

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

In the Matter of the Accusation)
Against:)
)
)
MUSTAFA SALEH HUMEID, M.D.) Case No. 800-2015-012866
)
Physician's and Surgeon's)
Certificate No. A 33136)
)
Respondent)
_____)

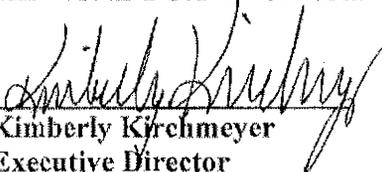
DECISION

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 December 14, 2016

IT IS SO ORDERED December 7, 2016 .

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 BRIAN D. BILL
Deputy Attorney General
4 State Bar No. 239146
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-9474
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2015-012866

13 **MUSTAFA HUMEID, M.D.**
2035 Sestino Street
14 Delano, CA 93215
Physician's and Surgeon's Certificate No.
A33136,

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16
17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibility of the Medical Board of California of the Department of Consumer
19 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order
20 which will be submitted to the Board for approval and adoption as the final disposition of the
21 Accusation.

22 PARTIES

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California. She brought this action solely in her official capacity and is represented in this
25 matter by Kamala D. Harris, Attorney General of the State of California, by Brian D. Bill, Deputy
26 Attorney General.

27 2. MUSTAFA HUMEID, M.D. (Respondent) is representing himself in this proceeding
28 and has chosen not to exercise his right to be represented by counsel.

1 the Board may, without further notice or formal proceeding, issue and enter the following Order:

2 ORDER

3 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A33136, issued
4 to Respondent MUSTAFA HUMEID, M.D., is surrendered and accepted by the Medical Board of
5 California.

6 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
7 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
8 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
9 of Respondent's license history with the Medical Board of California.

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

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

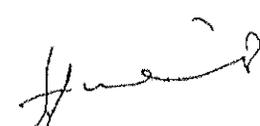
14 4. If he ever applies for licensure or petitions for reinstatement in the State of California,
15 the Board shall treat it as a new application for licensure. Respondent must comply with all the
16 laws, regulations and procedures for licensure in effect at the time the application or petition is
17 filed, and all of the charges and allegations contained in Accusation No. 800-2015-012866 shall
18 be deemed to be true, correct and admitted by Respondent when the Board determines whether to
19 grant or deny the application or petition.

20 ACCEPTANCE

21 I have carefully read the Stipulated Surrender of License and Order. I understand the
22 stipulation and the effect it will have on my Physician's and Surgeon's Certificate.

23 I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and
24 intelligently, and agree to be bound by the Decision and Order of the Medical Board of
25 California.

26
27 DATED: 10/25/16


28 MUSTAFA HUMEID, M.D.
Respondent

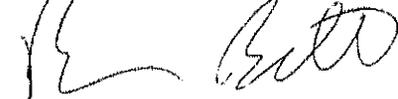
ENDORSEMENT

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: 11-10-16

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



BRIAN D. BILL
Deputy Attorney General
Attorneys for Complainant

LA2016500502
Humeid Stipulation.docx

Exhibit A

Accusation No. 800-2015-012866

1 KAMALA D. HARRIS
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 BRIAN D. BILL
Deputy Attorney General
4 State Bar No. 239146
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-9474
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *MARCH 29 2016*
BY: *[Signature]* 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:
12 **Mustafa Humeid, M.D.**
13 **312 Sunny Meadow Drive**
Bakersfield, CA 93308
14 **Physician's and Surgeon's Certificate**
15 **No. A33136,**
16 Respondent.

Case No. 800-2015-012866
ACCUSATION

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 November 1, 1978, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A33136 to Mustafa Humeid, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein
25 and will expire on March 31, 2016, 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 states:
18 "(a) A licensee whose matter has been heard by an administrative law judge of the Medical
19 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default
20 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
21 action with the board, may, in accordance with the provisions of this chapter:
22 "(1) Have his or her license revoked upon order of the board.
23 "(2) Have his or her right to practice suspended for a period not to exceed one year upon
24 order of the board.
25 "(3) Be placed on probation and be required to pay the costs of probation monitoring upon
26 order of the board.
27 "(4) Be publicly reprimanded by the board. The public reprimand may include a
28 requirement that the licensee complete relevant educational courses approved by the board.

1 “(5) Have any other action taken in relation to discipline as part of an order of probation, as
2 the board or an administrative law judge may deem proper.

3 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
4 review or advisory conferences, professional competency examinations, continuing education
5 activities, and cost reimbursement associated therewith that are agreed to with the board and
6 successfully completed by the licensee, or other matters made confidential or privileged by
7 existing law, is deemed public, and shall be made available to the public by the board pursuant to
8 Section 803.1.”

