

While Asif Mahmood was a member of the Medical Board of California, the board voted to allow a doctor who sexually abused six female patients, including a teenage girl, to be given a lighter sentence and continue practicing medicine.

BACKUP:

In June 2019, Asif Mahmood was appointed to the Medical Board of California:

Editor's Note: *Although he wasn't confirmed until March 2021, Asif Mahmood [served as a member without legislative approval](#) and Newsom used his emergency COVID powers to extend the confirmation deadline.*

Editor's Note: *As part of the process to have his probation terminated, Dr. Nadjmabadi had to admit the allegations against him were true.*

- **According to a press release from June 2019, Gavin Newsom appointed Asif Mahmood to the Medical Board of California.** “Governor Gavin Newsom today announced the following appointment: Asif Mahmood, 58, of Bradbury, has been appointed to the Medical Board of California. Mahmood has been a practicing physician for internal medicine and pulmonary diseases at Huntington Memorial Hospital in Pasadena since 2000. He was chief of staff at the Greater El Monte Hospital from 2011 to 2012. Mahmood is a member of the board of directors of the East Los Angeles College Foundation and the United Nations International Children’s Emergency Fund, United States Western Region. He earned a Doctor of Medicine degree from Sind Medical College. This position requires Senate confirmation and the compensation is \$100 per diem. Mahmood is a Democrat.” (Press Release, Governor Newsom Announces Appointment 6.03.19, [Office of Governor Gavin Newsom](#), 06/03/13)
- **In March 2021, California legislators approved three politically connected appointees to the state board that licenses and regulates doctors, after Newsom used his emergency powers during COVID to extend their confirmation deadline.** “California legislators approved three politically connected appointees Monday to the state board that licenses and regulates doctors, seven months after Gov. Gavin Newsom used his emergency powers during the coronavirus pandemic to extend their confirmation deadlines.” (Alex Koseff, “Politically connected appointees win confirmation to California medical watchdog board,” [The San Francisco Chronicle](#), 03/22/21)
 - **Ordinarily, the appointments would have to be confirmed by the Senate within a year to retain the positions.** “Mahmood, Thorp and GnanaDev were appointed or reappointed to the 15-member board in June and July of 2019. Ordinarily, they would have to have been confirmed by the Senate within a year to retain the positions.” (Alex Koseff, “Politically connected appointees win confirmation to California medical watchdog board,” [The San Francisco Chronicle](#), 03/22/21)
- **The Senate Rules Committee finally gave Mahmood a hearing in February 2021, which was 11 months after it was originally scheduled.** “The Senate Rules Committee finally gave Mahmood, Thorp and GnanaDev a hearing in early February, 11 months after originally scheduled.” (Alex Koseff, “Politically connected appointees win confirmation to California medical watchdog board,” [The San Francisco Chronicle](#), 03/22/21)

- **The state Senate confirmed Mahmood by votes of 36-0.** “The state Senate confirmed Mahmood and Thorp by votes of 36-0. But the 30-1 reappointment of GnanaDev, who was first named to the Medical Board of California by then-Gov. Jerry Brown in 2011, hinted at a brewing battle over the board itself.” (Alex Koseff, “Politically connected appointees win confirmation to California medical watchdog board,” [The San Francisco Chronicle](#), 03/22/21)

In March 2021, California legislators approved the appointment of Asif Mahmood to the Medical Board of California by a 36-0 vote in the state Senate:

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 - **A committee hearing to consider their appointments was pulled from the calendar in March 2020 shortly after an advocacy group objected.** “But a committee hearing to consider their appointments was pulled from the calendar in March 2020, shortly after the advocacy group Consumer Watchdog wrote to Newsom and legislators to object. Consumer Watchdog, which is in a battle with doctors over the monetary limit for medical malpractice settlements, argued that filling the board with former presidents of an organization that lobbies for doctors would be contrary to its oversight mission.” (Alex Koseff, “Politically connected appointees win confirmation to California medical watchdog board,” [The San Francisco Chronicle](#), 03/22/21)
 - **Asif Mahmood was an appointee and shared campaign consultants with Newsom when they both ran for statewide office in 2018.** “The appointees are Asif Mahmood, a Los Angeles County doctor who shared campaign consultants with Newsom when they both ran for statewide office in 2018, and Richard Thorp and Dev GnanaDev, past presidents of the California Medical Association.” (Alex Koseff, “Politically connected appointees win confirmation to California medical watchdog board,” [The San Francisco Chronicle](#), 03/22/21)
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originally scheduled.” (Alex Koseff, “Politically connected appointees win confirmation to California medical watchdog board,” [The San Francisco Chronicle](#), 03/22/21)

- **The state Senate confirmed Mahmood by votes of 36-0.** “The state Senate confirmed Mahmood and Thorp by votes of 36-0. But the 30-1 reappointment of GnanaDev, who was first named to the Medical Board of California by then-Gov. Jerry Brown in 2011, hinted at a brewing battle over the board itself.” (Alex Koseff, “Politically connected appointees win confirmation to California medical watchdog board,” [The San Francisco Chronicle](#), 03/22/21)

The three appointees defended themselves against suggestions that their past work would prevent them from serving as advocates for consumers:

- **The three appointees defended themselves against suggestions that their past work would prevent them from serving as advocates for consumers.** “The three defended themselves against suggestions that their past work would prevent them from serving as advocates for consumers, though Thorp said there needed to be balance with doctors’ rights.” (Alex Koseff, “Politically connected appointees win confirmation to California medical watchdog board,” [The San Francisco Chronicle](#), 03/22/21)

Lawmakers questioned whether the physician-majority board was doing enough to hold accountable doctors when they violate patients’ rights:

- **During a hearing, lawmakers questioned whether the physician-majority board was doing enough to hold accountable doctors when they violate patients’ rights.** “During a testy hearing last week, lawmakers questioned whether the physician-majority board was doing enough to hold doctors accountable when they violate patients’ rights. Sen. Melissa Hurtado, a Sanger (Fresno County) Democrat who cast the only vote against GnanaDev, echoed those complaints Monday. ‘Health care consumers in my district have not received the care they deserve,’ she said. ‘I am concerned that members of the board have not properly maintained objectivity and could do better in upholding the board’s mission of protecting patients.’” (Alex Koseff, “Politically connected appointees win confirmation to California medical watchdog board,” [The San Francisco Chronicle](#), 03/22/21)

The California Medical Board has long battled allegations that it goes easy on bad doctors and failed to protect patients:

- **The California Medical Board has long battled allegations that it goes easy on bad doctors and failed to protect patients.** “The California Medical Board has long battled allegations that it goes easy on bad doctors and fails to protect patients.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
- **The majority of the board’s members are doctors.** “The majority of the board’s members are doctors.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
- **A Times review of the Medical Board records found the panel relies heavily on a doctor’s evidence of rehabilitation, usually with the testimony of therapists hired by the doctor, and no input from the patients who were harmed.** “A Times review of Medical Board records found that the panel relies heavily on a doctor’s evidence of rehabilitation, usually

with the testimony of therapists hired by the doctor, and no input from the patients who were harmed.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)

Since 2013, 10 of the 17 physicians who lost their licenses for sexual misconduct and petitioned for reinstatement succeeded Board data showed, a success rate of 59%; Only 45% of doctors who lost their license for other reasons succeeded:

- **Since 2013, 10 of the 17 physicians who lost their licenses for sexual misconduct and petitioned for reinstatement succeeded Board data showed, a success rate of 59%.** “But 10 of the 17 physicians who lost their licenses for sexual misconduct and petitioned for reinstatement since 2013 succeeded, board data show – a rate of 59%.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **The state Medical Board reinstated more than half of all sexual abusers who sought to get their licenses back, a rate significantly higher than for doctors who lost their licenses for other reasons.** “The state Medical Board reinstated more than half of all sex abusers who sought to get their licenses back, a rate significantly higher than for doctors who lost their licenses for all other reasons, a Times review of board data found.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **By contrast The LA Times found that 47 of the 105 doctors who lost their licenses for other reasons - such as fraud, substance abuse, gross negligence – got theirs back with a success rate of 45%.** “By contrast, The Times found, 47 of the 105 doctors who lost their licenses for all other reasons – fraud, substance abuse, gross negligence – got theirs back, a rate of 45%.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
- **The board has wide latitude when considering applications for reinstatement, even in cases of severe misconduct such as physically assaulting patients, sexually abusing minors or lying to police.** “But the board has wide latitude when considering applications for reinstatement, even in cases of severe misconduct such as physically assaulting patients, sexually abusing minors or lying to police.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Doctors seeking reinstatement appear before administrative law judges and must present clear and convincing evidence of their rehabilitation.** “Doctors seeking reinstatement appear before administrative law judges and must present ‘clear and convincing’ evidence of their rehabilitation. Some seek to bolster their cases with the results of mental health therapy sessions or psychiatric evaluations.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **The administrative law judges recommend whether to reinstate but the final decision rests with the Medical Board.** “The administrative law judges recommend whether to reinstate, but the final decision rests with the Medical Board.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)

- **The board allows mental health providers to be selected and paid for by the doctors.** “The process is inherently flawed, said some experts, because the board allows mental health providers to be selected and paid for by the doctors. Many choose to see family and marriage counselors or sex-addiction specialists, when what they really need are certified sex-offender therapists who will provide more rigorous and appropriate treatment, said Rory Reid, a UCLA research psychologist and assistant professor of psychiatry who has treated compulsive sexual behavior disorder and sex offenders.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
- **All doctors who committed sexual misconduct and got their licenses back provided testimony from therapists who said it was safe to resume practicing, and also acknowledged that their accusers had been telling the truth.** “All the doctors who committed sexual misconduct and got their licenses back provided testimony from therapists who said they were safe to resume practicing, The Times found. They also acknowledged that their accusers had been telling the truth. Most also mentioned receiving spiritual guidance.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
- **The Board’s President said she was unable to verify the numbers and declined to say whether she would ever seek treatment from any of the doctors who committed sexual misconduct, and contended it was not a fair question.** “Lawson said she was ‘unable to verify’ The Times’ numbers. She declined to say whether she would ever seek treatment from any of the doctors who committed sexual misconduct, contending that it was not a fair question. She encouraged patients to do their own research on the Medical Board’s website.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)

Dr. Nadjmabadi was one of 10 California doctors since 2013 who successfully regained their license after losing them for sexual misconduct:

- **An LA Times investigation found that Nadjmabadi was one of 10 California doctors since 2013 who successfully regained their license after losing them for sexual misconduct.** “A Times investigation found that Nadjmabadi was one of 10 California doctors since 2013 who successfully regained their licenses after losing them for sexual misconduct.” (Jack Dolan, Brittany Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)

Six female patients – including one in her mid-teens – were sexually assaulted by Dr. Nadjmabadi, and he had his license reinstated by the state’s Medical Board after previously surrendering it; Dr. Nadjmabadi reported one of the female patients and her husband – both undocumented immigrants from Mexico – to immigration officials in a bid to make them unavailable to investigators; While alone in a room, Nadjmabadi coated his fingers in lubricant, putting one finger in a patient’s vagina and another in her anus; Nadjmabadi touched another female patient’s genitals inappropriately during an examination and she said “He did a lot of sick things to me. He is a sick man”:

- **According to a Los Angeles Times report, a woman named Fabiana Ramirez Flores went to Dr. Esmail Nadjmabadi for a spider bite, and alone in his exam room, was sexually abused by him on the pretext of screening for colon cancer.** “Fabiana Ramirez Flores went to Dr. Esmail Nadjmabadi, a family friend, for a spider bite behind her knee. Alone in his exam room, he sexually abused her on the pretext of screening her for colon cancer. ‘I was in shock,’ said Ramirez, whose ordeal didn’t end there.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Nadjmabadi insisted on checking her for colon cancer while alone at the next visit, and then proceeded to coat his fingers in lubricant, put one in her vagina and another in her anus.** “When she returned for a follow-up visit, Nadjmabadi insisted he check her for colon cancer. ‘You’re in a country that’s not yours, you don’t know another doctor, you’re trusting in what the doctor tells you,’ Ramirez told The Times. While the two were alone in the room, Nadjmabadi coated his fingers in lubricant and put one in her vagina and another in her anus, according to Ramirez and the board accusation. She recalls him asking at one point if she felt comfortable.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Nadjmabadi reported one of the female patients and her husband – both undocumented immigrants from Mexico – to immigration officials in a bid to make them unavailable to investigators.** “Dr. Nadjmabadi reported one of the female patients and her husband – both undocumented immigrants from Mexico – to immigration officials in a bid to make them unavailable to investigators.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Ramirez said “This was abuse, and he’s going to pay.”** “‘This was abuse, and he’s going to pay,’ Ramirez thought to herself. “He needs to know that I know what he did.”” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Dr. Nadjmabadi reportedly then persuaded a female staff member to lie to police about being in the room, according to an accusation filed by the Medical Board of California.** “Nadjmabadi, a Bakersfield internist, persuaded a female staff member to lie to police about being in the room, according to an accusation filed by the Medical Board of California.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
- **Dr. Nadjmabadi then reported Ramirez and her husband – both undocumented immigrants– to immigration officials in a bid to make them unavailable to investigators, Medical records said.** “Then he reported Ramirez and her husband – both undocumented immigrants from Mexico – to immigration officials in a bid to make them “unavailable” to investigators, Medical Board records said.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Ramirez immigrated to the United States in 2004 with her husband and three daughters.** “Ramirez, who saw Nadjmabadi for the spider bite, immigrated to the

U.S. from Guadalajara in 2004 with her husband and three daughters. She said she felt safe seeking medical attention from Nadjmabadi because she had befriended his wife while living in Bakersfield.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)

- **Per the Medical Board of California, Nadjmabadi attempted “to make one of the victims unavailable by reporting to immigration officials and the Internal Revenue Service that the victim and her husband were undocumented immigrants using false security numbers.”**

4. In 2009, Petitioner suffered a conviction, pursuant to a plea of nolo contendere, of violating Business and Professions Code section 729, subdivision (b)(3), sexual exploitation by a physician. The Board filed an Amended Accusation on October 29, 2009, alleging sexual abuse and misconduct with respect to six female patients, as well as gross negligence and repeated acts of negligence with respect to all six patients. Alleged factors in aggravation in the Amended Accusation included soliciting dates from a patient; suffering discipline and subsequently resigning from his former employer, Kaiser Permanente, for sexual harassment of female employees; sexually harassing a convalescent home employee; engaging in sexual misconduct with employees in Petitioner’s medical office; attempting to make one of the victims unavailable by reporting to immigration officials and the Internal Revenue Service that the victim and her husband were undocumented immigrants using false Social Security numbers; encouraging a female employee to lie to a police detective to protect Petitioner; asking his medical assistant to lie to protect him; and falsifying a medical record by indicating a medical assistant was present during the examination of a female patient when, in fact, she was not. Petitioner surrendered his license effective January 15, 2010.

