

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

**In the Matter of the Accusation
Against:**

Pooya Jazayeri, M.D.

**Physician's and Surgeon's
Certificate No. A 111183**

Case No.: 800-2019-059333

Respondent.

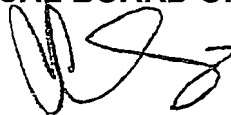
DECISION

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 February 25, 2022.

IT IS SO ORDERED: January 27, 2022.

MEDICAL BOARD OF CALIFORNIA



**Laurie Rose Lubiano, J.D., Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 THOMAS OSTLY
Deputy Attorney General
4 State Bar No. 209234
455 Golden Gate Avenue, Suite 11000
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6 *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:

13 **POOYA JAZAYERI, M.D.**
14 **3188 Estero Terrace**
15 **Fremont, CA 94538**

16 **Physician's and Surgeon's Certificate No. A**
17 **111183**

18 Respondent.

Case No. 800-2019-059333

OAH No. 2021090704

19 **STIPULATED SETTLEMENT AND**
20 **DISCIPLINARY ORDER**

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

26 **PARTIES**

27 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
28 California (Board). He brought this action solely in his official capacity and is represented in this
matter by Rob Bonta, Attorney General of the State of California, by Thomas Ostly, Deputy
Attorney General.

2. Respondent Pooya Jazayeri, M.D. (Respondent) is represented in this proceeding by attorney Gregory Abrams, whose address is: 6045 Shirley Drive Oakland, CA 94611.

3. On February 19, 2010, the Board issued Physician's and Surgeon's Certificate No. A 111183 to respondent Pooya Jazayeri, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-059333, and will expire on September 30, 2023, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-059333 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 3, 2021. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2019-059333 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-059333. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his 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.

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

1 **CULPABILITY**

2 9. For the purpose of resolving the charges and allegations in Accusation No. 800-2019-
3 059333, without the expense and uncertainty of further proceedings, Respondent agrees that the
4 charges and allegations in the Accusation, if proven at a hearing, constitute cause for imposing
5 discipline upon his physician's and surgeons' certificate and he agrees to be bound by the Board's
6 imposition of discipline as set in the disciplinary order below.

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

10 **RESERVATION**

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

15 **CONTINGENCY**

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

26 13. Respondent agrees that if he ever petitions for early termination or modification of
27 probation, or if an accusation and/or petition to revoke probation is filed against him before the
28 Board, all of the charges and allegations contained in Accusation No. 800-2019-059333 shall be

1 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
2 other licensing proceeding involving Respondent in the State of California.

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

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

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 111183 issued
11 to Respondent Pooya Jazayeri, M.D. is revoked. However, the revocation is stayed and
12 Respondent is placed on probation for five (5) years on the following terms and conditions:

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

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

23 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
24 use of products or beverages containing alcohol.

25 3. PSYCHIATRIC/SUBSTANCE ABUSE EVALUATION. At the Board's discretion,
26 and on whatever periodic basis that may be required by the Board or its designee, Respondent
27 shall undergo and complete a psychiatric and/or substance abuse evaluation (and associated
28 testing, if deemed necessary) by a Board-appointed evaluator, who shall consider any information

1 provided by the Board or its designee and any other information the evaluator deems relevant,
2 and shall furnish a written evaluation report to the Board or its designee. Respondent shall
3 cooperate fully with any evaluation, and shall pay the cost of all evaluations and testing.
4 Respondent shall comply with all restrictions or conditions recommended by the evaluator within
5 15 calendar days after being notified by the Board or its designee.

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

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

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

24 5. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days
25 of the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
26 prior approval, the name of a substance abuse support group which he or she shall attend for the
27 duration of probation. Respondent shall attend substance abuse support group meetings at least
28 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance

1 abuse support group meeting costs.

2 The facilitator of the substance abuse support group meeting shall have a minimum of three
3 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
4 or certified by the state or nationally certified organizations. The facilitator shall not have a
5 current or former financial, personal, or business relationship with Respondent within the last five
6 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
7 the same facilitator does not constitute a prohibited current or former financial, personal, or
8 business relationship.

9 The facilitator shall provide a signed document to the Board or its designee showing
10 Respondent's name, the group name, the date and location of the meeting, Respondent's
11 attendance, and Respondent's level of participation and progress. The facilitator shall report any
12 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
13 or its designee, within twenty-four (24) hours of the unexcused absence.

