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

In the Matter of the Accusation Against: **Dara Parvin, M.D.** **Physician's & Surgeon's Certificate No. G 81122** **Respondent.**	**Case No. 800-2020-073151**

DENIAL BY OPERATION OF LAW
PETITION FOR RECONSIDERATION

No action having been taken on the Petition for Reconsideration, filed by Respondent, and the time for action having expired at 5:00 p.m. on April 25, 2022, the petition is deemed denied by operation of law.

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

In the Matter of the Accusation Against: **Dara Parvin, M.D.** **Physician's & Surgeon's Certificate No. G 81122** **Respondent.**	**Case No. 800-2020-073151** **ORDER GRANTING STAY** **(Government Code Section 11521)**

Respondent, Dara Parvin, M.D., has filed a Request for Stay of execution of the Decision in this matter with an effective date of April 15, 2022, at 5:00 p.m.

Execution is stayed until April 25, 2022, at 5:00 p.m.

This Stay is granted solely for the purpose of allowing the Board time to review and consider the Petition for Reconsideration.

DATED: April 14, 2022

Reji Varghese
Deputy Director

for: William Prasifka
Executive Director
Medical Board of California

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

In the Matter of the Accusation Against: **Dara Parvin, M.D.** **Physician's and Surgeon's Certificate No. G 81122** **Respondent.**	**Case No. 800-2020-073151**

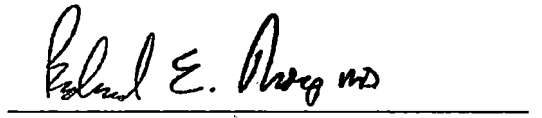
DECISION

The attached Proposed Decision 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 April 15, 2022.

IT IS SO ORDERED March 16, 2022.

MEDICAL BOARD OF CALIFORNIA



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

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

In the Matter of the Accusation Against:

DARA PARVIN, M.D.,

Physician's and Surgeon's Certificate No. G 81122

Respondent.

Agency Case No. 800-2020-073151

OAH No. 2021080331

PROPOSED DECISION

Administrative Law Judge Karen Reichmann, State of California, Office of Administrative Hearings, heard this matter on December 2, 2021, by videoconference.

Deputy Attorney General Thomas Ostly represented complainant William Prasifka, Executive Director of the Medical Board of California.

Respondent Dara Parvin, M.D., appeared on his own behalf.

Complainant objected to the admission of respondent's Exhibit 15 (transcript of an August 2018 meeting) and Exhibit 16 (audiorecording of the meeting) into

evidence. Ruling on these exhibits was deferred. Exhibit 15 is admitted; Exhibit 16 is excluded.

The record remained open for respondent to submit his exhibits into the CaseLines platform. The exhibits were timely submitted, and the matter was submitted for decision on December 6, 2021.

FACTUAL FINDINGS

Jurisdictional Matters

1. On May 3, 1995, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. G 81122 (Certificate) to respondent Dara Parvin, M.D. The Certificate was in full force and effect at all times relevant to the charges in the Accusation. The Certificate expired on January 31, 2021, and has not been renewed.

2. On May 7, 2021, complainant William Prasifka filed the Accusation solely in his official capacity as the Board's Executive Director. Complainant seeks to discipline respondent's Certificate based on discipline imposed on his medical license in Iowa.

Iowa Discipline

3. On November 19, 2020, the Iowa Board of Medicine (Iowa Board) entered into a combined statement of charges and settlement agreement with respondent, arising from allegations that respondent engaged in unprofessional conduct by: 1) sending suggestive social media messages and making unwanted advances to a former patient after overconsuming alcohol; 2) sending suggestive text messages and

social media messages to and making unwanted advances and comments to a colleague; and 3) sending suggestive text messages and social media messages to and making unwanted advances and comments to subordinate co-workers. The unprofessional conduct took place while respondent was working as an orthopedic surgeon at a hospital in Dubuque. Respondent was cited, a civil penalty was imposed, and respondent was prohibited from using social media to contact patients outside of the physician-patient relationship and from making unwanted advances towards colleagues or co-workers. Respondent's expired Iowa medical license was placed on probation for a period of two years, effective upon his resumption of medical practice in Iowa, on conditions including professional boundaries counseling and substance abuse monitoring.

Respondent's Evidence

4. Respondent strenuously denied the allegations in the Iowa Board disciplinary action. He stated that he signed the agreement under duress, because he wanted to avoid the expense of a contested hearing and because the Iowa Board threatened that if he did not sign the agreement, it would pursue and publicize numerous additional damaging false allegations against him. He criticized the Iowa Board's "lack of fair process." Respondent further testified that he passed a polygraph test in which he stated that he had never lied in relation to the Iowa allegations.

