

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

In the Matter of the Amended)
Petition to Revoke Probation)
Against:)

Maher Nashed Abadir, M.D.)

Case No. 800-2014-002712

Physician's and Surgeon's)
Certificate No. A 24538)

Respondent)
_____)

DECISION

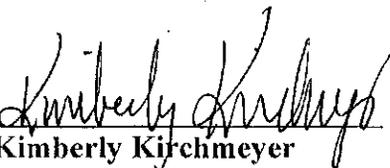
The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on May 20, 2016.

IT IS SO ORDERED May 13, 2016.

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 WENDY WIDLUS
Deputy Attorney General
4 State Bar No. 82958
California Department of Justice
5 300 So. Spring Street, Suite 1702
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7 E-mail: Wendy.Widlus@doj.ca.gov
Attorneys for Complainant

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

11
12 In the Matter of the Amended Petition to Revoke
Probation Against:

13 **MAHER NASHED ABADIR, M.D.**
14 **1501 Country View Drive**
Modesto, CA 95356
15 **Physician's and Surgeon's Certificate No. A 24538,**

16 Respondent.

Case No. 800-2014-002712

OAH No. 2016020771

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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. She brought this action solely in her official capacity and is represented in this
22 matter by Kamala D. Harris, Attorney General of the State of California, by Wendy Widlus,
23 Deputy Attorney General.

24 2. Maher Nashed Abadir, M.D. (Respondent) is represented in this proceeding by
25 attorney Ivan W. Golde, whose address is 1611 Telegraph Avenue, Suite 1026, Oakland, CA
26 94612.

27 3. On or about December 6, 1971, the Medical Board of California (Board) issued
28 Physician's and Surgeon's Certificate No. A 24538 to Respondent. The Physician's and Surgeon's

1 Certificate expired on December 31, 2011, has not been renewed, and is in a delinquent status.

2 4. On October 7, 2010, Respondent's license to practice medicine was suspended
3 pursuant to an *ex parte* order issued by authority of California Government Code section 11529.

4 JURISDICTION

5 5. In a disciplinary action entitled In the Matter of Accusation Against Maher Nashed
6 Abadir, M.D., Case No. 02-2010-206932, the Medical Board of California, issued a decision,
7 effective November 15, 2012, in which Respondent's Physician's and Surgeon's Certificate was
8 revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's
9 Certificate was placed on probation for a period of five (5) years with certain terms and
10 conditions.

11 6. Amended Petition to Revoke Probation No. 800-2014-002712 was filed before the
12 Board, and is currently pending against Respondent. The Amended Petition to Revoke Probation
13 and all other statutorily required documents were properly served on Respondent on March 18,
14 2016. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation.
15 A copy of Amended Petition to Revoke Probation No. 800-2014-002712 is attached as Exhibit A
16 and incorporated by reference.

17 ADVISEMENT AND WAIVERS

18 7. Respondent has carefully read, fully discussed with counsel, and understands the
19 charges and allegations in Amended Petition to Revoke Probation No. 800-2014-002712.
20 Respondent also has carefully read, fully discussed with counsel, and understands the effects of
21 this Stipulated Surrender of License and Order.

22 8. Respondent is fully aware of his legal rights in this matter, including the right to a
23 hearing on the charges and allegations in the Amended Petition to Revoke Probation; the right to
24 be represented by counsel, at his own expense; the right to confront and cross-examine the
25 witnesses against him; the right to present evidence and to testify on his own behalf; the right to
26 the issuance of subpoenas to compel the attendance of witnesses and the production of
27 documents; the right to reconsideration and court review of an adverse decision; and all other
28 rights accorded by the California Administrative Procedure Act and other applicable laws.

1 **ORDER**

2 **IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. A 24538, issued
3 to Respondent Maher Nashed Abadir, M.D., is surrendered and accepted by the Medical Board of
4 California.

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

9 2. Respondent shall lose all rights and privileges as a physician and surgeon in
10 California as of the effective date of the Board's Decision and Order.

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

13 4. If Respondent ever files an application for licensure or a petition for reinstatement in
14 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
15 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
16 effect at the time the petition is filed, and all of the charges and allegations contained in Amended
17 Petition to Revoke Probation No. 800-2014-002712 shall be deemed to be true, correct and
18 admitted by Respondent when the Board determines whether to grant or deny the petition.

