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

In the Matter of the First Amended Accusation Against: Kamal Bijanpour, M.D. Physician's and Surgeon's Certificate No. A 109162 Respondent.	Case No. 800-2020-064426

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 May 27, 2022.

IT IS SO ORDERED April 27, 2022.

MEDICAL BOARD OF CALIFORNIA

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

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

In the Matter of the First Amended Accusation Against:

KAMAL BIJANPOUR, M.D.

Physician's and Surgeon's Certificate No. A 109162,

Respondent

Agency Case No. 800-2020-064426

OAH No. 2021040715

PROPOSED DECISION

Joseph D. Montoya, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter on January 11, 2022, by videoconference.

Robert W. Lincoln, Deputy Attorney General, represented Complainant. There was no appearance by, or on behalf of, Respondent Kamal Bijanpour.

Documentary evidence and argument were received. The record was closed, and the matter was submitted for decision on January 11, 2022.

Complainant moved, prehearing, for a protective order that would seal exhibit 14 to protect Respondent's private medical information. The ALJ agrees that exhibit 14 should be sealed, and on his own motion will seal the report of the Board's evaluator, exhibit 10, as the report discloses sensitive personal information. A separate protective order will issue. These exhibits shall be placed under seal following their use in preparation of the Proposed Decision. These exhibits shall remain under seal and shall not be opened, except by order of the Medical Board of California (Board), by OAH, or by a reviewing court. A reviewing court, parties to this matter, their attorneys, or a government agency decision maker or designee under Government Code section 11517 may review the documents subject to this order provided that such documents are protected from release to the public.

FACTUAL FINDINGS

The Parties and Jurisdiction

1. Complainant William Prasifka filed and maintained the Accusation and First Amended Accusation (FAA) in this matter while acting in his official capacity as Executive Director of the Board, Department of Consumer Affairs.

2. Respondent Kamal Bijanpour, M.D., holds Physician's and Surgeon's Certificate Number A 109162. The Board issued that license to him on August 12, 2009. It was in full force and effect at the times relevant to this matter, except that it was suspended by the Board pursuant to Business and Professions Code section 2236.1, effective November 29, 2021. Respondent's certificate is otherwise scheduled to expire on February 28, 2023.

3. After receiving the underlying Accusation, Respondent submitted a Notice of Defense, contesting the charges and requesting a hearing. Respondent is deemed to have controverted the allegations of the FAA, pursuant to Government Code section 11507.

4. All jurisdictional requirements have been met.

5. On April 22, 2021, Complainant caused a Notice of Hearing to be served upon Respondent and Edwin B. Brown, designated as Respondent's attorney in Respondent's Notice of Defense. That Notice designated January 11 and 12, 2022, as the dates set for hearing, and it noticed the hearing location as the OAH office in Los Angeles, California. Subsequently, on January 4, 2022, an Amended Notice of Hearing was served on Respondent's attorney, designating the same hearing dates, but showing the location of the hearing as changing from the OAH offices to a virtual hearing.

6. The ALJ takes official notice of OAH records to establish that Respondent was served, on November 3, 2021, with an amended notice of assigned hearing dates indicating that the hearing would be virtual, and invitations to utilize the Microsoft Teams video conference program, and the Caselines evidence management program.

7. On January 10, 2022, Respondent's counsel e-mailed Complainant's attorney and advised that he would not be appearing at the hearing. Respondent was incarcerated at the time of the hearing, for the criminal conviction described hereafter.

Respondent's Criminal Conviction

8. On October 4, 2021, in the United States District Court for the Central District of California, Respondent was convicted of violating title 18, United States

Code, sections 922(1), 924(a)(1)(C), and 2(b), by illegally importing a firearm in violation of Federal law. The conviction was based on Respondent's plea of guilty to one of the 23 counts in an indictment that was returned against him in October 2019, the 23 counts all pertaining to Respondent's illegal importation and possession of firearms, specifically, silencers.

9. The court sentenced Respondent to serve 18 months in prison and ordered him to pay a fine of $10,000. The court ordered Respondent to submit to a mental health evaluation and to be evaluated for eligibility for a 500-hour residential drug treatment program, and if eligible, to complete that program. Further, upon his release from prison Respondent shall be placed on supervised release for three years with various terms and conditions. Among those conditions are that Respondent will refrain from illegal drug use, submit to regular drug testing, participate in substance abuse treatment and counseling, abstain from using alcohol, and he must not abuse prescription drugs or illicit drugs. A further condition of release shall be that Respondent must participate in mental health treatment.

