

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

In the Matter of the Accusation Against:

Keyvan Amiri-Khorheh, M.D.

**Physician's and Surgeon's
Certificate No. A 55422**

Respondent.

Case No. 800-2019-059826

DECISION

The attached Stipulated Surrender of License 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 May 16, 2023.

IT IS SO ORDERED May 9, 2023.

MEDICAL BOARD OF CALIFORNIA



**Reji Varghese
Interim Executive Director**

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROBERT W. LINCOLN
Deputy Attorney General
4 State Bar No. 316290
California Department of Justice
5 600 West Broadway, Suite 1800
San Diego, CA 92101
6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 738-9453
Facsimile: (619) 645-2012
8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2019-059826

14 **KEYVAN AMIRI-KHORHEH, M.D.**
15 **1661 Interlachen Rd., Apt. 286A**
Seal Beach, CA 90740

OAH No. 2022110278

16 **Physician's and Surgeon's Certificate No.**
17 **A 55422**

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

18 Respondent.

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. Reji Varghese (Complainant) is the Interim Executive Director of the Medical Board
23 of California (Board). He brought this action solely in his official capacity and is represented in
24 this matter by Rob Bonta, Attorney General of the State of California, by Robert W. Lincoln,
25 Deputy Attorney General.

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1 2. KEYVAN AMIRI-KHORHEH, M.D. (Respondent) is represented in this proceeding
2 by attorney Elon Berk, Esq., whose address is: 15250 Ventura Blvd., Suite 1220, Sherman Oaks,
3 CA 91403.

4 3. On or about December 20, 1995, the Board issued Physician's and Surgeon's
5 Certificate No. A 55422 to KEYVAN AMIRI-KHORHEH, M.D. (Respondent). The Physician's
6 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
7 in Accusation No. 800-2019-059826 and will expire on July 31, 2023, unless renewed.

8 **JURISDICTION**

9 4. Accusation No. 800-2019-059826 was filed before the Board, and is currently
10 pending against Respondent. The Accusation and all other statutorily required documents were
11 properly served on Respondent on August 31, 2022. Respondent timely filed his Notice of
12 Defense contesting the Accusation. A copy of Accusation No. 800-2019-059826 is attached as
13 Exhibit A and incorporated by reference.

14 **ADVISEMENT AND WAIVERS**

15 5. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in Accusation No. 800-2019-059826. Respondent also has carefully read,
17 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
18 and Disciplinary Order.

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

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

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 800-2019-059826, agrees that cause exists for discipline and hereby surrenders his
4 Physician's and Surgeon's Certificate No. A 55422 for the Board's formal acceptance.

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

8 **CONTINGENCY**

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

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

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

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1 Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
2 to be bound by the Decision and Disciplinary Order of the Medical Board of California.

3
4 DATED: 4/28/2023

Keyvan Amiri Khorheh

KEYVAN AMIRI-KHORHEH, M.D.

Respondent

6 I have read and fully discussed with Respondent KEYVAN AMIRI-KHORHEH, M.D., the
7 terms and conditions and other matters contained in this Stipulated Surrender of License and
8 Disciplinary Order. I approve its form and content.

9
10 DATED: 4/28/23


ELON BERK, ESQ.

Attorney for Respondent

12
13 ENDORSEMENT

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

17
18 DATED: 5/1/23

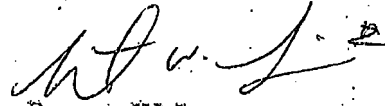
Respectfully submitted,

19 ROB BONTA

20 Attorney General of California

ALEXANDRA M. ALVAREZ

21 Supervising Deputy Attorney General

22 
23 ROBERT W. LINCOLN

24 Deputy Attorney General

Attorneys for Complainant

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Exhibit A

Accusation No. 800-2019-059826

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROBERT W. LINCOLN
Deputy Attorney General
4 State Bar No. 316290
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
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11 **MEDICAL BOARD OF CALIFORNIA**
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13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 800-2019-059826

15 **Keyvan Amiri-Khorheh, M.D.**
1661 Interlachen Rd., Apt. 286A
Seal Beach, CA 90740

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
No. A 55422,

18 Respondent.

19
20 **PARTIES**

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

24 2. On or about December 20, 1995, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 55422 to Keyvan Amiri-Khorheh, 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 July 31, 2023, unless renewed.

28 ///

3. On June 17, 2022, an Automatic Suspension Order was issued suspending Respondent's physician" and surgeon's certificate. His license is still suspended.

