

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

In the Matter of the Accusation)
Against:)
)
JOSEPH EZRA, M.D.) No: 18-95-46003
Certificate #A-31354)
)
)
Respondent.)
_____)

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective on October 9, 1997.

DATED October 9, 1997.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA



Ira Lubell, M.D.
Chair, Panel A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 CARLOS RAMIREZ,
Deputy Attorney General, State Bar No. 89831
3 California Department of Justice
300 South Spring Street
4 Los Angeles, California 90013
Telephone: (213) 897-6924
5 Attorneys for Complainant
6

7 **BEFORE THE**
8 **DIVISION OF MEDICAL QUALITY**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation) Case No. 18-95-46003
Against:)
12)
13 **JOSEPH EZRA, M.D.,**) **STIPULATED SETTLEMENT**
17450 La Cuesta Lane) **AND**
Encino, California 91316) **DISCIPLINARY ORDER**
14)
Physician's and Surgeon's)
15 Certificate No. A-31354,)
16 Respondent.)
17

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

21 1. An Accusation in case number 18-95-46003 was filed
22 with the Division of Medical Quality, of the Medical Board of
23 California Department of Consumer Affairs (the "Division") on
24 August 8, 1996, and is currently pending against Joseph Ezra,
25 M.D. (the "respondent").

26 2. The Accusation, together with all statutorily
27 required documents, was duly served on the respondent on or about

1 August 8, 1996 and respondent filed a timely Notice of Defense
2 contesting the Accusation on or about August 18, 1996. A copy of
3 Accusation No. 18-95-46003 is attached as Exhibit "A" and hereby
4 incorporated by reference as if fully set forth.

5 3. The Complainant, Ron Joseph, is the Executive
6 Director of the Medical Board of California and brought this
7 action solely in his official capacity. The Complainant is
8 represented by the Attorney General of California, Daniel E.
9 Lungren, by and through Deputy Attorney General Carlos Ramirez.

10 4. The respondent is represented in this matter by
11 Mark A. Levin and Henry Lewin, whose address is Law Offices of
12 Lewin and Levin, 1925 Century Park East, Suite 850, Los Angeles,
13 California 90067-2709.

14 5. The respondent and his attorneys have fully
15 discussed the charges contained in Accusation Number 18-95-46003,
16 and the respondent has been fully advised regarding his legal
17 rights and the effects of this stipulation.

18 6. At all times relevant herein, respondent has been
19 licensed by the Medical Board of California under Physician's and
20 Surgeon's Certificate No. A-31354.

21 7. Respondent understands the nature of the charges
22 alleged in the Accusation and that, if proven at hearing, the
23 charges and allegations would constitute cause for imposing
24 discipline upon his Physician's and Surgeon's Certificate.
25 Respondent is fully aware of his right to a hearing on the
26 charges contained in the Accusation, his right to confront and
27 cross-examine witnesses against him, his right to the use of

1 subpoenas to compel the attendance of witnesses and the
2 production of documents in both defense and mitigation of the
3 charges, his right to reconsideration, appeal and any and all
4 other rights accorded by the California Administrative Procedure
5 Act and other applicable laws. Respondent knowingly, voluntarily
6 and irrevocably waives and give up each of these rights.

7 8. Respondent admits the truth of each and every
8 allegation of the Accusation No. 18-95-46003, and agrees that
9 respondent has thereby subjected his Physician's and Surgeon's
10 Certificate to disciplinary action. Respondent agrees to be
11 bound by the Division's Disciplinary Order as set forth below.

12 9. The admissions made by respondent herein are
13 solely for the purpose of this proceeding and any other
14 proceedings in which the Division of Medical Quality, Medical
15 Board of California, or other professional licensing agency is
16 involved, and shall not be admissible in any other criminal or
17 civil proceedings.