(Case No. 800-2017-0376228, OAH No. 2019040679, Petition for Penalty Relief of Esmail Nadjmabadi, [Medical Board of California](#), Effective Date 12/13/19)

- **In 2009, Nadjmabadi pleaded no contest to a criminal charge of sexual exploitation by a physician involving two or more women, and the following year surrendered his medical license.** “In 2009, he pleaded no contest to a criminal charge of sexual exploitation by a physician involving two or more women and the following year surrendered his medical license.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Five years later, Nadjmabadi then petitioned the Medical Board for reinstatement and the board granted his wish.** “It appeared his career was over until five years later, when he petitioned the Medical Board for reinstatement. The board granted his wish. It was a surprise to Ramirez and the other women he abused.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Nadjmabadi admitted that his accusers were telling the truth when he applied for reinstatement after previously insisting that they were liars.** “For Nadjmabadi, admitting that his accusers were telling the truth when he applied for reinstatement was an abrupt about-face. He’d previously insisted that they were liars, including the claim in a lawsuit against the board demanding the return of his license that he appealed to the state Supreme Court – to no avail.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Nadmabadi said he has always been a “goody two shoes” but had become a little bit heady with the power of being well-respected in the community.** “At his 2015 reinstatement hearing, he introduced a report from therapists who had evaluated

him. Nadjmabadi said he had always been a ‘goody two shoes,’ according to the report, but he had become ‘a little bit heady with the power of being a well-respected ... provider in the community.’” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)

- **The administrative law judge who heard the case determined that Nadjmabadi matured sufficiently to resume practicing medicine and his license was restored in 2015.** “H. Stuart Waxman, the administrative law judge who heard the case, determined that Nadjmabadi had matured sufficiently to resume practicing medicine: ‘He no longer views his position as one from which he can control his patients, but as one from which he can serve them.’ Nadjmabadi’s license was restored in 2015.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **After learning about Nadjmabadi’s reinstatement, Ramirez said “I don’t know how they can return a license to someone like that...He was taking advantage of vulnerable women.”** “‘I don’t know how they can return a license to someone like that,’ Ramirez said after learning of his reinstatement from a Times reporter. ‘He was taking advantage of vulnerable women.’” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **No one from the Medical Board contacted Ramirez – or any of the accusers before reinstating his license.** “That came as a shock to Ramirez, who had left Bakersfield to avoid ever running into Nadjmabadi or his wife. No one from the Medical Board contacted her – or any of the other accusers – beforehand.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
- **Five other female patients – including one in her mid-teens – told police and state regulators about similar sexual misconduct by Dr. Nadjmabadi.** “Five other female patients – including one in her mid-teens – told police and state regulators about similar sexual misconduct by Nadjmabadi.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Melissa Cardoza sought medical treatment from Nadjmabadi.** “Melissa Cardoza was 29 when she went to Nadjmabadi, the Bakersfield internist, in 2005 for a shoulder injury suffered in a wakeboarding accident.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Nadjmabadi had Cardoza expose her genitals and touched them inappropriately.** “Alone with him in the exam room, he told her to pull her jeans and underwear down a little so he could examine her. He had her bend over and touch her toes as he stood behind her, according to board records. Then he told her to remove her jeans and underwear from her right leg, exposing her genitals, and touched her inappropriately, according to board records and a lawsuit she filed.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **CARDOZA:** “*He did a lot of sick things to me. He is a sick man.*”

He did a lot of sick things to me. He is a sick man.

— Melissa Cardoza

(Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)

An administrative law judge hears the case and makes a proposed decision which then goes to the Medical Board of California for either adoption or non-adoption of the decision:

- **In California professional license law, an administrative law judge only has the power to make a proposed decision, not a final decision.** “In California professional license law, at a contested hearing deciding an accusation or a statement of issues an administrative law judge only has the power to make a proposed decision, not a final decision.” (Non-Adoption of a Proposed Decision, [California License Law Blog](#), 12/21/17)
- **The Medical Board of California delegates the task of hearing the case to an administrative law judge, but retains the ultimate power to make a decision on the case.** “The administrative agency – for example, the Medical Board of California or the California Department of Insurance – has delegated the task of hearing the case to an administrative law judge, but retains the ultimate power to make a decision on the case.” (Non-Adoption of a Proposed Decision, [California License Law Blog](#), 12/21/17)
- **After an administrative law judge issues a proposed decision, the proposed decision goes to the state agency for adoption or non-adoption.** “After an administrative law judge issues a proposed decision, the proposed decision goes to the state agency for adoption. If the state license agency doesn’t agree with the administrative law judge’s decision, there is a non-adoption. Non-adoptions are addressed in the law in California Government Code section 11517(c)(2)(E).” (Non-Adoption of a Proposed Decision, [California License Law Blog](#), 12/21/17)

The Board votes on a proposed decision:

Editor’s Note: Asif Mahmood was in attendance during this presentation, and can be seen on the video. Roll call votes for disciplinary decisions are not public record with the Medical Board of California.

