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

In the Matter of the Accusation Against:	)	
Asmik Akopyan, M.D.	)	**Case No. 800-2017-030902**
Physician's and Surgeon's Certificate No. A67854	)	
Respondent	)	

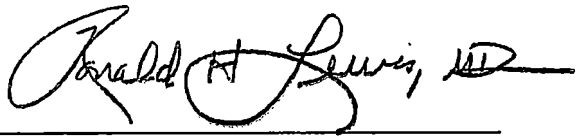
DECISION

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 March 4, 2020.

IT IS SO ORDERED February 3, 2020.

MEDICAL BOARD OF CALIFORNIA

By: 

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

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising 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: ASMIK AKOPYAN, M.D. 2946 OAKMONT VIEW DRIVE GLENDALE, CA 91208 Physician's and Surgeon's Certificate No. A 67854, Respondent.	Case No. 800-2017-030902 OAH No. 2019080969 **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. Christine J. Lally ("Complainant") is the Interim 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 Claudia Ramirez, Deputy Attorney General.

2. Respondent Asmik Akopyan, M.D. ("Respondent") is represented in this proceeding by attorney Robert B. Packer, Esq., Packer, O'Leary & Corson, PLC, 505 North Brand Blvd., Suite 1025, Glendale, California 91203.

3. On or about March 26, 1999, the Board issued Physician's and Surgeon's Certificate No. A 67854 to Asmik Akopyan, M.D. ("Respondent"). That Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-030902, and will expire on May 31, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-030902 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 January 2, 2019. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2017-030902 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. 800-2017-030902. 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 her 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 her; the right to present evidence and to testify on her 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.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2017-030902, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima facie case for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

12. 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

13. 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 her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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.

14. 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.

15. 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:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED THAT Physician's and Surgeon's Certificate No. A 67854 issued to Respondent Asmik Akopyan, M.D. shall be and is hereby publicly reprimanded pursuant to Business and Professions Code section 2227, subdivision (a)(4). This public reprimand, which is issued in connection with Respondent's misrepresentation on her application for licensure, as set forth in Accusation No. 800-2017-030902, is as follows:

"You stated on your Application for Physician and Surgeon's Examination or Licensure, dated July 25, 1995, and your Application Update for Examination or Licensure, dated August 13, 1998, that you had not been convicted of or pled nolo contendere to any violation of law when in fact, on February 13, 1992, you pled nolo contendere to and were convicted of violating Penal Code section 484, subdivision (a), a misdemeanor, for theft of property of a value under $400 (also known as petty theft)."

IT IS FURTHER ORDERED THAT Respondent shall comply with the following:

1. COMMUNITY SERVICE - FREE SERVICES. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval a community service plan in which Respondent shall provide 60 hours of free services (e.g., medical or nonmedical) to a community or non-profit organization. The community service hours must be completed within 6 months of the approval of the community service plan.

Prior to engaging in any community service, Respondent shall provide a true copy of the Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief executive officer at every community or non-profit organization where Respondent provides community service and shall submit proof of compliance to the Board or its designee within 15 calendar days. This condition shall also apply to any change(s) in community service.

Community service performed prior to the effective date of the Decision shall not be accepted in fulfillment of this condition.

2. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that

meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program 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 program would have been approved by the Board or its designee had the program 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 program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

3. VIOLATION OF THIS ORDER. Failure to comply with any of the terms of this Disciplinary Order constitutes unprofessional conduct in violation of Business and Professions Code section 2234. If Respondent violates this Disciplinary Order in any respect, the Board may file an Accusation and, after a hearing, discipline Respondent's license for unprofessional conduct.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert B. Packer, 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

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Decision and Order of the Medical Board of California.

