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

In the Matter of the Accusation Against, **ARMAN ABOVYAN, M.D.** 2811 Ne 12th St. Pompano Beach FL 33062 Physician's and Surgeon's Certificate No. A 108773 Respondent.	Case No. 800-2019-060589 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

1. On May 4, 2020, an employee of the Medical Board of California (Board) sent by certified mail a copy of Accusation No. 800-2019-060589, Statement to Respondent, Notice of Defense in blank, copies of the relevant sections of the California Administrative Procedure Act as required by sections 11503 and 11505 of the Government Code, and a request for discovery, to Arman Abovyan, M.D. (Respondent) at his address of record with the Board, which was and is, 2811 NE 12 Street, Pompano Beach, FL 33062. The United States Post Office tracking system noted the package was unclaimed and was returned as undeliverable. (Accusation package, proof of service, USPS tracking notice, Exhibit Package, Exhibit 1[1].)

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[1] The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Package."

2. There was no response to the Accusation. On May 27, 2020, an employee of the Attorney General's Office sent a Courtesy Notice of Default, by certified mail, addressed to Respondent at the address of record above, as well as to the correctional center where Respondent is incarcerated: FCI Miami: Register #18822-104, Federal Correctional Institute, PO Box 779800 Miami, FL 33177. The Courtesy Notice of Default advised Respondent of the service Accusation, and provided him with an opportunity to file a Notice of Defense and request relief from default. (Exhibit Package, Exhibit 2, Courtesy Notice of Default, proof of service.)

3. Respondent has not responded to service of the Accusation or the Notice of Default. He has not filed a Notice of Defense. As a result, Respondent has waived his right to a hearing on the merits to contest the allegations contained in the Accusation.

FINDINGS OF FACT

4. William Prasifka is the Board's Executive Director. The charges and allegations in the Accusation were at all times brought and maintained solely in the official capacity of the Board's Executive Director.

5. On July 2, 2009, Physician's and Surgeon's Certificate No. A 108773 was issued by the Board to Arman Abovyan, M.D. The certificate is delinquent, having expired on May 31, 2019, and is suspended by virtue of an Order issued on March 9, 2020 pursuant to Business and Professions Code section 2310(a).. (Exhibit Package, Exhibit 3, license certification.)

6. On May 4, 2020, Respondent was duly served with an Accusation, alleging causes for discipline against Respondent. A Courtesy Notice of Default was thereafter served on Respondent. Respondent failed to file a Notice of Defense.

7. The allegations of the Accusation are true as follows:

A. On October 9, 2019, the State of Florida Department of Health issued an Order of Emergency Suspension of License against Respondent's license to practice medicine in Florida. The Order of Emergency Suspension was based on Respondent's February 13, 2019 felony conviction for conspiracy to possess, distribute and dispense controlled substances in violation of federal law, and unlawful dispensing of the controlled substance buprenorphine. An Administrative Complaint was filed by the Florida Department of Health Board of Medicine and

is pending. Copies of the Order of Emergency Suspension and the Administrative Complaint issued by the Florida Department of Health are attached as Exhibit A to the Accusation, Exhibit Package Exhibit 1.

B. On February 14, 2019, Judgment in a Criminal Case was entered against Respondent in the United States District Court for the Southern District of Florida. Respondent was convicted of conspiracy to commit health care fraud, conspiracy to possess, distribute and dispense controlled substances, and unlawful dispensing of the controlled substance buprenorphine. Respondent was sentence to a term of imprisonment of 135 months to be followed by a 3 year period of supervised release, and was ordered to pay restitution in the amount of $1,058,097.88. (Exhibit Package, Exhibit 4, Judgment in a Criminal Case; Verdict.)

DETERMINATION OF ISSUES

8. The Board has jurisdiction to adjudicate this case by default, and pursuant to Government Code section 11520, finds that Respondent is in default. The Board will take action without further proceedings or hearing and, based on Respondent's admissions by way of default and the evidence before the Board, contained in the Exhibit Package, finds that the allegations in the Accusation are true and correct.

9. Respondent's conduct and the action of the Florida Department of Health constitute cause for discipline within the meaning of Business and Professions Code sections 2305 and 141(a).

10. Respondent's conduct and criminal convictions constitute unprofessional conduct and the conviction of crimes substantially related to the qualifications, functions or duties of a physician and surgeon, and are cause for discipline pursuant to Business and Professions Code sections 2234 and/or 2236.

DISCIPLINARY ORDER

Physician's and Surgeon's certificate No. A 108773 issued to Arman Abovyan, M.D. is hereby **REVOKED.**

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520(c) for good cause shown. However, such showing must be

made in writing by way of a motion to vacate the default decision and directed to the Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven (7) days of the service of this Decision.

This Decision will become effective at 5:00 p.m. on SEP 11 2020, 2020

It is so ordered on AUG 14 2020, 2020

WILLIAM PRASIEKA
Executive Director
For the Medical Board Of California
Department Of Consumer Affairs

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