

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

In the Matter of the Accusation
Against:

Arif Mohammad Seyal, M.D.

Physician's and Surgeon's
Certificate No. A34990

Respondent

Case No. 800-2019-057389

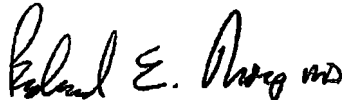
DECISION

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 May 14, 2021.

IT IS SO ORDERED: April 16, 2021.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, M.D., Chair
Panel B

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 DAVID CARR
Deputy Attorney General
4 State Bar No. 131672
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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 **ARIF MOHAMMAD SEYAL, M.D.**
14 1808 J St.
15 Sacramento CA 95811-3010
16
17 Physician's and Surgeon's
Certificate No. A 34990
18 Respondent.

Case No. 800-2019-057389

OAH No. 2020120295

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:
22

23 **PARTIES**

24 1. William Prasifka (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 Xavier Becerra, Attorney General of the State of California, by David Carr, Deputy
27 Attorney General.
28

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2019-057389, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. Respondent does not contest that, at an administrative hearing, Complainant could
6 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
7 2019-057389, a true copy of which is attached hereto as Exhibit A.

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

11 RESERVATION

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

16 CONTINGENCY

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

27 14. Respondent agrees that if he ever petitions for early termination or modification of
28 probation, or if an accusation and/or petition to revoke probation is filed against him before the

1 Board, all of the charges and allegations contained in Accusation No. 800-2019-057389 shall be
2 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
3 other licensing proceeding involving Respondent in the State of California.

4 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
5 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
6 signatures thereto, shall have the same force and effect as the originals.

7 16. In consideration of the foregoing admissions and stipulations, the parties agree that
8 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
9 enter the following Disciplinary Order:

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 34990, issued
12 to Respondent ARIF MOHAMMAD SEYAL, M.D., is revoked. However, the revocation is
13 stayed and Respondent is placed on probation for five (5) years on the following terms and
14 conditions:

15 1. ACTUAL SUSPENSION. As part of probation, Respondent is suspended from the
16 practice of medicine for 60 days, beginning the sixteenth (16th) day after the effective date of this
17 decision.

18 2. COMMUNITY SERVICE - FREE SERVICES. Within 60 calendar days of the
19 effective date of this Decision, Respondent shall submit to the Board or its designee for prior
20 approval a community service plan in which Respondent shall, within the first 2 years of
21 probation, provide 360 hours of free services (e.g., medical or nonmedical) to a community or
22 non-profit organization.

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

28 Community service performed prior to the effective date of the Decision shall not be

1 accepted in fulfillment of this condition.

2 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
3 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
4 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
5 Respondent shall participate in and successfully complete that program. Respondent shall
6 provide any information and documents that the program may deem pertinent. Respondent shall
7 successfully complete the classroom component of the program not later than six (6) months after
8 Respondent's initial enrollment, and the longitudinal component of the program not later than the
9 time specified by the program, but no later than one (1) year after attending the classroom
10 component. The professionalism program shall be at Respondent's expense and shall be in
11 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

17 Respondent shall submit a certification of successful completion to the Board or its
18 designee not later than 15 calendar days after successfully completing the program or not later
19 than 15 calendar days after the effective date of the Decision, whichever is later.

20 4. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
21 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
22 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
23 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
24 consider any information provided by the Board or designee and any other information the
25 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
26 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
27 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
28 psychiatric evaluations and psychological testing.

1 Respondent shall comply with all restrictions or conditions recommended by the evaluating
2 psychiatrist within 15 calendar days after being notified by the Board or its designee.

3 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
4 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
5 where: 1) Respondent merely shares office space with another physician but is not affiliated for
6 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
7 location.

8 If Respondent fails to establish a practice with another physician or secure employment in
9 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
10 Respondent shall receive a notification from the Board or its designee to cease the practice of
11 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
12 practice until an appropriate practice setting is established.

13 If, during the course of the probation, the Respondent's practice setting changes and the
14 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
15 shall notify the Board or its designee within five (5) calendar days of the practice setting change.

