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

11 In the Matter of the Accusation Against:

Case No. 800-2014-003866

12 Fouad Mohammed Nouri, M.D.  
1233 North Vermont Avenue, Suite 1  
13 Los Angeles, California 90029-1749

**A C C U S A T I O N**

14 Physician and Surgeon's Certificate No. A 64212,  
15 Respondent.  
16

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18  
19 Complainant alleges:

20 **PARTIES**

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

24 2. On December 25, 1997, the Board issued Physician's and Surgeon's Certificate  
25 number A 64212 to Fouad Mohammed Nouri, M.D. ("Respondent"). That license was in full  
26 force and effect at all times relevant to the charges brought herein and will expire on September  
27 30, 2017, unless renewed. On November 8, 2016, an Order was issued in *The People of the State*  
28 *of California v. Fouad Mohammed Nouri*, Los Angeles County Superior Court, Case No.

1 6AR10922 by Upinder S. Kalra, Judge Presiding. Under the Order, as a condition of bail,  
2 Respondent's license is restricted, effective November 8, 2016, as follows:

3 a. Until the completion of the criminal proceeding, Respondent shall only practice  
4 medicine at 1233 North Vermont Avenue, Suite 1, Los Angeles, California 90029 and his practice  
5 shall be limited to a general primary care practice including health promotion, disease prevention,  
6 health maintenance, counseling, patient education, diagnosis and treatment of acute and chronic  
7 illnesses with referrals to specialists when a higher level of care is necessary.

8 b. Further, until the completion of this criminal proceeding, Respondent shall not:

- 9 • practice or have any ownership interests in any medical day spas;
- 10 • offer any traditional, complimentary, or alternative health practices and treatments in  
11 any medical day spa-like settings;
- 12 • perform any cosmetic procedures, including but not limited to Intense Pulse Light  
13 (IPL) treatments, acupuncture, liposuction, laser skin therapy, facial fillers, permanent  
14 hair removal and phototherapy facials;
- 15 • supervise any registered nurses, nurse practitioners, physician assistants or  
16 aestheticians;
- 17 • engage in any unprofessional conduct as alleged in the criminal complaint.

### 18 JURISDICTION

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

22 4. Section 2227 of the Code states:

23 "(a) A licensee whose matter has been heard by an administrative law judge of the Medical  
24 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default  
25 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary  
26 action with the board, may, in accordance with the provisions of this chapter:

27 "(1) Have his or her license revoked upon order of the board.

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1           “(2) Have his or her right to practice suspended for a period not to exceed one year upon  
2 order of the board.

3           “(3) Be placed on probation and be required to pay the costs of probation monitoring upon  
4 order of the board.

5           “(4) Be publicly reprimanded by the board. The public reprimand may include a  
6 requirement that the licensee complete relevant educational courses approved by the board.

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

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

15           5.           Section 2234 of the Code, states:

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

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

21           “...”

22           6.           Section 2264 of the Code states:

23           “The employing, directly or indirectly, the aiding, or the abetting of any unlicensed person  
24 or any suspended, revoked, or unlicensed practitioner to engage in the practice of medicine or any  
25 other mode of treating the sick or afflicted which requires a license to practice constitutes  
26 unprofessional conduct.”

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1           7.     Section 2051 of the Code states:

2           “The physician's and surgeon's certificate authorizes the holder to use drugs or devices in or  
3 upon human beings and to sever or penetrate the tissues of human beings and to use any and all  
4 other methods in the treatment of diseases, injuries, deformities, and other physical and mental  
5 conditions.”

6           8.     Section 2052 of the Code states:

7           “(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who  
8 advertises or holds himself or herself out as practicing, any system or mode of treating the sick or  
9 afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment,  
10 blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition  
11 of any person, without having at the time of so doing a valid, unrevoked, or unsuspended  
12 certificate as provided in this chapter or without being authorized to perform the act pursuant to a  
13 certificate obtained in accordance with some other provision of law is guilty of a public offense,  
14 punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to  
15 subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding  
16 one year, or by both the fine and either imprisonment.

17           “(b) Any person who conspires with or aids or abets another to commit any act described in  
18 subdivision (a) is guilty of a public offense, subject to the punishment described in that  
19 subdivision.

20           “(c) The remedy provided in this section shall not preclude any other remedy provided by  
21 law.”

22           9.     The Decision In the Matter of the Accusation against Joseph Basile, M.D., issued by  
23 the Medical Board of California, and designated “Precedential Decision” pursuant to Government  
24 Code section 11425.60 holds that Intense Pulse Light (IPL) and Laser Treatment fall within the  
25 ambit of Code sections 2051 and 2052.

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**FACTUAL SUMMARY**

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2           10. During all times relevant to this Accusation, Respondent jointly held a business  
3 license for Zena Med Spa, located at 4321 South Sepulveda Boulevard, Culver City, California  
4 90230, with Mikhaiel Ayad Mikhaiel.

5           11. Zena Med Spa was a day spa which offered Intense Pulse Light (IPL) treatments to  
6 patients. IPL must be performed by a licensed doctor or under a licensed doctor's supervision;  
7 however, no doctor was present at the Zena Med Spa treating or supervising the treatment of  
8 patients. Instead, Respondent Nouri used his medical license to profit from abdicating his  
9 responsibility to supervise medical treatment rendered to Zena Day Spa patients.

10           12. Patient V.C. received IPL on May 18, 2013 by a purported registered nurse, D.B.;  
11 Patient V.C. was not seen by a physician or nurse practitioner at any time prior to the May 18,  
12 2013 IPL treatment.

13           13. Patient V.C. received IPL on June 8, 2013 by a purported registered nurses, D.B. and  
14 J.P. As part of J.P.'s training, she observed D.B. perform the IPL treatment on Patient V.C.'s left  
15 side of her face. J.P. then performed the IPL treatment on the right side of Patient V.C.'s face.  
16 Patient V.C. was not seen by a physician or nurse practitioner at any time prior to the June 8, 2013  
17 IPL treatment.

18           14. Following the June 8, 2013 IPL treatment, Patient V.C. suffered blistering on the  
19 lower right side of her chin. The blistering resolved without any scarring or markings.

20           15. Patient V.C. received IPL treatment on June 28, 2013 by a purported registered nurse,  
21 J.P.; Patient V.C. was not seen by a physician or nurse practitioner at any time prior to the June  
22 28, 2013 IPL treatment.

23           16. On the evening of June 28, 2013, Patient V.C. developed large blisters below her right  
24 eye and around her left cheek and jaw area. She experienced extreme facial swelling and called  
25 Zena Med Spa on July 1, 2013 to complain about her reaction. At that time, Mikhaiel Ayad  
26 Mikhaiel advised Patient V.C. to see Respondent, whom she had never treated with previously.

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1 17. Patient V.C. presented to Respondent on or about July 5, 2013 at which time he told  
2 her that she had burns. He prescribed Silver Sulfadiazine Cream and instructed her to apply it to  
3 the burns.

4 18. In September 2013, Patient V.C. presented to dermatologist Dr. M.L. who diagnosed  
5 her with third degree burns and a hypo pigmented scar.

6 19. On July 30, 2015, an undercover operation was conducted at Zena Day Spa by  
7 Investigators J.G. and A.G. A.G. presented for a laser hair removal consultation. A.G. was seen  
8 by purported nurse R.A. who indicated that she alone performs the consultation and the IPL  
9 procedure. The IPL laser machine is used to perform the laser hair removal. Following the  
10 consultation, A.G. spoke to the front office person regarding the cost and scheduling of the  
11 procedure.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 20. By reason of the facts set forth above in paragraphs 10 through 19, Respondent is  
15 subject to disciplinary action pursuant to section 2234, of the Code, by engaging in unprofessional  
16 conduct by aiding or abetting unlicensed person(s) to engage in the practice of medicine.

17 21. Respondent's acts and/or omissions set forth in paragraphs 10 through 19 above,  
18 whether proven individually, jointly, or in any combination thereof, constitute unprofessional  
19 conduct by aiding or abetting of any unlicensed person to engage in the practice of medicine in  
20 violation of section 2234 of the Code. Therefore, cause for discipline exists.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Aiding and Abetting Unlicensed Practice)**

23 22. By reason of the facts set forth above in paragraphs 10 through 19, Respondent is  
24 subject to disciplinary action pursuant to section 2264, of the Code, by aiding or abetting  
25 unlicensed person(s) to engage in the practice of medicine.

26 23. Respondent's acts and/or omissions set forth in paragraphs 10 through 19 above,  
27 whether proven individually, jointly, or in any combination thereof, constitute aiding or abetting

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1 of any unlicensed person to engage in the practice of medicine in violation of section 2264 of the  
2 Code. Therefore, cause for discipline exists.

3 **PRAYER**

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

6 1. Revoking or suspending Physician's and Surgeon's Certificate number A64212, issued  
7 to Fouad Mohammed Nouri, M.D.;

8 2. Prohibiting him from supervising registered nurses, nurse practitioners, physician  
9 assistants or aestheticians;

10 3. If placed on probation, ordering him to pay the Medical Board of California the cost  
11 of probation monitoring; and

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

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14  
15 DATED: November 28, 2016

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

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