

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

<b>In the Matter of the Accusation Against:</b>	)	
	)	
	)	
	)	
<b>HOZAIR M. SYED, M.D.</b>	)	<b>Case No. 09-2010-211439</b>
	)	
Physician's and Surgeon's	)	
Certificate No. A 111058	)	
	)	
<b>Respondent.</b>	)	
_____	)	


**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on March 21, 2014.

IT IS SO ORDERED February 21, 2014.

**MEDICAL BOARD OF CALIFORNIA**

By:   
\_\_\_\_\_  
Dev Gnanadev, M.D., Chair  
Panel B

1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MICHAEL S. COCHRANE  
Deputy Attorney General  
4 State Bar No. 185730  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
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6 San Diego, CA 92186-5266  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12  
13 **HOZAIR M. SYED, M.D.**  
**P.O. Box 1139**  
14 **Atascadero, CA 93423**  
15 **Physician's and Surgeon's Certificate**  
**No. A111058,**  
16  
17 Respondent.

Case No. 09-2010-211439  
OAH No. 2012050563

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer ("Complainant") is the Interim Executive Director of the  
22 Medical Board of California and is represented in this matter by Kamala D. Harris, Attorney  
23 General of the State of California, by Michael S. Cochrane, Deputy Attorney General.

24 2. Respondent Hozair M. Syed, M.D. ("Respondent") is represented in this  
25 proceeding by attorney Joseph P. Furman, Esq., whose address is: Joseph P. Furman, Esq.,  
26 Furman Healthcare Law, 9701 Wilshire Blvd., 10th Floor, Beverly Hills, CA 90212

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1 **JURISDICTION**

2 3. On February 5, 2010, the Medical Board of California, Department of Consumer  
3 Affairs (Board) issued Physician's and Surgeon's Certificate No. A111058 to Respondent. The  
4 Physician and Surgeon's Certificate was in full force and effect at all times relevant to the charges  
5 and allegations in Accusation No. 09-2010-211439, and will expire on October 31, 2015, unless  
6 renewed.

7 4. On February 27, 2012, Accusation No. 09-2010-211439 was filed against  
8 Respondent before the Board. A true and correct copy of Accusation No. 09-2010-211439 and all  
9 other statutorily required documents were properly served on Respondent on February 17, 2012.  
10 Respondent timely filed his Notice of Defense contesting the Accusation.

11 5. A true and correct copy of Accusation No. 09-2010-211439 is attached hereto as  
12 Exhibit A and is hereby incorporated herein by reference as if fully set forth herein.

13 **ADVISEMENT AND WAIVERS**

14 6. Respondent has carefully read, fully discussed with counsel, and fully understands  
15 the charges and allegations in Accusation No. 09-2010-211439. Respondent has also carefully  
16 read, fully discussed with counsel, and fully understands the effects of this Stipulated Settlement  
17 and Disciplinary Order.

18 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
19 hearing on the charges and allegations in Accusation No. 09-2010-211439; the right to confront  
20 and cross-examine the witnesses against him; the right to present evidence and to testify on his  
21 own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
22 production of documents; the right to reconsideration and court review of an adverse decision;  
23 and all other rights accorded by the California Administrative Procedure Act and other applicable  
24 laws.

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

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1 **CULPABILITY**

2 9. Respondent agrees that, at an administrative hearing, Complainant could establish  
3 a *prima facie* case with respect to the charges and allegations contained in Accusation No. 09-  
4 2010-211439, a true and correct copy of which is attached hereto as Exhibit A, and that he has  
5 thereby subjected his Physician's and Surgeon's Certificate No. 111058 to disciplinary action.

6 10. Respondent agrees that if he ever petitions for early termination or modification of  
7 probation, or if an accusation and/or petition to revoke probation is filed against him before the  
8 Board, all of the charges and allegations contained in Accusation No. 09-2010-211439 shall be  
9 deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding  
10 before the Board or any other licensing proceeding involving Respondent.

11 11. Respondent further agrees to be bound by the Board's imposition of discipline as  
12 set forth in the Disciplinary Order below.

