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

In the Matter of the Petition to Revoke Probation Against, MUNIR UWAYDAH, M.D. 16601 Ventura Blvd., Fourth Floor Encino, CA 91436 Physician's and Surgeon's Certificate No. A 62059, Respondent.	Case No. 800-2018-049934 **DEFAULT DECISION AND ORDER** [Gov. Code, § 11520]

FINDINGS OF FACT

1. On November 20, 2019, Complainant Christine J. Lally, in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs (Board), filed Petition to Revoke Probation No. 800-2018-049934 against Munir Uwaydah, M.D. (Respondent) before the Medical Board of California.

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2. On April 11, 1997, the Board issued Physician's and Surgeon's Certificate No. A 62059 to Respondent. The Physician's and Surgeon's Certificate expired on April 30, 2015, and has not been renewed.[1] (Exh. 1.)

3. On November 20, 2019, Michelle Solorio, an employee of the Complainant Agency, served by Certified Mail a copy of the Petition to Revoke Probation No. 800-2018-049934, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 16601 Ventura Boulevard, Fourth Floor, Encino, CA 91436. Ms. Solorio also served a copy of the same documents on Respondent's last known counsel of record, Peter Osinoff, Bonne Bridges, *et al.*, 355 South Grand Avenue, Suite 1750, Los Angeles, CA 90071-1562. (Exh. 2.)

4. On November 23, 2019, counsel for the Board received an email from the office of Bonne Bridges, *et al.*, indicating that the firm's representation of Respondent had concluded and requesting that the office be removed from the service list. (Exh. 3.)

5. On December 4, 2019, the documents served at Respondent's address of record were returned by the U.S. Post Office, marked "Return to Sender," "Unclaimed," and "Unable to Forward." (Exh. 4.)

6. On January 26, 2020, Anna Logan, an employee of the Complainant Agency, served by Certified Mail a copy of the Petition to Revoke Probation No. 800-2018-049934, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to the address of Stewart Frye, Law Offices of Frye & Hsieh, 888 South Figueroa Street, Suite 860, Los Angeles, California 90017, as that address had been provided to Board in a January 1, 2012 correspondence from Mr. Hsieh, as prior counsel for Respondent, for use in communicating with Respondent. (Exh. 5.)

7. The documents served at the address provided by Stewart Frye were returned by the U.S. Post Office, marked "Return to Sender," "Not Deliverable as Addressed," and "Unable to

[1] On June 10, 2013, an automatic cancellation order of Respondent's license order was issued canceling Respondent's license. Respondent filed a petition for writ of mandate and subsequent appeal contesting the order, and the matter was remanded to the Board for further proceedings on December 1, 2017. (See Exh. 1.)

Forward." (Exh. 6.)

8. On August 6, 2020, a Courtesy Notice of Default was served via FedEx by the Office of the Attorney General on behalf of the Board to both Respondent's address of record and to Stewart Frye, of the Law Offices of Frye & Hsieh, at the address of Mr. Frye listed with the State Bar of California, 2425 Mission Street, Suite 3, San Marino CA 91108-1620. (Exh. 7.)

9. The FedEx package addressed to Respondent's address of record was returned to the Office of the Attorney General with the word "Moved' written across the front of the envelope. (Exh. 8.)

10. Service of the Petition to Revoke Probation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

11. No Notice of Defense was received from Respondent. (Declaration of Peggie Bradford Tarwater (Tarwater Declaration), Exh. 9.)

12. In a disciplinary action entitled, *In the Matter of the Third Amended Accusation Against Munir Uwaydah, M.D.*, Case No. 04-2006-172448, the Medical Board of California, issued a decision, effective October 1, 2010, in which Respondent's Physician's and Surgeon's Certificate was revoked (Decision). However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of two years with certain terms and conditions. A copy of the Decision is attached as Exhibit A to the Petition to Revoke Probation. (Exh. 2A.)

13. Condition 8 of Respondent's probation, Residing or Practicing Out-Of-State, states in pertinent part:

> In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code.
>
> . . . Periods of temporary or permanent residence outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws and Probation Unit Compliance.

Respondent's license shall be automatically cancelled if Respondent's period of temporary or permanent residence or practice outside California total two years.

(Exh. 2A, Decision at pp. 6-7.)

