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

In the Matter of the Accusation Against: **Akikur Reza Mohammad, M.D.** **Physician's and Surgeon's Certificate No. A 64769** **Respondent.**	**Case No. 800-2021-083372**

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 05, 2023.

IT IS SO ORDERED April 28, 2023.

MEDICAL BOARD OF CALIFORNIA

Reji Varghese
Interim Executive Director

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
MARSHA E. BARR-FERNANDEZ
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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: **AKIKUR REZA MOHAMMAD, M.D.** **7018 Elmsbury Lane** **West Hills, CA 91307** **Physician's and Surgeon's Certificate** **No. A 64769,** Respondent.	Case No. 800-2021-083372 **STIPULATED SURRENDER OF LICENSE AND 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. Reji Varghese (Complainant) is the Interim 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 Marsha E. Barr-Fernandez, Deputy Attorney General.

2. AKIKUR REZA MOHAMMAD, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about April 3, 1998, the Board issued Physician's and Surgeon's Certificate No. A 64769 to AKIKUR REZA MOHAMMAD, M.D. (Respondent). The Physician's and Surgeon's

Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2021-083372 and will expire on August 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 800-2021-083372 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 February 15, 2023. Respondent did not file a Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2021-083372 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2021-083372. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and 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 be represented by counsel, at his own expense; 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 admits the truth of each and every charge and allegation in Accusation No. 800-2021-083372, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. A 64769 for the Board's formal acceptance.

9. 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.

CONTINGENCY

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

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

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

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 64769, issued to Respondent AKIKUR REZA MOHAMMAD, 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. 800-2021-083372 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of $8,459.25 prior to issuance of a new or reinstated license.

6. 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. 800-2021-083372 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 Stipulated Surrender of License and Order. 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 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 3/20/23

AKIKUR REZA MOHAMMAD, M.D.
Respondent

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ENDORSEMENT

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

DATED: March 30, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

Marsha E. Barr-Fernandez

MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
Attorneys for Complainant

LA2022603428

Exhibit A
Accusation No. 800-2021-083372

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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:	Case No. 800-2021-083372
AKIKUR REZA MOHAMMAD, M.D. **7018 Elmsbury Lane** **West Hills, CA 91307** **Physician's and Surgeon's Certificate No. A 64769,** Respondent.	**ACCUSATION**

PARTIES

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

2. On or about April 3, 1998, the Medical Board issued Physician's and Surgeon's Certificate Number A 64769 to Akikur Reza Mohammad, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2023, 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 2004 of the Code states:

The board shall have the responsibility for the following:

(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

(b) The administration and hearing of disciplinary actions.

(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

(f) Approving undergraduate and graduate medical education programs.

(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

(h) Issuing licenses and certificates under the board's jurisdiction.

(i) Administering the board's continuing medical education program.

5. 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. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders, and the board shall have all the powers granted in this chapter for these purposes including, but not limited to:

(a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying a report received pursuant to Section 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining order should be issued. The board shall otherwise provide timely disposition of the reports received pursuant to Section 805 and Section 805.01.

(b) Investigating the circumstances of practice of any physician and surgeon where there have been any judgments, settlements, or arbitration awards requiring the physician and surgeon or his or her professional liability insurer to pay an amount in damages in excess of a cumulative total of thirty thousand dollars ($30,000) with respect to any claim that injury or damage was proximately caused by the physician's and surgeon's error, negligence, or omission.

(c) Investigating the nature and causes of injuries from cases which shall be reported of a high number of judgments, settlements, or arbitration awards against a physician and surgeon.

6. 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.

(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.

STATUTORY PROVISIONS

7. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in *Petropoulos* v. *Department of Real Estate*

(2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law.

8. Section 802.1 of the Code, states:

(a)(1) A physician and surgeon, osteopathic physician and surgeon, a doctor of podiatric medicine, and a physician assistant shall report either of the following to the entity that issued his or her license:

(A) The bringing of an indictment or information charging a felony against the licensee.

(B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.

(2) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or information or of the conviction.

(b) Failure to make a report required by this section shall be a public offense punishable by a fine not to exceed five thousand dollars ($5,000).

9. Section 2234 of the Code, states:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(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.

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

(f) Any action or conduct that would have warranted the denial of a certificate.

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

10. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

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

11. Section 2239 of the Code states:

(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Medical Board may order discipline of the licensee in accordance with Section 2227 or the Medical Board may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order

granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1360, states:

(a) For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes, misconduct, or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of state or federal law governing the applicant's or licensee's professional practice.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the crime;

(2) The number of years elapsed since the date of the crime; and

(3) The nature and duties of the profession.