13 **CONTINGENCY**

14 12. This Stipulated Settlement and Disciplinary Order shall be subject to approval by  
15 the Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
16 submitted to the Board for its consideration in the above-entitled matter and, further, that the  
17 Board shall have a reasonable period of time in which to consider and act on this Stipulated  
18 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully  
19 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation  
20 prior to the time the Board considers and acts upon it.

21 13. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
22 null and void and not binding upon the parties unless approved and adopted by the Board, except  
23 for this paragraph, which shall remain in full force and effect. Respondent fully understands and  
24 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and  
25 Disciplinary Order, the Board may receive oral and written communications from its staff and/or  
26 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify  
27 the Board, any member thereof, and/or any other person from future participation in this or any  
28 other matter affecting or involving Respondent. In the event that the Board does not, in its

1 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the  
2 exception of this paragraph, it shall not become effective, shall be of no evidentiary value  
3 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party  
4 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order  
5 be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any  
6 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this  
7 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

#### 8 ADDITIONAL PROVISIONS

9 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein  
10 to be an integrated writing representing the complete, final and exclusive embodiment of the  
11 agreements of the parties in the above-entitled matter.

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

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

#### 18 DISCIPLINARY ORDER

19 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A111058  
20 issued to Respondent Hozair M. Syed, M.D. (Respondent) is revoked. However, the revocation is  
21 stayed and Respondent is placed on probation for seven (7) years from the effective date of this  
22 Decision, on the following terms and conditions.

#### 23 **1. ACTUAL SUSPENSION.**

24 As part of probation, Respondent is suspended from the practice of medicine for 30 days  
25 beginning the sixteenth (16th) day after the effective date of this Decision.

#### 26 **2. COMMUNITY SERVICE - FREE SERVICES.**

27 Within 60 calendar days of the effective date of this Decision, Respondent shall submit to  
28 the Board or its designee for prior approval a community service plan in which Respondent shall

1 within the first 2 years of probation, provide 200 hours of free services (e.g., medical or  
2 nonmedical) to a community or non-profit organization. If the term of probation is designated for  
3 2 years or less, the community service hours must be completed not later than 6 months prior to  
4 the completion of probation.

5 Prior to engaging in any community service Respondent shall provide a true copy of the  
6 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief  
7 executive officer at every community or non-profit organization where Respondent provides  
8 community service and shall submit proof of compliance to the Board or its designee within 15  
9 calendar days. This condition shall also apply to any change(s) in community service.

10 Community service performed prior to the effective date of the Decision shall not be  
11 accepted in fulfillment of this condition.

12 **3. PROFESSIONALISM PROGRAM (ETHICS COURSE).**

13 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a  
14 professionalism program, that meets the requirements of Title 16, California Code of Regulations  
15 (CCR) section 1358. Respondent shall participate in and successfully complete that program.  
16 Respondent shall provide any information and documents that the program may deem pertinent.  
17 Respondent shall successfully complete the classroom component of the program not later than  
18 six (6) months after Respondent's initial enrollment, and the longitudinal component of the  
19 program not later than the time specified by the program, but no later than one (1) year after  
20 attending the classroom component. The professionalism program shall be at Respondent's  
21 expense and shall be in addition to the Continuing Medical Education (CME) requirements for  
22 renewal of licensure.

23 A professionalism program taken after the acts that gave rise to the charges in the  
24 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
25 or its designee, be accepted towards the fulfillment of this condition if the program would have  
26 been approved by the Board or its designee had the program been taken after the effective date of  
27 this Decision.

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1 Respondent shall submit a certification of successful completion to the Board or its  
2 designee not later than 15 calendar days after successfully completing the program or not later  
3 than 15 calendar days after the effective date of the Decision, whichever is later.

4 **4. PROFESSIONAL BOUNDARIES PROGRAM.**

5 Within 60 calendar days from the effective date of this Decision, Respondent shall enroll  
6 in a professional boundaries program equivalent to the Professional Boundaries Program offered  
7 by the Physician Assessment and Clinical Education Program at the University of California, San  
8 Diego School of Medicine (“Program”). Respondent, at the Program’s discretion, shall undergo  
9 and complete the Program’s assessment of Respondent’s competency, mental health and/or  
10 neuropsychological performance, and at minimum, a 24 hour program of interactive education  
11 and training in the area of boundaries, which takes into account data obtained from the  
12 assessment and from the Decision(s), Accusation(s) and any other information that the Board or  
13 its designee deems relevant. The Program shall evaluate Respondent at the end of the training  
14 and the Program shall provide any data from the assessment and training as well as the results of  
15 the evaluation to the Board or its designee.