14. On or about October 12, 2010, counsel for Respondent advised the Board in writing that Respondent left the United States for Lebanon the last week of June 2010. The departure was reportedly the result of Respondent's need to appear in a family law matter. No known date of return was provided. (Exh. 10.)

15. On or about April 27, 2011, the Board advised Respondent that his probation was in "residing or Practicing Out-of-State status" and that the license would be automatically cancelled if his period of temporary or permanent residence or practice outside California totaled two years. (Exh. 11.)

16. A grand jury indictment, filed on February 25, 2015, in *People v. Munir Uwaydah, et al.,* Los Angeles County Superior Court Case No. BA425397, accuses Respondent of the following crimes based on acts occurring between November 15, 2004, and February 20, 2015: conspiracy to commit insurance fraud in violation of Penal Code section 182, subdivision (a)(1) (Count 1); insurance fraud by knowingly submitting claims for health care benefits which were not used by, or on behalf of, the complainants, in violation of Penal Code section 550, subdivision (a)(7) (Counts 2-21); insurance fraud by knowingly making and causing to be made false and fraudulent claims for payment of health care benefits, in violation of Penal Code section 550, subdivision (a)(6) (Counts 22-30, 32); insurance fraud by knowingly creating writings with the intent to present and use them in support of false and fraudulent claims, in violation of Penal Code section 550, subdivision (a)(5) (Counts 31, 33); aggravated mayhem, in violation of Penal Code section 205, as to 21 patients (Counts 34-54); and unlawful client or patient referrals in violation of Labor Code section 3215 (Counts 55-57). (Exh. 12.)

17. On or about September 16, 2015, the Los Angeles County Superior Court issued a warrant for Respondent's arrest with "full extradition." As of the filing of the Petition to Revoke Probation, Respondent had not made an appearance in the case. (Exh. 12.)

18. A grand jury indictment, filed on January 17, 2019, in *People v. Munir Uwaydah, et al.,* Riverside County Superior Court Case No. RIF1990022, alleges that Respondent committed

the following crimes: conspiracy to commit insurance fraud in violation of Penal Code sections 182, subdivision (a)(1), and 550, subdivision (a)(6) (Count 1); insurance fraud by knowingly making and causing to be made false and fraudulent claims for payment of health care benefits, in violation of Penal Code section 550, subdivision (a)(6) (Counts 2-12); money laundering, in violation of Penal Code section 186.10, subdivision (a) (Counts 13-90). As to counts 14 through 30, 43, 67 through 69, 72, and 74-77, it was alleged that the monetary amount of the transactions exceeded $150,000, but less than $1 million. As to counts 31 through 39, 44 through 45, 49 through 51, 60, 65, 70 through 71, and 73, it was alleged that the monetary amount of the transactions exceeded $50,000, but less than $150,000. It was further alleged as a white collar crime enhancement that Respondent and other defendants committed two or more related felonies, a material element of which was fraud or embezzlement, involving a pattern of related felony conduct and the taking of more than $500,000, within the meaning of Penal Code section 186.11, subdivision (a)(2). (Exh. 13.)

19. On or about January 18, 2019, a bench warrant for Respondent's arrest was issued. It remains outstanding. As of the filing of the Petition to Revoke Probation, Respondent had not made an appearance in the case. (Exh. 13.)

20. Respondent has not notified the Board of his return to California. (Declaration of Paulette Romero, Exh. 14.)

21. Condition 6 of Respondent's Probation, Probation Unit Compliance, states in pertinent part:

> Respondent shall comply with the Board's probation unit. Respondent shall, at all times, keep the Board informed of his business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. . . .

22. Respondent has failed to provide the Board with current business and residence addresses. (Exhs. 2-9.)

23. Business and Professions Code section 118 states, in pertinent part:

> (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed,

restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.

24. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

Respondent failed to file a Notice of Defense within 15 days after service upon him of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of Petition to Revoke Probation No. 800-2018-049934. (See Tarwater Declaration, Exh. 9.)

25. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

26. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibits A, B and C, finds that the allegations in Petition to Revoke Probation No. 800-2018-049934 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Munir Uwaydah, M.D. has subjected his Physician's and Surgeon's Certificate No. A 62059 to discipline.