14 6. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within
15 thirty (30) calendar days of the effective date of this Decision, Respondent shall submit to the
16 Board or its designee for prior approval as a worksite monitor, the name and qualifications of one
17 or more licensed physician and surgeon, other licensed health care professional if no physician
18 and surgeon is available, or, as approved by the Board or its designee, a person in a position of
19 authority who is capable of monitoring the Respondent at work.

20 The worksite monitor shall not have a current or former financial, personal, or familial
21 relationship with Respondent, or any other relationship that could reasonably be expected to
22 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
23 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
24 monitor, this requirement may be waived by the Board or its designee, however, under no
25 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

26 The worksite monitor shall have an active unrestricted license with no disciplinary action
27 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
28 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth

1 by the Board or its designee.

2 Respondent shall pay all worksite monitoring costs.

3 The worksite monitor shall have face-to-face contact with Respondent in the work
4 environment on as frequent a basis as determined by the Board or its designee, but not less than
5 once per week; interview other staff in the office regarding Respondent's behavior, if requested
6 by the Board or its designee; and review Respondent's work attendance.

7 The worksite monitor shall verbally report any suspected substance abuse to the Board and
8 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
9 substance abuse does not occur during the Board's normal business hours, the verbal report shall
10 be made to the Board or its designee within one (1) hour of the next business day. A written
11 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
12 any other information deemed important by the worksite monitor shall be submitted to the Board
13 or its designee within 48 hours of the occurrence.

14 The worksite monitor shall complete and submit a written report monthly or as directed by
15 the Board or its designee which shall include the following: (1) Respondent's name and
16 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
17 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
18 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
19 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
20 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
21 lead to suspected substance abuse by Respondent. Respondent shall complete any required
22 consent forms and execute agreements with the approved worksite monitor and the Board, or its
23 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

24 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
25 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
26 approval, the name and qualifications of a replacement monitor who will be assuming that
27 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
28 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the

1 monitor, Respondent shall receive a notification from the Board or its designee to cease the
2 practice of medicine within three (3) calendar days after being so notified. Respondent shall
3 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
4 responsibility.

5 7. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven
6 (7) days of the effective date of this Decision, Respondent shall provide to the Board the names,
7 physical addresses, mailing addresses, and telephone numbers of any and all employers and
8 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
9 worksite monitor, and Respondent's employers and supervisors to communicate regarding
10 Respondent's work status, performance, and monitoring.

11 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
12 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
13 privileges.

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

24 Throughout the probationary term, Respondent shall be subject to 36 to 104 random tests.
25 Only if there has been no positive biological fluid tests in the previous five (5) consecutive years
26 of probation, may testing be reduced to one (1) time per month. Nothing precludes the Board
27 from increasing the number of random tests to the standard first-year level of frequency (52-104
28 random tests) for any reason.

1 Prior to the effective date of this Decision, Respondent shall provide proof that he has
2 entered into a contract with a laboratory or service, approved in advance by the Board or its
3 designee, that will conduct random, unannounced, observed, biological fluid testing and meets all
4 of the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 The contract shall require that the laboratory directly notify the Board or its designee of
13 non-negative results within one (1) business day and negative test results within seven (7)
14 business days of the results becoming available. Respondent shall maintain this laboratory or
15 service contract during the period of probation.

16 A certified copy of any laboratory test result may be received in evidence in any
17 proceedings between the Board and Respondent.

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

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

27 After the issuance of a cease-practice order, the Board shall determine whether the positive
28 biological fluid test is in fact evidence of prohibited substance use by consulting with the

specimen collector and the laboratory, communicating with the licensee, his or 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. **VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING LICENSEES**. Failure to fully comply with any term or condition of probation is a violation of probation.

A. If Respondent commits a major violation of probation as defined by section 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take one or more of the following actions:

(1) Issue an immediate cease-practice order and order Respondent to undergo a clinical diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of Regulations, at Respondent’s expense. The cease-practice order issued by the Board or its designee shall state that Respondent must test negative for at least a month of continuous biological fluid testing before being allowed to resume practice. For purposes of determining the length of time a Respondent must test negative while undergoing continuous biological fluid testing following issuance of a cease-practice order, a month is defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until notified in writing by the Board or its designee that he or she may do so.