16 If Respondent fails to establish a practice with another physician or secure employment in an
17 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
18 shall receive a notification from the Board or its designee to cease the practice of medicine within
19 three (3) calendar days after being so notified. Respondent shall not resume practice until an
20 appropriate practice setting is established.

21 STANDARD CONDITIONS

22 6. NOTIFICATION. Within seven (7) days of the effective date of this
23 Decision, Respondent shall provide a true copy of this Decision and Accusation to the Chief of
24 Staff or the Chief Executive Officer at every hospital where privileges or membership are
25 extended to Respondent, at any other facility where Respondent engages in the practice of
26 medicine, including all physician and locum tenens registries or other similar agencies, and to the
27 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage
28 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within

1 15 calendar days.

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

3 7. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
4 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
5 advanced practice nurses.

6 8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
7 governing the practice of medicine in California and remain in full compliance with any court
8 ordered criminal probation, payments, and other orders.

9 9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
10 under penalty of perjury on forms provided by the Board, stating whether there has been
11 compliance with all the conditions of probation.

12 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
13 of the preceding quarter.

14 10. GENERAL PROBATION REQUIREMENTS.

15 Compliance with Probation Unit

16 Respondent shall comply with the Board's probation unit.

17 Address Changes

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

23 Place of Practice

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

27 License Renewal

28 Respondent shall maintain a current and renewed California physician's and surgeon's

1 license.

2 Travel or Residence Outside California

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

6 In the event Respondent should leave the State of California to reside or to practice,
7 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
8 departure and return.

9 11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
10 available in person upon request for interviews either at Respondent's place of business or at the
11 probation unit office, with or without prior notice throughout the term of probation.

12 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
13 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
14 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
15 defined as any period of time Respondent is not practicing medicine as defined in Business and
16 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
17 patient care, clinical activity or teaching, or other activity as approved by the Board. If
18 Respondent resides in California and is considered to be in non-practice, Respondent shall
19 comply with all terms and conditions of probation. All time spent in an intensive training
20 program which has been approved by the Board or its designee shall not be considered non-
21 practice and does not relieve Respondent from complying with all the terms and conditions of
22 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
23 on probation with the medical licensing authority of that state or jurisdiction shall not be
24 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
25 period of non-practice.

26 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
27 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
28 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program

1 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
2 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

5 Periods of non-practice for Respondent residing outside of California will relieve
6 Respondent of the responsibility to comply with the probationary terms and conditions with the
7 exception of this condition and the following terms and conditions of probation: Obey All Laws;
8 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
9 Controlled Substances; and Biological Fluid Testing..

10 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
11 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
12 completion of probation. Upon successful completion of probation, Respondent's certificate shall
13 be fully restored.

14 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
15 of probation is a violation of probation. If Respondent violates probation in any respect, the
16 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
17 carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation
18 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
19 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
20 the matter is final.

21 15. LICENSE SURRENDER. Following the effective date of this Decision, if
22 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
23 the terms and conditions of probation, Respondent may request to surrender his license. The
24 Board reserves the right to evaluate Respondent's request and to exercise its discretion in
25 determining whether to grant the request or to take any other action deemed appropriate and
26 reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall
27 within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
28 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject

1 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
2 application shall be treated as a petition for reinstatement of a revoked certificate.

3 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
4 with probation monitoring each and every year of probation, as designated by the Board, which
5 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
6 California and delivered to the Board or its designee no later than January 31 of each calendar
7 year.

8 17. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
9 a new license or certification, or petition for reinstatement of a license by any other health care
10 licensing action agency in the State of California, all of the charges and allegations contained in
11 Accusation No. 800-2019-057389 shall be deemed to be true and admitted by Respondent for the
12 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

13 ACCEPTANCE

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

19
20 DATED: 2-26-2021 Arif M. Seyal MD
21 ARIF MOHAMMAD SEYAL, M.D.
22 Respondent

23 I have read and fully discussed with Respondent Arif Mohammad Seyal, M.D. the terms
24 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
25 Order. I approve its form and content.

