

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

**In the Matter of the Accusation
Against:**

Jahangir Mahmoudi, M.D.

**Physician's & Surgeon's
Certificate No A29722**

Respondent.

Case No. 800-2017-032602

DECISION

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

This Decision shall become effective at 5:00 p.m. on October 23, 2020.

IT IS SO ORDERED September 23, 2020.

MEDICAL BOARD OF CALIFORNIA

By: Kristina D. Lawson
Kristina D. Lawson, J.D., Chair
Panel B

1 XAVIER BECERRA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 RYAN J. MCEWAN
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8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **JAHANGIR MAHMOUDI, M.D.**
14 **1290 Lincoln Road Ste. 2**
Yuba City, CA 95991

15 **Physician's and Surgeon's Certificate**
16 **No. A 29722**

17 **Respondent.**

Case No. 800-2017-032602

OAH No. 2020050829

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Xavier Becerra, Attorney General of the State of California, by Ryan J. McEwan,
25 Deputy Attorney General.

26 2. Respondent Jahangir Mahmoudi, M.D. (Respondent) is represented in this proceeding
27 by attorney Bruce E. Salenko, Esq., whose address is: Low McKinley Baleria & Salenko LLP
28 2150 River Plaza Drive, Suite 250, Sacramento, CA 958332.1. On or about December 31, 1975,

1 the Board issued Physician's and Surgeon's Certificate No. A 29722 to Jahangir Mahmoudi,
2 M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all
3 times relevant to the charges brought in Accusation No. 800-2017-032602, and will expire on
4 August 31, 2021, unless renewed.

5 JURISDICTION

6 3. Accusation No. 800-2017-032602 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on May 1, 2020. Respondent timely filed his Notice of Defense
9 contesting the Accusation.

10 4. A copy of Accusation No. 800-2017-032602 is attached as exhibit A and incorporated
11 herein by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2017-032602. Respondent has also carefully read,
15 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

25 CULPABILITY

26 8. "Respondent does not contest that, at an administrative hearing, complainant could
27 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
28 No. 800-2017-032602 and that he has thereby subjected his license to disciplinary action."

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

CONTINGENCY

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

11. 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.

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

DISCIPLINARY ORDER

1. PUBLIC REPRIMAND. IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 29722 issued to Respondent Jahangir Mahmoudi, M.D. is publicly reprimanded pursuant to California Business and Professions Code, section 2227 , subdivision (a)(4). This public reprimand, which is issued in connection with Respondent's care and treatment of Patients A and B, as set forth in accusation No. 800-2017-032602, is as follows:

“On or about May 4, 2017, You responded to social media posts by Patient A and the spouse of Patient B by repeatedly making vulgar, demeaning, misogynistic, and threatening

1 statements to Patient A and the spouse of Patient B on a social media platform, as more fully
2 described in Accusation No. 800-2017-032602."

3 2. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 90 calendar days of
4 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
5 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
6 Respondent shall participate in and successfully complete that program. Respondent shall
7 provide any information and documents that the program may deem pertinent. Respondent shall
8 successfully complete the classroom component of the program not later than eight (8) months
9 after Respondent's initial enrollment, and the longitudinal component of the program not later
10 than the time specified by the program, but no later than one (1) year after attending the
11 classroom component. The professionalism program shall be at Respondent's expense and shall
12 be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

13 A professionalism program taken after the acts that gave rise to the charges in the
14 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
15 or its designee, be accepted towards the fulfillment of this condition if the program would have
16 been approved by the Board or its designee had the program been taken after the effective date of
17 this Decision.

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

21 3. ANGER MANAGEMENT COURSE. Within 90 calendar days of the effective date
22 of this Decision, Respondent shall enroll in an anger management program equivalent to the
23 Physician Assessment and Clinical Education Program (PACE) Anger Management Course
24 offered at the University of California, San Diego School of Medicine ("Program"). Respondent
25 shall complete the Program not later than eight (8) months after Respondent's initial enrollment
26 unless the Board or its designee agrees in writing to an extension of time. The Program shall be
27 at Respondent's expense. Respondent shall submit to the Board or its designee for its prior
28 approval any other anger management course equivalent to the Program.

1 4. **VIOLATION OF THIS AGREEMENT.** Failure to comply with any term or condition
2 of this stipulated settlement and disciplinary order in any respect, the Board may file an
3 Accusation and, after the hearing, discipline Respondent's license for unprofessional conduct.

4 **ACCEPTANCE**

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
6 discussed it with my attorney, Bruce E. Salenko, Esq. I understand the stipulation and the effect
7 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
8 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
9 Decision and Order of the Medical Board of California.