2. A copy of the Petition to Revoke Probation and the related documents and Declaration of Service are attached.

3. The agency has jurisdiction to adjudicate this case by default.

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4. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations alleged in the Petition to Revoke Probation:

a. Respondent's period of temporary or permanent residence or practice outside California exceeds two years in violation of Condition No. 8 of his probationary order, and probation should be revoked.

b. Respondent failed to provide the Board with current business and residence addresses in violation of Condition No. 6 of his probationary order, and probation should be revoked.

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 62059, heretofore issued to Respondent Munir Uwaydah, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on OCT 21 2020.

It is so ORDERED SEP 21 2020

FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Nov. 20 2019
BY _____ ANALYST

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

In the Matter of the Petition to Revoke Probation Against: MUNIR UWAYDAH, M.D. 16601 Ventura Blvd., Fourth Floor Encino, CA 91436 Physician's and Surgeon's Certificate No. A 62059, Respondent.	Case No. 800-2018-049934 **PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Christine J. Lally (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On April 11, 1997, the Medical Board of California issued Physician's and Surgeon's Certificate Number A 62059 to Munir Uwaydah, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on April 30, 2015, and has not been renewed.

3. In a disciplinary action entitled, *In the Matter of the Third Amended Accusation Against Munir Uwaydah, M.D.*, Case No. 04-2006-172448, the Medical Board of California, issued a decision, effective October 1, 2010, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of two years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Condition 11 of Respondent's probation, Violation of Probation, states:

> "Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final."

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FIRST CAUSE TO REVOKE PROBATION

(Failure to Practice Medicine)

8. At all times after the effective date of Respondent's probation, Condition 8, Residing or Practicing Out-Of-State, states in pertinent part:

> "In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code.
>
> ". . . Periods of temporary or permanent residence outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws and Probation Unit Compliance."
>
> "Respondent's license shall be automatically cancelled if Respondent's period of temporary or permanent residence or practice outside California total two years."

9. Respondent's probation is subject to revocation because his period of temporary or permanent residence or practice outside California exceeds two years in violation of Condition 8. The facts and circumstances regarding this violation are as follows:

10. On or about October 12, 2010, Respondent advised the Board in writing that he left the United States for Lebanon the last week of June 2010. He represented that his departure was the result of a family law matter with an unknown date of return.

11. On or about April 27, 2011, the Board advised Respondent that his probation was in "residing or Practicing Out-of-State status" and that the license would be automatically cancelled if his period of temporary or permanent residence or practice outside California totaled two years.

12. A grand jury indictment, filed on February 25, 2015, in *People v. Munir Uwaydah, et al.,* Los Angeles County Superior Court Case No. BA425397, accuses Respondent of the following crimes based on acts occurring between November 15, 2004, and February 20, 2015: conspiracy to commit insurance fraud in violation of Penal Code section 182, subdivision (a)(1) (Count 1); insurance fraud by knowingly submitting claims for health care benefits which were not used by, or on behalf of, the complainants, in violation of Penal Code section 550, subdivision

(a)(7) (Counts 2-21); insurance fraud by knowingly making and causing to be made false and fraudulent claims for payment of health care benefits, in violation of Penal Code section 550, subdivision (a)(6) (Counts 22-30, 32); insurance fraud by knowingly creating writings with the intent to present and use them in support of false and fraudulent claims, in violation of Penal Code section 550, subdivision (a)(5) (Counts 31, 33); aggravated mayhem, in violation of Penal Code section 205, as to 21 patients (Counts 34-54); and unlawful client or patient referrals in violation of Labor Code section 3215 (Counts 55-57).

13. On July 21, 2014, the Los Angeles County Superior Court issued a warrant for Respondent's arrest with "full extradition." Respondent has not made an appearance in the case.

14. A grand jury indictment, filed on January 17, 2019, in *People v. Munir Uwaydah, et al.,* Riverside County Superior Court Case No. RIF1990022, accuses Respondent of the following crimes based on acts occurring between September 1, 2015, through September 1, 2018: conspiracy to commit insurance fraud in violation of Penal Code sections 182, subdivision (a)(1), and 550, subdivision (a)(6) (Count 1); insurance fraud by knowingly making and causing to be made false and fraudulent claims for payment of health care benefits, in violation of Penal Code section 550, subdivision (a)(6) (Counts 2-12); money laundering, in violation of Penal Code section 186.10, subdivision (a) (Counts 13-90). As to counts 14 through 30, 43, 67 through 69, 72, and 74-77, it was alleged that the monetary amount of the transactions exceeded $150,000, but less than $1 million. As to counts 31 through 39, 44 through 45, 49 through 51, 60, 65, 70 through 71, and 73, it was alleged that the monetary amount of the transactions exceeded $50,000, but less than $150,000. It was further alleged as a white collar crime enhancement that Respondent and other defendants committed two or more related felonies, a material element of which was fraud or embezzlement, involving a pattern of related felony conduct and the taking of more than $500,000, within the meaning of Penal Code section 186.11, subdivision (a)(2).

