

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS
Deputy Attorney General
4 State Bar No. 237509
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5723
6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 17 20 17
BY [Signature] ANALYST

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

12 In the Matter of the Accusation Against:

Case No. 800-2016-021897

13 **Khurram Khan Durrani, M.D.**
14 **Valley Community Counseling Services**
15 **19 E. 6th Street**
16 **Tracy, CA 95376-4107**

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
18 **No. A 72805,**

Respondent.

19 Complainant alleges:

PARTIES

20 1. Kimberly Kirchmeyer ("Complainant") brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about August 10, 2000, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 72805 to Khurram Khan Durrani, M.D. ("Respondent"). The Physician's
25 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on April 30, 2018, unless renewed.

27 ///

28 ///

JURISDICTION

1
2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 2004 of the Code states, in pertinent part:

5 “The board shall have the responsibility for the following:

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

8 “(b) The administration and hearing of disciplinary actions.

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

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

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

15 “”

16 5. Section 2227 of the Code provides that a licensee who is found guilty under the
17 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
18 one year, placed on probation and required to pay the costs of probation monitoring, or such other
19 action taken in relation to discipline as the Board deems proper.

20 6. Section 2234 of the Code, states, in pertinent part:

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

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

26 “(b) Gross negligence.

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

4 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
5 for that negligent diagnosis of the patient shall constitute a single negligent act.

6 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
7 constitutes the negligent act described in paragraph (1), including, but not limited to, a
8 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
9 applicable standard of care, each departure constitutes a separate and distinct breach of the
10 standard of care.

11 “. . . .”

12 7. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain
13 adequate and accurate records relating to the provision of services to their patients constitutes
14 unprofessional conduct.”

15 **FACTS**

16 8. At all times relevant to this matter, Respondent was licensed and practicing medicine
17 in California. Respondent provided psychiatric services to residential patients as an independent
18 contractor for a non-profit organization.

19 **PATIENT D.L.¹**

20 9. On or about March 25, 2016, Respondent performed a psychiatric evaluation of
21 Patient D.L., a 21 year old man.

22 10. Respondent reported that, during his evaluation, he described to D.L. how to conduct
23 a testicular exam on himself and that, after his description, D.L. spontaneously lowered his pants
24 and told Respondent that he had found a lump on his left testicle.

25
26 _____
27 ¹ The patients are designated in this document as Patients D.L. and L.W. to protect their
28 privacy. Respondent knows the names of the patients and can confirm their identities through
discovery.

1 11. Respondent examined the lump with his thumb and forefinger and described it in his
2 notes as a probable sebaceous cyst on D.L.'s left testicle. He did not document that D.L. had
3 lowered his pants without being instructed to do so.

4 12. Respondent stated that D.L. made him feel "very uncomfortable," referring to
5 Respondent as "Bro" and "Dude" and making comments such as "Man, nice car." Respondent
6 did not document this conduct in his notes.

7 13. Respondent's chart notes for D.L.'s psychiatric evaluation consist of a standardized
8 form which he filled in by hand. Respondent's handwriting is barely legible in places and quite
9 difficult to read with certainty. Respondent's chart notes for D.L. do not include a formal mental
10 status exam.

11 **PATIENT L.W.**

12 14. On or about March 26, 2016, Respondent performed a psychiatric evaluation of
13 Patient L.W., a 23 year old man.

14 15. Respondent reported that L.W. was limping when he came in for his evaluation and
15 had a dirty bandage on his left toe. Respondent stated that he was concerned that L.W. might
16 have an infection or sepsis and, to find out if his inguinal lymph nodes were enlarged, asked L.W.
17 if he had any lumps in the left inguinal region. When L.W. said that he didn't know, Respondent
18 palpated L.W.'s left inguinal area through his clothing and determined that his lymph nodes were
19 not enlarged.

20 16. Respondent's chart notes for L.W.'s psychiatric evaluation consist of a standardized
21 form which he filled in by hand. Respondent's handwriting is barely legible in places and quite
22 difficult to read with certainty.

23 17. L.W. had a previous diagnosis of schizophrenia. Although this condition is often
24 characterized by a disordered thought process and/or psychotic symptoms such as hallucinations
25 or delusions, Respondent did not note the presence or absence of such findings.

26 ///

27 ///

28 ///

1 **CAUSE FOR DISCIPLINE**

2 **(Inadequate Documentation; Repeated Negligent Acts; Gross Negligence)**

3 18. Respondent Khurram Khan Durrani, M.D. is subject to disciplinary action under
4 section 2234, subdivisions (a) (violating Medical Practice Act), (b) (gross negligence), and/or (c)
5 (repeated negligent acts), and/or section 2266 (inadequate records) of the Code in that
6 Respondent engaged in the conduct described above including, but not limited to, the following:

7 A. Respondent failed to maintain appropriate professional boundaries with Patient D.L.
8 by performing a testicular examination on him.

9 B. Respondent failed to maintain appropriate professional boundaries with Patient L.W.
10 by performing an inguinal lymph node examination on him.

11 C. Respondent failed to provide consistently legible entries and failed to include a full
12 mental status examination in his psychiatric evaluation notes for Patients D.L. and L.W.

13 D. Respondent failed to include documentation of D.L.'s alleged spontaneous disrobing
14 and the provocative language later described by Respondent.

15 **PRAYER**

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

18 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 72805,
19 issued to Khurram Khan Durrani, M.D.;

20 2. Revoking, suspending or denying approval of Khurram Khan Durrani, M.D.'s
21 authority to supervise physician assistants, pursuant to section 3527 of the Code, and advanced
22 practice nurses;

23 3. Ordering Khurram Khan Durrani, M.D., if placed on probation, to pay the Board the
24 costs of probation monitoring; and

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: May 17, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2017203070
41731496_3.docx