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

In the Matter of the Accusation Against:
Ali Alexander Towfigh, M.D.
11301 Wilshire Blvd.
Los Angeles, CA 90073

Physician's and Surgeon's Certificate
No. A 83924,

Respondent.

Complainant alleges:

PARTIES

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

2. On or about July 9, 2003, the Medical Board issued Physician's and Surgeon's
Certificate Number A 83924 to Ali Alexander Towfigh, M.D. (Respondent). The Physician's and
Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and expired on February 28, 2019, and has not been renewed.

**JURISDICTION**

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

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, states:

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

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

   "(b) Gross negligence.

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

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

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

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

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

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

“(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.”

6. Section 2238 of the Code states:

“A violation of any federal statute or federal regulation or any of the statutes or regulations of this state regulating dangerous drugs or controlled substances constitutes unprofessional conduct.”

7. Section 2242 of the Code states:

“(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 without an appropriate prior examination and a medical indication, constitutes unprofessional conduct.

“(b) No licensee shall be found to have committed unprofessional conduct within the meaning of this section if, at the time the drugs were prescribed, dispensed, or furnished, any of the following applies:

“(1) The licensee was a designated physician and surgeon or podiatrist serving in the absence of the patient’s physician and surgeon or podiatrist, as the case may be, and if the drugs were prescribed, dispensed, or furnished only as necessary to maintain the patient until the return of his or her practitioner, but in any case no longer than 72 hours.

“(2) The licensee transmitted the order for the drugs to a registered nurse or to a licensed vocational nurse in an inpatient facility, and if both of the following conditions exist:

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1. "(A) The practitioner had consulted with the registered nurse or licensed vocational nurse who had reviewed the patient's records.

(B) The practitioner was designated as the practitioner to serve in the absence of the patient’s physician and surgeon or podiatrist, as the case may be.

(3) The licensee was a designated practitioner serving in the absence of the patient’s physician and surgeon or podiatrist, as the case may be, and was in possession of or had utilized the patient's records and ordered the renewal of a medically indicated prescription for an amount not exceeding the original prescription in strength or amount or for more than one refill.

(4) The licensee was acting in accordance with Section 120582 of the Health and Safety Code."

8. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.”

9. Health and Safety Code Section 11154 states, in pertinent part, that no person shall knowingly prescribe, administer, dispense or furnish a controlled substance to or for any person which is not under his care or treatment for a pathology or condition other than addiction to a controlled substance.

10. Health and Safety Code section 11173 states, in pertinent part, that no person shall obtain or attempt to obtain controlled substances by fraud, deceit or misrepresentation or by the concealment of a material fact. No person shall make a false statement in any prescription or order required by this division.

11. The following controlled substances were prescribed by Respondent to several of the individuals mentioned below: Hydrocodone Bitartrate, (generic is Vicodin), is used for pain and is highly addictive; it contains an opioid. Oxycodone is used to treat moderate to severe pain and is very addictive. Acetaminophen codeine phosphate, an opioid, is used to treat mild to severe pain. Testosterone Cypionate is a steroid used to treat low testosterone levels.
12. Respondent is subject to disciplinary action under section 2234, subdivision (b), in that he was grossly negligent by prescribing large amounts of controlled substances to several individuals without any apparent justification. The circumstances are as follows:

A. Respondent prescribed medications to patient #1 starting in March 2010. From October 2013 to February 2014, he prescribed a large amount of opioids. These prescriptions represent a Morphine Equivalent monthly dosage of 8,040 in October 2013 and November 2013. Doses which exceed 3600 Morphine Equivalent should only be used if the patient has cancer pain, and requires an assessment of addiction and mental health issues, and ongoing monitoring of possible misuse, overuse or diversion. However, there are no medical records to substantiate these prescriptions. Accordingly, Respondent’s prescriptions represent an extreme departure from the standard of care.

B. From October 2014 through May 2016, the prescriptions to patient #1 included a large amount of testosterone cypionate, which has a medical indication for the treatment of hypogonadism. Prescriptions for testosterone are approved to restore testosterone levels to normal, but these dosages are far in excess. There are no medical records to substantiate this diagnosis or prescriptions. Accordingly, each of Respondent’s prescriptions for testosterone represents an extreme departure from the standard of care.

C. Respondent prescribed medications to patient #2 starting in March 2007. During the period from January 2014 to June 2016 the prescriptions included a large amount of opioids. In July, September, and December 2015, Respondent prescribed him 4800 Morphine Equivalents. In order to justify that amount, the records should show cancer pain, however, there are no records to justify these prescriptions. Accordingly, Respondent’s prescriptions represent an extreme departure from the standard of care.

D. A Board investigator obtained video footage from a CVS pharmacy. There are several days where Respondent is seen at a CVS pharmacy picking up medications. On June 28, 2016, he is seen at CVS picking up a prescription for patient #2.
E. Respondent prescribed medications to patient #3 starting in November 2014. During the period from November 2014 through July 2016, he prescribed a large amount of opioids. There are no medical records that include a history and physical which document a report of severe pain and an assessment of that pain, prior to the time in November 2014 when Respondent began prescribing opioids to patient #3. Accordingly, Respondent’s prescriptions represent an extreme departure from the standard of care.

F. On the following days, Respondent was seen picking up prescriptions at a CVS pharmacy for patient #3: July 12, July 21, August 5, August 13, August 26, September 4, and September 19, 2016. He was picking up prescription numbers 1315073, 1330746 and 1330745.

G. Respondent prescribed medications to patient #4 starting in June 2013. During the period June 2013 through January 2014, he prescribed a large amount of opioids. Specifically, in December 2013, Respondent prescribed 6480 Morphine equivalents, but there appears to be no documentation regarding cancer pain. The prescribing by Respondent of large amounts of opioids without any documentation in the patient’s medical record represents an extreme departure from the standard of care.

H. In addition, although Respondent was a physician at the VA, there are no records from the VA indicating patient #2, patient #3 or patient #4 were ever patients there.

I. There are no medical records for any of these individuals. There is no evidence of an appropriate medical examination performed on any of these individuals.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

13. Respondent is subject to disciplinary action under section 2234, subdivision (c), in that he prescribed large amounts of controlled substances to several individuals without any apparent medical justification. The circumstances are as follows:

A. The facts and circumstances as alleged in paragraph 12, A-I, are incorporated here as if fully set forth herein.

III
THIRD CAUSE FOR DISCIPLINE
(Prescribing Controlled Substances Without Medical Indication)

14. Respondent is subject to disciplinary action under Health and Safety Code section 11154 in that he prescribed controlled substances without medical indication and to individuals who were not his patients. The circumstances are as follows:
   A. The facts and circumstances as alleged in paragraph 12, A-I, are incorporated here as if fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE
(Obtaining Controlled Substances by Fraud)

15. Respondent is subject to disciplinary action under Health and Safety Code section 11173, subdivision (a)(1), in that he obtained controlled substances by fraud and deceit and/or made false statements in prescriptions for controlled substances. The circumstances are as follows:
   A. The facts and circumstances as alleged in paragraph 12, A-I, are incorporated here as if fully set forth herein.

FIFTH CAUSE FOR DISCIPLINE
(Unprofessional Conduct- Dishonest Acts)

16. Respondent is subject to disciplinary action under section 2234, subdivision (e), in that he obtained controlled substances for individuals who were not his patients, and through dishonest means. The circumstances are as follows:
   A. The facts and circumstances as alleged in paragraph 12, A-I, are incorporated here as if fully set forth herein.

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(ALI ALEXANDER TOWFIGH, M.D.) ACCUSATION NO. 800-2016-021819
SIXTH CAUSE FOR DISCIPLINE
(Failure to Maintain Adequate Records)

17. Respondent is subject to disciplinary action under section 2266 in that there are no medical records supporting his prescribing activities to patient #1, patient #2, patient #3 and patient #4. The circumstances are as follows:

A. The facts and circumstances as alleged in paragraph 12, A-I, are incorporated here as if fully set forth herein.

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 A 83924, issued to Ali Alexander Towfigh, M.D.;

2. Revoking, suspending or denying approval of Ali Alexander Towfigh, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Ali Alexander Towfigh, 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 26, 2019

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

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