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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2022-093204

13 **ARASH MALIAN PADIDAR, M.D.**
14 **105 N. Bascom Ave. Ste. 104**
San Jose, CA 95128-1811

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. G 74857,**

Respondent.

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19 **PARTIES**

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

23 2. On or about August 4, 1992, the Medical Board issued Physician's and Surgeon's
24 Certificate Number G 74857 to Arash Malian Padidar, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on April 30, 2024, unless renewed.

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JURISDICTION

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

5 4. Section 2227 of the Business and Professions Code authorizes the Board to take
6 action against a licensee by revoking, suspending for a period not to exceed one year, placing the
7 license on probation and requiring payment of costs of probation monitoring, or taking such other
8 action taken as the Board deems proper.

9 5. Section 2228.1 of the Code states.

10 (a) On and after July 1, 2019, except as otherwise provided in subdivision (c),
11 the board and the Podiatric Medical Board of California shall require a licensee to
12 provide a separate disclosure that includes the licensee's probation status, the length
13 of the probation, the probation end date, all practice restrictions placed on the licensee
14 by the board, the board's telephone number, and an explanation of how the patient
15 can find further information on the licensee's probation on the licensee's profile page
16 on the board's online license information internet web site, to a patient or the
17 patient's guardian or health care surrogate before the patient's first visit following the
18 probationary order while the licensee is on probation pursuant to a probationary order
19 made on and after July 1, 2019, in any of the following circumstances:

20 (1) A final adjudication by the board following an administrative hearing or
21 admitted findings or prima facie showing in a stipulated settlement establishing any
22 of the following:

23 (A) The commission of any act of sexual abuse, misconduct, or relations with a
24 patient or client as defined in Section 726 or 729.

25 (B) Drug or alcohol abuse directly resulting in harm to patients or the extent
26 that such use impairs the ability of the licensee to practice safely.

27 (C) Criminal conviction directly involving harm to patient health.

28 (D) Inappropriate prescribing resulting in harm to patients and a probationary

1 period of five years or more.

2 (2) An accusation or statement of issues alleged that the licensee committed any
3 of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a
4 stipulated settlement based upon a nolo contendere or other similar compromise that
5 does not include any prima facie showing or admission of guilt or fact but does
6 include an express acknowledgment that the disclosure requirements of this section
7 would serve to protect the public interest.

8 (b) A licensee required to provide a disclosure pursuant to subdivision (a) shall
9 obtain from the patient, or the patient's guardian or health care surrogate, a separate,
10 signed copy of that disclosure.

11 (c) A licensee shall not be required to provide a disclosure pursuant to
12 subdivision (a) if any of the following applies:

13 (1) The patient is unconscious or otherwise unable to comprehend the
14 disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a
15 guardian or health care surrogate is unavailable to comprehend the disclosure and
16 sign the copy.

17 (2) The visit occurs in an emergency room or an urgent care facility or the visit
18 is unscheduled, including consultations in inpatient facilities.

19 (3) The licensee who will be treating the patient during the visit is not known to
20 the patient until immediately prior to the start of the visit.

21 (4) The licensee does not have a direct treatment relationship with the patient.

22 (d) On and after July 1, 2019, the board shall provide the following
23 information, with respect to licensees on probation and licensees practicing under
24 probationary licenses, in plain view on the licensee's profile page on the board's
25 online license information internet web site.

26 (1) For probation imposed pursuant to a stipulated settlement, the causes
27 alleged in the operative accusation along with a designation identifying those causes
28 by which the licensee has expressly admitted guilt and a statement that acceptance of

1 the settlement is not an admission of guilt.

2 (2) For probation imposed by an adjudicated decision of the board, the causes
3 for probation stated in the final probationary order.

4 (3) For a licensee granted a probationary license, the causes by which the
5 probationary license was imposed.

6 (4) The length of the probation and end date.

7 (5) All practice restrictions placed on the license by the board.

8 (e) Section 2314 shall not apply to this section.

9 6. Section 820 of the Code provides that whenever it appears that a licensee may be
10 unable to practice his or her profession safely as a result of mental illness or physical illness
11 affecting competency, the licensing agency may order an examination of licensee.

12 7. Section 822 of the Code provides that, if a licensing agency determines that a
13 licensee's ability to practice his or her profession safely is impaired because of mental or physical
14 illness affecting competency, the licensing agency may take action by revoking the licensee's
15 certificate or license, suspending the licensee's right to practice, placing the licensee on probation,
16 or taking such other action in relation to the licensee as the licensing agency in its discretion
17 deems proper.

18 COST RECOVERY

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

25 DEFINITIONS

26 9. Buprenorphine is a medication approved by the Food and Drug Administration
27 (FDA) to treat Opioid Use Disorder. Buprenorphine is a dangerous drug as defined in Business
28 and Professions Code section 4022, and is a schedule III narcotic analgesic.

1 another physician's name although that physician stated he had not written the prescriptions, and
2 would not write a prescription for 100 pills. Respondent stated he would take responsibility for
3 those prescriptions, but that it could have been done by a nurse to avoid prescriptions under the
4 same name. Respondent said his father had real pain issues and so the majority of the medication
5 probably went to his father rather than to him.

6 16. On May 7, 2023, Respondent underwent an evaluation by a Board appointed
7 psychiatrist. During the course of the examination, Respondent noted that after the raid at his
8 home by the DEA, Respondent sought treatment that included monitoring, counseling, education,
9 and medication support (buprenorphine), and he claims to have been in recovery since October
10 2020. Respondent also informed the Board appointed psychiatrist that at the time of the DEA
11 raid Respondent was using cocaine more regularly to see if he could substitute it for the opioids,
12 but did not like it.

13 17. In a report dated May 15, 2023, the Board appointed psychiatrist opined that
14 Respondent "clearly meets criteria for opioid use disorder." The Board appointed psychiatrist
15 further noted, "He does clearly meet criteria for an Opioid Use Disorder, Severe, which is
16 currently in Sustained Remission."

17 **CAUSE FOR DISCIPLINE**

18 **(Impairment Affecting Competency)**

19 18. The allegations of paragraphs 13 - 17 above are incorporated by reference as if set out
20 in full.

21 18. Respondent Arash Malian Padidar, M.D. is subject to disciplinary action under
22 Business and Professions Code sections 822, 2227, and 2228.1, in that due to a mental illness
23 (opioid use disorder), his ability to practice medicine safely is impaired.

24 **PRAYER**

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

27 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 74857,
28 issued to Arash Malian Padidar, M.D.;

- 1 2. Revoking, suspending or denying approval of Arash Malian Padidar, M.D.'s authority
- 2 to supervise physician assistants and advanced practice nurses;
- 3 3. Ordering Arash Malian Padidar, M.D., to pay the Board the costs of the investigation
- 4 and enforcement of this case, and if placed on probation, the costs of probation monitoring;
- 5 4. Ordering Respondent Arash Malian Padidar, M.D., if placed on probation, to provide
- 6 patient notification in accordance with Business and Professions Code section 2228.1; and
- 7 5. Taking such other and further action as deemed necessary and proper.

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9 DATED: **AUG 18 2023**

 JENNA JONES FOR
REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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