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

In the Matter of the Accusation Against: Reza Khodaverdian, M.D. Physician's & Surgeon's Certificate No. A 127413 Respondent.	Case No. 800-2018-043744

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 September 9, 2022.

IT IS SO ORDERED: August 11, 2022.

MEDICAL BOARD OF CALIFORNIA

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

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
TESSA L. HEUNIS
Deputy Attorney General
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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: **REZA KHODAVERDIAN, M.D.** **39000 Bob Hope Drive, Suite K108** **Rancho Mirage, CA 92270-7001** **Physician's and Surgeon's Certificate No. A 127413** Respondent.	Case No. 800-2018-043744 OAH No. 2021080011 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of 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 Tessa L. Heunis, Deputy Attorney General.

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2. Respondent Reza Khodaverdian, M.D. (Respondent) is represented in this proceeding by attorneys Kent T. Brandmeyer, Esq., and Jeannette L. Van Horst, Esq., of Law and Brandmeyer, LLP, whose address is: 2 North Lake Avenue, Suite 820, Pasadena, CA 91101.

3. On or about September 25, 2013, the Board issued Physician's and Surgeon's Certificate No. A 127413 to Reza Khodaverdian, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-043744, and will expire on July 31, 2023, unless renewed.

JURISDICTION

4. On March 29, 2021, Accusation No. 800-2018-043744 was filed before the Board and is currently pending against Respondent. On the same date, a true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 800-2018-043744 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2018-043744. Respondent has also carefully read, fully discussed with his counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. 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.

7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2018-043744.

9. Respondent agrees that his Physician's and Surgeon's Certificate No. A 127413 is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

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

CONTINGENCY

11. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be submitted to the Board for its consideration in the above-entitled matter and, further, that the Board shall have a reasonable period of time in which to consider and act on this Stipulated Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Board considers and acts upon it.

12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and Disciplinary Order, the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Board does not, in its discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the

exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

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

14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.

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

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Respondent REZA KHODAVERDIAN, M.D.'s Physician's and Surgeon's Certificate No. A 127413 shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Respondent's care and treatment of Patient P-1 as set forth in Accusation No. 800-2018-043744, is as follows:

> You committed repeated negligent acts in your care and treatment of Patient-1 on or about or between May 1 and May 2, 2018, as more fully set forth in Accusation No. 800-2018-043744, a true and correct copy of which is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.

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B. EDUCATION COURSES

Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval not less than 60 hours of educational program(s) or course(s). The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 85 hours of CME of which 60 hours were in satisfaction of this condition.

C. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby ordered to reimburse the Board its costs of investigation and enforcement since January 1, 2022, including, but not limited to, legal reviews, joint investigations, and subpoena enforcement, as applicable, in the amount of $825.00 (eight hundred twenty-five dollars). These costs shall be payable to the Medical Board of California within 60 calendar days of the effective date of this Decision unless otherwise agreed to in writing by the Board or its designee.

Any and all requests for a payment plan shall be submitted in writing by Respondent to the Board.

The filing of bankruptcy by respondent shall not relieve Respondent of the responsibility to repay investigation and enforcement costs.

C. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2018-043744 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys Kent T. Brandmeier, Esq., and/or Jeannette L. Van Horst, Esq. Having the benefit of counsel, enter into it freely, voluntarily, intelligently, and with full knowledge of its force and effect on my Physician's and Surgeon's Certificate A 127413. I fully understand that, after signing this stipulation, I may not withdraw from it, that it shall be submitted to the Medical Board of California for its consideration, and that the Board shall have a reasonable period of time to consider and act on this stipulation after receiving it. By entering into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall be publicly reprimanded by the Board and shall be required to comply with all of the terms and conditions of the Disciplinary Order set forth above. I also fully understand that any failure to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and will subject my Physician's and Surgeon's Certificate No. A 127413 to further disciplinary action.

DATED: 3-11-22

REZA KHODAVERDIAN, M.D.
Respondent

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

DATED: 3/14/22

KENT T. BRANDMEYER, ESQ.
JEANNETTE L. VAN HORST, ESQ.
Attorneys for Respondent

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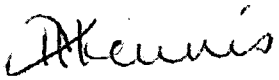
ENDORSEMENT

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

DATED: March 16, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



TESSA L. HEUNIS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2018-043744

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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. 800-2018-043744
Reza Khodaverdian, M.D. **39000 Bob Hope Drive, Suite K108** **Rancho Mirage, CA 92270** **Physician's and Surgeon's Certificate No. A 127413,** 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 September 25, 2013, the Medical Board issued Physician's and Surgeon's Certificate Number A 127413 to Reza Khodaverdian, M.D. (Respondent). The certificate was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2021, unless 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.