18 10. Based on the foregoing admissions and stipulated
19 matters, the parties agree that the Division shall, without
20 further notice or formal proceeding, issue and enter the
21 following order:

22 **DISCIPLINARY ORDER**

23 **IT IS HEREBY ORDERED** that Physician's and Surgeon's
24 Certificate number A-31354 issued to Joseph Ezra M.D. is revoked.
25 However, the revocation is stayed and respondent is placed on
26 probation for four years on the following terms and conditions.
27 Within 15 days after the effective date of this decision the

1 respondent shall provide the Division, or its designee, proof of
2 service that respondent has served a true copy of this decision
3 on the Chief of Staff or the Chief Executive Officer at every
4 hospital where privileges or membership are extended to
5 respondent or where respondent is employed to practice medicine
6 and on the Chief Executive Officer at every insurance carrier
7 where malpractice insurance coverage is extended to respondent.

8 **1. ETHICS COURSE**

9 Within 60 days of the effective date of this decision,
10 respondent shall enroll in a course in Ethics approved in advance
11 by the Division or its designee, and shall successfully complete
12 the course during the first year of probation.

13 **2. MONITORING**

14 Within 30 days of the effective date of this decision,
15 respondent shall submit to the Division or its designee for its
16 approval a plan of practice in which respondent's billing
17 practices shall be monitored by another physician in respondent's
18 field of practice, who shall provide periodic reports to the
19 Division or its designee.

20 If the monitor resigns or is no longer available,
21 respondent shall, within 15 days, move to have a new monitor
22 appointed, through nomination by respondent and approval by the
23 Division or its designee.

24 **3. OBEY ALL LAWS**

25 Respondent shall obey all federal, state and local
26 laws, all rules governing the practice of medicine in California,
27 and remain in full compliance with any court ordered criminal

1 probation, payments and other orders.

2 4. **QUARTERLY REPORTS**

3 Respondent shall submit quarterly declarations under
4 penalty of perjury on forms provided by the Division, stating
5 whether there has been compliance with all the conditions of
6 probation.

7 5. **PROBATION SURVEILLANCE PROGRAM COMPLIANCE**

8 Respondent shall comply with the Division's probation
9 surveillance program. Respondent shall, at all times, keep the
10 Division informed of his addresses of business and residence
11 which shall both serve as addresses of record. Changes of such
12 addresses shall be immediately communicated in writing to the
13 Division. Under no circumstances shall a post office box serve
14 as an address of record.

15 Respondent shall also immediately inform the Division,
16 in writing, of any travel to any areas outside the jurisdiction
17 of California which lasts, or is contemplated to last, more than
18 thirty (30) days.

19 6. **INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS
20 DESIGNATED PHYSICIAN(S)**

21 Respondent shall appear in person for interviews with
22 the Division, its designee or its designated physician(s) upon
23 request at various intervals and with reasonable notice.

24 7. **TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR
25 IN-STATE NON-PRACTICE**

26 In the event respondent should leave California to
27 reside or to practice outside the State or for any reason should
respondent stop practicing medicine in California, respondent

1 shall notify the Division or its designee in writing within ten
2 days of the dates of departure and return or the dates of non-
3 practice within California. Non-practice is defined as any
4 period of time exceeding thirty days in which respondent is not
5 engaging in any activities defined in Sections 2051 and 2052 of
6 the Business and Professions Code. All time spent in an
7 intensive training program approved by the Division or its
8 designee shall be considered as time spent in the practice of
9 medicine. Periods of temporary or permanent residence or
10 practice outside California or of non-practice within California,
11 as defined in this condition, will not apply to the reduction of
12 the probationary period.

13 8. **COMPLETION OF PROBATION**

14 Upon successful completion of probation, respondent's
15 certificate shall be fully restored.

16 9. **VIOLATION OF PROBATION**

17 If respondent violates probation in any respect, the
18 Division, after giving respondent notice and the opportunity to
19 be heard, may revoke probation and carry out the disciplinary
20 order that was stayed. If an accusation or petition to revoke
21 probation is filed against respondent during probation, the
22 Division shall have continuing jurisdiction until the matter is
23 final, and the period of probation shall be extended until the
24 matter is final.

25 10. **COST RECOVERY**

26 The respondent is hereby ordered to reimburse the
27 Division the amount of \$1700.00 within 180 days from the

1 effective date of this decision for its investigative and
2 prosecution costs. Failure to reimburse the Division's cost of
3 its investigation and prosecution shall constitute a violation of
4 the probation order, unless the Division agrees in writing to
5 payment by an installment plan because of financial hardship.
6 The filing of bankruptcy by the respondent shall not relieve the
7 respondent of his responsibility to reimburse the Division for
8 its investigative and prosecution costs.

