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

In the Matter of the Accusation Against:	)	
Isaac Nageeb Beshay, M.D.	)	**Case No. 800-2017-035284**
Physician's and Surgeon's Certificate No. A 89039	)	
Respondent	)	

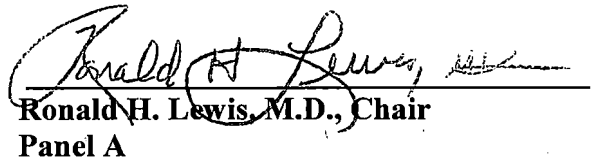
DECISION

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 November 27, 2019 .

IT IS SO ORDERED October 30, 2019 .

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

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

In the Matter of the Accusation Against: **ISAAC NAGEEB BESHAY, M.D.** 2200 Harbor Blvd., Ste. B210 Costa Mesa, CA 92627 Physician's and Surgeon's Certificate No. A 89039, Respondent.	Case No. 800-2017-035284 OAH No. 2019010055 **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. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Christine R. Friar, Deputy Attorney General.

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2. Respondent Isaac Nageeb Beshay, M.D. (Respondent) is represented in this proceeding by attorneys Dennis Ames and Pogey Henderson of La Follette Johnson DeHaas Fesler & Ames, located at 2677 North Main Street, Suite 901, Santa Ana, CA 92705.

3. On or about October 6, 2004, the Board issued Physician's and Surgeon's Certificate No. A 89039 to Isaac Nageeb Beshay, 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. 800-2017-035284, and will expire on July 31, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-035284 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 9, 2018. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2017-035284 is attached 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 Accusation No. 800-2017-035284. Respondent has also carefully read, fully discussed with 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 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.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

9. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-2017-035284 and that he has thereby subjected his license to disciplinary action.

10. Respondent agrees that if an accusation is ever filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2017-035284 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.

11. Respondent 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.

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 formal proceeding, issue and enter the following Disciplinary Order:

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DISCIPLINARY ORDER

A. PUBLIC REPRIMAND.

IT IS HEREBY ORDERED THAT Physician's and Surgeon's Certificate No. A 89039, issued to Isaac Nageeb Beshay, M.D., 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 the allegations set forth in Accusation No. 800-2017-035284, is as follows:

> "In 2012, you failed to adequately manage and document the care and treatment of one patient, in violation of the Business and Professions Code, as more fully described in Accusation No. 800-2017-035284."

B. PRESCRIBING PRACTICES COURSE.

IT IS FURTHER ORDERED THAT within sixty (60) calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices 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 prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A prescribing practices course taken after the acts that gave rise to the charges in the 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 course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

If Respondent fails to enroll, participate in, or successfully complete the prescribing practices course within the designated time period, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after

being so notified. Respondent shall not resume the practice of medicine until enrollment or participation in the prescribing practices course has been completed. Failure to successfully complete the prescribing practices course outlined above shall constitute unprofessional conduct and is grounds for further disciplinary action.

C. **MEDICAL RECORD KEEPING COURSE.**

IT IS FURTHER ORDERED THAT within sixty (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 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 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 fifteen (15) calendar days after successfully completing the course, or not later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

If Respondent fails to enroll, participate in, or successfully complete the medical record keeping course within the designated time period, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall not resume the practice of medicine until enrollment or participation in the medical record keeping course has been completed. Failure to successfully complete the medical record keeping course outlined above shall constitute unprofessional

conduct and is grounds for further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Dennis Ames and Pogey Henderson. 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: 9/27/19

ISAAC NAGEEB BESHAY, M.D.
Respondent

I have read and fully discussed with Respondent Isaac Nageeb Beshay, 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: 9/27/19

DENNIS AMES, ESQ.
POGEY HENDERSON, ESQ.
Attorneys for Respondent

ENDORSEMENT

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

DATED: 9/30/2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General

CHRISTINE R. FRIAR
Deputy Attorney General
Attorneys for Complainant

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Beshay Stipulated Settlement.pdf.docx

Exhibit A

Accusation No. 800-2017-035284

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Nov. 9 2018
BY [illegible] ANALYST

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

In the Matter of the Accusation Against: **ISAAC NAGEEB BESHAY, M.D.** 2200 Harbor Blvd., Ste. B210 Costa Mesa, CA 92627 Physician's and Surgeon's Certificate No. A 89039, Respondent.	Case No. 800-2017-035284 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On or about October 6, 2004, the Medical Board issued Physician's and Surgeon's Certificate Number A 89039 to Isaac Nageeb Beshay, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2020, unless renewed.

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 unless otherwise indicated.

4. 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.

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:

"(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.

"...

"(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.

"..."

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."

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

7. Respondent is subject to disciplinary action under Code section 2234, subdivision (c), in that he committed repeated negligent acts in his care and treatment of Patient A.[1] The circumstances are as follows:

8. During the relevant time period, Respondent practiced family medicine in Costa Mesa, California.

9. Patient A, a 31 year-old male, first presented to Respondent on February 17, 2012, for allergies, panic and medication refill. Patient A was taking Propranolol (a beta blocker), citalopram (generic for Celexa, an anti-depressant) and Xanax (a Schedule IV benzodiazepine).

