-048569 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Petition to Revoke Probation, No. 800-2018-048569 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

\\

\\

\\

\\

\\

\\

\\

\\

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Marvin Firestone, MD, JD. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 5/8/19

Rehana Aziz M.D.
REHANA AZIZ, M.D.
Respondent

I have read and fully discussed with Respondent Rehana Aziz, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 5/8/19

MARVIN FIRESTONE, MD, JD
Attorney for Respondent

ENDORSEMENT

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

Dated: May 6, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General

SARAH J. JACOBS
Deputy Attorney General
Attorneys for Complainant

FR2018303024
95314558.docx

Exhibit A

Petition to Revoke Probation No. 800-2018-048569

XAVIER BECERRA
Attorney General of California
GLORIA L. CASTRO
Senior Assistant Attorney General
STEVE DIEHL
Supervising Deputy Attorney General
State Bar No. 235250
California Department of Justice
2550 Mariposa Mall, Room 5090
Fresno, CA 93721
Telephone: (559) 477-1626
Facsimile: (559) 445-5106
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Oct. 18 20 18
BY Sara Pasion ANALYST

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

In the Matter of the Petition to Revoke Probation Against: **REHANA AZIZ, M.D.** 9607 N. Willey Ct. Fresno, CA 93720-5414 Physician's and Surgeon's Certificate No. A 54063 Respondent.	Case No. 800-2018-048569 **PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about March 29, 1995, the Medical Board issued Physician's and Surgeon's Certificate Number A 54063 to Rehana Aziz, M.D. (Respondent). The Physician's and Surgeon's Certificate was on probationary status at all times relevant to the charges brought herein and will expire on January 31, 2019, unless renewed.

\\

\\

JURISDICTION

3. This Petition to Revoke Probation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

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

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

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

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

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

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

5. California Code of Regulations, Title 16, Section 1361.52, states:

"(a) A licensee who does any of the following shall be deemed to have committed a major violation of his or her probation:

"(1) Fails to undergo a required clinical diagnostic evaluation;

"(2) Commits multiple minor violations of probation conditions and terms;

"(3) Treats a patient or patients while under the influence of a prohibited substance;

"(4) Engage in any drug or alcohol related act that is a violation of state or federal law or regulation;

"(5) Fails to undergo biological fluid testing when ordered;

"(6) Uses, consumes, ingests, or administers to himself or herself a prohibited substance;

"(7) Knowingly uses, makes, alters, or possesses any object or product in such a way as to defraud or attempt to defraud a biological fluid test designed to detect the presence of a prohibited substance; or

"(8) Fails to comply with any term or condition of his or her probation that impairs public safety.

"(b) If a licensee commits a major violation, the Board will take one or more of the following actions:

"(1) Issue an immediate cease-practice order and order the licensee to undergo a clinical diagnostic evaluation at the expense of the licensee. Any order issued by the Board pursuant to this subsection shall state that the licensee must test negative for at least a month of continuous biological fluid testing before being allowed to resume practice.

"(2) Increase the frequency of biological fluid testing.

"(3) Refer the licensee for further disciplinary action, such as suspension, revocation, or other action as determined by the Board.

"(c) A licensee who does any of the following shall be deemed to have committed a minor violation of his or her probation:

"(1) Fails to submit required documentation to the Board in a timely manner;

"(2) Has an unexcused absence at a required meeting;

"(3) Fails to contact a worksite monitor as required; or

"(4) Fails to comply with any term or condition of his or her probation that does not impair public safety.

"(d) If a licensee commits a minor violation, the Board will take one or more of the following actions:

"(1) Issue a cease-practice order;

"(2) Order practice limitations;

"(3) Order or increase supervision of licensee;

"(4) Order increased documentation;

"(5) Issue a citation and fine, or a warning letter;

"(6) Order the licensee to undergo a clinical diagnostic evaluation at the expense of the licensee;

"(7) Take any other action as determined by the Board.

"(e) Nothing in this section shall be considered a limitation on the Board's authority to revoke the probation of a licensee who has violated a term or condition of that probation."