10. The facts and circumstances of Respondent's conviction are that he illegally imported a number of firearms, and thereby possessed them, all the firearms being silencers. His plea was specific to the count (number 22) that charged him with knowingly and willfully importing a silencer in packaging labeled "Motorcycle fuel filter installation." (Ex. 16, p. A239.) Respondent imported that silencer, and another, in August 2019. In his plea agreement, Respondent admitted to illegally importing at least 13 firearms into the United States.

11. Respondent's conviction is for a crime substantially related to the duties, qualifications, and functions of a physician and surgeon.

Respondent's Mental Health and Drug Use Issues

12. At the request of the Board, Respondent agreed to a physical examination and a mental health evaluation. Respondent underwent a physical exam, which included urine toxicology screening, by a Board-approved physician on June 16, 2020. He underwent a mental health examination on June 23, 2020.

13. During the physical, Respondent reported to the examining doctor that he took Suboxone twice a day for chronic back pain, and Adderall under the care of a psychiatrist. However, Respondent did not report a diagnosis of Attention Deficit Hyperactivity Disorder (ADHD), which would normally be the reason to take Adderall. The toxicology screen was negative for Buprenorphine, Amphetamine, and Methamphetamine.

14. The physician who conducted the physical exam reported that Respondent did not have a physical illness or condition that impacted Respondent's ability to practice medicine safely, nor did that examiner believe that Respondent had a physical condition that required treatment, monitoring, or oversight in order for Respondent to practice safely.

15. On June 23, 2020, a comprehensive psychiatric evaluation of Respondent was conducted by Nathan E. Lavid, M.D., an experienced clinical and forensic psychiatrist experienced in assessing drug and alcohol abuse. The evaluation took several hours, and Dr. Lavid utilized several test instruments to aid in the evaluation of Respondent. Drug testing was conducted as well.

16. Respondent reported to Dr. Lavid that he had grown up in Iran, and events during his youth had traumatized him. Respondent eventually left Iran, and for

a time lived in the Netherlands. He told Dr. Lavid that a doctor there diagnosed him with ADHD. However, Respondent had few details about that diagnosis.

17. Dr. Lavid reported that Respondent did not have a mental illness that prevented him from practicing medicine in a safe manner. However, Dr. Lavid did conclude that in light of Respondent's past trauma and then-current stressors, Respondent should be monitored and treated in order for him to be safe to practice. Such treatment would include weekly psychotherapy treatments, for at least a year, substance abuse treatment, and random drug screens. Further, Dr. Lavid recommended a second psychiatric examination and opinion as to whether Respondent suffered from ADHD that would require continued use of Adderall. Dr. Lavid also recommended further physical examination to determine whether opiates were medically indicated for the back pain that Respondent reported.

Costs

18. The Board incurred costs of investigation and prosecution between January 3 and January 10, 2022, totaling $4,446.25. Those costs are reasonable under the circumstances.

LEGAL CONCLUSIONS

1. Jurisdiction to proceed in this matter pursuant to Business and Professions Code sections 2004 and 2227 was established, based on Factual Findings 1 through 4.

2. Business and Professions Code section 822 provides, in essence, that where a licensee's ability to practice a profession safely is impaired by mental or

physical illness, the licensing agency may take action against the license. That action can range from outright revocation of the license to placing the license on probation, or taking any other action that the agency, in its discretion, deems proper.

3. Respondent's certificate is subject to discipline because, while he has not been diagnosed with a mental illness, his psychological condition is such that restrictions should be placed on his certificate so that he can practice safely. This Conclusion is based on Factual Findings 12 through 17.

4. Respondent's certificate is subject to discipline pursuant to Business and Professions Code section 2236, subdivisions (a) and (d), and California Code of Regulations, title 16, section 1369, for his conviction of a crime substantially related to the duties, qualifications, and functions of a physician and surgeon, based on Factual Findings 8 through 11.

5. The Board is entitled to recover its costs of investigation and prosecution of this matter pursuant to Business and Professions Code section 125.3, based on Legal Conclusions 3 and 4. The reasonable amount of those costs is $4,446.25, based on Factual Finding 18.

6. It is settled that the purpose of proceedings of this type is to protect the public, and not to punish an errant licensee. (*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 784-786; *Bryce v. Board of Medical Quality Assurance* (1986) 184 Cal.App.3d 1471, 1476.)

7. Public protection is the highest priority of the Board and the ALJ, although the Board and the ALJ "shall, whenever possible take action that is calculated to aid in the rehabilitation of the licensee,....." (Bus. & Prof. Code, § 2229, subd. (b).) However, that rehabilitative effort must not endanger the public. (*Id.*, at subd. (c).)