DATED: 12/04/19

ASMIK AKOPYAN, M.D.
Respondent

I have read and fully discussed with Respondent Asmik Akopyan, 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: 12/4/2019

Robert B. Packer, 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: 12/5/19

Respectfully submitted,

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

CLAUDIA RAMIREZ
Deputy Attorney General
Attorneys for Complainant

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO January 2 20 19
BY K. Young ANALYST

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

In the Matter of the Accusation Against: ASMIK AKOPYAN, M.D. 2946 OAKMONT VIEW DRIVE GLENDALE, CA 91208 Physician's and Surgeon's Certificate No. A 67854, Respondent.	Case No. 800-2017-030902 **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 March 26, 1999, the Board issued Physician's and Surgeon's Certificate Number A 67854 to Asmik Akopyan, M.D. ("Respondent"). That Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 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 ("Code") unless otherwise indicated.

4. Section 2227 of the Code (January 1, 2010 to the Present) 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 (January 1, 2014 to the Present) 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:

"(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.

"(d) Incompetence.

"(e) The commission of any act involving dishonesty or corruption which is substantially

related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct which would have warranted the denial of a certificate.

"(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

"(h) The repeated 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."

6. Section 2261 of the Code (1980 to the Present) states:

"Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct."

7. Section 475 of the Code (1992 to the Present) states:

"(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

"(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

"(2) Conviction of a crime.

"(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

"(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

"(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality,

or habits."

8. Section 480 of the Code (1979 to December 31, 2008) states:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

"(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

"(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

"(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

"(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license."

9. Section 493 of the Code (1989 to December 31, 2018) states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within

the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

"As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

10. Section 498 of the Code (1992 to the Present) states:

"A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact."

11. Section 2221 of the Code (1993 to December 31, 2003) states:

"(a) The Division of Licensing may deny a physician's and surgeon's license to any applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license; or, the division in its sole discretion, may issue a probationary license to an applicant subject to terms and conditions, including, but not limited to, any of the following conditions of probation:

"(1) Practice limited to a supervised, structured environment where the licensee's activities shall be supervised by another physician and surgeon.

"(2) Total or partial restrictions on drug prescribing privileges for controlled substances.

"(3) Continuing medical or psychiatric treatment.

"(4) Ongoing participation in a specified rehabilitation program.

"(5) Enrollment and successful completion of a clinical training program.

"(6) Abstention from the use of alcohol or drugs.

"(7) Restrictions against engaging in certain types of medical practice.

"(8) Compliance with all provisions of this chapter.

"(b) The Division of Licensing may modify or terminate the terms and conditions imposed on the probationary license upon receipt of a petition from the licensee.

"(c) Enforcement and monitoring of the probationary conditions shall be under the jurisdiction of the Division of Medical Quality in conjunction with the administrative hearing procedures established pursuant to Sections 11371, 11372, 11373, and 11529 of the Government Code, and the review procedures set forth in Section 2335."

12. Section 2235 of the Code (1990 to the Present) states:

"Upon referral from the division, the Senior Assistant Attorney General of the Health Quality Enforcement Section shall initiate action against any licensee who obtains a certificate by fraud or misrepresentation, including a reciprocity certificate which is based upon a certificate or license obtained by fraud or mistake. The division shall take action against any licensee whose certificate was issued by mistake."

13. California Code of Regulations, title 16, section 1360 (1983 to the Present) states:

"For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes 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 the Medical Practice Act."

14. Penal Code section 484, subdivision (a) (1980 to December 31, 2000), states:

"(a) Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or

procures others to report falsely of his wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft. In determining the value of the property obtained, for the purposes of this section, the reasonable and fair market value shall be the test, and in determining the value of services received the contract price shall be the test. If there be no contract price, the reasonable and going wage for the service rendered shall govern. For the purposes of this section, any false or fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question. The hiring of any additional employee or employees without advising each of them of every labor claim due and unpaid and every judgment that the employer has been unable to meet shall be prima facie evidence of intent to defraud."

15. Penal Code section 490.1, subdivision (a) (1991 to the Present), states:

"(a) Petty theft, where the value of the money, labor, real or personal property taken is of a value which does not exceed fifty dollars ($50), may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor, provided that the person charged with the offense has no other theft or theft-related conviction."

