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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 25, 2013
BY: T. H. H. ANALYST

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. 11-2010-207229

12 FRED FARHAD HAFEZI, M.D.

13 P.O.Box 4238
Covina, CA 91723
14 Physician's and Surgeon's Certificate No.
G19337

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Kimberly Kirchmeyer, (Complainant) brings this Accusation solely in her official
20 capacity as the Interim Executive Director of the Medical Board of California.
21 2. On or about October 9, 1970, the Board issued Physician and Surgeon's Certificate
22 Number G19337 to Fred Farhad Hafezi, M.D. (Respondent). That license was in full force and
23 effect at all times relevant to the charges brought herein and will expire on September 30, 2014,
24 unless renewed.
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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), under the authority of the following laws. All section references are to the Business and Professions 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, or such other action taken in relation to discipline as the Division deems proper.

5. Section 2234 of the Code, states:

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

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

"(b) Gross negligence.

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

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

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

"(d) Incompetence.

"(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.

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

2 (g) The practice of medicine from this state into another state or country without meeting
3 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
4 apply to this subdivision. This subdivision shall become operative upon the implementation of the
5 proposed registration program described in Section 2052.5.

6 (h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
7 participate in an interview scheduled by the mutual agreement of the certificate holder and the
8 board. This subdivision shall only apply to a certificate holder who is the subject of an
9 investigation by the board."

10 6. Section 2236 of the Code states:

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

15 A(b) The district attorney, city attorney, or other prosecuting agency shall notify the
16 Division of Medical Quality¹ of the pendency of an action against a licensee charging a felony or
17 misdemeanor immediately upon obtaining information that the defendant is a licensee. The
18 notice shall identify the licensee and describe the crimes charged and the facts alleged. The
19 prosecuting agency shall also notify the clerk of the court in which the action is pending that the
20 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
21 a license as a physician and surgeon.

22 A(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48
23 hours after the conviction, transmit a certified copy of the record of conviction to the board. The
24 division may inquire into the circumstances surrounding the commission of a crime in order to fix

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26 ¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008,
27 provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act means
28 the "Medical Board of California," and references to the "Division of Medical Quality" in the Act or any other
provision of law shall be deemed to refer to the Board.

1 the degree of discipline or to determine if the conviction is of an offense substantially related to
2 the qualifications, functions, or duties of a physician and surgeon.

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

6 7. Section 2232 of the Code states:

7 "(a) Except as provided in subdivisions (b), (c) , and (d), the board shall promptly revoke
8 the license of any person who, at any time after January 1, 1947, has been required to register as a
9 sex offender pursuant to the provisions of Section 290 of the Penal Code.

10 "(b) This section shall not apply to a person who is required to register as a sex offender
11 pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under
12 Section 314 of the Penal Code.

13 "(c)(1) Five years after the effective date of the revocation and three years after successful
14 discharge from parole, probation, or both parole and probation if under simultaneous supervision,
15 an individual who after January 1, 1947, and prior to January 1, 2005, was subject to subdivision
16 (a), may petition the superior court, in the county in which the individual has resided for, at
17 minimum, five years prior to filing the petition, to hold a hearing within one year of the date of
18 the petition, in order for the court to determine whether the individual no longer poses a possible
19 risk to patients. The individual shall provide notice of the petition to the Attorney General and to
20 the board at the time of its filing. The Attorney General and the board may present written and
21 oral argument to the court on the merits of the petition.

22 "(2) If the court finds that the individual no longer poses a possible risk to patients, and
23 there are no other underlying reasons for which the board pursued disciplinary action, the court
24 shall order, in writing, the board to reinstate the individual's license within 180 days of the date of
25 the order. The board may issue a probationary license to a person subject to this paragraph
26 subject to terms and conditions, including, but not limited to, any of the conditions of probation
27 specified in Section 2221.
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1 sexual offense, unlawful sexual intercourse with a person under the age of 18, all violations of the
2 Penal Code.

3 B. On April 1, 2011, Respondent did an "open plea" and pled nolo contendere to all
4 counts. Then on May 26, 2011, Respondent withdrew his plea of guilty.

5 C. On April 5, 2013, the court denied Respondent's motion to withdraw his guilty plea.
6 As a result of his plea, he now stands convicted of several counts of oral copulation and a count
7 of unlawful sexual intercourse with a person under 18.

8 D. Respondent was sentenced on May 23, 2013. Imposition of sentence was suspended,
9 and Respondent was placed on formal probation for 36 months, ordered to serve 180 days in the
10 Los Angeles County Jail and required to register as a sex offender pursuant to Penal Code section
11 290. Respondent is currently out of jail as he was given credit for time served for his county jail
12 sentence.

13 PRAYER

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

- 16 1. Revoking or suspending Physician and Surgeon's Certificate Number G19337, issued
17 to Fred Farhad Hafezi, M.D., and
18 2. Revoking, suspending or denying approval of Respondent's authority to supervise
19 physician assistants, pursuant to section 3527 of the Code, and
20 3. If placed on probation, ordering Respondent to pay the Medical Board of California
21 the costs of probation monitoring; and
22 4. Taking such other and further action as deemed necessary and proper.

23
24 June 25, 2013

25 DATED: _____


26 KIMBERLY KIRCHMEYER
27 Interim Executive Director
28 Medical Board of California
Department of Consumer Affairs
State of California
Complainant