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

In the Matter of the Accusation Against: Mumtaz Ahmed Ali, M.D. Physician's & Surgeon's Certificate No A 43472 Respondent	Case No. 800-2017-036292

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 November 12, 2021.

IT IS SO ORDERED October 14, 2021.

MEDICAL BOARD OF CALIFORNIA

Laurie Rose Lubiano, J.D., Chair
Panel A

MATTHEW RODRIQUEZ
Acting Attorney General of California
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Supervising Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **MUMTAZ AHMED ALI, M.D.** **7439 LA PALMA AVE STE 302** **BUENA PARK, CA 90620** **Physician's and Surgeon's Certificate No. A 43472** Respondent.	Case No. 800-2017-036292 OAH No. 2020120243 **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 Matthew Rodriquez, Acting Attorney General of the State of California, by Tessa L. Heunis, Deputy Attorney General.

2. Respondent Mumtaz Ahmed Ali, M.D. (Respondent) is represented in this proceeding by attorney Henry Fenton, Esq., whose address is: Fenton Law Group, 1990 South Bundy Drive, Suite 777, Los Angeles, CA. 90025.

3. On or about March 23, 1987, the Board issued Physician's and Surgeon's Certificate No. A 43472 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. 800-2017-036292, and will expire on July 31, 2022, unless renewed.

JURISDICTION

4. On August 28, 2020, Accusation No. 800-2017-036292 was filed before the Board and is currently pending against Respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 800-2017-036292 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2017-036292. Respondent has also carefully read, fully discussed with his counsel, and fully 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. Having the benefit of counsel, 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. 800-2017-036292 and that his Physician's and Surgeon's Certificate No. A 43472 is therefore subject to discipline. Respondent further agrees that if an Accusation is ever filed against him

before the Board, all of the charges and allegations contained in Accusation No. 800-2017-036292 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 or elsewhere.

9. Respondent agrees that his Physician's and Surgeon's Certificate No. A 43472 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 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.

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 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

12. 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.

13. 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.

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

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Respondent Mumtaz Ahmed Ali, M.D., Physician's and Surgeon's Certificate No. A 43472, 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 respondent's violations of the Medical Practice Act as set forth in Accusation No. 800-2017-036292, is as follows:

> During the period of on or about July 13, 2015, through August 2, 2018 (Patient A), and during the period January 2014 through October 2017 (Patient B and Patient C), you failed to provide care and treatment for Patient A, Patient B, and Patient C, in accordance with the standard of practice in the medical community, as more fully described in Accusation No. 800-2017-036292.

B. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices 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 prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A prescribing practices 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.

C. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2017-036292 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to reinstate, deny or restrict license.

ACCEPTANCE

I, Mumtaz Ahmed Ali, M.D., have carefully read the above Stipulated Settlement and Disciplinary Order and, having the benefit of counsel, 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 43472.

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 publically 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 43472 to disciplinary action.

DATED: 3/30/21

MUMTAZ AHMED ALI, M.D.
Respondent

I have read and fully discussed with Respondent Mumtaz Ahmed Ali, 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: March 30, 2021

HENRY FENTON, 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: April 1, 2021

Respectfully submitted,

MATTHEW RODRIQUEZ
Acting Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

TESSA L. HEUNIS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2017-036292

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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: **MUMTAZ AHMED ALI, M.D.** **7439 La Palma Ave., Ste. 302** **Buena Park, CA 90620** **Physician's and Surgeon's Certificate No. A 43472,** Respondent.	Case No. 800-2017-036292 **A C C U S A T I O N**

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 March 23, 1987, the Medical Board issued Physician's and Surgeon's Certificate Number A 43472 to Mumtaz Ahmed Ali, 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 July 31, 2022, 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 2220 of the Code states:

> Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter [Chapter 5]. The board shall enforce and administer this article as to physician and surgeon certificate holders ... and the board shall have all the powers granted in this chapter for these purposes ...

STATUTORY PROVISIONS

5. 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:
>
> (1) Have his or her license revoked upon order of the board.
>
> (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.
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> ...

6. 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.
>
> ...
>
> (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a

separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

...

(g)The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board...

7. Section 2266 of the Code 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.

8. Section 4021 of the Code states:

"Controlled substance" means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

9. Section 4022 of the Code states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

...

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

10. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming of a member of 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.)

DEFINITIONS

11. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and Professions Code section 4022.

12. Hydrocodone is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e), and a dangerous drug pursuant to Business and Professions Code section 4022.

13. Alprazolam is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

14. Gabapentin is an anticonvulsant or antiepileptic drug that is used with other medications to prevent and control seizures, and is also used to relieve nerve pain following shingles in adults. If taken in combination with opioids, gabapentin increases the risk of respiratory depression and death. Gabapentin is a dangerous drug pursuant to Business and Professions Code section 4022.

15. Elavil (amitriptyline) is a tricyclic antidepressant with sedative effects. Amitriptyline affects certain neurotransmitters that help regulate mood. Elavil is a prescription medicine used to treat symptoms of depression, and is a dangerous drug pursuant to Business and Professions Code section 4022.

16. Morphine Milligram Equivalent (MME) or Morphine Equivalent Dosage (MED), as it was previously known, is a value assigned to opioids to represent their relative potencies. MME is determined by using an equivalency factor to calculate a dose of morphine that is equivalent to the ordered opioid. Daily MME (or MED) is the sum of the MME of all drugs in the opioid class a patient is likely to take over 24 hours, and that total is used to determine if the

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patient is nearing a potentially dangerous threshold. The primary side effect of opioid overdose is respiratory depression, which frequently leads to serious complications or death.[1]

FACTUAL ALLEGATIONS

Patient A:[2]

17. Patient A, an adult male born in 1981, received opiate medications from respondent during the period from November 2014 through at least February 2019. According to respondent's records, the opiates were prescribed for chronic pain in Patient A's lumbosacral spine and shoulder.