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

2 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
3 other action as determined by the Board or its designee.

4 B. If Respondent commits a minor violation of probation as defined by section
5 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
6 one or more of the following actions:

7 (1) Issue a cease-practice order;

8 (2) Order practice limitations;

9 (3) Order or increase supervision of Respondent;

10 (4) Order increased documentation;

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

12 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
13 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
14 Regulations, at Respondent's expense;

15 (7) Take any other action as determined by the Board or its designee.

16 C. Nothing in this Decision shall be considered a limitation on the Board's authority
17 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
18 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
19 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
20 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
21 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
22 is final, and the period of probation shall be extended until the matter is final.

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

Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

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

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

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

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

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

14. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

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

Place of Practice

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

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1 License Renewal

2 Respondent shall maintain a current and renewed California physician's and surgeon's
3 license.

4 Travel or Residence Outside California

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

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

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

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

28 In the event Respondent's period of non-practice while on probation exceeds 18 calendar

1 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
2 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
3 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
4 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

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

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

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

23 19. LICENSE SURRENDER. Following the effective date of this Decision, if
24 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
25 the terms and conditions of probation, Respondent may request to surrender his or her license.
26 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
27 determining whether or not to grant the request, or to take any other action deemed appropriate
28 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent

1 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
2 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
3 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
4 application shall be treated as a petition for reinstatement of a revoked certificate.

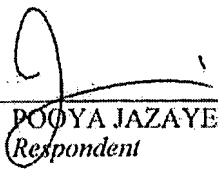
5 20. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
6 with probation monitoring each and every year of probation, as designated by the Board, which
7 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
8 California and delivered to the Board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

10 21. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply
11 for a new license or certification, or petition for reinstatement of a license, by any other health
12 care licensing action agency in the State of California, all of the charges and allegations contained
13 in Accusation No. 800-2019-059333 shall be deemed to be true, correct, and admitted by
14 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
15 restrict license.

16 ACCEPTANCE

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

22
23 DATED: 1/5/2022

24  JAZAYERI
POOYA JAZAYERI, M.D.
Respondent

25 ///

26 ///

1 I have read and fully discussed with Respondent Pooya Jazayeri, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: January 5, 2022


GREGORY ABRAMS
Attorney for Respondent

7
8 **ENDORSEMENT**

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

11 DATED: January 11, 2022

12 Respectfully submitted,

13 ROB BONTA
Attorney General of California
14 JANE ZACK SIMON
Supervising Deputy Attorney General

15 
16 THOMAS OSTLY
17 Deputy Attorney General
18 Attorneys for Complainant

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JazayeriCorrectedStipulation.docx
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Exhibit A

Accusation No. 800-2019-059333

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 THOMAS OSTLY
Deputy Attorney General
4 State Bar No. 209234
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3871
6 *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. 800-2019-059333

13 **Pooya Jazayeri, M.D.**
14 **3188 Estero Terrace**
15 **Fremont, CA 94538**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 111183,**

Respondent.

18 **PARTIES**

19 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
21 (Board).

22 2. On or about February 19, 2010, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 111183 to Pooya Jazayeri, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on September 30, 2021, unless renewed.

26 ///

27 ///

1
2 **JURISDICTION**

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

6 4. Section 2234 of the Code, states, in pertinent part:

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

9 (a) Violating or attempting to violate, directly or indirectly, assisting in or
10 abetting the violation of, or conspiring to violate any provision of this chapter.

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

13 (f) Any action or conduct that would have warranted the denial of a certificate.

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

18 6. Section 2239 of the Code provides that it is unprofessional conduct for a licensee to
19 use alcohol, dangerous drugs or controlled substances to the extent or in such a manner as to be
20 dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that
such use impairs the ability of the licensee to practice medicine safely.