9 **11. LICENSE SURRENDER**

10 Following the effective date of this decision, if
11 respondent ceases practicing due to retirement, health reasons or
12 is otherwise unable to satisfy the terms and conditions of
13 probation, respondent may voluntarily tender his certificate to
14 the Board. The Division reserves the right to evaluate the
15 respondent's request and to exercise its discretion whether to
16 grant the request, or to take any other action deemed appropriate
17 and reasonable under the circumstances. Upon formal acceptance
18 of the tendered license, respondent will no longer be subject to
19 terms and conditions of probation.

20 **12. COSTS OF PROBATION**

21 Respondent shall pay the costs associated with
22 probation monitoring each and every year of probation, which are
23 currently set at \$2304.00. Such costs shall be payable to the
24 Division of Medical Quality and delivered to the designated
25 probation surveillance monitor at the beginning of each calendar
26 year. Failure to pay costs within 30 days of the due date shall
27 constitute a violation of probation.

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13. **PENALTY ASSESSMENT**

The respondent is hereby ordered to pay the Division the amount of \$1000.00 within 180 days from the effective date of this decision as a penalty assessment pursuant to the provisions of Business and Professions Code section 2262. Failure to pay this penalty assessment shall constitute a violation of the probation order, unless the Division agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse the Division for its investigative and prosecution costs.

CONTINGENCY

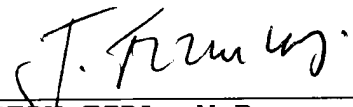
This stipulation shall be subject to the approval of the Division. Respondent understands and agrees that Board staff and counsel for complainant may communicate directly with the Division regarding this stipulation and settlement, without notice to or participation by respondent or his counsel. If the Division fails to adopt this stipulation as its Order, the stipulation shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and the Division shall not be disqualified from further action in this matter by virtue of its consideration of this stipulation.

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ACCEPTANCE

I have read the above Stipulated Settlement and Disciplinary Order. I have fully discussed the terms and conditions and other matters contained therein with my attorney, Mark A. Levin. I understand the effect this Stipulated Settlement and Disciplinary Order will have on my Physician's and Surgeon's Certificate, and agree to be bound thereby. I enter this stipulation freely, knowingly, intelligently and voluntarily.


DATED: May 30, 1997 .



JOSEPH EZRA, M.D.,
Respondent

I have read the above Stipulated Settlement and Disciplinary Order and approve of it as to form and content. I have fully discussed the terms and conditions and other matters therein with respondent Joseph Ezra, M.D.

DATED: June 13, 1997 .



Mark A. Levin
Attorney for Respondent

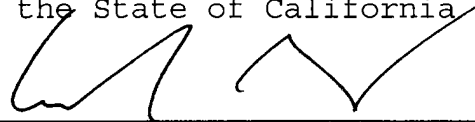
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for the consideration of the Division of Medical Quality, Medical Board of California Department of Consumer Affairs.

DATED: 9/19/97.

DANIEL E. LUNGREN, Attorney General
of the State of California



CARLOS RAMIREZ
Deputy Attorney General

Attorneys for Complainant

EXHIBIT A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 CARLOS RAMIREZ,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 5212
4 Los Angeles, California 90013
Telephone: (213) 897-6924
5

6 Attorneys for Complainant
7

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

12 In the Matter of the Accusation) NO. 18-94-40843
Against:)
13)
14 JOSEPH EZRA, M.D.)
17450 Cuesta Lane) **A C C U S A T I O N**
Encino, CA. 91316)
15)
16 Physician's & Surgeon's)
Certificate No. A-31354)
17)
18 Respondent.)
19

20 The Complainant alleges:

21 **PARTIES**

22 1. Complainant, RON JOSEPH, is the Executive Director
23 of the Medical Board of California (hereinafter the "Board") and
24 brings this accusation solely in his official capacity.