16 Failure to complete the entire Program not later than six (6) months after Respondent’s  
17 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees  
18 in writing to a later time for completion. Based on Respondent’s performance in and evaluations  
19 from the assessment, education, and training, the Program shall advise the Board or its designee  
20 of its recommendation(s) for additional education, training, psychotherapy and other measures  
21 necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with  
22 Program recommendations. At the completion of the Program, Respondent shall submit to a final  
23 evaluation. The Program shall provide the results of the evaluation to the Board or its designee.  
24 The professional boundaries program shall be at Respondent’s expense and shall be in addition to  
25 the Continuing Medical Education (CME) requirements for renewal of licensure. The Program  
26 has the authority to determine whether or not Respondent successfully completed the Program.

27 A professional boundaries course taken after the acts that gave rise to the charges in the  
28 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board

1 or its designee, be accepted towards the fulfillment of this condition if the course would have  
2 been approved by the Board or its designee had the course been taken after the effective date of  
3 this Decision.

4 If Respondent fails to complete the Program within the designated time period,  
5 Respondent shall cease the practice of medicine within three (3) calendar days after being notified  
6 by the Board or its designee that Respondent failed to complete the Program.

7 **5. PSYCHIATRIC EVALUATION.**

8 Within 30 calendar days of the effective date of this Decision, and on whatever periodic  
9 basis thereafter may be required by the Board or its designee, Respondent shall undergo and  
10 complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-  
11 appointed board certified psychiatrist, who shall consider any information provided by the Board  
12 or designee and any other information the psychiatrist deems relevant, and shall furnish a written  
13 evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the  
14 effective date of the Decision shall not be accepted towards the fulfillment of this requirement.  
15 Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

16 Respondent shall comply with all restrictions or conditions recommended by the evaluating  
17 psychiatrist within 15 calendar days after being notified by the Board or its designee.

18 **6. PSYCHOTHERAPY.**

19 Within 60 calendar days of the effective date of this Decision, Respondent shall submit to  
20 the Board or its designee for prior approval the name and qualifications of a California-licensed  
21 board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology  
22 and at least five years of postgraduate experience in the diagnosis and treatment of emotional and  
23 mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy  
24 treatment, including any modifications to the frequency of psychotherapy, until the Board or its  
25 designee deems that no further psychotherapy is necessary.

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1 The psychotherapist shall consider any information provided by the Board or its designee  
2 and any other information the psychotherapist deems relevant and shall furnish a written  
3 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
4 psychotherapist any information and documents that the psychotherapist may deem pertinent.

5 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
6 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
7 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
8 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
9 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
10 period of probation shall be extended until the Board determines that Respondent is mentally fit  
11 to resume the practice of medicine without restrictions.

12 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

13 **7. SOLO PRACTICE PROHIBITION.**

14 Respondent is prohibited from engaging in the solo practice of medicine. Prohibited solo  
15 practice includes, but is not limited to, a practice where: 1) Respondent merely shares office space  
16 with another physician but is not affiliated for purposes of providing patient care, or 2)  
17 Respondent is the sole physician practitioner at that location.

18 If Respondent fails to establish a practice with another physician or secure employment in  
19 an appropriate practice setting within 60 calendar days of the effective date of this Decision,  
20 Respondent shall receive a notification from the Board or its designee to cease the practice of  
21 medicine within three (3) calendar days after being so notified. The Respondent shall not resume  
22 practice until an appropriate practice setting is established.

23 If, during the course of the probation, the Respondent's practice setting changes and the  
24 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent  
25 shall notify the Board or its designee within 5 calendar days of the practice setting change. If  
26 Respondent fails to establish a practice with another physician or secure employment in an  
27 appropriate practice setting within 60 calendar days of the practice setting change, Respondent  
28 shall receive a notification from the Board or its designee to cease the practice of medicine within

1 three (3) calendar days after being so notified. The Respondent shall not resume practice until an  
2 appropriate practice setting is established.

