

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

**In the Matter of the Accusation)
Against:)**

EKRAM KAMEL ELZIK, M.D.)

Case No. 11-2012-221944

**Physician's and Surgeon's)
Certificate No. A42054)**

Respondent)

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 15, 2014

IT IS SO ORDERED September 8, 2014.

MEDICAL BOARD OF CALIFORNIA

By: _____

KIMBERLY KIRCHMEYER

Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 JOHN E. RITTMAYER
Deputy Attorney General
4 State Bar No. 67291
California Department of Justice
5 300 So. Spring Street, Suite 1702
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7 *Attorneys for Complainant*

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. 11-2012-221944

12 Ekram Elzik, M.D.
665 Camino De Los Mares #118
13 San Clemente, CA 92673

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Physician's and Surgeon's Certificate Number
A 42054,

15
16 Respondent.

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

19 PARTIES

20 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
21 of California, Department of Consumer Affairs (Board). She brought this action solely in her
22 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
23 State of California, by John E. Rittmayer, Deputy Attorney General.

24 2. Ekram Elzik, M.D. (Respondent) is represented in this proceeding by attorney
25 Raymond McMahon, whose address is Bonne, Bridges, 1851 East First Street, Suite 810, Santa
26 Ana, CA 92705-4041.

27 3. On or about August 12, 1985, the Board issued Physician's and Surgeon's Certificate
28 No. A 42054 to Ekram Elzik, M.D. (Respondent). The Physician's and Surgeon's Certificate was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 11-2012-
2 221944 and will expire on December 31, 2014, unless renewed.

3 JURISDICTION

4 4. Accusation No. 11-2012-221944 was filed before the Board and is currently pending
5 against Respondent. The Accusation and all other statutorily required documents were properly
6 served on Respondent on July 16, 2014. Respondent has not filed a Notice of Defense contesting
7 the Accusation. A copy of Accusation No. 11-2012-221944 is attached as Exhibit A and
8 incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 11-2012-221944. Respondent also has carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
13 and Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 11-2012-221944, agrees that cause exists for discipline and hereby surrenders his Physician's
26 and Surgeon's Certificate No. A 42054 for the Board's formal acceptance.

27 9. Respondent understands that by signing this stipulation he enables the Board to issue
28 an order accepting the surrender of his Physician's and Surgeon's Certificate without further

1 process.

2 RESERVATION

3 10. The admissions made by Respondent herein are only for the purposes of this
4 proceeding, or any other proceedings in which the Medical Board of California or other
5 professional licensing agency is involved, and shall not be admissible in any other criminal or
6 civil proceeding.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Medical Board of California.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
10 Board of California may communicate directly with the Board regarding this stipulation and
11 surrender, without notice to or participation by Respondent or his counsel. By signing the
12 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
14 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order, including Portable Document Format
20 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following Order:

23 ORDER

24 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 42054, issued
25 to Respondent Ekram Elzik, M.D., is surrendered and accepted by the Medical Board of
26 California.

27 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
28 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
2 of Respondent's license history with the Medical Board of California.

3 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
4 California as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. 11-2012-221944 shall be deemed to be true, correct and admitted by Respondent
12 when the Board determines whether to grant or deny the petition.

13 5. If Respondent should ever apply or reapply for a new license or certification, or
14 petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation, No. 11-2012-221944 shall
16 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
17 Issues or any other proceeding seeking to deny or restrict licensure.

18 ACCEPTANCE

19 I have carefully read the above Stipulated Surrender of License and Order and have fully
20 discussed it with my attorney, Raymond McMahon. I understand the stipulation and the effect it
21 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
22 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
23 Decision and Order of the Medical Board of California.

24
25 DATED: 7/21/2014 Ekram K. Elzik M.D.
26 EKRAM ELZIK, M.D.
27 Respondent

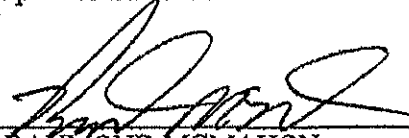
28 I have read and fully discussed with Respondent Ekram Elzik, M.D. the terms and

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conditions and other matters contained in this Stipulated Surrender of License and Order. I
approve its form and content.

DATED: *August 6, 2014*

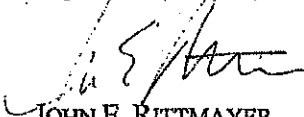

RAYMOND MCMAHON
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: *August 20, 2014*

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General


JOHN E. RITTMAYER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 11-2012-221944

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 JOHN E. RITTMAYER
Deputy Attorney General
4 State Bar No. 67291
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *July 16 20 14*
BY *[Signature]* ANALYST

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. 11-2012-221944

13 **Ekram Elzik, M.D.**
655 Camino De Los Mares #118
San Clemente, CA 92673

ACCUSATION

14 **Physician's and Surgeon's**
15 **Certificate Number A 42054,**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about August 12, 1985, the Board issued Physician's and Surgeon's Certificate
23 Number A 42054 to Ekram Elzik, M.D. (respondent). The Physician's and Surgeon's Certificate
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 December 31, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise 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 Practice
4 Act.