9 6. Section 2234 of the Code states:

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

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

15 “(b) Gross negligence.

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

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

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

26 “(d) Incompetence.

27 “(e) The commission of any act involving dishonesty or corruption that is substantially
28 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
5 the 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 by the board. This subdivision shall only apply to a certificate holder
8 who is the subject of an investigation by the board.”

9 7. Section 820 of the Code states:

10 “Whenever it appears that any person holding a license, certificate or permit under this
11 division or under any initiative act referred to in this division may be unable to practice his or her
12 profession safely because the licentiate's ability to practice is impaired due to mental illness, or
13 physical illness affecting competency, the licensing agency may order the licentiate to be
14 examined by one or more physicians and surgeons or psychologists designated by the agency.
15 The report of the examiners shall be made available to the licentiate and may be received as direct
16 evidence in proceedings conducted pursuant to Section 822.”

17 8. Code section 821 provides that the licentiate's failure to comply with an order issued
18 under section 820 shall constitute grounds for the suspension or revocation of the licentiate's
19 certificate of license.

20 9. Code section 822 states:

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

24 “(a) Revoking the licentiate's certificate or license.

25 “(b) Suspending the licentiate's right to practice.

26 “(c) Placing the licentiate on probation.

27 “(d) Taking such other action in relation to the licentiate as the licensing agency in its
28 discretion deems proper.

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

5 **CAUSE FOR DISCIPLINE**

6 **(Failure to Comply with Order for Examination)**

7 10. Respondent Mustafa Humeid, M.D. is subject to disciplinary action under section
8 2234, section 820, section 821, and section 822 of the Code in that on several occasions,
9 Respondent refused to comply with requests to conduct a mental and/or physical examination to
10 determine fitness to practice medicine and refused a lawful order of the Board to submit to a
11 mental and/or physical examination. The circumstances are as follows:

12 11. On or about March 18, 2015, the Medical Board of California - Central Complaint
13 unit (MBC-CCU) received an anonymous complaint alleging that Respondent may be unfit to
14 practice medicine. Specifically, the complaint alleged that Respondent exhibited symptoms
15 consistent with dementia, that he is "sexually uninhibited," and on one occasion was incontinent
16 while practicing at his place of employment.

17 12. On or about July 21, 2015, Medical Board Investigators S.W. and C.F. interviewed
18 Respondent at his residence. During the interview Respondent stated he was periodically
19 employed by the California Department of Corrections and Rehabilitation as a staff psychiatrist.
20 Respondent executed a voluntary agreement to undergo a physical and/or mental examination to
21 determine his fitness to practice medicine. While completing the voluntary evaluation forms,
22 Respondent was unable to recall his address, telephone number or the last name of his significant
23 other, "H."

24 13. Respondent was scheduled to undergo an evaluation on August 13, 2015. On or
25 about July 31, 2015, Investigator C.F. mailed Respondent a letter that contained the relevant
26 information for the evaluation. Respondent failed to appear for the August 13, 2015 evaluation.

27 14. On or about September 1, 2015, Respondent's evaluation was rescheduled for
28 September 24, 2015. On or about September 9, 2015, Investigator C.F. mailed Respondent a

1 letter that contained the relevant information for the September 24, 2015 evaluation. On or about
2 September 9, 2015, Investigator S.W. personally served Respondent with a copy of the letter that
3 contained the relevant information for the September 24, 2015 evaluation. Respondent failed to
4 appear for the September 24, 2015 evaluation.

5 15. On or about November 9, 2015, Investigator C.F. spoke with "H," who stated that
6 Respondent was "retired" and she had a power of attorney for Respondent.

7 16. On or about November 9, 2015, District Medical Consultant Dr. Cheryl Gray
8 reviewed the facts of this case and opined that Respondent may be unable to safely treat patients
9 due to a mental or physical illness affecting his competency. Therefore, Respondent posed a
10 danger to public safety.

11 17. On or about December 21, 2015, the Medical Board of California issued an order
12 compelling Respondent to submit to a mental and/or physical examination. Respondent was
13 scheduled to undergo an evaluation on February 3, 2016. A copy of the Board's orders were
14 served personally on Respondent and sent to Respondent via US Certified and US First Class
15 mail.

16 18. Respondent failed to appear for the February 3, 2016 examination.

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

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

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A33136, issued to Mustafa Humeid, M.D.;
2. Revoking, suspending or denying approval of Mustafa Humeid, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code; and
3. Ordering Mustafa Humeid, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: March 29, 2016


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

LA2016500502
61900680.doc