19 5. If Respondent should ever apply or reapply for a new license or certification, or
20 petition for reinstatement of a license, by any other health care licensing agency in the State of
21 California, all of the charges and allegations contained in Amended Petition to Revoke Probation,
22 No. 800-2014-002712 shall be deemed to be true, correct, and admitted by Respondent for the
23 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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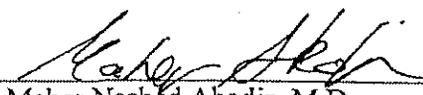
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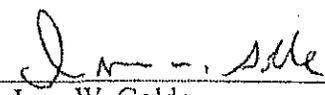
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ACCEPTANCE

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

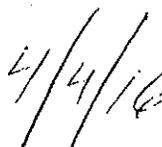
DATED: 3/31/16 
Maher Nashed Abadir, M.D.
Respondent

I have read and fully discussed with Respondent Maher Nashed Abadir, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: March 22, 2016 
Ivan W. Golde
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: 4/4/16 
Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General


WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Amended Petition to Revoke Probation No. 800-2014-002712

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 WENDY WIDLUS
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6 Telephone: (213) 897-2867
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7 E-mail: Wendy.Widlus@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Amended Petition to
12 Revoke Probation Against,

Case No. 800-2014-002712

13 **MAHER NASHED ABADIR, M.D.**
14 **1501 Country View Drive**
Modesto, CA 95356
15 **Physician's and Surgeon's Certificate**
No. A 24538,

AMENDED PETITION TO REVOKE
PROBATION

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Amended Petition to Revoke
21 Probation solely in her official capacity as the Executive Director of the Medical Board of
22 California, Department of Consumer Affairs.

23 2. On or about December 6, 1971, the Medical Board of California issued Physician's
24 and Surgeon's Certificate Number A 24538 to Maher Nashed Abadir, M.D. (Respondent). The
25 Physician's and Surgeon's Certificate expired on December 31, 2011, has not been renewed, and
26 is in a delinquent status.

27 3. On October 7, 2010, Respondent's license to practice medicine was suspended
28 pursuant to an *ex parte* order in Case No. 02-2010-206932 issued by authority of California

1 Government Code section 11529.

2 4. In a disciplinary action entitled "In the Matter of Accusation Against Maher Nashed
3 Abadir, M.D.," Case No. 02-2010-206932, the Medical Board of California, issued a decision,
4 effective November 15, 2012, in which Respondent's Physician's and Surgeon's Certificate was
5 revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's
6 Certificate was placed on probation for a period of five (5) years with certain terms and
7 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

8 JURISDICTION

9 5. This Amended Petition to Revoke Probation is brought before the Medical Board of
10 California (Board), Department of Consumer Affairs, under the authority of the following laws.
11 All section references are to the Business and Professions Code unless otherwise indicated.

12 6. Section 2001.1 of the Code states:

13 "Protection of the public shall be the highest priority for the Medical Board of California in
14 exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the
15 public is inconsistent with other interests sought to be promoted, the protection of the public shall
16 be paramount."

17 7. 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 [b]oard, 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 8. Section 2234 of the Code, states, in pertinent part:

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 “...”

16 “...”

17 “(e) The commission of any act involving dishonesty or corruption which is substantially
18 related to the qualifications, functions, or duties of a physician and surgeon.

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

20 “...”

21 **FIRST CAUSE TO REVOKE PROBATION**

22 (Failure to Successfully Complete a Clinical Training Program)

23 9. At all times after the effective date of Respondent’s probation, Condition 7 stated:

24 “CLINICAL TRAINING PROGRAM Within 60 calendar days of the effective date of this
25 Decision, Respondent shall enroll in a clinical training or educational program equivalent to the
26 Physician Assessment and Clinical Education Program (PACE) offered at the University of
27 California -San Diego School of Medicine (‘Program’).

28 “The Program shall consist of a Comprehensive Assessment program comprised of a two-

1 day assessment of Respondents physical and mental health; basic clinical and communication
2 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to
3 Respondent specialty or sub-specialty, and at a minimum, a 40-hour program of clinical education
4 in the area of practice in which Respondent was alleged to be deficient and which takes into
5 account data obtained from the assessment, Decision (s), Accusation (s), and any other
6 information that the Board, or its designee, deems relevant. Respondent shall pay all expenses
7 associated with the clinical training program.

8 “Based on Respondent’s performance and test results in the assessment and clinical
9 education, the Program will advise the Board, or its designee, of its recommendation (s) for the
10 scope and length of any additional educational or clinical training, treatment for any medical
11 condition, treatment for any psychological condition, or anything else affecting the Respondent’s
12 practice of medicine.

13 “Respondent shall comply with Program recommendations.

14 “At the completion of any additional educational or clinical training, Respondent shall
15 submit to and pass an examination. The Program’s determination whether or not Respondent
16 pass the examination or successfully completed Program shall be binding.