3 **8. PROHIBITED PRACTICE.**

4 During probation, Respondent is prohibited from seeing, consulting with, attending,  
5 practicing medicine on, or treating any and all female patients. After the effective date of this  
6 Decision, all female patients seeking to consult with, or receive treatment from, Respondent shall  
7 be notified that Respondent is prohibited from seeing, attending, practicing medicine on, or  
8 treating any and all female patients.

9 Respondent shall maintain a log of all patients to whom the required notification was  
10 made. The log shall contain the: 1) patient's name, address and phone number; patient's medical  
11 record number, if available; 3) the full name of the person making the notification; 4) the date the  
12 notification was made; and 5) a description of the notification given. Respondent shall keep this  
13 log in a separate file or ledger, in chronological order, shall make the log available for immediate  
14 inspection and copying on the premises at all times during business hours by the Board or its  
15 designee, and shall retain the log for the entire term of probation.

16 **9. NOTIFICATION.**

17 Within seven (7) days of the effective date of this Decision, the Respondent shall provide  
18 a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at  
19 every hospital where privileges or membership are extended to Respondent, at any other facility  
20 where Respondent engages in the practice of medicine, including all physician and locum tenens  
21 registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier  
22 which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of  
23 compliance to the Board or its designee within 15 calendar days.

24 This condition shall apply to any change(s) in hospitals, other facilities or insurance  
25 carrier.

26 **10. SUPERVISION OF PHYSICIAN ASSISTANTS.**

27 During probation, Respondent is prohibited from supervising physician assistants.

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1 **11. OBEY ALL LAWS.**

2 Respondent shall obey all federal, state and local laws, all rules governing the practice of  
3 medicine in California and remain in full compliance with any court ordered criminal probation,  
4 payments, and other orders.

5 **12. QUARTERLY DECLARATIONS.**

6 Respondent shall submit quarterly declarations under penalty of perjury on forms  
7 provided by the Board, stating whether there has been compliance with all the conditions of  
8 probation.

9 Respondent shall submit quarterly declarations not later than 10 calendar days after the  
10 end of the preceding quarter.

11 **13. GENERAL PROBATION REQUIREMENTS.**

12 A. Compliance with Probation Unit

13 Respondent shall comply with the Board's probation unit and all terms and conditions of  
14 this Decision.

15 B. Address Changes

16 Respondent shall, at all times, keep the Board informed of Respondent's business and  
17 residence addresses, email address (if available), and telephone number. Changes of such  
18 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
19 circumstances shall a post office box serve as an address of record, except as allowed by Business  
20 and Professions Code section 2021, subdivision (b).

21 C. Place of Practice

22 Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
23 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
24 facility.

25 D. License Renewal

26 Respondent shall maintain a current and renewed California physician's and surgeon's  
27 license.

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1 E. Travel or Residence Outside California

2 Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
3 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
4 (30) calendar days.

5 In the event Respondent should leave the State of California to reside or to practice  
6 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
7 departure and return.

8 **14. INTERVIEW WITH THE BOARD OR ITS DESIGNEE.**

9 Respondent shall be available in person upon request for interviews either at Respondent's  
10 place of business or at the probation unit office, with or without prior notice throughout the term  
11 of probation.

12 **15. NON-PRACTICE WHILE ON PROBATION.**

13 Respondent shall notify the Board or its designee in writing within 15 calendar days of  
14 any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of  
15 Respondent's return to practice. Non-practice is defined as any period of time Respondent is not  
16 practicing medicine in California as defined in Business and Professions Code sections 2051 and  
17 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching,  
18 or other activity as approved by the Board. All time spent in an intensive training program which  
19 has been approved by the Board or its designee shall not be considered non-practice. Practicing  
20 medicine in another state of the United States or Federal jurisdiction while on probation with the  
21 medical licensing authority of that state or jurisdiction shall not be considered non-practice. A  
22 Board-ordered suspension of practice shall not be considered as a period of non-practice.