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

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

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

10 "(e) Reviewing the quality of medical practice carried out by physician and surgeon
11 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 programs in
14 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 2227 of the Code provides that a licensee who is found guilty under the
18 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
19 one year, placed on probation and required to pay the costs of probation monitoring, or such other
20 action taken in relation to discipline as the Board deems proper.

21 6. "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 "...

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

28 "(1) An initial negligent diagnosis followed by an act or omission medically appropriate for

1 that negligent diagnosis of the patient shall constitute a single negligent act.

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

7 "..."

8 7. Code section 822 states:

9 "If a licensing agency determines that its licentiate's ability to practice his or her profession
10 safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the
11 licensing agency may take action by any one of the following methods:

12 "(a) Revoking the licentiate's certificate or license.

13 "(b) Suspending the licentiate's right to practice.

14 "(c) Placing the licentiate on probation.

15 "(d) Taking such other action in relation to the licentiate as the licensing agency in its
16 discretion deems proper.

17 "The licensing section shall not reinstate a revoked or suspended certificate or license until
18 it has received competent evidence of the absence or control of the condition which caused its
19 action and until it is satisfied that with due regard for the public health and safety the person's
20 right to practice his or her profession may be safely reinstated."

21 CAUSE OF ACTION

22 (Inability to Practice Safely Due to Physical Illness)

23 8. Respondent is subject to action under section 822 in that his ability to practice
24 medicine safely is impaired by a physical illness affecting competency. The circumstances are as
25 follows:

26 9. On or about January 15 and 24, 2014, respondent underwent a neuropsychological
27 examination administered by an experienced psychologist. On two of four measures of effort and
28 motivation, respondent performed poorly. The difficulties reflected problems with a combination

1 of difficulties in comprehension, processing and/or hearing. Clinical observations of respondent's
2 behavior and mental status often revealed confusion and he required frequent repetition of
3 questions or directions. Considerable structure was required. These difficulties were noted over
4 and beyond any problems that were likely impacted by his hearing difficulties. Memory and
5 retrieval difficulties were evident including the inability to remember who the examiner was at
6 the second of two sessions. Formal neuropsychological testing depicted problems ranging from
7 mild to severe in all realms including assessment of sensory, perceptual, language, learning and
8 memory, intellectual, attentional and speed-of-performance/processing abilities.

9 10. After conducting neuropsychological testing and assessing respondent, the examiner
10 was unable to conclude that respondent could practice medicine safely absent the performance of
11 a thorough neurologic assessment. The examiner identified areas of confusion believed to be
12 unrelated to hearing problems, and the testing identified other areas of difficulties. The examiner
13 recommended that no practice be allowed until after specific additional neurologic testing was
14 performed.

15 CAUSE FOR DISCIPLINE

16 (Repeated Negligent Acts)

17 11. Respondent is subject to disciplinary action under section 2234, subdivision (c), in
18 that he committed negligent acts in the care and treatment of patient J.K. The circumstances are
19 as follows:

20 12. J. K., then 29 years old, saw respondent as a patient on January 22, 2010. J.K.
21 complained of left shoulder pain, jaw pain, migraine and right knee pain for two years.
22 Respondent gave J.K. methadone and alprazolam (Xanax) prescriptions that J.K. filled on the
23 same day of his clinic visit with respondent. Later that same day, J.K. overdosed on heroin and
24 was incarcerated. Upon his release from prison on February 3, 2010, J.K.'s medications (the
25 previously filled methadone and alprazolam) were returned to him by law enforcement. He was
26 found dead February 4, 2010. It was later determined he overdosed on methadone, alprazolam
27 and hydroxyzine

28 13. Medical records for the single visit do not contain sufficient information, including

1 physical and psychological status and function, substance abuse history, a history of prior
2 treatments and an assessment of any other underlying or co-existing conditions. The record
3 keeping for patient J.K. was incomplete and in violation of the standard of care. In addition,
4 respondent failed to document an adequate physical examination and did not provide any
5 treatment plan in the medical records. These are violations of the standard of care. Furthermore,
6 at that visit respondent did not access a CURES report for the patient nor did he perform any urine
7 drug screening. Also, the medical records do not reflect any discussion with the patient about
8 informed consent for the medications prescribed by respondent on that visit. These actions
9 constitute repeated negligent acts and the failure to maintain adequate and complete medical
10 records

11 14. The history, physical examination and assessment described in the preceding
12 paragraph departed from the standard of care.

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's and Surgeon's Certificate Number A 42054,
17 issued to Ekram Elzik, M.D.;
- 18 2. Revoking, suspending or denying approval of Ekram Elzik, M.D.'s authority to
19 supervise physician assistants, pursuant to section 3527 of the Code;
- 20 3. Ordering Ekram Elzik, M.D., if placed on probation, to pay the Medical Board of
21 California the costs of probation monitoring and
- 22 4. Taking such other and further action as deemed necessary and proper.

23 DATED: July 16, 2014


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

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