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.

STATUTORY PROVISIONS

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

> 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:
>
> (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.
>
> (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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DEFINITIONS

7. Tension pneumothorax: This is a life-threatening condition that develops when air continuously enters the chest without evacuation. The trapped air develops positive pressure, compresses and displaces mediastinal structures like the heart, and compromises cardiopulmonary function.

8. Thoracotomy: This surgical procedure involves a cut made between the ribs to see and reach the lungs or other organs in the chest.

9. Video-assisted thoracoscopic surgery (VATS): During a VATS procedure, a small camera (thoracoscope) and surgical instruments are inserted into the patient's chest through one or more small incisions in the chest wall. The thoracoscope transmits images of the inside of the chest onto a video monitor, guiding the surgeon in performing the procedure.

FACTUAL ALLEGATIONS

10. In 2018 Respondent practiced as a thoracic surgeon.

11. On April 30, 2018, patient P-1 presented to the emergency room at Glendale Adventist Hospital with a spontaneously collapsed right lung. P-1 was 43 years of age and had a medical history of a spontaneous collapse of her right lung five years earlier. Radiographic evidence showed signs of a tension component to her collapsed lung—tension pneumothorax—and a pigtail catheter was placed in her chest to evacuate the air within her chest and allow her lung to re-expand.

12. The patient was admitted to the hospital on May 1, 2018. Respondent was the consulting thoracic surgeon and saw the patient that morning. His record notes that the patient's catheter had been inadvertently removed. Respondent recommended video-assisted thoracoscopic surgery to remove an abnormal portion of the top of her right lung. Respondent began the surgery the following day, on May 2, 2018. As of the time of her surgery, the patient's catheter had not been replaced.

13. Respondent began the surgery by inserting the thoracoscopic camera through an incision in the patient's lower chest. Respondent evaluated the right chest cavity and found dense adhesions between the right upper lobe of the lung and the posterior chest wall extending to the

top of the right chest. In addition, the top of the right lung seemed to be grossly abnormal with scarring on its surface.

14. During a video-assisted thoracoscopic surgery, the surgeon must be prepared to convert the procedure into an open thoracotomy in the event that intraoperative complications or problems develop that require additional access and visualization to address, such as the dense adhesions of the lung to the chest wall in this surgery.

15. Upon discovering the dense adhesions between the lung and chest wall, Respondent should have considered converting his procedure to an open thoracotomy based on these findings. Instead, Respondent proceeded with thoracoscopic surgery, attempting to remove the parts of the lung that were adhered to the chest wall, and encountering an increasing amount of bleeding in so doing. Respondent's attempts to control the bleeding were not successful.

16. Respondent then converted the surgery to an open thoracotomy. Rather than make a new incision near the location of the bleeding and adhesions at the top of the chest/lung, to open that area of the chest for access and visualization, Respondent instead relied on his existing incisions in the lower parts of the chest. Respondent connected his previous two incisions to create an opening in the lower chest. He also made another small incision to allow insertion and continued use of a camera. Respondent continued to have difficulty in stopping the bleeding due to lack of adequate access to and visualization of the area of bleeding at the top of the chest/lung.

17. Ultimately, after the patient had lost a significant amount of blood, Respondent was able to find and control the source of the bleeding. He finished removing the abnormal portions of the lung and closed and sutured the patient's chest.

CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

18. Respondent is subject to disciplinary action under Code section 2234, subdivision (c), in that Respondent committed repeated negligent acts in his care of P-1 as described above, including the following:

19. Once Respondent was consulted as the thoracic surgeon for P-1, it was his responsibility to manage treatment for the collapsed lung. Respondent's failure to replace her

missing pigtail catheter to address and prevent possible recurrence of the previously demonstrated tension pneumothorax, by ensuring continued evacuation of the air within her chest until surgery, constitutes a departure from the standard of care.

20. When converting the thoracoscopic surgery to an open thoracotomy, Respondent's failure to make a new incision at the top of the chest near the area of adhesions and bleeding constitutes a departure from the standard of care.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 127413, issued to Reza Khodaverdian, M.D.;

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

3. Ordering Reza Khodaverdian, 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: MAR 29 2021

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

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