5. Respondent contends that false allegations were reported to the Iowa Board out of retaliatory motives by his former employer. Respondent moved to Iowa in 2015 for a position as a spine surgeon at Unity Point Health/Finley Hospital (Finley Hospital). He explained that during his time there, the hospital lost market share and was in difficult financial circumstances.

Respondent claims that the hospital performed an investigation of the entire operating room staff after a certified nursing assistant had been found to have committed sexual harassment. During the investigation, the hospital discovered that respondent had socialized with colleagues, including a surgical technician and a nurse supervisor. Respondent explained that he was single and that the interactions were initiated outside of the workplace through dating sites. He asserted that the hospital did not find that he had committed sexual harassment, but that he had texted a former girlfriend while off work and made "regrettable" comments. Because the hospital had a "zero-tolerance" policy, he was provided with a "last chance" agreement by the hospital. Ultimately, the hospital opted not to renew his contract. Respondent asserted that the hospital did so because it was discontinuing the spine program completely and not due to any conduct issues. Respondent was asked to stop seeing patients in the middle of October 2018, and his contract ended on October 31, 2018.

6. Respondent stated that on the following day, November 1, 2018, after he was no longer working at the hospital, he was feeling stressed and depressed. He drank alcohol to the point of inebriation and texted a woman he knew named "Britni." He then tried to make a "friend request" to the woman, but accidentally sent the request to another woman named "Britni" who was a former patient. This patient contacted the hospital to report respondent's conduct. Respondent testified that the hospital's CEO forged respondent's identity to enter the patient's medical record and then forwarded allegations against respondent to the Iowa Board, including an allegation that respondent had wrongfully accessed the patient's medical record. Respondent believes that the hospital used false allegations to discredit him because he was a potential whistleblower and because it wanted to get out of its multi-million-dollar contract with him.

7. Respondent moved to Ohio in 2019 for a position which fell through. He still lives in Ohio with his son. He has not worked as a surgeon since leaving Iowa. He has performed a few medical legal evaluations and reported that he has only nominal income and no health insurance. Respondent reported that he is an active single parent and has been on the forefront as a volunteer during the pandemic.

8. Respondent has not sought to resume practicing in Iowa. In a November 2, 2021, letter to the Iowa Board monitoring coordinator, he acknowledged that he had not yet paid the $1,500 civil penalty, which he called "wanton sadistic and cruel." He also asserted that the Iowa Board's demand that he sign the settlement agreement was unfair and unethical, and that he had signed it with a gun to his head.

9. Respondent testified that he has been evaluated and not been found to have a substance abuse problem, and that he has no need for professional boundaries counseling. He would take action against the Iowa Board if he had the funds. Respondent believes the Board's action against him is "unnecessary" and that he poses no threat to California consumers. He would like to serve California consumers either in a clinical setting or working in utilization review.

10. Respondent submitted the following letters. None of the authors mention the allegations which formed the basis of the Iowa Board's discipline.

a. In a letter dated November 2018, Linda Abitz, M.S.N., R.N., House Supervisor at Finley Hospital, wrote that respondent was hardworking and conscientious and had performed 700 successful spine surgeries during his four years at the hospital. She added that respondent has a caring personality and strives to be the best father he can be to his three children. She wrote that it was unfortunate that

the hospital had decided to terminate the spine program and not renew respondent's contract. She believes that respondent would be an asset to any organization.

b. In a letter dated May 7, 2019, urologist Alex M. Horchak, M.D., wrote that he worked with respondent at the hospital. Dr. Horchak wrote that respondent was a very well-respected surgeon with great outcomes and always showed extreme professionalism with patients and co-workers. Dr. Horchak would have no reservations recommending respondent for a position on another medical staff and believes he would be a great addition.

c. In a letter dated May 6, 2019, Linda Beale, M.D., M.P.H., M.A.T., wrote to recommend respondent for hospital privileges at Miami Valley Hospital. Dr. Beale wrote that respondent is a proficient clinician and surgeon who willingly takes on challenging cases and handles them with the highest level of professionalism and skill. She added that respondent is a man of upstanding character who leads with a respectful poise that brings out the best in others.

d. In a letter dated May 6, 2019, Barry Waack, D.O., wrote that he knew and worked with respondent at Finley Hospital for four years. Dr. Waack is an emergency room physician who frequently consulted with respondent. He wrote that respondent displayed an exemplary level of professionalism in his interactions with all staff members. He found that respondent's surgical outcomes were excellent and would recommend him to patients and family members seeking a spine surgeon.

e. In a letter to the Iowa Board dated June 9, 2019, Britni Nicole Farber wrote that she received a Facebook "friend request" from respondent on November 1, 2018, and they began dating shortly thereafter.