16. Penal Code section 1203.4, subdivision (a) (1989 to 1997), states:

(a) In any case in which a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, at any time after the termination of the period of probation, if he or she is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, be permitted by the court to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he or she has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and except as noted below, he or she shall thereafter be

released from all penalties and disabilities resulting from the offense of which he or she has been convicted, except as provided in Section 13555 of the Vehicle Code. The probationer shall be informed, in his or her probation papers, of this right and privilege and his or her right, if any, to petition for a certificate of rehabilitation and pardon. The probationer may make the application and change of plea in person or by attorney, or by the probation officer authorized in writing; however, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The order shall state, and the probationer shall be informed, that the order does not relieve him or her of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery.

"Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess, or have in his or her custody or control any firearm capable of being concealed upon the person or prevent his or her conviction under Section 12021.

"This subdivision shall apply to all applications for relief under this section which are filed on or after November 23, 1970."

17. Penal Code section 1203.4, subdivision (a) (1997 to August 27, 2000), states:

"(a) In any case in which a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, at any time after the termination of the period of probation, if he or she is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, be permitted by the court to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he or she has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and except as noted below, he or she shall thereafter be

released from all penalties and disabilities resulting from the offense of which he or she has been convicted, except as provided in Section 13555 of the Vehicle Code. The probationer shall be informed, in his or her probation papers, of this right and privilege and his or her right, if any, to petition for a certificate of rehabilitation and pardon. The probationer may make the application and change of plea in person or by attorney, or by the probation officer authorized in writing. However, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed. The order shall state, and the probationer shall be informed, that the order does not relieve him or her of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery.

"Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess, or have in his or her custody or control any firearm capable of being concealed upon the person or prevent his or her conviction under Section 12021.

"This subdivision shall apply to all applications for relief under this section which are filed on or after November 23, 1970."

FIRST CAUSE FOR DISCIPLINE

(Commission of Dishonest, Fraudulent, Deceitful, or Corrupt Acts)

18. Respondent is subject to disciplinary action under Code sections 2221, subdivision (a); 475, subdivision (a)(3); 480, subdivisions (a)(2) and (a)(3); and 2234, subdivision (e), in that Respondent committed an act or acts involving dishonesty, fraud, deceit, or corruption which were substantially related to the qualifications, functions, or duties of a physician and surgeon. The circumstances are as follows:

19. On or about November 28, 1991, Respondent and her husband were arrested for shoplifting merchandise at a K-MART Store. At the time, both held medical licenses issued in Armenia. On or about January 9, 1992, a criminal complaint was filed against Respondent in the matter entitled *People v. Asmik Akopyan*, Case No. 92R01367, in the Municipal Court, County of

Los Angeles, State of California, charging her with having committed the crime of theft in violation of Penal Code section 484, subdivision (a), a misdemeanor (Count 1).

20. On or about February 13, 1992, Respondent was convicted of violating Penal Code section 484, subdivision (a), pursuant to a plea of nolo contendere. The crime of which Respondent was convicted is substantially related to the qualifications, functions, or duties of a physician and surgeon. The court ordered that imposition of sentence be suspended. The court placed Respondent on summary probation for 12 months, ordered Respondent to pay a fine of $150, ordered Respondent to pay a state penalty fund assessment of $255.00 or serve five days in Los Angeles County jail, and ordered Respondent to pay restitution in the amount of $10. The total amount due was $415.00, which Respondent paid that day. Respondent was also ordered to obey all laws, refrain from committing a similar offense, and stay away from K-Mart Department Stores.

21. On or about the same date, Respondent's husband was convicted of petty theft in violation of Penal Code section 490.1, subdivision (a), an infraction.

22. A little over three years later, on or about July 28, 1995, Respondent submitted an application for a medical license to the Board. Question number 23 of the application asked for the following information:

"Have you ever been convicted of, or pled nolo contendere to any offense, misdemeanor or felony of any state, the United States, or a foreign country? (except violations of traffic laws resulting in fines of $75.00 or less.) Yes No

"YOU ARE REQUIRED TO LIST ANY CONVICTION THAT HAS BEEN SET ASIDE AND DISMISSED UNDER SECTION 1203.4 OF THE PENAL CODE OR UNDER ANY OTHER PROVISION OF LAW. A SEPARATE LETTER EXPLAINING THE DETAILS OF THE OFFENSE IS ALSO REQUIRED, IN ADDITION TO CERTIFIED COURT DOCUMENTS. If yes, give details below." (Emphasis in original.)