15. On or about January 18, 2019, a bench warrant for Respondent's arrest was issued. It remains outstanding. Respondent has not made an appearance in the case.

16. Respondent has not notified the Board of his return to California.

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17. Respondent's period of temporary or permanent residence or practice outside California exceeds two years, and his license is subject to cancellation.

18. Respondent is in violation of Condition No. 8 of his probationary order, and probation should be revoked.

SECOND CAUSE TO REVOKE PROBATION

(Probation Unit Non-Compliance)

19. At all times after the effective date of Respondent's probation, Condition 6, Probation Unit Compliance, states in pertinent part:

> "Respondent shall comply with the Board's probation unit. Respondent shall, at all times, keep the Board informed of his business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. . . ."

20. Respondent's probation is subject to revocation because he has failed to comply with the Probation Unit requirements in violation of Condition 6. The facts and circumstances regarding this violation are as follows:

21. Respondent has failed to provide the Board with current business and residence addresses.

22. Respondent is in violation of Condition No. 6 of his probationary order, and probation should be revoked.

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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 the probation that was granted by the Medical Board of California in Case No. 04-2006-172448 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. A 62059 issued to Respondent Munir Uwaydah, M.D.;

2. Revoking or suspending Physician's and Surgeon's Certificate No. A 62059, issued to Respondent;

3. Revoking, suspending or denying approval of Respondent's authority to supervise physician's assistants, pursuant to section 3527 of the Code;

4. Ordering Respondent to pay the Medical Board of California the reasonable costs of probation monitoring if placed on probation monitoring;

5. Taking such other and further action as deemed necessary and proper.

DATED: November 20, 2019

CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Medical Board of California Case No. 800-2018-049934

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

In the Matter of the Third Amended Accusation Against: MUNIR UWAYDAH, M.D. Physician's and Surgeon's Certificate No. A 62059 Respondent.	File No. 04-2006-172448

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 1, 2010.

DATED September 3, 2010

MEDICAL BOARD OF CALIFORNIA

Hedy Chang
Chair, Panel B

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is a true and correct copy of the original on file in this office.

S. Woods
Signature
for Custodian of Records
Title
11/16/2018
Date

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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 Third Amended Accusation Against: **MUNIR UWAYDAH, M.D.** 4712 Admiralty Way, #857 Marina del Rey, CA 90292 Physician's and Surgeon's Certificate No. A62059, Respondent.	Case No. 04-2006-172448; 04-2005-170536 OAH No. L2007080190 **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. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of California. This action was brought by Barbara Johnston, solely in her official capacity as the then-Executive Director of the Medical Board. Ms Johnston was succeeded in her capacity by Ms. Whitney, who is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Heidi R. Weisbaum, Deputy Attorney General.

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2. Respondent Munir Uwaydah, M.D. (Respondent) is represented in this proceeding by Fenton & Nelson, by attorney Benjamin Fenton, whose address is 11835 W. Olympic Blvd., Ste. 925, Los Angeles, CA 90064.

3. On or about April 11, 1997, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A62059 to Munir Uwaydah, 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 the Third Amended Accusation, Case Nos. 04-2006-172448; 04-2005-170536, and will expire on April 30, 2011, unless renewed.

JURISDICTION

4. On May 30, 2007, Accusation No. 04-2006-172448 was filed against Respondent. A true and correct copy of this Accusation and all other statutorily required documents were properly served on Respondent, who timely filed his Notice of Defense contesting the Accusation. On November 21, 2007, First Amended Accusation Nos. 04-2006-172448, 04-2005-170536, was filed and served on Respondent. On April 16, 2008, Second Amended Accusation Nos. 04-2006-172448, 04-2005-170536, was filed and served on Respondent. On June 9, 2009, Third Amended Accusation Nos. 04-2006-172448; 04-2005-170536, was filed and served on Respondent. Third Amended Accusation, Case Nos. 04-2006-172448; 04-2005-170536, is currently pending against Respondent. A true and correct copy of Third Amended Accusation Nos. 04-2006-172448; 04-2005-170536, is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Third Amended Accusation Nos. 04-2006-172448; 04-2005-170536. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in Third Amended Accusation Nos. 04-2006-172448; 04-2005-170536; the right to confront and cross-examine the witnesses against him; the right to

present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to all the charges and allegations contained in Third Amended Accusation Nos. 04-2006-172448; 04-2005-170536, and that he has thereby subjected his Physician's and Surgeon's Certificate No. A62059 to disciplinary action.

