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

In the Matter of the Accusation Against: Nazih Michel Haddad, M.D. Physician's & Surgeon's Certificate No A 31234 Respondent	Case No. 800-2019-054012

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 June 9, 2021.

IT IS SO ORDERED May 10, 2021.

MEDICAL BOARD OF CALIFORNIA

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

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
LEANNA E. SHIELDS
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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: **NAZIH MICHEL HADDAD, M.D.** 400 Newport Center Drive, Suite 704 Newport Beach, CA 92660 Physician's and Surgeon's Certificate No. A 31234, Respondent.	Case No. 800-2019-054012 OAH No. 2020100768 **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 LeAnna E. Shields, Deputy Attorney General.

2. Respondent Nazih Michel Haddad, M.D. (Respondent) is represented in this proceeding by attorneys Dennis K. Ames, Esq., and Pogey Henderson, Esq., with La Follette,

Johnson, DeHaas, Fesler & Ames, whose address is: 2677 North Main Street, Suite 901, Santa Ana, CA 92705-6632.

3. On or about June 24, 1977, the Board issued Physician's and Surgeon's Certificate No. A 31234 to 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. 800-2019-054012, and will expire on November 30, 2021, unless renewed.

JURISDICTION

4. On August 31, 2020, Accusation No. 800-2019-054012 was filed before the Board, and is currently pending against Respondent. On August 31, 2020, a true and correct copy of Accusation No. 800-2019-054012 and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A true and correct copy of Accusation No. 800-2019-054012 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2019-054012. Respondent has also carefully read, fully discussed with his counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

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

8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

9. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-2019-054012 and agrees that he has thereby subjected his Physician's and Surgeon's Certificate No. A 31234 to disciplinary action.

10. Respondent further agrees that if an accusation is ever filed against him before the Medical Board of California, all of the charges and allegations contained in Accusation No. 800-2019-054012 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

11. Respondent agrees that his Physician's and Surgeon's Certificate No. A 31234 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

12. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the Board. 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. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Board considers and acts upon it.

13. 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 that the Board does not, in its discretion, 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 this Stipulated Settlement and Disciplinary Order be rejected for any reason by the Board, 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

14. 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.

15. The parties agree that copies of this Stipulated Settlement and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

16. 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. A 31234 issued to Respondent NAZIH MICHEL HADDAD, M.D., shall be and is hereby publicly reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Accusation No. 800-2019-054012, is as follows:

In or around May 2016 and January 2017, Respondent committed repeated negligent acts in his care and treatment of Patient A in that he failed to maintain a complete and legible medical chart in his pre-operative notes, failed to properly monitor and/or document the monitoring of

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Patient A's vital signs right before surgery and intraoperatively, and failed to prepare a detailed operative report, as more fully described in Accusation No. 800-2019-054012.

1. 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 approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 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.

2. EDUCATION COURSE. Within one (1) year of the effective date of this Decision, Respondent shall complete not less than forty (40) hours of Continuing Medical Education (CME). The CME courses shall be aimed at correcting any areas of deficient practice or knowledge in plastic surgery. The forty (40) hours of CME shall be at Respondent's expense and shall be in addition to the CME requirements for renewal of licensure. Respondent shall submit proof of completion to the Board or its designee.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and, having the benefit of counsel, I enter into it freely, voluntarily, intelligently, and with full knowledge of its force and effect on my Physician's and Surgeon's Certificate No. A 31234. I fully understand that, after signing this stipulation, I may not withdraw from it, that it shall be submitted to the Medical Board of California for its consideration, and that the Board shall have a reasonable period of time to consider and act on this stipulation after receiving it. By entering into this stipulation, I fully understand that, upon formal acceptance by the Board, I shall be publicly reprimanded by the Board and shall be required to comply with all of the terms and conditions of the Disciplinary Order set forth above. I also fully understand that any failure to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and will subject my Physician's and Surgeon's Certificate No. A 31234 to further disciplinary action. 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: 3/17/21

NAZIH MICHEL HADDAD, M.D.
Respondent

I have read and fully discussed with Respondent Nazih Michel Haddad, 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: 3/17/21

DENNIS K. JAMES, ESQ.
POGEY HENDERSON, ESQ.
Attorneys for Respondent

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ENDORSEMENT

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

DATED: March 17, 2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

LEANNA E. SHIELDS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2019-054012

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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: **NAZIH MICHEL HADDAD, M.D.** **400 Newport Center Drive, Suite 704** **Newport Beach, CA 92660** **Physician's and Surgeon's Certificate No. A 31234,** Respondent.	Case No. 800-2019-054012 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about June 24, 1977, the Medical Board issued Physician's and Surgeon's Certificate No. A 31234 to Nazih Michel Haddad, 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 November 30, 2021, 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 states:

> (a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:
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> (1) Have his or her license revoked upon order of the board.
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> (2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.
>
> (3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.
>
> (4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.
>
> (5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.
>
> (b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

5. Section 2234 of the Code, states, in pertinent part:

> The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
>
> (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
>
> ...
>
> (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

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(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.

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FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

6. Respondent has subjected his Physician's and Surgeon's Certificate No. A 31234 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his care and treatment of Patient A,[1] as more particularly alleged hereinafter.

7. On or about May 21, 2016, Patient A presented for a consultation for a breast augmentation procedure with Respondent's office. Respondent's notes for this visit are not signed or dated.

8. On or about January 21, 2017, Patient A signed an authorization to proceed with the breast augmentation procedure and signed a standard informed consent for surgery. The informed consent form was not initialed by Patient A on each page as indicated, and Respondent's name was not listed in the place to designate the physician performing the surgery.

9. On or about January 25, 2017, Patient A was cleared by her primary care physician for surgery.

10. On or about January 27, 2017, Respondent performed a breast augmentation surgery on Patient A. Respondent's operative notes for Patient A's surgery consisted of six lines, which stated: "Breast augmentation / periareolar approach / submuscular insertion / 500 cc HP memory gel / closure with 3-0 monocryl / paper tape."

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[1] For patient privacy purposes, patient identity has been withheld. Respondent is aware of patient identity.

11. Respondent committed repeated negligent acts in his care and treatment of Patient A which included, but is not limited to:

A. Paragraphs 7 through 10, above, are hereby incorporated by reference and realleged as if fully set forth herein;

B. Respondent failed to maintain a complete and legible medical chart for Patient A, in that his pre-operative notes are not dated or signed, generally illegible, and the informed consent has numerous blank areas, including missing Patient A's initials and Respondent as the named physician to perform the surgery;

C. Respondent failed to properly monitor and/or assess, and/or document the monitoring and/or assessment of, Patient A's vital signs prior to performing the surgery and/or throughout the performance of the surgery; and

D. Respondent failed to prepare a detailed operative report detailing the medications used, the type or volume of tumescent solution administered, or the steps of the surgical procedures.

SECOND CAUSE FOR DISCIPLINE

(Violations of the Medical Practice Act)

12. Respondent has subjected further his Physician's and Surgeon's Certificate No. A 31234 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (a), of the Code, in that he violated a provision or provisions of the Medical Practice Act, as more particularly alleged in paragraphs 6 through 11, above, which are hereby incorporated by reference and realleged 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 31234, issued to Respondent Nazih Michel Haddad, M.D.;

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

3. Ordering Respondent Nazih Michel Haddad, 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: AUG 3 1 2020

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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