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

In the Matter of the Accusation Against: Nizar Isa Ibrahim, M.D. Physician's and Surgeon's Certificate No. A 70310 Respondent.	Case No. 800-2017-034768

DECISION

The attached Stipulated Surrender of License and 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 April 1, 2022.

IT IS SO ORDERED March 18, 2022.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
KEITH C. SHAW
Deputy Attorney General
State Bar No. 227029
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9515
Facsimile: (619) 645-2012

Attorneys for Complainant

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

In the Matter of the Accusation Against: **NIZAR ISA IBRAHIM, M.D.** 24490 Sunnymead Blvd., Suite 117 Moreno Valley, CA 92553 **Physician's and Surgeon's Certificate No. A 70310** Respondent.	Case No. 800-2017-034768 OAH No. 2020070955 **STIPULATED SURRENDER OF LICENSE 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 Rob Bonta, Attorney General of the State of California, by Keith C. Shaw, Deputy Attorney General.

2. Nizar Isa Ibrahim, M.D. (Respondent) is represented in this proceeding by Elizabeth M. Brady, Esq., whose address is: 8880 Rio San Diego Drive, Suite 800, San Diego, CA 92108.

3. On or about November 19, 1999, the Board issued Physician's and Surgeon's Certificate No. A 70310 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. 800-2017-034768 and will expire on January 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-034768 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 June 19, 2020. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2017-034768 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2017-034768. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License 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 understands that the charges and allegations in Accusation No. 800-2017-034768, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent gives up his right to contest that, at a hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in the Accusation.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board "shall delegate to its executive director the authority to adopt a . . . stipulation for surrender of a license."

13. This Stipulated Surrender of License and Disciplinary Order shall be subject to approval of the Executive Director on behalf of the Medical Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated Surrender of License 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 Executive Director, on behalf of the Board, considers and acts upon it.

13. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of 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 Surrender of License, the Executive Director and/or 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 Executive Director, 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 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this Stipulated Surrender of License, 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 Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent will assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by its/his review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order, or of any matter or matters related hereto.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 70310, issued to Respondent Nizar Isa Ibrahim, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2017-034768 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2017-034768 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 deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Disciplinary Order and have fully discussed it with my attorney Elizabeth M. Brady, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 02/28/2022

NIZAR ISA IBRAHIM, M.D.
Respondent

I have read and fully discussed with Respondent Nizar Isa Ibrahim, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

DATED: Feb. 28, 2022

ELIZABETH M. BRADY, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: March 1, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

KEITH C. SHAW
Deputy Attorney General
Attorneys for Complainant

SD2018702229
83230996.docx

Exhibit A

Accusation No. 800-2017-034768

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
KEITH C. SHAW
Deputy Attorney General
State Bar No. 227029
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9515
Facsimile: (619) 645-2012

Attorneys for Complainant

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

In the Matter of the Accusation Against: **NIZAR ISA IBRAHIM, M.D.** 24490 Sunnymead Blvd., Suite 117 Moreno Valley, CA 92553 **Physician's and Surgeon's Certificate No. A 70310** Respondent.	Case No. 800-2017-034768 **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 November 19, 1999, the Medical Board issued Physician's and Surgeon's Certificate Number A 70310 to Nizar Isa Ibrahim, 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 January 31, 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 726 of the Code states:

"(a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division.

"(b) This section shall not apply to consensual sexual contact between a licensee and his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship."

5. Section 2234 of the Code, states in 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:

"..."

"(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.

"(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.

"(d) Incompetence.

"..."

6. 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."

7. Section 2229 of the Code states that the protection of the public shall be the highest priority for the Board in exercising their disciplinary authority. While attempts to rehabilitate a licensee should be made when possible, Section 2229, subdivision (c), states that when rehabilitation and protection are inconsistent, protection shall be paramount.

ETHICAL PRINCIPLES

The medical profession has long subscribed to a body of ethical statements, set forth and adopted by the American Medical Association and known as *The Principles of Medical Ethics*. *The Principles of Medical Ethics* represent standards of conduct which define the essentials of honorable behavior for a physician. These principles establish that the relationship between a patient and physician is based on trust, and gives rise to an ethical obligation on the part of the physician to place the patient's interests above his or her self-interest.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Gross Negligence)

8. Respondent is subject to disciplinary action under section 2234, subdivision (b), of the Code in that Respondent engaged in unprofessional conduct and was grossly negligent based on the following circumstances:

9. On or about March 29, 2017, Patient A[1] had her sole office visit with Respondent for the primary purpose of obtaining a refill of Ritalin for treatment of her previously diagnosed Attention Deficit Disorder (ADD),[2] as well as Valtrex to treat a venereal disease. Respondent

---

[1] For privacy purposes, the patient's identity has been withheld. Respondent is aware of the identity referred to herein.

[2] ADD is now more commonly known as Attention Deficit Hyperactivity Disorder (ADHD).

met with Patient A in a patient examination room. In response to Patient A's request for a Ritalin refill, Respondent interrupted her to explain that most adults diagnosed with ADD actually suffer from bipolar disorder. Respondent then began asking the patient a series of inquiries related to her sex life, including suggesting that she and her boyfriend should attend swinger parties to "spice things up." Respondent then recommended that Patient A sample a particular strain of marijuana for her bipolar disorder.[3] Respondent told Patient A that he was going to prescribe her medication to treat bipolar disorder, to which she responded that she was not bi-polar. Respondent asked Patient A where she lived and proposed that she should move to the area of Moreno Valley which is closer to where he lives because it is safer, and he even drew a map showing Patient A where he lived.