21 7. Section 822 of the Code provides that the Board may take action if a licentiate's
22 ability to practice his or her profession safely is impaired because of mental or physical illness.
23

24 **FACTUAL ALLEGATIONS**

25 8. On September 2, 2019 police were dispatched to the home of Respondent after
26 Respondent called to report he had found a girlfriend dead in his home of an apparent drug
27 overdose.
28

1 9. When police were investigating the death, Respondent stated the following:
2 Decedent made arrangements to visit Respondent at his residence to discuss the status of their
3 casual sexual relationship. She arrived at his home on Sunday September 1, 2019 at
4 approximately 9 a.m. Respondent went to bed approximately an hour after the arrival of decedent
5 at his home. When Respondent woke up on the next day at approximately 5:30 am, decedent was
6 lying face down unclothed on the side of his bed in his master bedroom. Respondent got dressed
7 and left for work. While at work Respondent sent the decedent a text message at approximately
8 6:01 am. Respondent did not disclose the contents of the text message to police.

9 10. When Respondent returned home at approximately 8 a.m. he had something to eat
10 and watched TV until approximately 10 a.m. Respondent then walked upstairs and noticed
11 decedent was still lying face down and unclothed exactly the way she was when he initially left
12 for work. As Respondent attempted to wake the decedent, he rolled her over and noticed she was
13 unresponsive.

14 11. Respondent said he did not consume alcohol or any drugs during the time he was with
15 decedent. When Respondent was asked if he ever consumed any drugs, Respondent said the
16 decedent occasionally used and brought Ecstasy¹ to his home. Respondent told police he had slept
17 for 20 hours and was unsure if the decedent used any drugs or alcohol during that time.

18 12. While conducting a search during the death investigation, police opened one of the
19 two drawers of a wet bar in Respondent's home and located multiple small baggies and a large
20 baggie of crystalized substances.

21 13. Respondent told police decedent would infrequently bring Ecstasy to his residence
22 and consume it, and he denied ever using the controlled substances they found, and denied they
23 were his. The substance was later analyzed and determined to be Cocaine and MDMA (Ecstasy).
24 The medical examiner determined that decedent expired as a result of acute MDMA intoxication.

25 14. By the time of his April 2020 interview with the Board's investigator, while he
26 offered inconsistent accounts of his recent usage, Respondent acknowledged a history of

27 _____
28 ¹ Ecstasy, also called MDMA, is an amphetamine-based synthetic drug with euphoric and
hallucinatory effects.

1 substance abuse, and reported that he was undergoing treatment as required by the hospital where
2 he worked as an anesthesiologist. Respondent characterized his relationship with the decedent as
3 "basically our entire relationship was her coming over and taking drugs together."

4 15. Respondent agreed to undergo an evaluation by a Board appointed evaluator. The
5 evaluator concluded that in addition to an acute but resolving stress disorder resulting from the
6 decedent's death, Respondent has a Substance Use Disorder involving MDMA, cocaine and
7 alcohol. The Substance Use Disorder was characterized as Moderate, in early Remission, in a
8 Controlled Environment². In order to safely practice medicine, and in particular, to practice as an
9 anesthesiologist, Respondent must continue to undergo monitoring and treatment, and to abstain
10 from drug and alcohol use.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Impaired Ability to Safely Practice Medicine)

13 16. Respondent's Certificate is subject to disciplinary action by the Board pursuant to
14 sections 2227 and 822 of the Code in that Respondent is impaired in his ability to safely practice
15 medicine as a result of his substance use disorder.

16
17 **SECOND CAUSE FOR BOARD ACTION**

18 (Unprofessional Conduct: Dangerous Use of Narcotics)

19 17. Respondent's certificate is subject to Board action pursuant to sections 2234 and/or
20 2239 of the Code in that his conduct in misusing and abusing controlled substances,
21 misrepresenting his use of controlled substances, and participating in the illegal and inappropriate
22 use of controlled substances in his home in a manner which contributed to the death of another,
23 constitute unprofessional conduct.

24
25 **PRAYER**

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

28 ² The controlled environment refers to the monitoring program imposed by the hospital.

- 1 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 111183,
- 2 issued to Pooya Jazayeri, M.D. ;
- 3 2. Revoking, suspending or denying approval of Pooya Jazayeri, M.D. 's authority to
- 4 supervise physician assistants and advanced practice nurses;
- 5 3. Ordering Pooya Jazayeri, M.D. , if placed on probation, to pay the Board the costs of
- 6 probation monitoring; and
- 7 4. Taking such other and further action as deemed necessary and proper.

8
9 DATED: MAR 03 2021



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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