JURISDICTION

4. 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.

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

The California Board of Podiatric Medicine shall enforce and administer this article as to doctors of podiatric medicine. Any acts of unprofessional conduct or other violations proscribed by this chapter are applicable to licensed doctors of podiatric medicine and wherever the Medical Quality Hearing Panel established under Section 11371 of the Government Code is vested with the authority to enforce and carry out this chapter as to licensed physicians and surgeons, the Medical Quality Hearing Panel also possesses that same authority as to licensed doctors of podiatric medicine.

6. 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 costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

7. 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.

(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.

...

(c) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

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1 8. Section 2236 of the Code states:

2 (a) The conviction of any offense substantially related to the qualifications,
3 functions, or duties of a physician and surgeon constitutes unprofessional conduct within
4 the meaning of this chapter. The record of conviction shall be conclusive evidence only of
5 the fact that h the conviction occurred.

6 ...
7 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
8 deemed to be a conviction within the meaning of this section and Section 2236.1. The
9 record of conviction shall be conclusive evidence of the fact that the conviction occurred.

10 COST RECOVERY

11 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licensee found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
15 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
16 included in a stipulated settlement.

17 FACTUAL ALLEGATIONS

18 10. The Medi-Cal Program:

19 Medi-Cal is a health care benefit program, which provides reimbursement for
20 medically necessary health care services to indigent individuals in California. Funding for Medi-
21 Cal is shared between the federal government and the State of California.

22 11. To obtain payment for services, an enrolled provider, using its unique provider
23 number, submitted claims to Medi-Cal certifying that the information on the claim form was
24 truthful and accurate and that the services provided were reasonable and necessary to the health of
25 the Medi-Cal beneficiary. Medi-Cal is a health care benefit program, as defined by Title 18,
26 United States Code, Section 24(b).

27 12. The Family PACT Program:

28 The Family PACT program provides family planning services to indigent
California residents through the Medi-Cal program. This program assists individuals with access
to family planning services, contraception, sexually transmitted infection testing and treatment,

1 HIV screening, cancer screening, and limited infertility services. The Family PACT program
2 provides blood and urine lab analysis for patients conducted at diagnostic laboratories. The
3 program also provides patients with access to prescription contraception and other prescription
4 medication from pharmacies.

5 13. Family PACT providers are public and private sector clinicians, including
6 physicians and physician assistants, who are enrolled in the Medi-Cal program, as well as the
7 Family PACT program. Medi-Cal compensates Family PACT providers, pharmacies, and
8 laboratories for medically necessary Family PACT services provided to enrolled individuals.

9 14. The Los Angeles Community Clinic:

10 Defendant H.,¹ Defendant E., and Defendant S. would direct the creation of and
11 create false patient names and false patient charts in order to submit false claims from the Los
12 Angeles Community Clinic to Medi-Cal through the Family PACT program. The false claims
13 were for office visits that never occurred, and family planning services that were never provided,
14 for patients who did not exist.

15 15. Respondent's Participation in Healthcare Fraud Conspiracy:

16 Beginning in or around January 2016, and continuing through in or around April
17 2019, in Los Angeles County, California, Respondent and Defendant H., Defendant W.,
18 Defendant E., Defendant S., and Defendant N., conspired with each other to commit health care
19 fraud.

20 16. In particular, Respondent and Defendant W. would sign encounter forms in false
21 patient charts, write prescriptions, and order lab tests for patients they knew they had not seen,
22 knowing the prescriptions and orders would be referred to other providers who would submit
23 claims based on them.

24 17. Additionally, Defendant H. would refer the prescriptions for false patients written
25 by Respondent and Defendant W., to pharmacies in exchange for cash kickbacks for the patient
26 referrals and knowing the referrals would be used by the pharmacies to submit claims. Defendant
27

28 ¹ To protect privacy of defendants involved, their names have not been included in this
pleading. Respondent is aware of the identity of all defendants referred herein.

1 H., Respondent, Defendant W., Defendant E., and Defendant S., would then submit to Medi-Cal
2 false and fraudulent claims, which falsely represented that the Los Angeles Community Clinic
3 had provided office visits and family planning services to patients through the Family PACT
4 program when, in fact, no services were provided and the patients did not exist.