17 “Respondent shall complete the Program not later than six months after Respondent’s initial
18 enrollment unless the Board, or its designee, agrees in writing to a later time for completion.
19 Failure to participate in and complete successfully all phases of the clinical training program
20 outlined above is a violation of probation.

21 “Respondent shall not practice medicine until Respondent has successfully completed the
22 Program and has been so notified by the Board, or its designee, in writing, except that Respondent
23 may practice in a clinical training program approved by the Board or its designee. Respondent’s
24 practice of medicine shall be restricted only to that which is required by the approved training
25 program.

26 “After Respondent has successfully completed the clinical training program, Respondent
27 shall participate in a professional enhancement program equivalent to the one offered by the
28 Physician Assessment and Clinical Education Program at the University of California, San Diego

1 School of Medicine, which shall include quarterly chart review, semi-annual practice assessment,
2 and semi-annual review of professional growth and education. Respondent shall participate in the
3 professional enhancement program at Respondent's expense during the term of probation, or until
4 the Board, or its designee, determines that further participation is no longer necessary.

5 "Failure to participate in and complete successfully the professional enhancement program
6 outlined above is a violation of probation."

7 10. Respondent's probation is subject to revocation because he failed to comply with
8 Probation Condition 7, referenced above. The facts and circumstances regarding this violation
9 are as follows:

10 A. After Respondent completed the second phase of the PACE assessment, PACE found
11 that Respondent's overall performance of the comprehensive seven day physician assessment was
12 consistent with a "Failed, Category 4." This Category signifies a performance which is not
13 compatible with overall physician competency and safe practice. Therefore, Respondent failed to
14 participate in and complete successfully all phases of the PACE clinical training program.

15 **SECOND CAUSE TO REVOKE PROBATION**

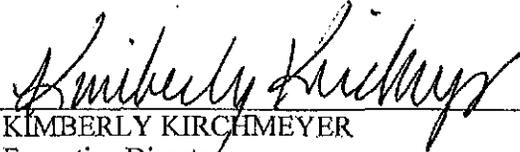
16 (Failure to Submit to Biological Fluid Testing)

17 11. At all times after the effective date of Respondent's probation, Condition 5 stated:
18 "BIOLOGICAL FLUID TESTING Respondent shall immediately submit to biological
19 fluid testing, at Respondent's expense, upon the request of the Board or its designee. Prior to
20 practicing medicine, Respondent shall, at Respondent's expense, contract with the laboratory or
21 service-approved in advance by the Board, or its designee-that will conduct random,
22 unannounced, observed, urine testing a minimum of four times each month. The contract shall
23 require results of the urine test to be transmitted by the laboratory or service directly to the Board,
24 or its designee, within four hours of the results becoming available. Failure to maintain this
25 laboratory service during the period of probation is a violation of probation. A certified copy of
26 the laboratory test results may be received in evidence in any proceedings between the Board and
27 Respondent. Failure to submit to or comply with the timeframe for submitting to, or failure to
28 complete the required biological fluid testing, is a violation of probation."

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2. Revoking or suspending his Physician's and Surgeon's Certificate;
3. Revoking, suspending or denying approval of his authority to supervise physicians assistants, pursuant to section 3527 of the Code;
4. Ordering him to pay the Medical Board of California, if placed on probation, the costs of probation monitoring;
5. Taking such other and further action as deemed necessary and proper.

DATED: March 18, 2016



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

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Exhibit A

Decision and Order

Medical Board of California Case No. 02-2010-206932

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

In the Matter of the Accusation Against:)
)
)
)
MAHER NASHED ABADIR, M.D.) Case No. 02-2010-206932
)
Physician's and Surgeon's)
Certificate No. A 24538)
)
Respondent.)

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

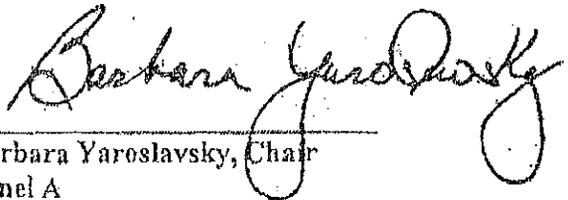
This Decision shall become effective at 5:00 p.m. on November 15, 2012.

IT IS SO ORDERED October 16, 2012.

MEDICAL BOARD OF CALIFORNIA

By: _____

Barbara Yaroslavsky, Chair
Panel A



1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 State Bar No. 84134
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5336
Facsimile: (916) 327-2247
6 *Attorneys for Complainant*

7 BEFORE THE
8 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 02-2010-206932

11 MAHER NASHED ABADIR, M.D.
1501 Country View Drive
12 Modesto, California 95356

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

13 Physician's and Surgeon's Certificate
14 Number A24538

15 Respondent.

16
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. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
21 California. She brought this action solely in her official capacity and is represented in this matter
22 by Kamala D. Harris, Attorney General of the State of California, by Gail M. Heppell,
23 Supervising Deputy Attorney General.