8. In the circumstances of this case, public protection requires the revocation of Respondent's certificate. There is evidence that, aside from Respondent's recent conviction and incarceration, he has mental health issues that implicate, in a negative way, his ability to practice medicine safely. While those issues might in the normal course of treatment and events, be managed, his conviction for importing illegal firearms cannot be ignored. No evidence in mitigation or rehabilitation was presented regarding Respondent's his conviction and underlying behavior. He may present evidence in mitigation and rehabilitation if and when he petitions for reinstatement of his certificate.

9. Plainly Respondent's financial circumstances must be strained given his suspension from practice, a court-imposed fine of $10,000, and incarceration. While the amount of costs—just under $4,500—are reasonable on their face, Respondent will not be ordered to pay them at this time, because Respondent's license is being revoked. In the event Respondent seeks and obtains reinstatement of his certificate, the Board may promulgate a payment plan.

ORDER

Physician's and Surgeon's Certificate Number A 109162, issued to Respondent Kamal Bijanpour, M.D., is hereby revoked.

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If Respondent seeks reinstatement of his certificate, his payment of costs in the amount of $4,446.25 shall be a condition of reinstatement of his certificate.

DATE: 01/26/2022

Joseph Montoya

JOSEPH D. MONTOYA
Administrative Law Judge
Office of Administrative Hearings

ROB BONTA
Attorney General of California
EDWARD KIM
Supervising Deputy Attorney General
JOSHUA M. TEMPLET
Deputy Attorney General
State Bar No. 267098
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6688
Facsimile: (916) 731-2117
Attorneys for Complainant

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

In the Matter of the First Accusation Against: **KAMAL BIJANPOUR, M.D.** **3605 Long Beach Blvd., Suite 304** **Long Beach, CA 90807-6018** **Physician's and Surgeon's Certificate No. A 109162,** Respondent.	Case No. 800-2020-064426 **FIRST AMENDED ACCUSATION**

PARTIES

1. William Prasifka (Complainant) brings this First Amended 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 August 12, 2009, the Board issued Physician's and Surgeon's Certificate Number A 109162 to Kamal Bijanpour, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2023, unless renewed.

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JURISDICTION

3. This First Amended 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.

4. Section 2004 of the Code provides that the Board shall have the responsibility for the enforcement of the disciplinary provisions of the Medical Practice Act.

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

6. Section 2234 of the Code states:

> The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
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> (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
>
> (b) Gross negligence.
>
> (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.
>
> (1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.
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> (2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.
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> (d) Incompetence.
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> (e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.
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> (f) Any action or conduct that would have warranted the denial of a certificate.
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> (g) The failure by a certificate holder, in the absence of good cause, to attend

and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

7. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Division of Medical Quality of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

8. Section 2236.1 of the Code states:

(a) A physician and surgeon's certificate shall be suspended automatically during any time that the holder of the certificate is incarcerated after conviction of a felony, regardless of whether the conviction has been appealed. The Division of Medical Quality shall, immediately upon receipt of the certified copy of the record of conviction, determine whether the certificate of the physician and surgeon has been automatically suspended by virtue of his or her incarceration, and if so, the duration of that suspension. The division shall notify the physician and surgeon of the license suspension and of his or her right to elect to have the issue of penalty heard as provided in this section.

(b) Upon receipt of the certified copy of the record of conviction, if after a hearing it is determined therefrom that the felony of which the licensee was convicted was substantially related to the qualifications, functions, or duties of a physician and surgeon, the Division of Medical Quality shall suspend the license until the time for appeal has elapsed, if no appeal has been taken, or until the judgment of conviction has been affirmed on appeal or has otherwise become final, and until further order of the division. The issue of substantial relationship shall be heard by an administrative law judge from the Medical Quality Hearing Panel sitting alone or with a panel of the division, in the discretion of the division.

(c) Notwithstanding subdivision (b), a conviction of any crime referred to in Section 2237, or a conviction of Section 187, 261, 262, or 288 of the Penal Code, shall be conclusively presumed to be substantially related to the qualifications,

functions, or duties of a physician and surgeon and no hearing shall be held on this issue. Upon its own motion or for good cause shown, the division may decline to impose or may set aside the suspension when it appears to be in the interest of justice to do so, with due regard to maintaining the integrity of and confidence in the medical profession.