LEGAL CONCLUSIONS

1. It is complainant's burden to demonstrate the truth of the allegations by "clear and convincing evidence to a reasonable certainty," and that the allegations constitute cause for discipline of respondent's Certificate. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.)

2. Business and Professions Code sections 2305 and 141 provide that the Board may discipline the certificate of a physician who has been disciplined by another state for conduct which would be cause for discipline in California. Respondent's discipline in Iowa involved conduct which would be cause for discipline in California under Business and Professions Code sections 2234 (unprofessional conduct). Respondent's attacks on the Iowa combined statement of charges and settlement agreement were unpersuasive.

Cause for discipline based on the Iowa combined statement of charges and settlement agreement was established, in light of the matters set forth in Factual Finding 3.

3. In exercising its disciplinary functions, protection of the public is the Board's highest priority. (Bus. & Prof. Code, § 2229, subd. (a).) The Board is also required to take disciplinary action that is calculated to aid the rehabilitation of the physician whenever possible, as long as the Board's action is not inconsistent with public safety. (Bus. & Prof. Code, § 2229, subds. (b), (c).)

4. The Board's Manual of Disciplinary Orders and Disciplinary Guidelines (12th ed., 2016; Cal. Code Regs., tit. 16, § 1361) provide for a minimum discipline of five

years' probation and a maximum discipline of revocation for licensees who have committed unprofessional conduct.

5. Respondent's Iowa license to practice medicine has been disciplined based on respondent sending unwanted messages and making unwanted advances towards a former patient, colleagues, and subordinate co-workers. Respondent contends that these allegations were forwarded to the Iowa Board by his former hospital in retaliation. He did admit, however, drinking and texting colleagues and co-workers whom he had previously dated, and "accidentally" communicating with a former patient while inebriated. Rather than accept the discipline imposed by the Iowa Board – and agreed to by respondent – respondent instead persists in accusing the Iowa Board and the reporting hospital of acting with impure motives. His failure to accept responsibility for his actions raises concerns about his ability to refrain from engaging in future unprofessional acts. Because respondent presented no evidence of rehabilitation and does not appear amenable to probation, it would be against the public interest to permit him to retain his Certificate. Revocation of respondent's Certificate is necessary for the protection of the public.

ORDER

Physician's and Surgeon's Certificate No. G 81122, issued to respondent Dara Parvin, M.D., is revoked.

DATE: 12/20/2021

Karen Reichmann

KAREN REICHMANN

Administrative Law Judge

Office of Administrative Hearings

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Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case No. 800-2020-073151
Dara Parvin, M.D. **21260 Country Squire Lane** **Dubuque, Iowa 52001-8000** **Physician's and Surgeon's Certificate No. G 81122,** Respondent.	**ACCUSATION**

PARTIES

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

2. On or about May 3, 1995, the Medical Board issued Physician's and Surgeon's Certificate Number G 81122 to Dara Parvin, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on January 31, 2021, and has not been renewed.

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JURISDICTION

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

A 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.

B Section 2305 of the Code states:

The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

C Section 141 of the Code states:

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the

disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

4. On November 19, 2020, the Iowa Medical Board (Iowa Board), entered into a Settlement Agreement with Respondent. The settlement arose from allegations Respondent sent suggestive text messages and social media messages to, and made inappropriate comments and unwanted advances towards, subordinate co-workers, colleagues, and a female patient Respondent had seen several years prior.

5. Respondent was cited for engaging in unprofessional conduct in violation of the laws and rules governing the practice of medicine in Iowa. Respondent was also warned that engaging in such conduct in the future may result in further disciplinary action against his Iowa medical license. Respondent was ordered to pay a $1,500 civil penalty.

6. A copy of the combined Statement of Charges and Settlement Agreement by the Iowa Board is attached as Exhibit A.

7. Respondent's conduct and the action of the Iowa Medical Board, as set forth in the preceding paragraphs, above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

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 or suspending Physician's and Surgeon's Certificate Number G 81122, issued to Dara Parvin, M.D.;

2. Revoking, suspending or denying approval of Dara Parvin, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Dara Parvin, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: MAY 0 7 2021

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

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