23 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
24 months, Respondent shall successfully complete a clinical training program that meets the criteria  
25 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and  
26 Disciplinary Guidelines" prior to resuming the practice of medicine.

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1 Respondent's period of non-practice while on probation shall not exceed two (2) years.  
2 Periods of non-practice will not apply to the reduction of the probationary term. Periods of non-  
3 practice will relieve Respondent of the responsibility to comply with the probationary terms and  
4 conditions with the exception of this condition and the following terms and conditions of  
5 probation: Obey All Laws; and General Probation Requirements (Condition 13).

6 **16. COMPLETION OF PROBATION.**

7 Respondent shall comply with all financial obligations (e.g., restitution, probation costs)  
8 not later than 120 calendar days prior to the completion of probation. Upon successful  
9 completion of probation, Respondent's certificate shall be fully restored.

10 **17. VIOLATION OF PROBATION.**

11 Failure to fully comply with any term or condition of probation is a violation of probation.  
12 If Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
13 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
14 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
15 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
16 is final, and the period of probation shall be extended until the matter is final.

17 **18. LICENSE SURRENDER.**

18 Following the effective date of this Decision, if Respondent ceases practicing due to  
19 retirement or health reasons or is otherwise unable to satisfy the terms and conditions of  
20 probation, Respondent may request to surrender his or her license. The Board reserves the right  
21 to evaluate Respondent's request and to exercise its discretion in determining whether or not to  
22 grant the request, or to take any other action deemed appropriate and reasonable under the  
23 circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar  
24 days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent  
25 shall no longer practice medicine. Respondent will no longer be subject to the terms and  
26 conditions of probation. If Respondent re-applies for a medical license, the application shall be  
27 treated as a petition for reinstatement of a revoked certificate.


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1 **19. PROBATION MONITORING COSTS.**

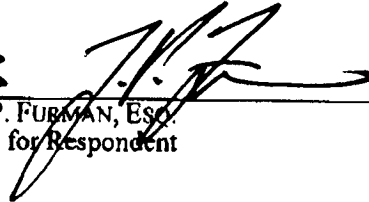
2 Respondent shall pay the costs associated with probation monitoring each and every year  
3 of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs  
4 shall be payable to the Medical Board of California and delivered to the Board or its designee no  
5 later than January 31 of each calendar year.

6 **ACCEPTANCE**

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have  
8 fully discussed it with my attorney, Joseph P. Furman, Esq. I understand the stipulation and the  
9 effect it will have on my Physician's and Surgeon's Certificate No. A111058. I enter into this  
10 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
11 to be bound by the Decision and Order of the Medical Board of California.

12  
13 DATED: 12/02/13   
14 HOZAIR M. SYED, M.D.  
15 Respondent

16 I have read and fully discussed with Respondent Hozair M. Syed, M.D. the terms and  
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
18 I approve its form and content.

19 DATED: DECEMBER 2, 2013   
20 JOSEPH P. FURMAN, ESQ.  
21 Attorney for Respondent

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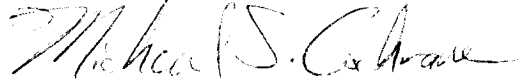
**ENDORSEMENT**

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

Dated: 12/02/2013

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
THOMAS S. LAZAR  
Supervising Deputy Attorney General



MICHAEL S. COCHRANE  
Deputy Attorney General  
*Attorneys for Complainant*

SD2011801849

**Exhibit A**

**Accusation No. 09-2010-211439**



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Attorney General of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO February 27, 2012  
BY: [Signature] ANALYST

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

In the Matter of the Accusation Against:  
**HOZAIR SYED, M.D.**  
P.O. Box 1139  
Atascadero, CA 93423  
**Physician's and Surgeon's Certificate**  
A111058,  
  
Respondent.

Case No. 09 2010 211439

ACCUSATION

Complainant alleges:

PARTIES

1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California (Board).
2. On or about February 5, 2010, the Board issued Physician's and Surgeon's Certificate Number A 111058 to Hozair Syed, M.D. (Respondent). The Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2013, 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 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 the costs of probation monitoring, be publicly reprimanded, or have such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states:

"The Division of Medical Quality<sup>1</sup> 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 [Chapter 5, the Medical Practice Act].