- **Per a presentation by the Medical Board of California on Disciplinary Guidelines from May 2021, a proposed decision (PDs) are reviewed and considered by the Board and then they will “vote to adopt or hold the PD for discussion and final action during a Board panel meeting.”**

Reviewing Cases – PDs



- ▶ **Step 5:** Determine whether the proposed discipline provides sufficient consumer protection and, where possible, rehabilitation.
 - **Note:** When considering a PD, the Board shall give great weight to the findings of fact of the ALJ.

B&P § 2335(c)(1)
- ▶ **Step 6:** After review and consideration, vote to adopt or hold the PD for discussion and final action during a Board panel meeting.

(“Medical Board of California – Disciplinary Guidelines Presentation,” Medical Board of California, [YouTube](#), 05/27/21) (12:47)

In November 2019, Panel B, of which Asif Mahmood is a member, adopted the proposed decision to terminate Esmail Nadjmabadi’s probation before the full seven years of probation were completed:

- Dr. Asif Mahmood served as a member on Panel B per a meeting agenda from November 7th, 2019.



MEDICAL BOARD OF CALIFORNIA
PANEL B MEETING AGENDA

Thursday, November 7, 2019 10:00 a.m.-12:00 p.m.

Westin San Diego
400 West Broadway, San Diego, CA 92101
Opal Ballroom
(619) 239-4500

Action may be taken on any item listed on the agenda.
Meeting times and order of agenda items are subject to change.
Please see last page for meeting information.

Thursday, November 7, 2019

10:00 a.m. OPEN SESSION

1. Call to Order/Roll Call/Establishment of a Quorum
2. Election of Panel Chair and Vice Chair (Business and Professions Code section 2008)

***CLOSED SESSION**

3. Deliberation on disciplinary matters, including proposed decisions and stipulations (Government Code section 11126(c)(3))

OPEN SESSION

4. Adjournment

Kristina D. Lawson, J.D.
Chair
Susan F. Friedman
Dev Grandjeu, M.D.
Howard K. Krauss, M.D.
Asif Mahmood, M.D.
Denise Pines
Richard E. Thorp, M.D.

(Plan B Meeting Agenda, [Medical Board of California](#), 11/07/19)

- **Editor’s Note:** There was no webcast available from the November 7th, 2019 Panel B meeting.
- **Editor’s Note:** Per the [Meeting Agenda](#) for Panel A, Mahmood is not a member of that panel.
- Dr. Asif Mahmood served as a member on Panel B per a meeting agenda from January 30th, 2020.



MEDICAL BOARD OF CALIFORNIA
PANEL B MEETING AGENDA

January 30, 2020
8:30 a.m. – 12:15 p.m.

The Doubletree by Hilton Sacramento
2001 Point West Way, Sacramento, CA 95815
Salon 1 and 2 Conference Rooms
(916) 929-8855

Action may be taken on any item listed on the agenda.
Meeting times and order of agenda items are subject to change.
Please see last page for meeting information.

Kristina D. Lawson, J.D.
Chair
Dev GnanaDev, M.D.
Howard R. Krauss, M.D.
Asif Mahmood, M.D.
Denise Pines
Richard E. Thorp, M.D.

