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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
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BY: J. Melchior ANALYST

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

10 In the Matter of the Accusation Against:

Case No. 17-2007-184776

11 **PEZ ABRAHAMS, M.D.**
12 **6742 Winnetka Ave.**
13 **Winnetka, CA 91306**
14 **Physician's and Surgeon's Certificate No. A**
71500

A C C U S A T I O N

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about May 4, 2000, the Medical Board of California issued Physician's and
22 Surgeon's Certificate Number A 71500 to PEZ ABRAHAMS, M.D. (Respondent). The
23 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
24 charges brought herein and will expire on October 31, 2011, unless renewed.
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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2234 of the Code states:

"The Division of Medical Quality¹ 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 [Chapter 5, the Medical Practice Act].

"(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.

¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practices Act (Cal. Bus. & Prof. Code §§ 2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 underwear and gave her a paper gown to put on. Respondent told E.S. to lie down on the exam
2 table and he left the room.

3 10. When respondent returned, he asked E.S. if she was a virgin and when she said yes,
4 he laughed. He told her not to be embarrassed. When respondent started the exam, he began by
5 squeezing her arms and shoulders, and said he was checking for scars or lacerations. Respondent
6 was not wearing gloves. The gown tore at her upper right breast area, and E.S. tried to cover up,
7 but respondent told her not to. He told her he had to check for lumps on her breasts. Respondent
8 squeezed with his finger tips, then squeezed her breasts with his entire hand. He also checked her
9 arms and upper chest area.

10 11. Respondent checked her legs and feet. He then told E.S. to turn face down on her
11 stomach. He stood next to the table and pressed against the gown's string, which caused it to tear
12 open. He was about one inch away from her. Respondent kept squeezing different parts on her
13 back and buttocks.

14 12. Respondent had E.S. face upwards and again asked if she was a virgin. He reached
15 his hand into her gown and touched her stomach. Respondent repeatedly told E.S. to relax. He
16 then put his hand underneath her underwear and placed his hand between her thighs, claiming he
17 was checking for lumps. E.S. was afraid and wanted to leave. Respondent instructed E.S. to
18 spread her legs, and he pressed on her abdominal area with one hand and kept pressing his other
19 hand over her underwear. E.S. was not in stirrups for any part of the examination.

20 13. Respondent moved his fingers from the left side of her vagina and then to the right.
21 He placed his fingers on her vagina, slowly moved them and then inserted a finger; he did this
22 quickly. E.S. wanted the exam to be finished. She noticed respondent's face was sweating and
23 he had an erection. Respondent had no chaperone in the room and failed to use gloves during the
24 entire examination. She recalled that respondent's fingers looked "peeled back," like they had
25 fungus in his nails.

26 14. E.S. tried to get dressed, but respondent was still in the room. She tried to get him to
27 leave, which he finally did. When respondent left he did not close the door, so while E.S. got
28 dressed, she put her foot on the door to prevent him from coming in.

1 15. E.S. paid respondent \$100 for the exam. She quickly ran out of the office and
2 immediately called her friend, A.T. She told him briefly about the exam, but didn't go into detail.
3 E.S. asked A.T. if he had to disrobe during his I.N.S. exam and he said no. A.T. recalls E.S.
4 crying when explaining this to her. A.T. told E.S. to go to the police.

5 16. E.S. went home and was shaking. Her mother asked where she had been but E.S. did
6 not want to worry her. E.S. called another friend and told her what happened. The next day E.S.
7 called an attorney and he told her to go to the police. E.S. was interviewed by the police, then
8 they took her to respondent's office so she could identify him, which she did. After the incident,
9 E.S. would often call A.T. because she was unable to sleep and he would need to calm her down.

10 17. A.T. went to respondent's office on June 22, 2007, to pick up the paperwork for E.S.
11 A.T. told Respondent that E.S. was his sister. Respondent asked to speak to A.T. privately.
12 Respondent asked A.T. why E.S. reported this to the police, so A.T. asked respondent what
13 happened. Respondent told A.T. he would pay A.T. if E.S. dropped the charges. Respondent
14 also told A.T. his attorneys would "turn them into dust."

15 18. A.T. reported the conversation he had with respondent to LAPD Detective Gosser.
16 The detective set up an undercover operation with A.T., who then scheduled an appointment with
17 respondent and his wife to meet at a restaurant. When A.T. got to the restaurant, respondent's
18 wife was not there. Instead, respondent showed up with a few other men, one of whom was
19 Tony, respondent's brother. The other was a man named Amir. Respondent was not really
20 involved in the conversation. Amir did most of the talking and said respondent was a good doctor
21 and that this was all a misunderstanding. A.T. left because he was nervous, and as he was leaving
22 he heard Amir and Tony say they could "beat up" A.T.

23 19. A few days after the incident between E.S. and respondent, E.S. received threatening
24 telephone calls telling her to drop the case, but she did not know whom they were from. She
25 reported this to Detective Gosser, who traced the call back to someone named Tony. E.S. never
26 went back to respondent's office for her follow up visit.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 20. Respondent is subject to disciplinary action under section 2234, subdivision (b), in
4 that he was grossly negligent in his care and treatment of patient E.S. The circumstances are as
5 follows:

6 21. The facts and allegations set forth in paragraphs 6 through 20 above are incorporated
7 by reference as if fully set forth.

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10 PRAYER

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

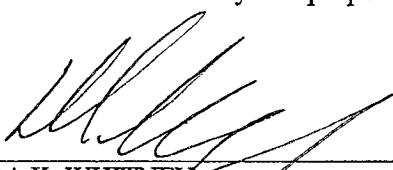
13 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 71500,
14 issued to PEZ ABRAHAMS, M.D..

15 2. Revoking, suspending or denying approval of Pez Abrahams, M.D.'s authority to
16 supervise physician assistants, pursuant to section 3527 of the Code;

17 3. Ordering Pez Abrahams, M.D. to pay the Medical Board of California, if placed on
18 probation, the costs of probation monitoring;

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

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21 DATED: May 25, 2010.


22 LINDA K. WHITNEY
23 Executive Director
24 Medical Board of California
25 Department of Consumer Affairs
26 State of California
27 Complainant

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