9. Respondent understands and agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in Third Amended Accusation Nos. 04-2006-172448; 04-2005-170536, 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.

CONTINGENCY

10. The parties agree that this Stipulated Settlement and Disciplinary Order shall be submitted to the Board for its consideration in the above-entitled matter and, further, that the Board shall have a reasonable period of time in which to consider and act on this Stipulated Settlement and Disciplinary Order after receiving it.

11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and Disciplinary Order, the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify

the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event the Board, in its discretion, does not approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should the Board reject this Stipulated Settlement and Disciplinary Order for any reason, Respondent will assert no claim that the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto

ADDITIONAL PROVISIONS

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

13. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures of the parties, may be used in lieu of original documents and signatures and, further, that facsimile copies shall have the same force and effect as 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 Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A62059 issued to Respondent Munir Uwaydah, M.D., is revoked. However, the revocation is stayed and Respondent is placed on probation for a period of two (2) years on the following terms and conditions:

1. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent is prohibited from supervising physician assistants.

2. ETHICS COURSE Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in ethics, at his expense, approved in advance by the Board or

its designee. Failure to successfully complete the course during the first year of probation is a violation of probation.

An ethics course taken after the acts that gave rise to the charges in the Third 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 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.

3. 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, at his expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first six (6) months of probation is a violation of probation.

A medical record keeping course taken after the acts that gave rise to the charges in the Third 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 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.

4. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

5. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been

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compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

6. PROBATION UNIT COMPLIANCE Respondent shall comply with the Board's probation unit. Respondent shall, at all times, keep the Board informed of his business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Respondent shall not engage in the practice of medicine in his place of residence. Respondent shall maintain a current and renewed California physician's and surgeon's license.

Respondent shall immediately inform the Board, or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar days.

7. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall be available in person for interviews either at Respondent's place of business or at the probation unit office, with the Board or its designee, upon request at various intervals, and either with or without prior notice throughout the term of probation.

8. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in the practice of medicine within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve Respondent of the responsibility to

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comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws and Probation Unit Compliance.

Respondent's license shall be automatically cancelled if Respondent's periods of temporary or permanent residence or practice outside California total two years. However, Respondent's license shall not be cancelled as long as Respondent is residing and practicing medicine in another state of the United States and is on active probation with the medical licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

9. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

In the event Respondent resides in the State of California and for any reason Respondent stops practicing medicine in California, Respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve Respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in any activities defined in sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program which has been approved by the Board or its designee shall be considered time spent in the practice of medicine. For purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with any other condition of probation, shall not be considered a period of non-practice.

Respondent's license shall be automatically cancelled if Respondent resides in California and for a total of two years, fails to engage in California in any of the activities described in Business and Professions Code sections 2051 and 2052.

10. PROBATION MONITORING COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, as set by the Board, and which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California

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and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

11. VIOLATION OF PROBATION Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

12. COMPLETION OF PROBATION Respondent shall comply with all financial obligations (e.g., probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

13. LICENSE SURRENDER Following the effective date of this Decision, if Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request the voluntary surrender of his license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall, within 15 calendar days, deliver his wallet and wall certificates to the Board or its designee and shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of his license shall be deemed disciplinary action. If Respondent reapplies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Benjamin Fenton, 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: July 14, 2010

MUNIR UWAYDAH, M.D.
Respondent

I have read and fully discussed with Respondent Munir Uwaydah, 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: July 14, 2010

BENJAMIN FENTON, Esq.
Fenton & Nelson
Attorneys for Respondent

ENDORSEMENT

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

Dated: _____

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
THOMAS S. LAZAR
Supervising Deputy Attorney General