5 18. As a result of the submission of false and fraudulence claims, Medi-Cal would
6 make payments to Los Angeles Community Clinic's JP Morgan Chase bank accounts, as well as
7 Defendant H.'s bank account. From in or around January 2016 through in or around April 2019,
8 the Los Angeles Community Clinic submitted approximately \$4,519,272.00 in claims for Family
9 PACT services to Medi-Cal, and was paid approximately \$4,090,554.00. From in or around
10 January 2016 through in or around April 2019, diagnostic laboratories and pharmacies submitted
11 approximately \$4,820,955.00 in claims for Family PACT diagnostic testing services and
12 prescriptions drugs to Medi-Cal for Family PACT patients referred by the Los Angeles
13 Community Clinic, and were paid approximately \$3,309,477.00.

14 19. Respondent's Overt Acts in Furtherance of Healthcare Fraud Conspiracy:

15 On or about April 12, 2018, Defendant S. submitted to Medi-Cal a false and
16 fraudulent claim for Family PACT services which was provided to a patient by Respondent. On
17 or about April 4, 2019, Respondent signed a diagnostic laboratory requisition form, ordering tests
18 for a false patient.

19 20. Respondent's Indictment and Conviction:

20 On or about September 12, 2019, the United States Attorney's Office, Central
21 District of California, filed an indictment in the matter of the *United States of America v. Keyvan*
22 *Amiri-Khorheh*, Case No. 2:19-cr-00530-AB-2. Respondent was charged with six counts
23 violating various statutes of the United States Code, including violating 18 U.S.C. § 1349,
24 Conspiracy to Commit Healthcare Fraud; 18 U.S.C. § 1347, Healthcare Fraud; 18 U.S.C. § 2.
25 Aiding and Abetting and Causing an Act to be Done; 18 U.S.C. § 982(a)(7), Criminal Forfeiture
26 (Federal health care offense); 18 U.S.C § 981(a)(1), Criminal Forfeiture; and 18 U.S.C. § 2461(c),
27 Criminal Forfeiture.

28 ///

21. On or about January 12, 2022, in the matter of the *United States v. Keyvan Amiri-Khorheh*, Case No. 2:19-cr-00530-AB-2, Respondent pled guilty to one count of conspiracy to commit Health Care Fraud, in violation of 18 U.S.C. §§ 1349, 1347.

22. Respondent was committed to custody of the Bureau of Prisons for a term of six (6) months. After the term of imprisonment, Respondent will be released to the U.S. Probation Office and serve twelve (12) months of home detention.

FIRST CAUSE FOR DISCIPLINE

(Conviction of an Offense Substantially Related to the Qualifications, Functions, or Duties of a Physician and Surgeon)

23. Respondent has subjected his Physician's and Surgeon's Certificate No. A 55422 to disciplinary action under sections 2222, and 2234, as defined by 2236, subdivision (a), of the Code, in that Respondent was convicted of an offense substantially related to the qualifications, functions or duties of a Physician and Surgeon, as more particularly alleged in paragraphs 10 through 22, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

SECOND CAUSE FOR DISCIPLINE

(Dishonesty and/or Corrupt Acts)

24. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 55422 to disciplinary action under sections 2222, 2227, and 2234, as defined by section 2234, subdivision (e), of the Code, in that he has committed acts of dishonesty or corruption, as more particularly alleged in paragraphs 10 through 23, above, which are hereby incorporated by reference as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

25. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 55422 to disciplinary action under sections 2222, and 2234, of the Code, in that he engaged in conduct which breaches the rules or ethical code of the medical profession, and which

1 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 10
2 through 24, above, and are here realleged as if fully set forth herein.

3 **PRAYER**

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

6 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 55422, issued to
7 Keyvan Amiri-Khorheh, M.D.;

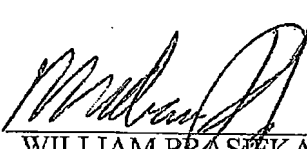
8 2. Revoking, suspending or denying approval of Keyvan Amiri-Khorheh, M.D.'s
9 authority to supervise physician assistants and advanced practice nurses;

10 3. Ordering Keyvan Amiri-Khorheh, M.D., to pay the Board the costs of the
11 investigation and enforcement of this case, and if placed on probation, the costs of probation
12 monitoring;

13 4. Ordering Respondent Keyvan Amiri-Khorheh, M.D., if placed on probation, to
14 provide patient notification in accordance with Business and Professions Code section 2228.1;
15 and

16 5. Taking such other and further action as deemed necessary and proper.

17
18 DATED: AUG 31 2022


19 WILLIAM PRASTFKA
20 Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant

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