(d) (1) Discipline may be ordered in accordance with Section 2227, or the Division of Licensing may order the denial of the license when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

(2) The issue of penalty shall be heard by an administrative law judge from the Medical Quality Hearing Panel sitting alone or with a panel of the division, in the discretion of the division. The hearing shall not be had until the judgment of conviction has become final or, irrespective of a subsequent order under Section 1203.4 of the Penal Code, an order granting probation has been made suspending the imposition of sentence; except that a licensee may, at his or her option, elect to have the issue of penalty decided before those time periods have elapsed. Where the licensee so elects, the issue of penalty shall be heard in the manner described in this section at the hearing to determine whether the conviction was substantially related to the qualifications, functions, or duties of a physician and surgeon. If the conviction of a licensee who has made this election is overturned on appeal, any discipline ordered pursuant to this section shall automatically cease. Nothing in this subdivision shall prohibit the division from pursuing disciplinary action based on any cause other than the overturned conviction.

(e) The record of the proceedings resulting in the conviction, including a transcript of the testimony therein, may be received in evidence.

(f) The other provisions of this article setting forth a procedure for the suspension or revocation of a physician and surgeon's certificate shall not apply to proceedings conducted pursuant to this section.

9. Section 820 of the Code states:

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

10. Section 822 of the Code states:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

(a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1360 states:

(a) For the purposes of denial, suspension or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes, professional misconduct, or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of state or federal law governing the applicant's or licensee's professional practice.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the crime;

(2) The number of years elapsed since the date of the crime; and

(3) The nature and duties of the profession.

COST RECOVERY

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

Respondent's Mental Evaluation

13. The Board began investigating Respondent after receiving a complaint about him on or about February 7, 2020. During the investigation, Respondent was asked to undergo a physical and mental evaluation. On or about May 6, 2020, an investigator with the Department of Consumer Affairs, Division of Investigation, Health Quality Investigation Unit (HQIU) sent Respondent a certified letter with Voluntary Agreements for Mental and Physical Examination forms, along with Business and Professions Code sections 820, 821, 822, and 823 to his address of record. A stamped self-addressed envelope was enclosed.

14. On or about May 19, 2020, the HQIU investigator received the signed Voluntary Agreements for Mental and Physical Examination forms from Respondent. Subsequently, arrangements were made for Respondent to receive a physical examination and a psychiatric evaluation.

15. On or about June 16, 2020, Respondent underwent a physical examination, including a urine toxicology screening, by a Board approved physician. Respondent reported using Suboxone 4 mg in the morning and 2 mg in the evening for chronic back pain and Adderall IR 20 mg daily, under the care of a physician and a psychiatrist. A 14-point review of systems was significant mainly for a history of chronic low back pain. At the request of the HQIU investigator, Respondent provided a witnessed urine sample for a toxicology screen, the results of which were negative. The examining physician noted that Respondent reported taking Suboxone and Adderall but he did not report a diagnosis of Attention Deficit Disorder or Attention Deficit Hyperactivity Disorder to explain the use of Adderall. The witnessed urine toxicology was negative for buprenorphine, amphetamines, and methamphetamine.

16. The examining physician concluded in his June 17, 2020 report that Respondent does not have a physical illness or condition that impacts his ability to safely engage in the practice of medicine and that it did not appear that Respondent's presentation was possibly due to a mental illness. However, he supported the requirement of a mental examination given Respondent's reported use of Adderall. The physician examiner did not believe that Respondent had a physical

illness or condition which required monitoring, treatment, oversight, or other terms and conditions to practice medicine safely.

17. On or about June 23, 2020, a Board-approved psychiatrist performed a comprehensive psychiatric evaluation of Respondent over the course of three hours. That evaluation included psychological testing and urine alcohol and drug testing.

18. The psychiatric evaluator concluded that Respondent needs to follow certain treatment recommendations in order to be safe to practice medicine. Respondent has a history of trauma and is under a number of stressors that if untreated, would negatively impact his ability to safely engage in the practice of medicine. His history of trauma and stressors require monitoring and more aggressive mental health treatment than he was receiving at the time of the evaluation, including a yearlong course of psychotherapy with weekly visits, continued substance abuse treatment, and random urine drug screens. In addition, since he does not have a legitimate diagnosis of ADHD to support his continuing use of Adderall, he should obtain a second psychiatric opinion regarding his diagnosis of ADHD and the need for Adderall. Respondent should also obtain a second medical opinion to determine whether his continued use of opiates for pain is medically indicated. With Respondent following these treatment recommendations, from a psychiatric standpoint, Respondent should be able to practice medicine safely.