HEIDI R. WEISBALM
Deputy Attorney General
Attorneys for Complainant

ACCEPTANCE

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DATED: _____

MUNIR UWAYDAH, M.D.
Respondent

I have read and fully discussed with Respondent Munir Uwaydah, 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: _____

BENJAMIN FENTON, Esq.
Fenton & Nelson
Attorneys for Respondent

ENDORSEMENT

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Dated: July 14, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
THOMAS S. LAZAR
Supervising Deputy Attorney General

HEIDI R. WEISBAUM
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Third Amended Accusation No. 04-2006-172448; 04-2005-170536

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 9, 2009
BY [signature] ANALYST

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

In the Matter of the Third Amended Accusation Against: MUNIR UWAYDAH, M.D. 1874 S. Pacific Coast Highway, #385 Redondo Beach, CA 90277 Physician's and Surgeon's Certificate No. A62059 Respondent.	04-2006-172448; 04-2005-170536 OAH No. L2007080190 **THIRD AMENDED ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about April 11, 1997, the Medical Board of California issued Physician's and Surgeon's Certificate Number A62059 to MUNIR UWAYDAH, 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 April 30, 2011, unless renewed.

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JURISDICTION

3. This Third Amended Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 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 other disciplinary action taken as the Board deems proper.

5. Section 2234, subdivision (b) states: "The [Board] shall take action against any licensee who is charged with unprofessional conduct, [which] includes, but is not limited to,. . . . [g]ross negligence."

6. Section 2234, subdivision (c) states: "The [Board] shall take action against any licensee who is charged with unprofessional conduct, [which] includes, but is not limited to, . . . [r]epeated 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."

7. Section 2234, subdivision (e) states: "The [Board] shall take action against any licensee who is charged with unprofessional conduct, [which] includes, but is not limited to, . . .[t]he commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.".

8. Section 2266 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."

9. Section 2261 states: "Knowingly making . . . any certificate or other document directly or indirectly related to the practice of medicine . . . which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct."

10. Section 3527, subdivision (c) provides that the Board "may order the . . . suspension or revocation of, or the imposition of probationary conditions upon an approval to supervise a

physician assistant . . . for unprofessional conduct, which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the [C]ommittee or the [B]oard."

11. California Code of Regulations, title 16, section 1399.541 states, in part, that "a physician assistant may, pursuant to a delegation and protocols where present:

". . . .

"(i)(1) Perform surgical procedures without the personal presence of the supervising physician which are customarily performed under local anesthesia. . . . All other surgical procedures requiring other forms of anesthesia may be performed by a physician assistant only in the personal presence of an approved supervising physician."

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

12. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined by sections 2234, subdivision (b) and 3527, subdivision (c), in that he committed gross negligence as follows:

a. On or about March 12, 2005, at Tustin Hospital and Medical Center, Tustin, California, Respondent allowed his physician assistant to begin a surgical procedure on a patient under general anesthesia even though respondent was not personally present in the operating room.

b. On or about March 22, 2005, at Tustin Hospital and Medical Center, Tustin, California, Respondent again allowed his physician assistant to begin a surgical procedure on a patient under general anesthesia even though respondent was not personally present in the operating room.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

13. Respondent is further subject to disciplinary action under section 2234, subdivision (c), in that he committed repeated negligent acts as set forth in paragraphs 12.a. and 12.b., above.

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THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate Records)

14. Respondent is further subject to disciplinary action under section 2266, in that he failed to maintain adequate records as follows:

a. From November 4, 2005, the date of patient S.C.'s admission to Tustin Hospital and Medical Center, to November 8, 2005, Respondent failed to record an admission history and physical exam on patient S.C. When Respondent finally performed a history and physical exam, he failed to record the patient's vital signs and the patient's significant recent surgery.

b. On July 13, 2005, at Tustin Hospital and Medical Center, Respondent did a history and physical exam, but failed to record vital signs on patient R.N..

c. On July 16, 2005, at Tustin Hospital and Medical Center, Respondent wrote a discharge order for patient R.N., but failed to dictate a discharge summary until November 30, 2005.

d. On November 22, 2004, at Alliance Surgery Center in Bakersfield, California, Respondent failed to record an initial history and physical exam on patient H.G.

e. On December 15, 2004, at Alliance Surgery Center in Bakersfield, California, Respondent did a preoperative history and physical exam on patient H.G., but failed to record any vital signs. Respondent's postoperative note failed to include any neurologic findings.

