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

In the Matter of the First Amended Accusation Against: **Adel A. Boutros, M.D.** **Physician's & Surgeon's Certificate No. A 47792** **Respondent.**	**Case No. 800-2018-050393**

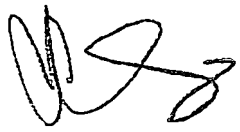
DECISION

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 October 3, 2022.

IT IS SO ORDERED: September 1, 2022.

MEDICAL BOARD OF CALIFORNIA



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

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

In the Matter of the First Amended Accusation Against: **ADEL A. BOUTROS, M.D.** **24432 Muirlands Blvd., #101** **Lake Forest, CA 92630-3939** **Physician's and Surgeon's Certificate No. A 47792,** Respondent.	Case No. 800-2018-050393 OAH No. 2021120385 **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 Karolyn M. Westfall, Deputy Attorney General.

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2. Respondent Adel A. Boutros M.D. (Respondent) is represented in this proceeding by attorney Larry T. Pleiss, Esq., whose address is: Pleiss, Sitar, McGrath, Hunter & Hallack, 2875 Michelle Drive, Suite 150, Irvine, CA 92606.

3. On or about December 4, 1989, the Board issued Physician's and Surgeon's Certificate No. A 47792 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 800-2018-050393, and will expire on January 31, 2023, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2018-050393, which superseded the Accusation that was filed on October 26, 2021, was filed before the Board on January 31, 2022, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on January 31, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of First Amended Accusation No. 800-2018-050393 is attached hereto 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 First Amended Accusation No. 800-2018-050393. 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 First Amended 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.

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

CULPABILITY

9. Respondent admits that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in First Amended Accusation No. 800-2018-050393, and agrees that he has thereby subjected his Physician's and Surgeon's Certificate No. A 47792 to disciplinary action.

10. Respondent further agrees that if an accusation is ever filed against him before the Medical Board of California, all of the charges and allegations contained in First Amended Accusation No. 800-2018-050393 shall be deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California or elsewhere.

11. Respondent agrees that his Physician's and Surgeon's Certificate 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.

CONTINGENCY

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

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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 as the originals.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent Adel A. Boutros, M.D.'s, Physician's and Surgeon's Certificate No. A 47792 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 First Amended Accusation No. 800-2018-050393, is as follows:

> Between 2017 and 2018, you engaged in acts of negligence by improperly prescribing multiple medications to a single patient, including two benzodiazepines (one for anxiety and one for insomnia), without documenting the prescriptions in the patient's chart and without documenting the severity of symptoms necessitating the medications, as more fully described in First Amended Accusation No. 800-2018-050393.

1. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the First Amended Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the

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course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

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

Any failure to fully comply with this term and condition of the Disciplinary Order shall constitute unprofessional conduct and will subject Respondent's Physician's and Surgeon's Certificate to further disciplinary action.

2. INVESTIGATION/ENFORCEMENT COST RECOVERY. Within 60 calendar days of the effective date of this Decision, Respondent is hereby ordered to reimburse the Board its costs of investigation and enforcement, in the amount of $982.50 (nine hundred eighty-two dollars and fifty cents). Costs shall be payable to the Medical Board of California.

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

Any failure to fully comply with this term and condition of the Disciplinary Order shall constitute unprofessional conduct and will subject Respondent's Physician's and Surgeon's Certificate to further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Larry T. Pleiss, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 5.12.22

ADEL A. BOUTROS MD
Respondent

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I have read and fully discussed with Respondent Adel A. Boutros 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: May 12, 2022

LARRY T. PLEISS, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: 5/12/22

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2018-050393

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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 First Amended Accusation Against: **ADEL A. BOUTROS, M.D.** **24432 Muirlands Blvd., #101** **Lake Forest, CA 92630-3939** **Physician's and Surgeon's Certificate No. A 47792,** Respondent.	Case No. 800-2018-050393 **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 December 4, 1989, the Board issued Physician's and Surgeon's Certificate No. A 47792 to Adel A. Boutros, 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 January 31, 2023, unless renewed.

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JURISDICTION

3. This First Amended Accusation, which supersedes the Accusation filed on October 26, 2021, 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 2227 of the Code states, in pertinent part:

> (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:
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> (1) Have his or her license revoked upon order of the board.
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> (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.
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> ...

5. Section 2234 of the Code, states, in pertinent 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:
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> ...
>
> (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.
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> ...

6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

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COST RECOVERY

7. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board upon request of the entity bringing the proceeding, the administrative law judge may 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.

(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

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(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

8. Respondent has subjected his Physician's and Surgeon's Certificate No. A 47792 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his care and treatment of Patient A,[1] as more particularly alleged hereinafter:

9. On or about July 27, 2017, Patient A, a then 61-year-old wheelchair-bound female, was admitted from the hospital to the Palm Retirement Center (PRC). Patient A was discharged with prescriptions for various vitamins and medications, including but not limited to, ciproflaxin for infection, ferrous sulfate for iron deficiency, metformin for diabetes, and oxybutynin for bladder control. Patient A's primary diagnoses upon admission were a urinary tract infection, hyperlipidemia, essential hypertension, type two diabetes mellitus, unspecified glaucoma, generalized muscle weakness, and dementia.