23. Respondent answered "No" to Question 23 and failed to list the theft conviction. She did not explain the details of the offense or provide court documents. At the time that Respondent signed her application on or about July 25, 1995, before a notary public, Respondent

declared under penalty of perjury that "she has carefully read and thoroughly understands all the requirements therein and that the statements made herein and all attachments are true and correct under penalty of perjury under the laws of the State of California."

24. By stating "No" to Question 23 of the initial application, Respondent answered falsely and with intent to substantially benefit herself that she had not been convicted of or pled nolo contendere to any violation of any federal, state, local, or foreign law (excluding traffic laws violations which resulted in fines of $75.00 or less) when in fact she had been so convicted. By stating "No" to Question 23 of the initial application, Respondent willfully and knowingly made a false statement of a material fact required to be revealed on her application for a medical license.

25. On or about August 13, 1998, Respondent submitted an application update for licensure. Question 17 of the application asked for the following information:

"QUESTION 17: For any positive response to the following question, please provide ALL official documentation regarding the matter in addition to written explanations. If applicable, an applicant should also provide official hearing/court documents and original letters of explanation from appropriate authorities.

"17. Have you ever been convicted of or pled nolo contendere to any violation (including misdemeanors and felonies) of any federal, state or local law of any state, the United States, or a foreign country or any violation relating to the possession, use, illegal sale, transportation, manufacture, distribution or dispensing of controlled substances, or is any such action pending? (Exclude violations of traffic laws, including speeding, which resulted in fines of $300.00 or less.) If YES, give details below.

"YOU ARE REQUIRED TO LIST ANY CONVICTION THAT HAS BEEN SET ASIDE AND DISMISSED OR EXPUNGED, OR WHERE A STAY OF EXECUTION HAS BEEN ISSUED." (Emphasis in original.)

26. Respondent answered "No" to Question 17 and failed to list the theft conviction. She did not explain the details of offense or provide court documents. At the time that Respondent signed her application update for licensure on or about August 13, 1998, before a notary public, Respondent declared under penalty of perjury that the information contained in the application

was true and correct.

27. By answering "No" to Question 17 on her application update for licensure, Respondent answered falsely and with intent to substantially benefit herself that she had not been convicted of or pled nolo contendere to any violation of any federal, state, local, or foreign law (excluding traffic laws violations which resulted in fines of three hundred dollars or less) when in fact she had been so convicted. By answering "No" to Question 17 on the application update for licensure, Respondent willfully and knowingly made a false statement of a material fact required to be revealed on her application for a medical license. Respondent acknowledged that falsification or misrepresentation of any item or response on the application was adequate to deny the application or to hold a hearing to revoke the license, if issued.

28. On or about March 26, 1999, the Board issued a medical license to Respondent in reliance on her omissions concerning her theft conviction. The concealment and misrepresentation were of a material fact which would have influenced the Board in its issuance of the medical license. Had the conviction been disclosed on her application, it would have been cause for the application to be denied.

29. Respondent's application for a medical license would have been subject to denial under the following Code sections in existence at the time:

A. Code sections 2221, subdivision (a); 475, subdivision (a)(2); and 480, subdivisions (a)(1) and (a)(3), for conviction of a crime;

B. Code sections 2221, subdivision (a); 475, subdivision (a)(3); and 480, subdivisions (a)(2) and (a)(3), for dishonesty with the intent to substantially benefit herself; and/or

C. Code sections 2221, subdivision (a); 475, subdivision (a)(1); and 480, subdivisions (a)(3) and (c), for knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

30. From the time that Respondent applied for a medical license to on or about March 9, 2017, Respondent avoided detection by the Board. During that time period, Respondent did not disclose the theft conviction or the false statements that she made on her medical license applications even though she knew the Board had disciplined her husband for engaging in

identical unprofessional conduct. More specifically, on or about May 13, 2003, the Board disciplined her husband's medical license for conviction of a crime, falsely stating on his own medical license application that he did not have convictions, and dishonesty. The discipline was based, in part, on an April 26, 1999, burglary misdemeanor conviction for shoplifting at several grocery stores and the February 13, 1992, conviction for petty theft at K-Mart.