January 30, 2020

1. Call to Order/Roll Call/Establishment of a Quorum
2. Election of Vice Chair (Business and Professions Code section 2008)

8:35 a.m. *CLOSED SESSION

3. Deliberation on disciplinary matters, including proposed decisions and stipulations (Government Code section 11126(c)(3))

(Plan B Meeting Agenda, [Medical Board of California](#), 01/30/20)

- Per a webcast of the meeting, Asif Mahmood was a member of Panel B.



(Webcast, [Medical Board of California](#), 01/30/20)

- According to the Medical Board of California, a decision involving Esmail Nadjmabadi was issued with an effective date of December 13th, 2019.

1 Public Document(s) Found:

License Type	License Number	Last Name	First Name	Middle Name	Date	Type	Pages
A	56456	NADJMABADI	ESMAIL		December 13, 2019	DECISION	15

(License Number: 56456, Public Document Lookup Search, [Medical Board of California](#), 12/13/19)

- A proposed decision was submitted for decision on July 19th, 2019 to the Medical Board of California.

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

In the Matter of the Petition for Penalty Relief of:

ESMAIL NADJMABADI, M.D., Petitioner

Agency Case No. 800-2017-037628

OAH No. 2019040679

PROPOSED DECISION

Carla L. Garrett, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter on July 19, 2019, in Los Angeles, California.

Paul Spackman, Attorney at Law, represented Esmail Nadjmabadi, M.D. (Petitioner). Brenda P. Reyes, Deputy Attorney General, appeared pursuant to the provisions of Government Code section 11522.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on July 19, 2019.

(Case No. 800-2017-0376228, OAH No. 2019040679, Petition for Penalty Relief of Esmail Nadjmabadi, [Medical Board of California](#), Effective Date 12/13/19)

- Per the factual findings of the proposed decision, the Board decided in June 2015 to reinstate Petitioner’s surrendered Physician’s and Surgeon’s Certificate,

immediately revoked the license, stayed the revocation, and placed the Petitioner on probation for a period of seven years, which included having a third party chaperone while treating female patients.

2. By its Decision effective July 22, 2015, pursuant to the Board's June 22, 2015 Decision and Order adopting the Proposed Decision of Administrative Law Judge H. Stuart Waxman, the Board reinstated Petitioner's surrendered Physician's and Surgeon's Certificate, immediately revoked the license, stayed the revocation, and placed Petitioner on probation for a period of seven years, subject to terms and conditions, including, but not limited to, undergoing a psychiatric examination and be deemed fit to practice, taking and passing an oral and/or written examination such as the Special Purpose Examination (SPEX), engaging in a non-solo practice, having a third party chaperone present while consulting, examining, or treating female patients, and submitting quarterly reports.

(Case No. 800-2017-0376228, OAH No. 2019040679, Petition for Penalty Relief of Esmail Nadjmabadi, [Medical Board of California](#), Effective Date 12/13/19)

- The Medical Board of California adopted a decision in the complaint on November 15th, 2019 with an effective date of December 13th, 2019.



(Case No. 800-2017-0376228, OAH No. 2019040679, Petition for Penalty Relief of Esmail Nadjmabadi, [Medical Board of California](#), Effective Date 12/13/19)

- The decision was signed by Kristina Lawson, Chair of Panel B.

MEDICAL BOARD OF CALIFORNIA

**Kristina D. Lawson, J.D., Chair
Panel B**

(Case No. 800-2017-0376228, OAH No. 2019040679, Petition for Penalty Relief of Esmail Nadjmabadi, [Medical Board of California](#), Effective Date 12/13/19)

- The proposed decision that was adopted by the Medical Board of California ordered for the termination of Nadjmabadi's prohibition and that his Physician's and Surgeon's Certificate be fully restored.

ORDER

The petition of Esmail Nadjmabadi, M.D., for termination of probation is granted. Physician's and Surgeon's Certificate Number A56456 is fully restored.