24 2. Respondent Maher Nashed Abadir, M.D. (Respondent) is represented in this
25 proceeding by attorney Ivan Golde, whose address is Law Offices of Ivan Golde, 1611 Telegraph
26 Avenue, Suite 1026, Oakland, CA 94612.

27 3. On or about December 6, 1971, the Medical Board of California issued Physician's
28 and Surgeon's No. A24538 to Maher Nashed Abadir, M.D. Said license is current and will expire

1 on December 31, 2011, unless renewed. On October 7, 2010, Respondent's license to practice
2 medicine was suspended pursuant to Government Code section 11529.

3 JURISDICTION

4 4. Accusation No. 02-2010-206932 was filed before the Medical Board of California
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 December 4, 2010. Respondent timely filed his Notice of Defense contesting the Accusation.

8 A copy of Accusation No. 02-2010-206932 is attached hereto as Exhibit A and incorporated
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 02-2010-206932. Respondent has also carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

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

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 02-2010-206932.

27 ///

28 ///

1 Respondent shall not issue an oral or written recommendation or approval to a patient or a
2 patient's primary caregiver for the possession or cultivation of marijuana for the personal medical
3 purposes of the patient within the meaning of Health and Safety Code section 11362.5. If
4 Respondent forms the medical opinion, after a good faith prior examination, that a patient's
5 medical condition may benefit from the use of marijuana, Respondent shall so inform the patient
6 and shall refer the patient to another physician who, following a good faith examination, may
7 independently issue a medically appropriate recommendation or approval for the possession or
8 cultivation of marijuana for the personal medical purposes of the patient within the meaning of
9 Health and Safety Code section 11362.5. In addition, Respondent shall inform the patient or the
10 patient's primary caregiver that Respondent is prohibited from issuing a recommendation or
11 approval for the possession or cultivation of marijuana for the personal medical purposes of the
12 patient, and that the patient or the patient's primary caregiver may not rely on Respondent's
13 statements to legally possess or cultivate marijuana for the personal medical purposes of the
14 patient. Respondent shall fully document in the patient's chart that the patient or the patient's
15 primary caregiver was so informed. Nothing in this condition prohibits Respondent from
16 providing the patient or the patient's primary caregiver information about the possible medical
17 benefits resulting from the use of marijuana.

18 2. CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO
19 RECORDS AND INVENTORIES Respondent shall maintain a record of all controlled
20 substances ordered, prescribed, dispensed, administered or possessed by Respondent, and any
21 recommendation or approval which enables a patient or patient's primary caregiver to possess or
22 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health
23 and Safety Code section 11362.5, during probation, showing all the following: (1) the name and
24 address of the patient; (2) the date; (3) the character and quantity of controlled substances
25 involved; and (4) the indications and diagnoses for which the controlled substance was furnished.

26 Respondent shall keep these records in a separate file or ledger, in chronological order. All
27 records and any inventories of controlled substances shall be available for immediate inspection
28

1 and copying on the premises by the Board, or its designee, at all times during business hours and
2 shall be retained for the entire term of probation.

3 Failure to maintain all records, to provide immediate access to the inventory, or to make all
4 records available for immediate inspection and copying on the premises, is a violation of
5 probation.

6 3. CONTROLLED SUBSTANCES - ABSTAIN FROM USE Respondent shall abstain
7 completely from the personal use or possession of controlled substances as defined in the
8 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
9 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
10 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
11 illness or condition.

12 Within 15 calendar days of receiving any lawful prescription medications, Respondent shall
13 notify the Board, or its designee, of the: issuing practitioner's name, address, and telephone
14 number; medication name and strength; and issuing pharmacy name, address, and telephone
15 number.

16 4. ALCOHOL - ABSTAIN FROM USE Respondent shall abstain completely from the
17 use of products or beverages containing alcohol.

18 5. BIOLOGICAL FLUID TESTING Respondent shall immediately submit to
19 biological fluid testing, at Respondent's expense, upon the request of the Board, or its designee.
20 Prior to practicing medicine, Respondent shall, at Respondent's expense, contract with a
21 laboratory or service - approved in advance by the Board, or its designee - that will conduct
22 random, unannounced, observed, urine testing a minimum of four times each month. The
23 contract shall require results of the urine test to be transmitted by the laboratory or service
24 directly to Board, or its designee, within four hours of the results becoming available. Failure to
25 maintain this laboratory service during the period of probation is a violation of probation. A
26 certified copy of the laboratory test result may be received in evidence in any proceedings
27 between the Board and Respondent. Failure to submit to or comply with the time frame for
28

1 submitting to, or failure to complete the required biological fluid testing, is a violation of
2 probation.

3 6. ETHICS COURSE Within 60 calendar days of the effective date of this Decision,
4 Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by
5 the Board, or its designee. Failure to successfully complete the course during the first year of
6 probation is a violation of probation.

7 An ethics course taken after the acts that gave rise to the charges in the Accusation, but
8 prior to the effective date of the Decision may, in the sole discretion of the Board, or its designee,
9 be accepted toward the fulfillment of this condition if the course would have been approved by
10 the Board, or its designee, had the course been taken after the effective date of this Decision.

11 Respondent shall submit a certification of successful completion to the Board, or its
12 designee, not later than 15 calendar days after successfully completing the course, or not later
13 than 15 calendar days after the effective date of the Decision, whichever is later.

14 7. CLINICAL TRAINING PROGRAM Within 60 calendar days of the effective date
15 of this Decision, Respondent shall enroll in a clinical training or educational program equivalent
16 to the Physician Assessment and Clinical Education Program (PACE) offered at the University of
17 California - San Diego School of Medicine ("Program").

18 The Program shall consist of a Comprehensive Assessment program comprised of a two-
19 day assessment of Respondent's physical and mental health; basic clinical and communication
20 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to
21 Respondent's specialty or sub-specialty, and at minimum, a 40-hour program of clinical
22 education in the area of practice in which Respondent was alleged to be deficient and which takes
23 into account data obtained from the assessment, Decision(s), Accusation(s), and any other
24 information that the Board, or its designee, deems relevant. Respondent shall pay all expenses
25 associated with the clinical training program.

26 Based on Respondent's performance and test results in the assessment and clinical
27 education, the Program will advise the Board, or its designee, of its recommendation(s) for the
28 scope and length of any additional educational or clinical training, treatment for any medical

1 condition, treatment for any psychological condition, or anything else affecting Respondent's
2 practice of medicine. Respondent shall comply with Program recommendations.

3 At the completion of any additional educational or clinical training, Respondent shall
4 submit to and pass an examination. The Program's determination whether or not Respondent
5 passed the examination or successfully completed the Program shall be binding.

6 Respondent shall complete the Program not later than six months after Respondent's initial
7 enrollment unless the Board, or its designee, agrees in writing to a later time for completion.

8 Failure to participate in and complete successfully all phases of the clinical training
9 program outlined above is a violation of probation.

10 Respondent shall not practice medicine until Respondent has successfully completed the
11 Program and has been so notified by the Board, or its designee, in writing, except that Respondent
12 may practice in a clinical training program approved by the Board, or its designee. Respondent's
13 practice of medicine shall be restricted only to that which is required by the approved training
14 program.

15 After Respondent has successfully completed the clinical training program, Respondent
16 shall participate in a professional enhancement program equivalent to the one offered by the
17 Physician Assessment and Clinical Education Program at the University of California, San Diego
18 School of Medicine, which shall include quarterly chart review, semi-annual practice assessment,
19 and semi-annual review of professional growth and education. Respondent shall participate in the
20 professional enhancement program at Respondent's expense during the term of probation, or until
21 the Board, or its designee, determines that further participation is no longer necessary.

22 Failure to participate in and complete successfully the professional enhancement program
23 outlined above is a violation of probation.

24 8. PSYCHIATRIC EVALUATION Within 30 calendar days of the effective date of
25 this Decision, and on whatever periodic basis thereafter may be required by the Board, or its
26 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
27 testing, if deemed necessary) by a Board -appointed board certified psychiatrist, who shall
28 consider any information provided by the Board, or its designee, and any other information the

1 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board, or its
2 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
3 be accepted toward the fulfillment of this requirement. Respondent shall pay the cost of all
4 psychiatric evaluations and psychological testing.

5 Respondent shall comply with all restrictions or conditions recommended by the evaluating
6 psychiatrist within 15 calendar days after being notified by the Board, or its designee. Failure to
7 undergo and complete a psychiatric evaluation and psychological testing, or comply with the
8 required additional conditions or restrictions, is a violation of probation.

9 Respondent shall not engage in the practice of medicine until notified by the Board, or its
10 designee, that Respondent is mentally fit to practice medicine safely. The period of time that
11 Respondent is not practicing medicine shall not be counted toward completion of the term of
12 probation.

13 9. SOLO PRACTICE Respondent is prohibited from engaging in the solo practice of
14 medicine.

15 10. NOTIFICATION Prior to engaging in the practice of medicine, Respondent shall
16 provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief
17 Executive Officer at every hospital where privileges or membership are extended to Respondent,
18 at any other facility where Respondent engages in the practice of medicine, including all
19 physician and locum tenens registries or other similar agencies, and to the Chief Executive
20 Officer at every insurance carrier which extends malpractice insurance coverage to Respondent.
21 Respondent shall submit proof of compliance to the Board, or its designee, within 15 calendar
22 days.

23 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

24 11. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent is
25 prohibited from supervising physician assistants.

26 12. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules
27 governing the practice of medicine in California, and remain in full compliance with any court
28 ordered criminal probation, payments and other orders.

1 13. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations
2 under penalty of perjury on forms provided by the Board, stating whether there has been
3 compliance with all the conditions of probation. Respondent shall submit quarterly declarations
4 not later than ten (10) calendar days after the end of the preceding quarter.

5 14. PROBATION UNIT COMPLIANCE Respondent shall comply with the Board's
6 probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business
7 and residence addresses. Changes of such addresses shall be immediately communicated in
8 writing to the Board, or its designee. Under no circumstances shall a post office box serve as an
9 address of record, except as allowed by Business and Professions Code section 2021(b).

10 Respondent shall not engage in the practice of medicine in Respondent's place of residence.
11 Respondent shall maintain a current and renewed California physician's and surgeon's license.

12 Respondent shall immediately inform the Board, or its designee, in writing, of travel to any
13 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30
14 calendar days.

15 15. INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE Respondent shall be
16 available in person for interviews either at Respondent's place of business or at the probation unit
17 office, with the Board, or its designee, upon request at various intervals, and either with or
18 without prior notice throughout the term of probation.

19 16. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should
20 leave the State of California to reside or to practice, Respondent shall notify the Board, or its
21 designee, in writing 30 calendar days prior to the dates of departure and return. Non-practice is
22 defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in
23 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

24 All time spent in an intensive training program outside the State of California which has
25 been approved by the Board, or its designee, shall be considered as time spent in the practice of
26 medicine within the State. A Board-ordered suspension of practice shall not be considered as a
27 period of non-practice. Periods of temporary or permanent residence or practice outside
28 California will not apply to the reduction of the probationary term. Periods of temporary or

1 permanent residence or practice outside California will relieve Respondent of the responsibility to
2 comply with the probationary terms and conditions with the exception of this condition and the
3 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and
4 Cost Recovery.

5 Respondent's license shall be automatically cancelled if Respondent's periods of temporary
6 or permanent residence or practice outside California total two years. However, Respondent's
7 license shall not be cancelled as long as Respondent is Residing and practicing medicine in
8 another state of the United States and is on active probation with the medical licensing authority
9 of that state, in which case the two year period shall begin on the date probation is completed or
10 terminated in that state.

11 17. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

12 In the event Respondent resides in the State of California and for any reason Respondent
13 stops practicing medicine in California, Respondent shall notify the Board, or its designee, in
14 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any
15 period of non-practice within California, as defined in this condition, will not apply to the
16 reduction of the probationary term and does not relieve Respondent of the responsibility to
17 comply with the terms and conditions of probation. Non-practice is defined as any period of time
18 exceeding 30 calendar days in which Respondent is not engaging in any activities defined in
19 sections 2051 and 2052 of the Business and Professions Code.

20 All time spent in an intensive training program which has been approved by the Board, or
21 its designee, shall be considered time spent in the practice of medicine. For purposes of this
22 condition, non-practice due to a Board-ordered suspension or in compliance with any other
23 condition of probation, shall not be considered a period of non-practice.

24 Respondent's license shall be automatically cancelled if Respondent resides in California
25 and, for a total of two years, fails to engage in California in any of the activities described in
26 Business and Professions Code sections 2051 and 2052.

27 18. COMPLETION OF PROBATION Respondent shall comply with all financial
28 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior

1 to the completion of probation. Upon successful completion of probation, Respondent's
2 certificate shall be fully restored.

3 19. VIOLATION OF PROBATION Failure to fully comply with any term or condition
4 of probation is a violation of probation. If Respondent violates probation in any respect, the
5 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
6 carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation,
7 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
8 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
9 the matter is final.

10 20. LICENSE SURRENDER Following the effective date of this Decision, if
11 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
12 the terms and conditions of probation, Respondent may request the voluntary surrender of
13 Respondent's license. The Board reserves the right to evaluate Respondent's request and to
14 exercise its discretion whether or not to grant the request, or to take any other action deemed
15 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
16 Respondent shall, within 15 calendar days, deliver Respondent's wallet and wall certificate to the
17 Board, or its designee, and Respondent shall no longer practice medicine. Respondent will no
18 longer be subject to the terms and conditions of probation and the surrender of Respondent's
19 license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the
20 application shall be treated as a petition for reinstatement of a revoked certificate.

21 21. PROBATION MONITORING COSTS Respondent shall pay the costs associated
22 with probation monitoring each and every year of probation, as designated by the Division, which
23 are currently set at \$3,999 but may be adjusted on an annual basis. Such costs shall be payable to
24 the Medical Board of California and delivered to the Board, or its designee, no later than January
25 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a
26 violation of probation.

27 ///

28 ///

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Ivan Golde. I understand the stipulation and the effect it will have
4 on my Physician's and Surgeon's License. I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Medical Board of California.

7
8 DATED: 6/11/2012 *Maher Nashed Abadir M.D.*
9 MAHER NASHED ABADIR, M.D.
Respondent

10 I concur with this stipulated settlement.

11
12 DATED: May 31, 2012 *Ivan Golde*
13 Ivan Golde
Attorney for Respondent

14
15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Medical Board of California of the Department of Consumer
18 Affairs.

19 Dated: 7/5/12

Respectfully submitted,

21 KAMALA D. HARRIS
Attorney General of California
22 GAIL M. HEPPELL
Supervising Deputy Attorney General

23 *Gail M. Heppell*
24 GAIL M. HEPPELL
25 Supervising Deputy Attorney General
26 Attorneys for Complainant

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Exhibit A

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14 *Attorneys for Complainant*

15 BEFORE THE
16 MEDICAL BOARD OF CALIFORNIA
17 DEPARTMENT OF CONSUMER AFFAIRS
18 STATE OF CALIFORNIA

19 In the Matter of the Accusation Against:

Case No. 02-2010-206932

20 MAHER NASHED ABADIR, M.D.
21 1501 Country View Drive
22 Modesto, California 95356

ACCUSATION

23 Physician's and Surgeon's Certificate
24 Number A24538

25 Respondent.

26 Complainant alleges:

27 PARTIES

28 1. Linda K. Whitney ("Complainant") brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, State of California ("Board").

2. On or about December 6, 1971, the Board issued physician's and surgeon's certificate number A24538 ("license") to Maher Nashed Abadir ("Respondent"). The license was in full force and effect at all times relevant to the charges brought hereon, and will expire on December 31, 2011, unless renewed. On October 7, 2010, Respondent's license to practice medicine was suspended pursuant to an *ex parte* order issued by authority of California Government Code section 11529.

JURISDICTION

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

4. The Medical Practice Act ("MPA") is codified at sections 2000-2521.

5. Pursuant to section 2001.1, the Board's highest priority is public protection.

6. Section 2227(a) provides as follows:

A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the [B]oard¹, may, in accordance with the provisions of this chapter:

- (1) Have his or her license revoked upon order of the division.
- (2) Have his or her right to practice suspended for a period not to exceed one year upon order of the division.
- (3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the division.
- (4) Be publicly reprimanded by the division.
- (5) Have any other action taken in relation to discipline as part of an order of probation, as the division or an administrative law judge may deem proper.

7. Section 2234 reads, in relevant part, as follows:

The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct.

8. Section 2236(a) reads, as follows:

The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct. The record of conviction shall be conclusive evidence of the fact the conviction occurred.

¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "[B]oard" as used in the Medical Practice Act refers to the Medical Board of California. References to the "Division of Medical Quality" and "Division of Licensing" set forth in the Medical Practice Act are also referable to the Medical Board of California.

1 9. Section 2239(a) provides in relevant part:

2 The use or prescribing for or administering to himself...
3 of any controlled substance; or the use of any of the
4 dangerous drugs specified in Section 4022... to the
5 extent or in such a manner as to be dangerous or
6 injurious to the licensee, or to any other person or
7 to the public, or to the extent that such use impairs
8 the ability of the licensee to practice medicine safely...
9 or self-administration of any of the substances referred
10 to in this section, or any combination thereof, constitutes
11 unprofessional conduct.

12 10. Section 2242(a) provides:

13 Prescribing, dispensing, or furnishing dangerous drugs as
14 defined in Section 4022² without an appropriate prior
15 examination and a medical indication, constitutes unprofessional
16 conduct.

17 FIRST CAUSE FOR DISCIPLINE

18 (Conviction of Offense Substantially Related to the Practice of Medicine)
19 {B&P Code Section 2236(a)}

20 11. Respondent is a physician and surgeon, specializing in anesthesiology. Respondent is
21 subject to disciplinary action against his medical license under section 2236(a) because or about
22 April 20, 2010, Respondent pleaded no contest in Santa Barbara County Superior Court case
23 number 1300073 to the misdemeanor charge of maliciously and willfully disturbing another
24 person by loud and unreasonable noise [Penal Code section 415(2)]. Secondary to his no contest
25 plea, Respondent was placed on probation for a term of three years, ordered to perform 100 hours
26 of community service, and ordered to complete 12 sessions of anger management counseling.

27 12. The conviction was based on Respondent's September 11, 2009, arrest in Santa Barbara
28 County secondary to a verbal and physical confrontation he had with his girlfriend at the time; a
woman named Elena Deist ("Ms. Deist"). Although he ultimately reached the plea agreement
referenced in the preceding paragraph, Respondent was initially charged with five

² Pursuant to Business and Professions Code section 4022, any drug that requires a prescription to be
lawfully dispensed is considered a "dangerous drug".

1 misdemeanor counts. The charges included battery against a person with whom the defendant
2 has/had a dating relationship, false imprisonment, and malicious prevention/dissuasion from
3 giving testimony at an inquiry authorized by law.

4
5 SECOND CAUSE FOR DISCIPLINE
(Self-Prescription of Controlled Substances)

6 [B&P Code Section 2239(a); Health and Safety Code Section 11170]

7 13. Respondent is subject to disciplinary action against his medical license under
8 section 2239(a) and Health and Safety Code section 11170. From at least August 25, 2007,
9 through at least September 3, 2010, Respondent prescribed himself large quantities of controlled
10 substances, including Norco, Valium, and Ativan.

11 14. Norco is a Schedule III controlled substance. It is a narcotic pain reliever with a high
12 potential for abuse. Both Valium and Ativan are Schedule IV controlled substances. They are
13 benzodiazepines, primarily used to treat anxiety.

14 THIRD CAUSE FOR DISCIPLINE

15 (Obtaining Controlled Substances through Fraud, Deceit, or Misrepresentation)

16 [B&P Code Section 2239(a); Health and Safety Code Section 11173]

17 15. Complainant hereby incorporates paragraphs 13-14 of the instant Accusation as
18 though fully set forth herein.

19 16. Respondent is subject to disciplinary action against his medical license under section
20 2239(a) and Health and Safety Code section 11170 in that he utilized fraud, deception, and deceit
21 in an effort to conceal the fact that he was self-prescribing. Respondent's full name is "Maher
22 Nashed Abadir". He wrote the bulk of the prescriptions to himself as "Maher Nashed", omitting
23 his last name. Further, Respondent utilized multiple pharmacies to obtain the wrongly procured
24 controlled substances in a further effort to cloak his unprofessional and illegal actions.

25 ///

26 ///

27 ///

1 SEVENTH CAUSE FOR DISCIPLINE

2 (Dishonesty)

3 [B&P Code Section 2234(e)].

4 22. Complainant hereby incorporates paragraphs 15-16 of the instant Accusation as though
5 fully set forth herein.

6 23. Respondent is subject to disciplinary action against his medical license under
7 section 2234(e) in that he committed multiple acts of dishonesty by using fraud, deceit, and
8 misrepresentation to procure controlled substances for his own use.

9 24. Respondent is subject to disciplinary action against his medical license under
10 section 2234(e) for making numerous dishonest statements to Medical Board of California
11 ("MBC") investigators during a September 22, 2010, interview. For example, Respondent
12 initially claimed that he takes Norco for chronic back pain, and that he receives his Norco
13 prescriptions from a fellow anesthesiologist who specializes in back pain. Later in the interview,
14 when confronted with photographs of prescription pill bottles showing himself as the prescribing
15 physician, Respondent admitted that he has been self-prescribing Norco.

16 25. Respondent was also dishonest about his level of Norco use during the MBC interview.
17 Initially, Respondent claimed that he takes approximately four Norco tablets per day when he has
18 back pain, but that he does not exceed twenty tablets per week. He later stated that he takes 8-12
19 Norco tablets per day. As a further example of Respondent's dishonesty during his MBC
20 interview, he at first stated that he takes Norco 80% for need and 20% for desire, and then later
21 said it is actually 50% for need, and 50% for desire.

22 PRAYER

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

25 1. Revoking or suspending physician's and surgeon's certificate number A24538, issued to
26 Maher Nashed Abadir, M.D.,

27 2. Revoking, suspending or denying approval of Maher Nashed Abadir, M.D.'s authority to
28 supervise physician's assistants, pursuant to section 3527 of the Code;

1 3. Ordering Maher Nashed Abadir, M.D., to pay the costs of probation monitoring, if placed
2 on probation; and,

3 4. Taking such other and further action as deemed necessary and proper.

4
5 DATED: November 3, 2010 sd David Carrick for

LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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