10 DATED: 7-23-20


11 JAHANGIR MAHMOUDI, M.D.
Respondent

12 I have read and fully discussed with Respondent Jahangir Mahmoudi, M.D. the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

14 I approve its form and content.

15 DATED: 7/23/2020


16 BRUCE E. SALENKO, ESQ.
Attorney for Respondent


17 **ENDORSEMENT**

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

20 DATED: 7/23/2020

21 Respectfully submitted,

22 XAVIER BECERRA
Attorney General of California
23 STEVEN D. MUNI
Supervising Deputy Attorney General


24 RYAN J. MCEWAN
25 Deputy Attorney General
26 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-032602

1 XAVIER BECERRA
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2 ALEXANDRA M. ALVAREZ
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MEDICAL BOARD OF CALIFORNIA
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2017-032602

13 **Jahangir Mahmoudi, M.D.**
14 **1290 Lincoln Road Ste. 2**
Yuba City, CA 95991

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A 29722,**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity
22 as the Interim Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Board).

24 2. On or about October 31, 1975, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 29722 to Jahangir Mahmoudi, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on August 31, 2021, unless renewed.

28 ///

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

5. Section 2234 of the Code, states:

“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.

“...”

6. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical conduct of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 7. Respondent is subject to disciplinary action under Code sections 2227 and 2234,
4 subdivision (c), in that he committed repeated negligent acts during the care and treatment of
5 Patients A and B.¹ The circumstances are as follows:

6 8. On or about August 17, 2016, Patient A went to Respondent's clinic in Yuba City,
7 California, upon a referral from her primary care physician. Patient A sought a second opinion
8 consultation regarding her epilepsy, in part due to side effects from her medication. Patient A
9 brought her medical records to the appointment from the physician who had previously been
10 treating her for epilepsy.

11 9. During the visit, Respondent refused to examine Patient A, declined to review her
12 medical records, and threw her medical records into the trash. Respondent insisted that Patient
13 A's daughter and grandson accompany them in the examination room. Patient A and her
14 daughter attempted to tell Respondent about Patient A's medical problems and the complications
15 with her medication. Respondent dismissed Patient A's account of experiencing side effects.
16 Respondent accused Patient A of faking her symptoms, called her mentally deranged, and told her
17 to seek mental health services. Patient A left Respondent's office upset by his conduct.

18 10. Shortly after the above visit, Patient A's daughter posted a review on Respondent's
19 Facebook Business Page, criticizing Respondent's treatment of Patient A.

20 11. On or about May 3, 2017, Patient B saw Respondent for an endocrine consultation.
21 Patient B is hard of hearing and was accompanied by her husband who helped interpret for her.
22 Respondent later recalled, during an interview with Board investigators, that he observed Patient
23 B and her husband using sign language with each other and that he assumed Patient B's husband
24 was deaf. Patient B was uncomfortable with the care she received during the visit. Shortly after,
25 Patient B's husband posted a comment on Respondent's Facebook Business Page. Respondent
26 replied several times to comments by Patient B's husband, making the following statements:

27
28 ¹ The patients' names are omitted to protect privacy.

1 a. "I rate myself 5 out of 5 I am the best dr in town ask 99 percent of my patient
2 the 1 percent remaining are criminal delinquent mentally ill."

3 b. "You are full of shit deaf man I am in the process filing a defamation law suit
4 against you check your mail for Suppina sucker."

5 c. "Your Arm tato showes who you are a criminal subject to prosecution too."

6 12. After noticing Respondent's comments directed at Patient B's husband, Patient A also
7 engaged in a dialogue with Respondent on his Facebook Business Page. Respondent made the
8 following statements to Patient A:

9 a. "You are like your friends all full of shit white trash scom bag."

10 b. "[Patient A], you are wife trash go to hell."

11 c. "Fuck you [Patient A] suck my dick."

12 d. "Prostitute [Patient A] go get laid off don't waste your time here I am like
13 Donald trump fuck you criminal."

14 e. "Fuck you [Patient A] you are a prostitute."

15 f. "Fuck you [Patient A] go to hell mother fucker."

16 g. "[Patient A] I know somebody in Oroville wants to fuck u how much do you
17 charg white trash spit on you my shit on to your face mother Fucket I smash your face if you
18 don't shout up lick my ass."

19 h. "Fuck you and media who cares shit on you and media go Fuck ur family."

20 13. On or about January 31, 2019, during an interview with Board investigators,
21 Respondent admitted to making the above statements on his Facebook Business Page.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Gross Negligence)**

24 14. Respondent is further subject to disciplinary action under Code sections 2227 and
25 2234, subdivision (b), in that he has engaged in gross negligence in his care and treatment of
26 Patient A, as more particularly alleged in paragraphs 7 through 13, above, which are hereby
27 incorporated by reference as if fully set forth herein.

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