10. Patient A returned to Respondent on March 10, 2012, for a medication refill, review of lab results and anxiety. Patient A's blood pressure was recorded at 160/120. Respondent did not note any changes in Patient A's medical history or any pertinent details relating to the history of Patient A's present illness, including interval changes. Respondent referred Patient A to a psychiatrist and refilled his medications.

11. On March 20, 2012, Patient A returned to Respondent complaining of lower back pain after a two-story fall. Patient A requested pain medication. Patient A's blood pressure was recorded at 130/100. Respondent examined Patient A's back and ordered x-rays.

12. Respondent next saw Patient A on June 26, 2012. On that day, Patient A requested hydrocodone-acetaminophen (generic for Norco, a Schedule II opiate), citalopram, and alprazolam (generic for Xanax), each of which Respondent refilled. Patient A's blood pressure was recorded at 140/100. Pertinent details relating to the history of Patient A's present illness, including interval changes, are again missing from Respondent's records for Patient A.

13. On August 31, 2012, Patient A next presented to Respondent. Patient A requested medication refills. Pertinent details relating to the history of Patient A's present illness, including

[1] In this Accusation, the patient is referred to as "Patient A" to protect his right of privacy. The patient's full name was disclosed to Respondent during the course of Board Investigation No. 800-2017-035284 and will be disclosed to Respondent again when discovery is provided pursuant to Government Code section 11507.6.

interval changes, are again absent from his records. Patient A's "Assessment" is listed as backache, anxiety and dyslipidemia (high cholesterol). Respondent advised diet and exercise and prescribed Ativan (a Schedule IV benzodiazepine) and Adderall (a Schedule II central nervous system stimulant). There is no documentation as to why these medications were prescribed. Respondent has stated that he believes he prescribed Ativan and Adderall to wean Patient A off of more addictive medications.

14. On October 12, 2012, Patient A had a follow-up visit with Respondent after being treated in the Emergency Room for a panic attack. Respondent prescribed Patient A Xanax.

15. On October 21, 2012, Patient A was admitted to Hoag Memorial Hospital Presbyterian after being found unresponsive from a drug overdose. A urine toxicology screen revealed amphetamines, benzodiazepines, opioids and marijuana. Patient A passed away that same day from accidental acute poly drug intoxication.

16. During the relevant time period, the applicable standard of care in the medical community required that a physician providing care to a patient: 1) obtain and document a pertinent history or review of symptoms, both positive and negative; 2) perform a reasonable physical examination and document its findings; 3) document assessments consistent with the patient's presentation and develop and document a differential diagnosis; 4) develop and document reasonable plans for evaluating and/or treating the patient's presenting complaints; and 5) maintain legible records.

17. During the relevant time period, the applicable standard of care in the medical community required that a treating physician observe the following principles when prescribing controlled substances: 1) establish appropriate medical indication for use of controlled substances; 2) establish therapeutic goals before starting therapy to limit the potential for physical and psychological dependence and to include the patient in the process; 3) once a therapeutic dose is established, attempt to limit dosage to this level; 4) attempt the use of other treatments instead of non-controlled substances – especially in chronic management – to lesson pronounced withdrawal symptoms on discontinuance; 5) frequently evaluate continuing therapy and the patient's need for opioids and 6) if an addictive behavior presents itself, or if the patient admits to

being an addict, to discontinue use of controlled medication and to refer to the patient to a drug addiction treatment facility.

18. During the course of Respondent's care and treatment of Patient A, the applicable standard of care in the medical community required that a treating physician recognize chronic medical problems and manage them according to community standard of care. In the case of hypertension (high blood pressure), a history should be created of the hypertension, elevated blood pressure readings should be assessed, appropriate blood work should be ordered, and treatment options should be offered and discussed, such as medication.

19. Respondent's care and treatment of Patient A departed from the applicable standard of care as follows:

A. Respondent failed to perform an adequate history of Patient A's medical problems at multiple visits;

B. Respondent failed to document adequate indication for Adderall use; and

C. Respondent failed to adequately recognize and address Patient A's hypertension.

20. Respondent's acts and/or omissions as set forth in paragraphs 9 through 19, inclusive above, whether proven individually, jointly, or in any combination thereof, constitute repeated negligent acts in violation of section 2234, subdivision (c), of the Code. As such, cause for discipline exists.

SECOND CAUSE FOR DISCIPLINE

(Inadequate Record Keeping)

21. Respondent is subject to disciplinary action under Code sections 2234, subdivision (a), and 2266, in that he failed to maintain adequate and accurate records for Patient A. The circumstances are as follows:

22. Paragraphs 7 through 18 are incorporated by reference and re-alleged as if fully set forth herein.

23. Respondent's acts and/or omissions as set forth in paragraphs 9 through 19 and 22, above, whether proven individually, jointly, or in any combination thereof, constitute the failure to maintain adequate and accurate records pursuant to section 2266 of the Code. As such, cause

for discipline exists.

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 89039, issued to Isaac Nageeb Beshay, M.D.;

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

3. Ordering Isaac Nageeb Beshay, 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: November 9, 2018

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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