18. On a consistent, almost monthly, basis, respondent prescribed Patient A a combination of oxycodone 30 mg x 120 tablets, hydrocodone/acetaminophen 10/325 x 100 tablets, and alprazolam 2 mg x 60 tablets.

19. Respondent performed a full history and physical on Patient A on or about October 28, 2014. As part of this evaluation, he provided a limited treatment plan for Patient A's care. This plan was updated on subsequent visits and additional information such as imaging and EMG testing was performed as a result of these updates.

20. During the period of on or about July 13, 2015, through August 2, 2018, respondent prescribed on average 210 mg of MME per day. Respondent did not offer any treatment strategies to address Patient A's opiate tolerance such as opiate rotation, or an "opiate holiday."

Patients B and C:

21. Patients B and C, both adult females, have the same last name and, for much of the period during which they received treatment from respondent, shared the same address(es) and telephone number. One of the addresses used was that of a Days Inn; another appears to be that of a Fast Mail Box Plus.

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[1] As an example of the use of daily MME/MED, the Centers for Medicare & Medicaid Services (CMS) publishes morphine equivalent tables. In its 2017 Call Letter draft, CMS recommends a point-of-sale (POS) "soft edit threshold" of 90-120 mg daily cumulative MME, which can be overridden by a pharmacist, and a "hard edit threshold" of 200 mg daily cumulative MME. A claim is rejected at the POS if the beneficiary's active or overlapping opioid prescriptions reach or exceed a certain daily cumulative MED threshold.

[2] Patient names are known to the parties but not disclosed to protect the privacy of the patients.

22. Patient B, born in 1979, received care and treatment from respondent from at least April 2010 through approximately October 2017.

23. Patient C, born in 1954, received care and treatment from respondent from at least August 2009 through approximately October 2017.

24. During the period January 2014[3] through October 2017, respondent prescribed to both Patient B and Patient C, respectively, a combination of oxycodone 30 mg x 180 tablets (an MME of 270 mg), and alprazolam 2 mg x 30 tablets, on a consistent, almost monthly basis.

25. With rare exceptions, over the 3 years and 9 months for which CURES records were obtained, Patients B and C filled their identical prescriptions on the exact same dates (or one day apart).[4]

26. Patient B and Patient C also had identical prescriptions for gabapentin and Elavil from respondent.

27. Both Patient B and Patient C were discharged from respondent's care in 2017 for the alleged violation of their respective pain management contracts.

28. CURES reports for Patient B and Patient C, respectively, show no further controlled substance prescriptions being filled by them after being discharged from respondent's care in October 2017.

29. A review of Patient B's chart does not show that respondent made any attempt to address Patient B's alleged opiate tolerance by opiate rotation. There is likewise no evidence in his records for Patient B that he considered the possibility that some of Patient B's opiate use may be due to addiction issues, or that Patient B may not be an appropriate candidate for the use of opiates.

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[3] Patient Controlled Substance Utilization Review & Evaluation System (CURES) reports for Patient B and Patient C were obtained for the periods January 1, 2014, through March 8, 2018 (Patient B), and January 1, 2014, through April 22, 2020 (Patient C).

[4] There are no entries on Patient B's CURES report for the period November - December 2016, and April - July 2016.

30. Patient C's chart does not contain any substance abuse history or show that respondent gave any consideration to whether controlled substances were appropriate for Patient C.

FIRST CAUSE FOR DISCIPLINE

(Repeated Acts of Negligence)

31. Respondent Mumtaz Ahmed Ali, M.D., is subject to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), in that he committed repeated negligent acts in the care and treatment of Patient A, Patient B, and/or Patient C, as more particularly alleged hereinafter:

32. Paragraphs 17 through 30, above, are hereby incorporated by reference and re-alleged as if fully set forth herein.

33. Respondent committed repeated negligent acts in his care and treatment of Patient A, Patient B, and/or Patient C, which included, but were not limited to, the following:

a. Respondent failed to offer any treatment strategies to address Patient A's opiate tolerance.

b. Respondent failed to address Patient B's alleged opiate tolerance by opiate rotation, and/or failed to document any consideration of the possibility that some of Patient B's opiate use may be due to addiction issues or that Patient B may not be an appropriate candidate for the use of opiates.

c. Respondent failed to document a substance abuse history for Patient C or consider whether controlled substances were appropriate for Patient C.

SECOND CAUSE FOR DISCIPLINE

(Failure To Attend And Participate In An Interview By The Board)

34. Respondent Mumtaz Ahmed Ali, M.D., is further subject to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (g), in that he failed to attend and participate in an interview by the Board, as more particularly alleged hereinafter:

35. On or about May 2, 2019, respondent attended an in-person interview by the Board, at which he answered questions regarding his care and treatment of Patient A and Patient B.

36. On or about July 29, 2020, respondent attended a telephonic interview by the Board, at which he answered questions regarding his care and treatment of Patient C. Respondent refused to answer any questions concerning Patient B, including regarding the similarity of her prescriptions with that of Patient C.[5]

THIRD CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

37. Respondent Mumtaz Ahmed Ali, M.D., is further subject to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession as more particularly alleged hereinafter:

38. Paragraphs 17 through 36, above, are hereby incorporated by reference and re-alleged as if fully set forth herein.

39. Between on or about September 21, 2015, and September 14, 2017, respondent self-prescribed a controlled substance on ten (10) occasions.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 43472, issued to Mumtaz Ahmed Ali, M.D.;

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

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[5] A list of questions was subsequently sent to respondent, to which he submitted written responses through his legal representative.

3. Ordering Mumtaz Ahmed Ali, 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 28 2020

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