10. Between on or about July 27, 2017, and on or about November 1, 2019, Patient A received primary care treatment from Respondent at PRC on approximately nine (9) visits. At every visit, Respondent's documented plan was to "refill all current medications." At every visit, the patient's chart identifies a recurring medication of ciproflaxin that was not actually prescribed or continued.

11. On or about August 22, 2017, Respondent met with Patient A at PRC. Patient A expressed no complaints at that visit. Respondent's cursory chart notes for this visit, or any visit thereafter, did not include a mental status examination or any documented concerns about the

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[1] To protect the privacy of the patient involved, the patient's name has not been included in this pleading. Respondent is aware of the identity of the patient referred to herein.

patient from her family or the PRC staff. At the conclusion of this visit, Respondent diagnosed Patient A with, among other things, quadriplegia,[2] anxiety, and dementia.

12. On or about October 5, 2017, Respondent met with patient A at PRC. At this visit, Patient A complained of feeling anxious and agitated. Respondent's cursory chart notes for this visit did not include a mental status examination or any further details about her anxiety or agitation. At the conclusion of this visit, Respondent maintained Patient A on her prior medications, but added Ativan[3] .5mg.

13. Between on or about October 5, 2017, and on or about September 12, 2019, Respondent maintained Patient A on monthly prescriptions of Ativan for anxiety.

14. On or about October 9, 2018, Respondent met with Patient A at PRC. At this visit, Patient A complained of increased agitation, feeling more anxious, a burning sensation during urination, and a cough. Respondent's cursory chart notes for this visit did not include any further details about her agitation or anxiety. At the conclusion of this visit, Respondent maintained Patient A on her prior medications, but added Haldol[4] 1 mg, and requested a psychiatric consultation.

15. On or about October 10, 2018, and on or about October 28, 2018, Respondent prescribed Patient A temazepam[5] 15 mg. Respondent did not see the patient on those dates and the prescriptions are not documented anywhere in the patient's chart.[6]

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[2] Respondent's diagnosis of quadriplegia is repeated throughout Patient A's chart. At the subject interview, Respondent identified that the accurate diagnosis for this patient was hemiplegia.

[3] Ativan (brand name for lorazepam) is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022. It belongs to a group of drugs called benzodiazepines.

[4] Haldol (brand name for haloperidol) is an antipsychotic medication used to treat various mental/mood disorders, and a dangerous drug pursuant to Business and Professions Code section 4022.

[5] Temazepam (brand name Restoril) is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022. It belongs to a group of drugs called benzodiazepines.

[6] At his subject interview, Respondent admitted that he sometimes calls in a prescription for temazepam if the patient cannot sleep.

16. On or about April 30, 2019, Respondent prescribed Patient A sixteen (16) tablets of Haldol 5 mg with twelve (12) refills, sixty-two (62) tablets of Ativan 1 mg with five (5) refills, and thirty-one (31) tablets of temazepam 15 mg with five (5) refills. Respondent did not see the patient on that day and the prescriptions are not documented anywhere in the patient's chart.

17. On or about August 16, 2019, Respondent prescribed Patient A sixty-two (62) tablets of Ativan 1 mg for anxiety and thirty one (31) tablets of temazepam 15 mg for insomnia. Respondent did not see the patient on that day and the prescriptions are not documented anywhere in the patient's chart.

18. On or about April 6, 2020, Respondent provided a letter to an investigator for the Board regarding the care and treatment he provided to Patient A. In this letter, Respondent indicated that Patient A was lost several times and was brought back to PRC by police, and was found several times in the street in the middle of traffic. During his subject interview on or about December 8, 2020, Respondent admitted that statement was in error, and that he confused this patient with another patient.

19. Respondent committed repeated negligent acts in his care and treatment of Patient A, which included, but was not limited to, the following:

A. Prescribing two benzodiazepines to Patient A at the same time;

B. Prescribing benzodiazepines and antipsychotic medications to Patient A without identifying and/or documenting the severity of symptoms necessitating the medications; and

C. Prescribing medications to Patient A without documenting the prescriptions in the patient's chart.

SECOND CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

20. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 47792 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the Code, in that Respondent failed to maintain adequate and accurate records regarding his care and

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treatment of Patient A, as more particularly alleged in paragraphs 8 through 19 (C), above, which are hereby incorporated by reference and realleged as if fully set forth herein.

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 Surgeons Certificate No. A 47792, issued to Respondent Adel A. Boutros, M.D.;

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

3. Ordering Respondent Adel A. Boutros, M.D., to pay the Board the costs of the investigation and enforcement of this case, and 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: JAN 31 2022

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

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