PROBATION CASE

6. In a prior disciplinary action entitled *In the Matter of the Accusation Against Rehana Aziz, M.D.* before the Medical Board of California, in Case Number 800-2014-008996, the Board issued a decision, effective June 16, 2017, in which Respondent's license to practice medicine was revoked. However, the revocation was stayed and Respondent's license was placed on probation for a period of four (4) years with numerous terms and conditions. That decision is now final, and a copy of the decision is attached as Exhibit A, and is incorporated by reference herein.

7. In a prior disciplinary action entitled *In the Matter of the First Amended Petition to Revoke Probation Against Rehana Aziz, M.D.* before the Medical Board of California, in Case Number 800-2017-034648, the Board issued a decision, effective April 27, 2018, in which Respondent's license to practice medicine was revoked. However, the revocation was stayed and Respondent's license was placed on probation for a period of six (6) years with numerous terms and conditions (Probation Order). That decision is now final, and a copy of the decision is attached as Exhibit B, and is incorporated by reference herein.

\\

8. Term and Condition 2 of the Probation Order states:

"2. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to biological fluid testing, at respondent's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall make daily contact with the Board or its designee to determine whether biological fluid testing is required. Respondent shall be tested on the date of the notification as directed by the Board or its designee. The Board may order a respondent to undergo a biological fluid test on any day, at any time, including weekends and holidays. Except when testing on a specific date as ordered by the Board or its designee, the scheduling of biological fluid testing shall be done on a random basis. The cost of biological fluid testing shall be borne by the respondent.

"During the first year of probation, respondent shall be subject to 52 to 104 random tests. During the second year of probation and for the duration of the probationary term, up to five (5) years, respondent shall be subject to 36 to 104 random tests per year. Only if there has been no positive biological fluid tests in the previous five (5) consecutive years of probation, may testing be reduced to one (1) time per month. Nothing precludes the Board from increasing the number of random tests to the first-year level of frequency for any reason.

"Prior to practicing medicine, respondent shall contract with a laboratory or service, approved in advance by the Board or its designee, that will conduct random, unannounced, observed, biological fluid testing and meets all the following standards:

"(a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry Association or have completed the training required to serve as a collector for the United States Department of Transportation.

"(b) Its specimen collectors conform to the current United States Department of Transportation Specimen Collection Guidelines.

"(c) Its testing locations comply with the Urine Specimen Collection Guidelines published by the United States Department of Transportation without regard to the type of test administered.

"(d) Its specimen collectors observe the collection of testing specimens.

"(e) Its laboratories are certified and accredited by the United States Department of Health and Human Services.

"(f) Its testing locations shall submit a specimen to a laboratory within one (1) business day of receipt and all specimens collected shall be handled pursuant to chain of custody procedures. The laboratory shall process and analyze the specimens and provide legally defensible test results to the Board within seven (7) business days of receipt of the specimen. The Board will be notified of non-negative results within one (1) business day and will be notified of negative test results within seven (7) business days.

"(g) Its testing locations possess all the materials, equipment, and technical expertise necessary in order to test respondent on any day of the week.

"(h) Its testing locations are able to scientifically test for urine, blood, and hair specimens for the detection of alcohol and illegal and controlled substances.

"(i) It maintains testing sites located throughout California.

"(j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line computer database that allows the respondent to check in daily for testing.

"(k) It maintains a secure, HIPAA-compliant website or computer system that allows staff access to drug test results and compliance reporting information that is available 24 hours a day.

"(l) It employs or contracts with toxicologists that are licensed physicians and have knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate laboratory biological fluid test results, medical histories, and any other information relevant to biomedical information.

"(m) It will not consider a toxicology screen to be negative if a positive result is obtained while practicing, even if the respondent holds a valid prescription for the substance.

"Prior to changing testing locations for any reason, including during vacation or other travel, alternative testing locations must be approved by the Board and meet the requirements above.