COST RECOVERY

13. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested

pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crimes)

14. Respondent Akikur Reza Mohammad, M.D. is subject to disciplinary action under sections 490 and 2236 of the Code in that he was convicted of crimes substantially related to the qualifications, functions, or duties of a physician. The circumstances are as follows:

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Conspiracy to Pay Illegal Remunerations for Referrals to Recovery Homes

15. Respondent is a board-certified psychiatrist.

16. At all relevant times, Respondent owned and operated a drug treatment center in Agoura Hills, California. The drug treatment center provided all levels of drug treatment care, including detoxification services, partial hospitalization programs, intensive outpatient programs, and outpatient programs.

17. On or about September 15, 2020, in the case of *United States of America v. Akikur R. Mohammad*, United States District Court for the District of New Jersey Case Number 3:20-cr-00784-PGS, Respondent was charged with violating Title 18 United States Code section 371 (conspiracy to pay illegal remunerations for referrals to recovery homes), a felony.

18. On or about September 15, 2020, Respondent waived prosecution by Indictment[1] and was convicted, by way of a plea of guilty, of the crime of conspiracy to pay illegal remunerations for referrals to recovery homes, in violation of Title 18 United States Code section 371, as charged in Count 1 (one) of the Information.[2]

19. Respondent failed to report to the Board within 30 days of the date of the bringing of the information or of the conviction, that he had been charged with, and convicted of, a felony.

20. On or about May 24, 2022, Respondent was sentenced to serve fifteen months in federal prison, to be followed by three years supervised release with special conditions. Respondent was also ordered to pay restitution in the amount of $493,104.35, and ordered to surrender for service of the sentence at the institution designated by the Bureau of Prisons.

21. On or about August 9, 2022, Respondent surrendered for service of the sentence at Federal Correctional Institution (FCI) Terminal Island, located in San Pedro, California. Respondent's projected release date is September 1, 2023.

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[1] An indictment is the formal written accusation of a crime, made by a grand jury and presented to a court for prosecution against the accused person. (Black's Law Dictionary (11th ed. 2019).)

[2] An information is a formal criminal charge made by a prosecutor without a grand-jury indictment. (Black's Law Dictionary (11th ed. 2019).)

Conviction for Driving Under the Influence of Alcohol (Arrest of April 10, 2020)

22. On or about April 10, 2020, at approximately 2117 hours, Respondent was stopped by the California Highway Patrol (CHP) on US 101 for driving recklessly and at a high rate of speed, to wit, 90 miles per hour in a 65 mile per hour zone.

23. As reported by the CHP officer in the Narrative/Supplemental to the Driving Under the Influence Arrest – Investigation Report, upon making contact with Respondent, the CHP officer smelled "the strong and distinct odor of an alcoholic beverage" emitting from Respondent's vehicle. The CHP officer further reported that Respondent admitted to having consumed alcohol and was unable to "satisfactorily perform" the field sobriety tests.

24. As reported by the CHP officer in the Narrative/Supplemental to the Driving Under the Influence Arrest – Investigation Report, at approximately 2137 hours, the CHP officer arrested Respondent for violation of Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol, and transported Respondent to the Lost Hills Sheriff Station where Respondent performed two chemical breath tests. The first test, performed at 2221 hours, revealed a blood alcohol content of 0.15%. The second test, performed at 2224 hours, revealed a blood alcohol content of 0.16%. After testing, the CHP officer transported Respondent to the West Valley CHP Station where Respondent was cited and released to a responsible adult.

25. On or about May 21, 2020, the Los Angeles County District Attorney filed a misdemeanor complaint against Respondent in the case of *The People of the State of California v. Akikur Reza Mohammad*, Los Angeles Superior Court Case Number 0VV00577. In that complaint, Respondent was charged with violating Vehicle Code section 23152, subdivision (a), (driving under the influence of an alcoholic beverage), and Vehicle Code section 23152, subdivision (b), (driving while having a 0.08 percent or more, by weight, of alcohol in the blood).

26. On or about October 8, 2021, Respondent was convicted, by way of plea of nolo contendere, for violation of Vehicle Code section 23152, subdivision (b), and was placed on summary probation for five years, with terms and conditions.

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Conviction for Driving Under the Influence of Alcohol (Arrest of February 2, 2021)

27. On or about February 2, 2021, at approximately 2245 hours, the Los Angeles Police Department received a call to respond to the Marriott Hotel in Woodland Hills following a report of a hit-and-run accident. A witness identified Respondent as the driver of a vehicle that crashed into a parked vehicle and then left the scene. The responding LAPD officers contacted Respondent in the lobby of a Marriott Hotel in Woodland Hills.