Respondent's Criminal Conviction

19. On or about September 20, 2019, a magistrate judge of the United States District Court for the Central District of California issued a criminal complaint against Respondent in *United States v. Kamal Bijanpour*, case number 19MJ03956. The complaint charged Respondent with violating United States Code, Title 26, Section 5861(d) (possession of an unregistered firearm suppressor) and was based on a sworn affidavit by a United States Department of Homeland Security investigator. According to the complaint, in or around 2018 and 2019, Respondent received approximately 768 parcels from China, a known exporter of illegal firearm suppressors and other firearm accessories. Upon executing previous search warrants, law enforcement agents found 13 firearm suppressors and 18 firearms in Respondent's Los Angeles residences on September 18, 2019. The firearms, some of which were loaded, included an AK-

47-type assault weapon, two Mossberg 500 shotguns, two Remington 870 shotguns, a PTR-90 assault weapon, a Barrett M82 .481 caliber sniper rifle, a Vector short-barreled rifle, and a SOCOM MK16 rifle. Law enforcement agents also found a substance that field-tested positive as methamphetamine on top of Respondent's computer, next to a handgun and rifle. In addition, the agents found a loaded revolver in Respondent's sedan.

20. On or about October 8, 2019, a grand jury returned a 23-count indictment in *United States v. Kamâl Bijanpour,* case number CR-19-610, charging Respondent with the illegal possession and importation of unregistered firearm silencers in violation of various sections of the United States Code.

21. On or about February 19, 2021, Respondent pleaded guilty to Count 22 of the indictment, which charges Respondent with causing the illegal importation of firearms in violation of United States Code, Title 18, Section 922(1) and Section 2(b). In his plea agreement, Respondent admitted to the truth of the following:

> On or about August 20, 2019, in Los Angeles County, within the Central District of California, [Respondent] knowingly imported, and caused to be imported, a firearm (specifically, a firearm silencer) into the United States without authorization. Around this time, [Respondent] knowingly ordered two silencers from an Internet merchant in China and directed that they be delivered to his home in Los Angeles County, and thus imported into the United States. [Respondent] knew that the importation of these firearms into the United States was not authorized, as provided in Title 18, United States Code, Section 925(d). [Respondent] also knew that the importation was unlawful. [Respondent] admits that he knowingly imported at least 13 firearms into the United States using similar methods, including--as described in the indictment--multiple firearms that were not registered to him in the National Firearms Registration and Transfer Record and/or lacked serial numbers.

22. On or about October 4, 2021, the court entered a judgment of Respondent's conviction for causing the illegal importation of firearms in violation of United States Code, Title 18, Section 922(1), Section 924(a)(1)(C) and Section 2(b), as charged in Count 22 of the indictment. Respondent's criminal conviction is substantially related to the qualifications, function, and duties of a physician and surgeon.

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23. The court sentenced Respondent to 18 months in prison with the following terms and conditions, among others:

- Payment of a $10,000 fine; and
- Submit to a mental health evaluation and an evaluation for eligibility for the 500-hour residential drug abuse treatment program, and complete all necessary treatment.

24. Upon release from prison, the judgment requires that Respondent be placed on supervised release for three years under the following terms and conditions, among others:

- Refrain from any unlawful use of a controlled substance;
- Submit to regular drug testing;
- Participate in outpatient substance abuse treatment and counseling programs;
- Abstain from using alcohol and illicit drugs and from abusing prescription medications;
- Participate in mental health treatment; and
- Submit his person and property to a search conducted by his probation officer.

FIRST CAUSE FOR DISCIPLINE

(Impairment of Ability to Practice Medicine Safely)

25. Respondent is subject to disciplinary action under section 822 of the Code in that he suffers from a mental illness that renders him unable to safely practice medicine. The circumstances are as follows:

26. The facts and circumstances alleged in paragraphs 13 through 24 above are incorporated herein as if fully set forth.

SECOND CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

27. Respondent is subject to disciplinary action under section 2236, in that he has been convicted of a crime that is substantially related to the qualifications, function, or duties of a physician and surgeon. The circumstances are as follows:

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28. The facts and circumstances as set forth in paragraphs 19 through 24, inclusive above, are incorporated by reference herein as if fully set forth.

29. The allegations of the First Cause for Discipline are incorporated herein by reference as if fully set forth.

THIRD CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

30. Respondent is subject to disciplinary action under Code section 2234, in that Respondent's actions and/or omissions represent unprofessional conduct, generally. The circumstances are as follows:

31. The allegations of the First and Second Causes for Discipline are incorporated herein by reference as if fully set forth.

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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 A 109162, issued to Respondent Kamal Bijanpour, M.D.;

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

3. Ordering Respondent Kamal Bijanpour, M.D., if placed on probation, to pay the Board the costs of probation monitoring;

4. Ordering Respondent Kamal Bijanpour, M.D., to pay the Medical Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: DEC 24 2021

Reji Varghese
Deputy Director

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

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