31. Respondent's acts and/or omissions as set forth in paragraphs 19 through 30, inclusive above, whether proven individually, jointly, or in combination thereof, constitute dishonesty or corruption substantially related to the qualifications, functions, or duties of a physician and surgeon pursuant to Code sections 2221, subdivision (a); 475, subdivision (a)(3); 480, subdivisions (a)(2) and (a)(3); and 2234, subdivision (e). Therefore, cause for discipline exists.

SECOND CAUSE FOR DISCIPLINE

(Misrepresentation)

32. Respondent is subject to disciplinary action under Code section 2261 in that Respondent knowingly made and/or signed a document directly or indirectly related to the practice of medicine which falsely represented the existence or nonexistence of a state of material facts. The circumstances are as follows:

33. The facts and circumstances set forth in paragraphs 19 through 30 above are incorporated here as if fully set forth.

34. Respondent's acts and/or omissions as set forth in paragraphs 19 through 30, inclusive above, whether proven individually, jointly, or in combination thereof, constitute misrepresentation pursuant to Code section 2261. Therefore, cause for discipline exists.

THIRD CAUSE FOR DISCIPLINE

(Actions or Conduct Which Would Have Warranted Denial of Physician's and Surgeon's License)

35. Respondent is subject to disciplinary action under Code sections 2221, subdivision (a); 475, subdivisions (a)(1), (a)(2), and (a)(3); and 480, subdivisions (a)(1), (a)(2), (a)(3) and (c); and 2234, subdivision (f), in that Respondent committed actions or engaged in conduct which

would have warranted the denial of a physician's and surgeon's certificate.

36. The facts and circumstances set forth in paragraphs 19 through 30 above are incorporated here as if fully set forth.

37. Respondent's acts and/or omissions as set forth in paragraphs 19 through 30, inclusive above, whether proven individually, jointly, or in combination thereof, constitute actions or conduct which would have warranted the denial of a physician and surgeon's certificate pursuant to Code sections 2221, subdivision (a); 475, subdivisions (a)(1), (a)(2), and (a)(3); and 480, subdivisions (a)(1), (a)(2), (a)(3) and (c); and 2234, subdivision (f). Therefore, cause for discipline exists.

FOURTH CAUSE FOR DISCIPLINE

(Procurement of License by Fraud, Deceit, or Misrepresentation)

38. Respondent is subject to disciplinary action under Code sections 498 and 2235 in that Respondent secured a physician's and surgeon's certificate by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact. The circumstances are as follows:

39. The facts and circumstances set forth in paragraphs 19 through 30 above are incorporated here as if fully set forth.

40. Respondent's acts and/or omissions as set forth in paragraphs 19 through 30, inclusive above, whether proven individually, jointly, or in combination thereof, constitute the procurement of a physician's and surgeon's certificate by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact pursuant to Code sections 498 and 2235. Therefore, cause for discipline exists.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

41. Respondent is subject to disciplinary action under Code section 2234 in that Respondent engaged in unprofessional conduct. The circumstances are as follows:

42. The facts and circumstances set forth in paragraphs 18 through 40 above are incorporated here as if fully set forth.

43. Respondent's acts and/or omissions as set forth in paragraphs 18 through 40, inclusive above, whether proven individually, jointly, or in combination thereof, constitute unprofessional conduct pursuant to Code section 2234. Therefore, 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 67854, issued to Respondent Asmik Akopyan, M.D.;

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

3. Ordering Respondent Asmik Akopyan, 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: January 2, 2019

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

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