26
27 DATED: 2/26/21 Lawrence S. Giardina Esq.
28 LAWRENCE S. GIARDINA ESQ.
Attorney for Respondent

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ENDORSEMENT

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

DATED: March 1, 2021

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General



DAVID CARR
Deputy Attorney General
Attorneys for Complainant

Exhibit A

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
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Attorneys for Complainant
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. 800-2019-057389

13 **Arif Mohammad Seyal, M.D.**

ACCUSATION

14 1808 J Street
15 Sacramento CA 95811-3010

16 Physician's and Surgeon's
17 Certificate No. A 34990,

Respondent.

18
19
20 **PARTIES**

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

25 2. On or about March 3, 1980, the Medical Board issued Physician's and Surgeon's
26 Certificate Number A 34990 to Arif Mohammad Seyal, M.D. (Respondent). The Physician's and
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
28 herein and will expire on January 31, 2022, unless renewed.

JURISDICTION

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

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

9 5. Section 2001.1 of the Code provides that the Board's highest priority shall be public
10 protection.

11 6. Section 2234 of the Code states, in relevant part:

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

14 "..."

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

17 “....”

18 7. Section 2004 of the Code states:

19 The board shall have the responsibility for the following:

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

22 (b) The administration and hearing of disciplinary actions.

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

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

27 (e) Reviewing the quality of medical practice carried out by physician and
28 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

1 programs in subdivision (f).

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

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

4 **CAUSE FOR DISCIPLINE**

5 **(Dishonest Acts)**

6 8. Respondent Arif Mohammad Seyal, M.D. is subject to disciplinary action under
7 section 2234(e) in that he knowingly made false statements of fact denying his wrongful conduct
8 with a patient. The circumstances are as follows:

9 9. On or about June 28, 2019, the Board received a report from Kaiser Permanente that
10 Respondent, a physician employed at Kaiser for some years, had submitted his resignation and
11 retired from Kaiser during the course of Kaiser's investigation of a complaint that Respondent
12 had engaged in improper conduct with a patient.

13 10. The Board initiated an investigation into the matter upon receipt of the Kaiser report.
14 Documents obtained from Kaiser revealed that the named patient was also a Kaiser employee
15 who had worked with Respondent over a course of years. Respondent had also provided medical
16 care to the patient, including prescribing to the patient, through at least September 11, 2008.

17 11. The Kaiser Permanente documents obtained by the Board also set out the details of
18 Kaiser's internal investigation into the allegations against Respondent, including a summary of an
19 interview of Respondent conducted by a Kaiser human resources department manager on or about
20 May 15, 2019. In that interview, Respondent was asked if he had ever traveled to Hawaii with
21 the patient; Respondent stated unequivocally that he had not. Respondent was also asked if he
22 had engaged in sexual contact with the patient; Respondent denied that he had ever done so.

23 12. On November 25, 2019, Respondent and his attorney appeared as requested for an
24 interview with a Board investigator. In the course of the recorded interview, Respondent again
25 denied that he had ever traveled to Hawaii with the patient and again denied that he had ever
26 engaged in any sexual contact with the patient. After being presented with airline records that
27 showed Respondent and the patient as passengers on the same three round-trip flights to Hawaii
28 in July and October of 2008 and in February of 2009, Respondent and his attorney conferred

1 outside the interview room. Upon their return, Respondent admitted that he had traveled to
2 Hawaii on those flights with the patient and that he and the patient had engaged in sexual contact
3 while in Hawaii.


4 13. Respondent has subjected his physician's and surgeon's certificate to disciplinary
5 action for unprofessional conduct as described by Code section 2234(e), in that his knowingly
6 false answers made to both his employer and to the Board regarding an improper relationship
7 with a patient were acts involving dishonesty that were substantially related to the qualifications,
8 functions, or duties of a physician and surgeon.

9
10 PRAYER

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

- 13 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 34990,
14 issued to Arif Mohammad Seyal, M.D.;
- 15 2. Revoking, suspending or denying approval of Arif Mohammad Seyal, M.D.'s
16 authority to supervise physician assistants and advanced practice nurses;
- 17 3. Ordering Arif Mohammad Seyal, M.D., if placed on probation, to pay the Board the
18 costs of probation monitoring; and
- 19 4. Taking such other and further action as deemed necessary and proper.

20
21 DATED: MAR 26 2020


CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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