25 2. On or about August 9, 1977 Physician's and
26 Surgeon's Certificate Number A-31354 was issued by the Board to
27 Joseph Ezra, M.D., (hereinafter "respondent"), and at all times

1 relevant to the charges brought herein this license has been in
2 full force and effect.

3 JURISDICTION

4 3. This accusation is brought before the Division of
5 Medical Quality of the Medical Board of California Department of
6 Consumer Affairs (hereinafter the "Division"), under the
7 authority of the following sections of the California Business
8 and Professions Code (hereinafter "Code"):

9 4. Section 2227 of the Code provides that when a
10 licensee is found guilty of violating any of the provisions of
11 the Medical Practice Act, the Division may revoke his or her
12 license, suspend the licensee's right to practice for a period
13 not to exceed one year, place the licensee on probation, order
14 that the licensee be publicly reprimanded, or take any other
15 appropriate disciplinary action.

16 5. Section 2234 of the Code provides that
17 unprofessional conduct includes, but is not limited to, the
18 following:

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

22 " . . .

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

27 6. Section 2236 of the Code provides, in pertinent
part:

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

7 (b) The district attorney, city attorney, or other
8 prosecuting agency shall notify the Division of Medical
9 Quality of the pendency of an action against a licensee
10 charging a felony or misdemeanor immediately upon obtaining
11 information that the defendant is a licensee. The notice
12 shall identify the licensee and described the crimes charged
13 and the facts alleged. The prosecuting agency shall also
14 notify the clerk of the court in which the action is pending
15 that the defendant is a licensee, and the clerk shall record
16 prominently in the file that the defendant holds a license
17 as a physician and surgeon.

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

27 (d) A plea or verdict of guilty or a conviction after
a plea of nolo contendere is deemed to be a conviction

1 within the meaning of this section and Section 2236.1. The
2 record of conviction shall be conclusive evidence of the
3 fact that the conviction occurred.

4 7. Section 490 of the Code provides that the Board
5 may suspend or revoke a license on the ground that the licensee
6 has been convicted of a crime which is substantially related to
7 the qualifications, functions, or duties of the business or
8 profession for which the license was issued.

9 8. Section 2261 of the Code states that:

10 "Knowingly making or signing any certificate or other
11 document directly or indirectly related to the practice of
12 medicine or podiatry which falsely represents the existence or
13 nonexistence of a state of facts, constitutes unprofessional
14 conduct."

15 9. Section 2262 of the Code provides that:

16 "Altering or modifying the medical record of any person,
17 with fraudulent intent, or creating any false medical record,
18 with fraudulent intent, constitutes unprofessional conduct.

19 In addition to any other disciplinary action, the Division
20 of Medical Quality or the California Board of Podiatric Medicine
21 may impose a civil penalty of five hundred dollars (\$500) for a
22 violation of this section."

23 10. Section 810 subdivision (a) of the Code provides
24 as follows:

25 "(a) It shall constitute unprofessional conduct
26 and grounds for disciplinary action, including suspension or
27 revocation of a license or certificate, for a health care

1 professional to do any of the following in connection with
2 his professional activities:

3 (1) Knowingly present or cause to be presented
4 any false or fraudulent claim for the payment of a loss
5 under a contract of insurance.

6 (2) Knowingly prepare, make or subscribe any
7 writing, with intent to present or use the same, or to allow
8 it to be presented or used in support of any such claim."

9 11. Title 18 of the United States Code section 371
10 provides, in pertinent part, that if two or more persons conspire
11 either to commit any offense against the United States, or to
12 defraud the United States, or any agency thereof in any manner or
13 for any purpose, and one or more of such persons do any act to
14 effect the object of the conspiracy, each shall be fined not more
15 than \$10,000 or imprisoned not more than five years, or both.