DATE: August 6, 2019

Designated by
Carole L. Garrett
CAROLE L. GARRETT
Administrative Law Judge
Office of Administrative Hearings

(Case No. 800-2017-0376228, OAH No. 2019040679, Petition for Penalty Relief of Esmail Nadjmabadi, [Medical Board of California](#), Effective Date 12/13/19)

- **Per the proposed decision, a person who is placed on probation may petition the board for reinstatement or modification of the penalty, including modification or termination of probation.**

(a) A person whose certificate has been surrendered while under investigation or while charges are pending or whose certificate has been revoked or suspended or placed on probation, may petition the board for reinstatement or modification of penalty, including modification or termination of probation.

(Case No. 800-2017-0376228, OAH No. 2019040679, Petition for Penalty Relief of Esmail Nadjmabadi, [Medical Board of California](#), Effective Date 12/13/19)

- **A petition may be assigned to an administrative law judge who will provide a proposed decision to the board which shall then be acted upon.**

(d) The petition may be heard by a panel of the board. The board may assign the petition to an administrative law judge designated in Section 11371 of the Government Code. After a hearing on the petition, the administrative law judge shall provide a proposed decision to the board or the California Board of Podiatric Medicine, as applicable, which shall be acted upon in accordance with Section 2335.

(Case No. 800-2017-0376228, OAH No. 2019040679, Petition for Penalty Relief of Esmail Nadjmabadi, [Medical Board of California](#), Effective Date 12/13/19)

- **In a proceeding on a petition for penalty relief, the burden rests on the petitioner to prove that the person has rehabilitated themselves and entitled to be relieved from further requirements of probation.**

3. In a proceeding to restore a disciplined professional license or a petition for penalty relief, the burden rests on the petitioner to prove that he has rehabilitated himself and that he is entitled to have his license restored or be relieved from further requirements of probation. (*Flanzer v. Board of Dental Examiners* (1990) 220 Cal.App.3d 1392, 1398.)

Any sexual contact with patients violates a physician’s code of ethics as laid out by the American Medical Association and violates California law:

- **Any sexual contact with patients violates a physician’s code of ethics as laid out by the American Medical Association and violates California law.** “Any sexual contact with patients violates a physician’s code of ethics as laid out by the American Medical Assn. and violates California law.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
- **HEADLINE:** “*These doctors sexually abused patients. The Medical Board gave them their licenses back.*”

CALIFORNIA

These doctors sexually abused patients. The Medical Board gave them their licenses back

(Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)

The Board’s President refused to discuss the details of specific cases or explain why the Board granted specific reinstatements due to privacy laws, and claimed state regulations prevent them from deeming offenses, such as sexual misconduct with a minor, as permanently disqualifying:

- **The Board President, Kristina Lawson, refused to discuss the details of individual cases or explain why the board granted specific reinstatements citing privacy laws.** “Board President Kristina Lawson refused to discuss the details of individual cases or explain why the board granted specific reinstatements, citing privacy laws.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Lawson defended the board saying the Medical Board is “dedicated and committed to protecting California consumers.”** “Lawson defended the panel in a recent interview, saying, ‘My colleagues on the Medical Board, 100% of them, are dedicated and committed to protecting California consumers. It’s the number one, top-of-mind consideration for all of them in all of the work that they do.’” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
- **Lawson claimed that the Medical Board is bound by state regulations that prevent it from deeming some offenses, such as sexual misconduct with a minor, as permanently disqualifying.** “Lawson conceded that the board has “room for improvement.” She said it is bound by state regulations that, among other things, prevent it from deeming some offenses – such as sexual misconduct with a minor – permanently disqualifying.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)
 - **Once a physician’s license has been revoked, a rare and extraordinary step in California, there is nothing that requires the Medical Board to reinstate it as it’s left up to the Board’s judgement.** “But once a physician’s license has been revoked

— a rare and extraordinary step in California — there is nothing that requires Lawson and her colleagues to reinstate it. That is up to the board’s judgment.” (Jack Dolan, Brittny Mejia, and Kim Christensen, “These doctors sexually abused patients. The Medical Board gave them their licenses back,” [The Los Angeles Times](#), 12/15/21)