10. Respondent asked Patient A about her bra size and whether her breasts were heavy. Patient A responded that her breasts were not heavy. He directed Patient A to stand up, where he proceeded to move behind her, then reached around her and grabbed her breasts with both hands while squeezing softly. Respondent remarked that her breasts were not heavy as he laughed and abruptly walked out of the room. Respondent did not examine any other part of her body, nor did he warn Patient A that he was about to perform a breast examination. Patient A had not discussed any issues or concerns with her breasts that may have prompted a breast examination. A chaperone was not present in the examination room. Patient A learned that Respondent's office called in a prescription for paroxetine and trazodone to treat bipolar disorder, and failed to refill Ritalin and Valtrex as requested. Patient A called the office back requesting both medications, but only received a prescription for Valtrex.

11. In an interview on or about October 6, 2017, Respondent indicated that he diagnosed Patient A with bipolar disorder by asking "one simple question: have you ever been depressed in the past?" Respondent explained that an individual's childhood ADD evolves into bipolar disorder if that individual was previously depressed, but now is no longer depressed. Respondent stated that his inquiry into Patient A's sex life was part of her history to determine bipolar disorder. Respondent indicated that Patient A complained of upper back pain during a review of

[3] Patient A had never previously been diagnosed with bipolar disorder.

symptoms, so he had her stand up to perform a breast examination. Respondent explained that he asked the patient if her breasts were heavy prior to conducting the breast examination, and she responded they were not. However, Respondent did not document any complaint of back pain in Patient A's medical notes. In fact, back pain was specifically noted as being absent in the review of systems section. Moreover, there was no mention in the notes that Respondent examined Patient A's breasts.

12. Respondent admitted that he failed to document the discussion about Patient A's complaint of back pain, as well as conducting a breast examination, as he was more focused on the bipolar disorder diagnosis and probably exhausted when he entered the notes. Additionally, there was no documentation for the detailed discussion regarding the patient's sex life. Respondent documented an extensive physical examination, including examining Patient A's ears, heart, lungs, range of motion, and reflex, despite not actually performing any such examination.

13. Respondent Nizar Isa Ibrahim, M.D., committed unprofessional conduct and is subject to disciplinary action under section 2234, subdivision (b), of the Code in that Respondent was grossly negligent in regards to Patient A, including but not limited to the following:

a) Respondent performed an unnecessary breast examination;

b) Respondent failed to have a chaperone present during the breast examination;

c) Respondent failed to document significant portions of the patient examination, including a discussion regarding sex life, complaint of back pain, and conducting a breast examination; and

d) Respondent documented a comprehensive physical examination that did not occur.

SECOND CAUSE FOR DISCIPLINE

(Sexual Misconduct with a Patient/Violation of Ethical Principles)

14. Respondent's certificate to practice medicine is subject to disciplinary action for unprofessional conduct under section 726 of the Code, and a violation of ethical standards, in that

Respondent engaged in sexual misconduct with a patient during the time he was a physician based on the following circumstances:

15. The allegations of Paragraphs 8 through 13, above, are incorporated herein by reference as if fully set forth.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Repeated Negligent Acts)

16. Respondent is subject to disciplinary action under section 2234, subdivision (c), of the Code based on the following circumstances:

17. Paragraphs 8 through 13, above, are hereby realleged and incorporated by this reference as if fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(Incompetence)

18. Respondent is further subject to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (d), of the Code, in that he demonstrated a lack of knowledge in his care and treatment of Patient A, as more particularly alleged herein.

19. Respondent demonstrated a lack of knowledge in his care and treatment of Patient A which included, but was not limited to, the following:

a) Paragraphs 8 through 13, above, are hereby incorporated by reference and realleged as if fully set forth herein;

b) Respondent demonstrated a lack of knowledge in his understanding of bipolar disorder, including believing that bipolar disorder can be diagnosed by asking a single question whether a patient was once depressed, but is no longer depressed;

c) Respondent demonstrated a lack of knowledge regarding treatment of bipolar disorder, including paroxetine and trazodone as initial therapy; and

d) Respondent demonstrated a lack of knowledge regarding his understanding of adult ADHD.

///

///

FIFTH CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

20. Respondent is subject to disciplinary action under section 2266 of the Code based on the following circumstances:

21. The allegations of Paragraphs 8 through 13, above, are incorporated herein by reference as if fully set forth.

DISCIPLINARY CONSIDERATIONS

22. To determine the degree of discipline, if any, to be imposed on Respondent Nizar Isa Ibrahim, M.D., Complainant alleges that on or about August 24, 2005, in a prior disciplinary action entitled, *In the Matter of the Accusation Against Nizar Isa Ibrahim, M.D.*, before the Medical Board of California, in Case No. 18-2003-147050, Respondent's license was placed on probation for five (5) years, with terms and conditions including a 30-day suspension, Professional Boundaries Program, Third Party Chaperone for Female Patients, Psychiatric Evaluation, Psychotherapy, Ethics Course, and Education Course for engaging in unprofessional conduct, including numerous inappropriate sexual comments and behavior, with multiple female patients, female medical assistants, and a female supervising registered nurse. That decision is now final and is 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 70310, issued to Nizar Isa Ibrahim, M.D.;

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

3. Ordering Nizar Isa Ibrahim, 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: JUN 19 2020

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

SD2018702229
82297866.docx