28. As reported by the LAPD officer in the Arrest Report, upon making contact with Respondent, the LAPD officer "clearly detected the strong odor of an unknown alcoholic beverage" emitting from Respondent's mouth. The LAPD officer reported observing Respondent having an unsteady gait and appearing to be off-balance. The LAPD officer further reported that Respondent was "unable to complete" the standardized field sobriety test as explained and demonstrated by the officer, and that Respondent refused to provide a voluntary breath sample.

29. As reported by the LAPD officer in the Arrest Report, upon making contact with Respondent, at approximately 2330 hours, the LAPD officer arrested Respondent for violation of Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol. The LAPD officers transported Respondent to the Van Nuys Jail where Respondent refused to submit to any chemical tests. Respondent was cited and released to a responsible adult.

30. On or about August 19, 2021, the Los Angeles City Attorney's office filed a misdemeanor complaint against Respondent in the case of *The People of the State of California v. Akikur Mohammad*, Los Angeles Superior Court case number 1VV02444. In that complaint, Respondent was charged with violating Vehicle Code section 23152, subdivision (a) (driving under the influence of an alcoholic beverage), and Vehicle Code section 16028, subdivision (c) (failure to furnish evidence of financial responsibility).

31. On or about October 8, 2021, the complaint was amended to allege that before the commission of the February 2, 2021 office, Respondent had been convicted on October 19, 2015 for violating Vehicle Code section 23103 (reckless driving).

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32. On or about October 8, 2021, Respondent was convicted, by way of plea of nolo contendere, for violation of Vehicle Code section 23152, subdivision (a), and was placed on summary probation for five years, with terms and conditions.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Dishonest and Corrupt Acts)

33. Respondent Akikur Reza Mohammad, M.D. is subject to disciplinary action under section 2234, subdivision (e), of the Code, in that Respondent engaged in dishonest and corrupt acts. The circumstances are as follows:

34. The facts and allegations set forth in paragraphs 15 through 21 of the First Cause for Discipline are incorporated herein by reference as if fully set forth.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Failure to Report Charge and/or Conviction of Felony)

35. Respondent Akikur Reza Mohammad, M.D. is subject to disciplinary action under sections 802.1 and 2234, subdivision (a), of the Code, in that Respondent failed to report a charge and/or conviction of a felony to the Board. The circumstances are as follows:

36. The facts and allegations set forth in paragraphs 15 through 21 of the First Cause for Discipline are incorporated herein by reference as if fully set forth.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Excessive Use of Alcohol)

37. Respondent Akikur Reza Mohammad, M.D. is subject to disciplinary action under sections 2234, subdivision (a), and 2239 of the Code, in that Respondent used alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to himself, or to any other person, or to the public, and/or to an extent that such use impaired Respondent's ability to practice medicine safely. The circumstances are as follows:

38. The facts and allegations set forth in paragraphs 22 through 32 of the First Cause for Discipline are incorporated herein by reference as if fully set forth.

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DISCIPLINARY CONSIDERATIONS

39. To determine the degree of discipline, if any, to be imposed on Respondent Akikur Reza Mohammad, M.D., Complainant alleges prior disciplinary actions and convictions of crimes substantially related to the qualifications, functions, or duties of a physician, against Respondent, as follows:

40. On or about March 1, 2018, in a prior disciplinary action titled *In the Matter of the Accusation Against Akikur Reza Mohammad, M.D.* before the Medical Board of California, Case Number 800-2015-018616, a public reprimand was issued against Respondent's license on the grounds that: Respondent used alcoholic beverages in such a manner as to be dangerous to Respondent and to the public; Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a licensed physician and surgeon; and Respondent engaged in unprofessional conduct. That decision is now final and is incorporated by reference as if fully set forth herein.

41. On or about May 17, 2010, in a prior criminal proceeding titled *The People of the State of California vs. Akikur Reza Mohammad* in Los Angeles Superior Court, Case Number 9VY04022, Respondent was convicted of violating Vehicle Code section 23152, subdivision (b), (driving with a blood alcohol content of 0.08% or more, by weight), a misdemeanor, and was placed on summary probation for twenty-four months with terms and conditions. The record of the criminal proceeding is incorporated 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 Number A 64769, issued to Akikur Reza Mohammad, M.D.;

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

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3. Ordering Akikur Reza Mohammad, M.D. to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: FEB 15 2023

REJI VARGHESE
Deputy Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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