"(b) Gross negligence.

"(c) Repeated negligent acts . . .

"(d) Incompetence.

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

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

“ . . . ”

<sup>1</sup> California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State medical Practice Act (Cal. Bus. & Prof. Code, section 2000, et.seq.) means the “Medical Board of California,” and references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other provision of law shall be deemed to refer to the Board.

1                   6. Unprofessional conduct under California Business and Professions Code  
2 section 2234 is conduct which breaches the rules or ethical code of the medical profession, or  
3 conduct which is unbecoming to a member in good standing of the medical profession, and which  
4 demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81  
5 Cal.App.3d 564, 575.)

6                   7. Section 726 of the Code states:

7                   "The commission of any act of sexual abuse, misconduct, or relations with a patient, client,  
8 or customer constitutes unprofessional conduct and grounds for disciplinary action for any person  
9 licensed under this division, under any initiative act referred to in this division and under Chapter  
10 17 (commencing with Section 9000) of Division 3."

11                   **FIRST CAUSE FOR DISCIPLINE**

12                   **(Sexual Abuse, Misconduct and Relations with a Patient)**

13                   8. Respondent is subject to discipline under section 726 of the Code in that he  
14 engaged in sexual abuse, misconduct and relations with his patient R.D., as more particularly  
15 alleged hereinafter:

16                   9. Patient R.D. first sought evaluation at the Riverside County Mental Health  
17 Clinic (RCMHC) clinic in Hemet on or about July 27, 2010, when she underwent an intake  
18 evaluation. At that time, patient R.D. was 19-years old, married and the mother of two children, a  
19 16-month old son and a 4-month old daughter. Her husband had just left her and she was under a  
20 great deal of financial and emotional stress.

21                   10. After an intake evaluation at RCMHC, Respondent initially evaluated patient  
22 R.D. on or about August 12, 2010. He diagnosed her with Major Depressive Episode, which was  
23 recurrent and of moderate severity and Panic Attacks, without Agoraphobia. Her Global  
24 Assessment of Functioning (GAF) was scored by Respondent as 36, which indicates according to  
25 DSM-IV "Some impairment in reality testing or communication OR major impairment in several  
26 areas such as work or school, family relations, judgment, thinking or mood." Respondent  
27 prescribed the antidepressant medication Zoloft 25 mg once a day for patient R.D.

28                   ///

1           11. Patient R.D. was next seen by Respondent on or about September 9, 2010. At  
2 this visit, Respondent noted that patient R.D. was "still feeling hopeless, worthless" with some  
3 suicidal ideation and panic attacks." The medication Zoloft was increased to 75 mg and patient  
4 R.D. was scheduled to return in three weeks.

5           12. The next appointment with Respondent was on or about October 7, 2010. At  
6 this session, Respondent noted that "she's feeling depressed, down, as her husband left her a week  
7 ago. Patient R.D. also lost job last week." He recommended increasing the dose of Zoloft to 100  
8 mg and scheduling an appointment in one week.

9           13. The next appointment was on or about October 14, 2010. At this session,  
10 Respondent recorded that patient R.D. "is doing good at this time and meds working fine, but  
11 feeling low energy." He recommended continuing the medication as is, and scheduling an  
12 appointment in two weeks. This appointment was scheduled for November 4, 2010.

13           14. At one of her appointments in October 2010, Respondent insisted on giving  
14 her money. Patient R.D. told him no. While leaving she gave him a friendly hug but he kissed  
15 her on the neck. Respondent then put \$40.00 in her purse which was open and sitting on her lap  
16 and told Patient R.D. that she was beautiful and he wanted to take her out to dinner. Patient R.D.  
17 told Respondent no.