"The contract shall require that the laboratory directly notify the Board or its designee of non-negative results within one (1) business day and negative test results within seven (7)

business days of the results becoming available. Respondent shall maintain this laboratory or service contract during the period of probation.

"A certified copy of any laboratory test result may be received in evidence in any proceedings between the Board and respondent.

"If a biological fluid test result indicates respondent has used, consumed, ingested, or administered to himself or herself a prohibited substance, the Board shall order respondent to cease practice and instruct respondent to leave any place of work where respondent is practicing medicine or providing medical services. The Board shall immediately notify all of respondent's employers, supervisors and work monitors, if any, that respondent may not practice medicine or provide medical services while the cease-practice order is in effect.

"A biological fluid test will not be considered negative if a positive result is obtained while practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited substance use exists, the Board shall lift the cease-practice order within one (1) business day.

"After the issuance of a cease-practice order, the Board shall determine whether the positive biological fluid test is in fact evidence of prohibited substance use by consulting with the specimen collector and the laboratory, communicating with the licensee, her treating physician(s), other health care provider, or group facilitator, as applicable.

"For purposes of this condition, the terms 'biological fluid testing' and 'testing' mean the acquisition and chemical analysis of a respondent's urine, blood, breath, or hair.

"For purposes of this condition, the term 'prohibited substance' means an illegal drug, a lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by respondent and approved by the Board, alcohol, or any other substance the respondent has been instructed by the Board not to use, consume, ingest, or administer to himself or herself.

"If the Board confirms that a positive biological fluid test is evidence of use of a prohibited substance, respondent has committed a major violation, as defined in section 1361.52(a), and the Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to any other terms or conditions the Board determines are necessary for public protection or to enhance respondent's rehabilitation."

9. Term and Condition 8 of the Probation Order states:

"8. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

"Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

"If Respondent has a confirmed positive biological fluid test for any substance (whether or not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the notification to cease practice. If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or the Board within 15 days unless good cause can be shown for the delay. The cessation of practice shall not apply to the reduction of the probationary time period.

"If the Board does not file an accusation or petition to revoke probation within 15 days of the issuance of the notification to cease practice or does not provide Respondent with a hearing within 30 days of a such a request, the notification of cease practice shall be dissolved."

\\

\\

\\

CAUSE FOR ACTION

(Violation of Probation: Condition #8, Controlled Substances—Abstain from Use)

10. Respondent's probation is subject to revocation, pursuant to probation condition eight of the Probation Order, because she failed to abstain from the use of controlled substances. The circumstances are as follows:

11. The Board has designated FirstSource Solutions to administer biological fluid testing for probationers. On or about May 18, 2017, an analyst employed by the Board sent a letter to Respondent informing her of the requirement that she enroll in biological fluid testing with FirstSource no later than the effective date of her original disciplinary order, June 16, 2017. On or about June 15, 2017, Respondent met with a Board probation inspector who discussed Respondent's probation conditions with Respondent, and advised her to immediately enroll in biological fluid testing with FirstSource Solutions. Respondent signed an Acknowledgment of Decision indicating that she understood her probation conditions, including the biological fluid testing requirement.

12. On or about September 19, 2018, Respondent submitted a urine sample which tested positive for Tramadol, an opiate medication and Schedule IV controlled substance that was not prescribed to Respondent. Respondent was unable to explain this positive test.

13. On or about September 24, 2018, Respondent submitted a urine sample which again tested positive for Tramadol.

PRAYER

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 the probation that was granted by the Medical Board of California in Case No. 800-2017-034648 and imposing the disciplinary order that was stayed, thereby revoking Physician's and Surgeon's Certificate No. A 54063 issued to Rehana Aziz, M.D.;

2. Revoking or suspending Physician's and Surgeon's Certificate No. A 54063, issued to Rehana Aziz, M.D.;

3. Revoking, suspending or denying approval of Rehana Aziz, M.D.'s authority to supervise physician assistants and advanced practice nurses;

4. Ordering Rehana Aziz, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: 10/18/18

STEVE DIEHL
Supervising Deputy Attorney General
for

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

FR2018303024
95296692.doc