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

11 In the Matter of the Accusation Against:	Case No. 800-2021-083372
12 AKIKUR REZA MOHAMMAD, M.D.	A C C U S A T I O N
13 7018 Elmsbury Lane	
14 West Hills, CA 91307	
15 Physician's and Surgeon's Certificate	
16 No. A 64769,	
Respondent.	

17 **PARTIES**

- 18 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as
19 the Deputy Director of the Medical Board of California, Department of Consumer Affairs
20 (Board).
- 21 2. On or about April 3, 1998, the Medical Board issued Physician's and Surgeon's
22 Certificate Number A 64769 to Akikur Reza Mohammad, M.D. (Respondent). The Physician's
23 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
24 herein and will expire on August 31, 2023, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board, under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

1 4. Section 2004 of the Code states:

2 The board shall have the responsibility for the following:

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

5 (b) The administration and hearing of disciplinary actions.

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

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

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

12 (f) Approving undergraduate and graduate medical education programs.

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

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

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

17 5. Section 2220 of the Code states:

18 Except as otherwise provided by law, the board may take action against all
19 persons guilty of violating this chapter. The board shall enforce and administer this
20 article as to physician and surgeon certificate holders, including those who hold
21 certificates that do not permit them to practice medicine, such as, but not limited to,
22 retired, inactive, or disabled status certificate holders, and the board shall have all the
23 powers granted in this chapter for these purposes including, but not limited to:

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

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

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

1 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant
2 number of statutes and regulations in question, resulting in potential harm to the
3 consumers of California from licensees who have been convicted of crimes.
4 Therefore, the Legislature finds and declares that this section establishes an
5 independent basis for a board to impose discipline upon a licensee, and that the
6 amendments to this section made by Chapter 33 of the Statutes of 2008 do not
7 constitute a change to, but rather are declaratory of, existing law.

8 8. Section 802.1 of the Code, states:

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

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

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

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

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

19 9. Section 2234 of the Code, states:

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

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

25 (b) Gross negligence.

26 (c) Repeated negligent acts. To be repeated, there must be two or more
27 negligent acts or omissions. An initial negligent act or omission followed by a
28 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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1 (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.

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

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

6 10. Section 2236 of the Code states:

7 (a) The conviction of any offense substantially related to the qualifications,
8 functions, or duties of a physician and surgeon constitutes unprofessional conduct
9 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.

10 (b) The district attorney, city attorney, or other prosecuting agency shall notify
11 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
12 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
13 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.

14 (c) The clerk of the court in which a licensee is convicted of a crime shall,
15 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
16 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
17 duties of a physician and surgeon.

18 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
19 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.

20 11. Section 2239 of the Code states:

21 (a) The use or prescribing for or administering to himself or herself, of any
22 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
23 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
24 one misdemeanor or any felony involving the use, consumption, or
self-administration of any of the substances referred to in this section, or any
25 combination thereof, constitutes unprofessional conduct. The record of the
conviction is conclusive evidence of such unprofessional conduct.

26 (b) A plea or verdict of guilty or a conviction following a plea of nolo
27 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
28 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

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

6 REGULATORY PROVISIONS

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

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

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

- 21 (1) The nature and gravity of the crime;
- 22 (2) The number of years elapsed since the date of the crime; and
- 23 (3) The nature and duties of the profession.

24 COST RECOVERY

25 13. Section 125.3 of the Code states:

26 (a) Except as otherwise provided by law, in any order issued in resolution of a
27 disciplinary proceeding before any board within the department or before the
28 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

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

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

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

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

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

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

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

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

28 **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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1 **Conspiracy to Pay Illegal Remunerations for Referrals to Recovery Homes**

2 15. Respondent is a board-certified psychiatrist.

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

7 17. On or about September 15, 2020, in the case of *United States of America v. Akikur R.*
8 *Mohammad*, United States District Court for the District of New Jersey Case Number 3:20-cr-
9 00784-PGS, Respondent was charged with violating Title 18 United States Code section 371
10 (conspiracy to pay illegal remunerations for referrals to recovery homes), a felony.

11 18. On or about September 15, 2020, Respondent waived prosecution by Indictment¹ and
12 was convicted, by way of a plea of guilty, of the crime of conspiracy to pay illegal remunerations
13 for referrals to recovery homes, in violation of Title 18 United States Code section 371, as
14 charged in Count 1 (one) of the Information.²

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 31. On or about October 8, 2021, the complaint was amended to allege that before the
25 commission of the February 2, 2021 offense, Respondent had been convicted on October 19, 2015
26 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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1 **DISCIPLINARY CONSIDERATIONS**

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

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

14 41. On or about May 17, 2010, in a prior criminal proceeding titled *The People of the*
15 *State of California vs. Akikur Reza Mohammad* in Los Angeles Superior Court, Case Number
16 9VY04022, Respondent was convicted of violating Vehicle Code section 23152, subdivision (b),
17 (driving with a blood alcohol content of 0.08% or more, by weight), a misdemeanor, and was
18 placed on summary probation for twenty-four months with terms and conditions. The record of
19 the criminal proceeding is incorporated as if fully set forth herein.

20 **PRAYER**

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

23 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 64769,
24 issued to Akikur Reza Mohammad, M.D.;

25 2. Revoking, suspending, or denying approval of Akikur Reza Mohammad, M.D.'s
26 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

LA2022603428