18           15. The evening before her November 4, 2010, appointment with Respondent,  
19 Respondent called patient R.D. and said they should meet for lunch. He asked her to give him her  
20 address and said he would come to patient R.D.'s house. She said no and said she would meet  
21 him somewhere. He asked patient R.D., "Why don't you want me to come to your house? Is it  
22 dirty?" Patient R.D. asked Respondent where he wanted to meet and he told her that he wanted to  
23 go to a small restaurant. She suggested the mall. He offered to pick her up at her home. Patient  
24 R.D. told him no and that she would meet him at the mall. Respondent asked patient R.D. if she  
25 lived alone. She told him that she lived with her kids. Patient R.D. asked him why he was asking  
26 her these questions. Respondent told her that he was just a very good friend and cares about her.  
27 Respondent also told patient R.D. that he thinks about her a lot and that she is a very beautiful  
28 girl. Patient R.D. said she would meet him at the mall. The morning they were scheduled to

1 meet, Respondent called patient R.D. numerous times asking her if he could come to her house.  
2 Patient R.D. declined to have Respondent pick her up. She took public transportation to the mall  
3 to meet him.

4           16. Patient R.D. met Respondent at a fast food restaurant at the mall. He offered  
5 his food to her to eat. She said no. Respondent asked her, "What, you don't want to eat after  
6 me?" During this lunch, Respondent asked patient R.D. how close her parents were from her.  
7 She told him down the street. Respondent asked her if she wanted to have fun. Patient R.D.  
8 asked him what he meant. Respondent asked her if she would like to go out and have a good time  
9 and hang out. Patient R.D. told him no. Respondent told her that he liked to swim and asked her  
10 if she wanted to go swimming. Patient R.D. said no. Respondent asked her why she wore flip-  
11 flops and told her she needed new clothes. After they were done eating Respondent asked her if  
12 she would like him to buy her shoes. She told him no. Respondent insisted that he buy her  
13 clothes. Patient R.D. told him no. Respondent told her he would buy her a pair of new jeans.  
14 Respondent walked Patient R.D. to a clothes store and they both looked around until patient R.D.  
15 found a pair of jeans. Respondent told her to "hold them up to you." Respondent said "those are  
16 too big for you. You need a smaller pair of jeans." Patient R.D. stated she wanted the size she  
17 was holding. Respondent purchased the jeans and they left the store. He then grabbed her by the  
18 waist and pulled her close to him. Respondent also tried to kiss her. She pulled away from him.  
19 They walked out of the mall together and he asked her if she wanted a ride. She said no.  
20 Respondent then gave patient R.D. a hug and tried to kiss her on the mouth. She pulled away and  
21 he told her that she was a very beautiful girl. He tried to kiss her again on the mouth and she  
22 pulled away again. Respondent told her that they would do this again and she walked away from  
23 him.

24           17. Respondent did not record in patient R.D.'s medical record meeting her at the  
25 mall, his conversations with her prior to his November 4, 2010, appointment with patient R.D., or  
26 that he gave patient R.D. money at one of her appointments with him.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Failure to Maintain Adequate or Accurate Medical Records)

3 25. Respondent is further subject to disciplinary action under sections 2227 and  
4 2234, as defined by section 2266, of the Code, in that respondent failed to maintain adequate and  
5 accurate records in regards to his care and treatment of patient R.D., as more particularly alleged  
6 hereinafter.

7 26. Paragraphs 9 through 19, above, are hereby incorporated by reference and re-  
8 alleged as if fully set forth herein.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(General Unprofessional Conduct)**

11 27. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
12 A 111058 to disciplinary action under sections 2227 and 2234 of the Code in that he has engaged  
13 in conduct which breaches the rules or ethical code of the medical profession, or conduct which is  
14 unbecoming to a member in good standing of the medical profession, and which demonstrates an  
15 unfitness to practice medicine, as more particularly alleged hereinafter:

16 28. Paragraphs 9 through 26, above, are hereby incorporated by reference and re-  
17 alleged as if fully set forth herein.

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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Physician's and Surgeon's Certificate A111058, issued  
5 to respondent Hozair Syed, M.D.;

6 2. Revoking, suspending or denying approval of respondent Hozair Syed, M.D.'s  
7 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

8 3. If placed on probation, ordering respondent Hozir Syed, M.D. to pay the costs of  
9 probation monitoring; and

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

11  
12 DATED: February 27, 2012



13 LINDA K. WHITNEY  
14 EXECUTIVE DIRECTOR  
15 MEDICAL BOARD OF CALIFORNIA  
16 STATE OF CALIFORNIA  
17 *Complainant*