16 12. Title 18 of the United States Code section 1341
17 provides, in pertinent part, that whoever, having devised or
18 intending to devise any scheme or artifice to defraud, or for
19 obtaining money or property by means of false or fraudulent
20 pretenses, representations, or promises, or to sell, dispose of,
21 loan, exchange, alter, give away, distribute, supply, or furnish
22 or procure for unlawful use any counterfeit or spurious coin,
23 obligation, security, or other article, or anything represented
24 to be or intimated or held out to be such counterfeit or spurious
25 article, for the purpose of executing such scheme or artifice or
26 attempting so to do, places in any post office or authorized
27 depository for mail matter, any matter or thing whatever to be
sent or delivered by the Postal Service, or takes or receives

1 therefrom, any such matter or thing, or knowingly causes to be
2 delivered by mail according to the direction thereon, or at the
3 place at which it is directed to be delivered by the person to
4 whom it is addressed, any such matter or thing, shall be fined
5 not more than \$1000 or imprisoned not more than five years, or
6 both.

7 CAUSES FOR DISCIPLINARY ACTION

8 I

9 Conviction of a Crime

10 13. Respondent is subject to disciplinary action for
11 engaging in unprofessional conduct in violation of sections 2236
12 and 490 of the Code by virtue of having been convicted of ten
13 counts of mail fraud, in violation of Title 18 U.S.C., Section
14 1371 and one count of conspiracy to commit mail fraud, in
15 violation of Title 18 U.S.C. section 371, crimes that are
16 substantially related to the qualifications, functions, or duties
17 of a physician and surgeon. The circumstances are as follows:

18 A. Beginning on or about March 1989 and
19 continuing through December 1992, respondent conspired with
20 at least two other individuals to commit mail fraud from the
21 Medicare program and other private health insurance
22 companies by submitting false claims in violation of Title
23 18, U.S.C., Section 1341 and Title 18, U.S.C Section 371.
24 Specifically, respondent authorized his name and provider
25 number to be used on Medicare and private insurance
26 company's claims for the payment of medical treatment that
27 was rendered to patients by untrained or unlicensed

1 personnel. Respondent never met, examined, tested nor
2 treated these patients.

3 B. On or about January 8, 1996, respondent was
4 convicted of ten counts of mail fraud, in violation of Title
5 18, U.S.C. Section 1371 and one count of conspiracy to
6 commit mail fraud in violation of Title 18, U.S.C. Code
7 Section 371 in case number CR 95-43-(A) MRD of the United
8 States District Court for the Central District of California
9 (United States of America v. Joseph Ezra.)

10 II

11 Insurance Fraud

12 14. Respondent is subject to disciplinary action for
13 engaging in unprofessional conduct in violation of section 2234,
14 subsection (a) of the Code in conjunction with section 810
15 subdivision (a) and section 2234 subdivision (e) of the Code by
16 presenting false and fraudulent claims for payment under an
17 insurance contract. The circumstances are set forth in paragraph
18 13, which is incorporated here by reference.

19 III

20 False Statements in Medical Records

21 14. Respondent is subject to disciplinary action for
22 engaging in unprofessional conduct in violation of section 2234
23 subdivision (a) in conjunction with section 2234 subdivision (e)
24 of the Code in that he knowingly made false statements in
25 documents related to the practice of medicine in violation of
26 section 2261 of the Code and created false medical records with
27 fraudulent intent in violation of section 2262 of the Code. The

1 circumstances are set forth in paragraph 13, which is
2 incorporated here by reference.

3 PRAYER

4 WHEREFORE, complainant requests that a hearing be held
5 in this matter and that following such hearing, the Division of
6 Medical Quality issue a decision:

- 7 1. Revoking or suspending Physician's and Surgeon's
- 8 Certificate No. A-31354, heretofore issued to respondent;
- 9 2. Directing respondent to pay to the Division a
- 10 civil penalty of five hundred (\$500.00) for each violation of
- 11 section 2262 of the Code; and
- 12 3. Revoking, suspending or denying approval of the
- 13 respondent's authority to supervise physician's assistants,
- 14 pursuant to Business and Professions Code section 3527;
- 15 4. Directing respondent to pay to the Division the
- 16 costs of the investigation and enforcement of this case, pursuant
- 17 to section 125.3; and
- 18 5. Taking such other action as the Division deems
- 19 necessary and proper.

20
21 DATED: August 8, 1996

22 

23 _____
24 RON JOSEPH
25 Executive Director
26 Medical Board of California
27 Department of Consumer Affairs
State of California

Complainant