FOURTH CAUSE FOR DISCIPLINE

(Dishonesty)

15. Respondent is further subject to disciplinary action under section 2234, subdivision (e), in that he committed dishonesty substantially related to the qualifications, functions, or duties of a physician and surgeon as follows:

16. On about August 5, 2005, in United States District Court for the Northern District of Ohio, Eastern Division, in the case entitled *General Electric Medical Systems Europe v. Prometheus Health Imaging, Inc., and Dr. Munir Uwaydah* (Case No. 1:02cv1844) Respondent

was adjudged to have committed fraud and conversion, personally and as the alter ego for Prometheus Health Imaging, Inc., in connection with a contract he entered into with the plaintiff for the purchase of a CT scanner. The facts found by the court are the following:

a. In 2001, defendant Prometheus entered into a joint venture with Al Bandar International Group (ABIG) to establish an imaging center in Riyadh, Saudi Arabia. Prometheus agreed to buy the scanner from plaintiff General Electric Medical Systems Europe (GEMS). The contract price was $1,070,000. Prometheus agreed to pay a 10% down payment by September 27, 2001, 50% upon shipment, 30% upon delivery, and the remaining 10% upon acceptance and installation. ABIG established a letter of credit in the amount of $1,000,000, for the purpose of paying for the scanner, and named Prometheus as beneficiary.

b. In September 2001, ABIG released $200,000 to Prometheus from the letter of credit, and Prometheus paid $107,000 (10%) to GEMS. The remainder was allocated to business expenses and a payment of $20,000 to Respondent.

c. The contract was subsequently modified from 50% upon shipment to payment in full upon delivery.

d. The scanner was shipped in early November 2001, to Riyadh, Saudi Arabia. Once it arrived, Respondent informed GEMS that the funds had been released, and that after he verified receipt of the funds, he would notify GEMS to deliver the scanner and would make the final payment. On November 27, 2001, ABIG released the remaining $800,000 to Prometheus. Respondent did not notify GEMS of the receipt of the funds. Instead, two days later Prometheus wired the funds (including a personal $50,000 wire transfer to Respondent) from the United States to a person in Beirut. Lebanon. On December 5, 2001, after ABIG showed that the funds had been transferred to Prometheus and demanded release of the scanner, GEMS released the scanner to ABIG. GEMS never received payment for the scanner.

e. Respondent was the President, shareholder, one of two directors of Prometheus, and had complete control of Prometheus' accounts. He was also solely responsible for executing and authorizing wire transfers.

f. The District Court found Respondent used Prometheus to defraud GEMS and to convert money and properties belonging to GEMS. The Court, therefore, held Respondent liable for Prometheus's debts to GEMS. The Court entered judgment against Respondent for fraud in the amount of $963,000, for conversion of the $70,000 paid directly to him, and for conversion of $893,000, as the alter ego of Prometheus.

g. Respondent appealed, and on November 27, 2006, the United States Court of Appeals for the Sixth Circuit affirmed the fraud judgment against Respondent personally. (*General Electric Medical Systems Europe, Inc., v. Prometheus Health Imaging, Inc., and Dr. Munir Uwaydah*, Case No. 05-4163 (6th Cir. 2006).)

17. Respondent is further subject to disciplinary action under section 2234, subdivision (e), in that he committed dishonesty substantially related to the qualifications, functions, or duties of a physician and surgeon as follows:

a. From about 2006 to the present, Respondent offered a document he created entitled "Practice Protocols Related to the Surgical Practice of Munir Uwaydah,MD and Peter Nelson, PA-C," in which he falsely asserted that the "Practice Protocols" between himself and his physician assistant, Peter Nelson, had been discussed with and approved by the chairman of the Physician Assistant Committee as being in compliance with the laws and regulations governing the practice of physician assistants.

FIFTH CAUSE FOR DISCIPLINE

(False Document)

18. Respondent is further subject to disciplinary action under sections 2234, subdivision (e) and 2261, in that he knowingly created a document directly or indirectly related to the practice of medicine that falsely represents the existence or nonexistence of a state of facts, as set forth in paragraph 17.a., above.

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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. A62059, issued to Munir Uwaydah, M.D.;

2. Revoking, suspending or denying approval of Munir Uwaydah, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

3. Ordering Munir Uwaydah, 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: June 9, 2009

BARBARA JOHNSTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant