

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

In the Matter of the Petition for Termination)
Of Probation of:) OAH No. 2000100317
)
JOSEPH EZRA, M.D.,)
19379 Lemmer Drive)
Tarzana, CA 91356)
)
Physician and Surgeon)
Certificate No. A-31354,)
)
Respondent.)
_____)


DECISION

The attached proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on February 5, 2001.

IT IS SO ORDERED this 4th day of January, 2001.

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
Ira Lubell, M.D., Chair
Panel A

BEFORE THE
MEDICAL BOARD
DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA

In the Matter of the Petition)	
for Termination of Probation of:)	
)	OAH Case No. L-2000100317
JOSEPH EZRA, M.D.,)	
19379 Lemmer Drive)	
Tarzana, CA 91356)	
)	
Physician and Surgeon)	
Certificate No. A-31354)	
)	
Respondent.)	
_____)	

PROPOSED DECISION

This matter came on regularly for hearing before Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, at Los Angeles, California, on November 15, 2000.

Joseph P. Furman, Deputy Attorney General, represented the Attorney General of the State of California.

Laura P. Worsinger, Attorney at Law, represented respondent.

Oral and documentary evidence, and evidence by oral stipulation on the record, was received at the hearing and the matter was submitted for decision.

FACTUAL FINDINGS

1. Respondent graduated from medical school at the Technion in Haifa, Israel, in 1972. He served in the Israeli Army for two years before completing a one-year neurology residency at Bellison Hospital in Tel Aviv, Israel. He came to the United States in 1974 and thereafter completed a three-year residency in psychiatry at Columbia University, New York.

2. The Medical Board of California ("Board") issued Physician and Surgeon Certificate number A-31354 to respondent in 1977.

3. Respondent works for the State of California, as a staff physician at Patton State Hospital, a forensic hospital in San Bernardino. He also performs consulting work for a private residential treatment center for girls.

4. Respondent entered into a Stipulated Settlement and Disciplinary Order (Disciplinary Order) wherein his Certificate was disciplined, effective October 9, 1997.

5. Respondent admitted in the Disciplinary Order that he was convicted of violating Title 18, United States Code, section 1371 (mail fraud) (ten counts) and Title 18, United States Code, section 371 (conspiracy to commit mail fraud) (one count), which conviction constituted grounds for the discipline of his medical certificate. The conviction followed a trial in federal court.

6. The medical certificate was revoked, which revocation was stayed, and was placed on probation for a period of four (4) years on terms and conditions which included successful completion of a medical ethics course, practice monitoring, payment of the Board's costs of investigation and prosecution (\$1,700), payment of the Board's probation monitoring costs (\$2,304), payment of a penalty assessment (\$1,000), and other standard terms and conditions.

7. Respondent testified that his conviction was the result of trusting his brother-in-law, Chester Katz. He agreed to provide medical services for a few hours per week at Katz' clinic. Katz worked as an optometrist. Respondent worked at the clinic from 1989 until 1992. Respondent further testified Katz created documents and forged names in order to fraudulently bill Medicare and that he did not know about Katz' activities before law enforcement authorities began their investigation. Respondent received a salary from Katz' activities and did not benefit directly from the fraudulent activities.

8. Respondent served one year in federal prison and completed two years of supervised release. His parole was terminated early, on December 9, 1999. Respondent paid \$80,000 in restitution to the federal government.

9. Respondent is complying with all terms and conditions of the Disciplinary Order. He has paid all sums due.

10. He has completed well in excess of the continuing medical education requirement.

11. Respondent has not spoken to Katz since April 1993.

12. Robert F. Katz, who is employed as a State of California Deputy Attorney General, testified on behalf of respondent. He believes his brother took advantage of respondent's lack of business acumen. In his opinion, respondent is a caring individual who has learned from the situation.

13. a. Respondent submitted two letters of support. Jay C. Mortimer, M.D., who has known respondent for over fifteen years, states that he has never been aware of any dishonest behavior in respondent's personal or professional life. He has "always been impressed with Dr. Ezra's competence as a psychiatrist and his special expertise in detecting and treating substance abuse problems." He is aware of the conviction and notes that it has profoundly impacted respondent.

b. William Goldsmith, M.D., is a 20-year friend and colleague. He states in his letter that respondent has a reputation for ethical and competent performance. He valued respondent's professional opinion and has found him to be a person of outstanding sincerity, dedication, honesty, truthfulness and integrity. He is familiar with the circumstances surrounding the conviction and does not believe respondent would ever knowingly involve himself in any illegal activity. In his opinion, respondent has suffered greatly as a result of the conviction.


LEGAL CONCLUSIONS

Respondent has not established sufficient cause to grant relief pursuant to Business and Professions Code section 2307. Despite his overall probation compliance and appropriate rehabilitative progress, continuation of the disciplinary order is warranted. The conviction involved a serious crime involving fraud in the practice of medicine. Respondent has not made a compelling case that the four-year probation should be reduced. Accordingly, respondent's petition is denied.

ORDER

Respondent's petition for termination of probation is hereby denied.

DATED: 12/13/00


SAMUEL D. REYES
Administrative Law Judge
Office of Administrative Hearings