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 Lawson

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

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

In the Matter of the Accusation Against: **JAHANGIR MAHMOUDI, M.D.** **1290 Lincoln Road Ste. 2** **Yuba City, CA 95991** **Physician's and Surgeon's Certificate No. A 29722** Respondent.	Case No. 800-2017-032602 OAH No. 2020050829 **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. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Ryan J. McEwan, Deputy Attorney General.

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

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

JURISDICTION

3. Accusation No. 800-2017-032602 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 May 1, 2020. Respondent timely filed his Notice of Defense contesting the Accusation.

4. A copy of Accusation No. 800-2017-032602 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 Accusation No. 800-2017-032602. Respondent has also carefully read, fully discussed with his 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 the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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 the charges and allegations contained in Accusation 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

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

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

4. VIOLATION OF THIS AGREEMENT. Failure to comply with any term or condition of this stipulated settlement and disciplinary order in any respect, the Board may file an Accusation and, after the 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, Bruce E. Salenko, 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: 7-23-20

JAHANGIR MAHMOUDI, M.D.
Respondent

I have read and fully discussed with Respondent Jahangir Mahmoudi, 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: 7/23/2020

BRUCE E. SALENKO, 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: 7/23/2020

Respectfully submitted,

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

RYAN J. MCEWAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-032602

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

In the Matter of the Accusation Against:	Case No. 800-2017-032602
Jahangir Mahmoudi, M.D. **1290 Lincoln Road Ste. 2** **Yuba City, CA 95991** **Physician's and Surgeon's Certificate No. A 29722,** Respondent.	**ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about October 31, 1975, the Medical Board issued Physician's and Surgeon's Certificate No. A 29722 to Jahangir Mahmoudi, 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 August 31, 2021, unless renewed.

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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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FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

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

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

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

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

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

[1] The patients' names are omitted to protect privacy.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence)

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

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THIRD CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

15. Respondent is further subject to disciplinary action under Code sections 2227 and 2234, in that he has engaged in conduct which breaches the rules or ethical conduct of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 7 through 14, above, which are hereby incorporated by reference as if fully set forth herein.

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 No. A 29722, issued to Jahangir Mahmoudi, M.D.;

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

3. Ordering Jahangir Mahmoudi, 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: MAY 0 1 2020

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

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