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

11 In the Matter of the Accusation Against:  
12 **Karl Bandyan, M.D.**  
13 **7020 Lennox Avenue, # 1**  
**Van Nuys, CA 91405**  
14 **Physician's and Surgeon's Certificate**  
15 **No. A 81272,**  
16 Respondent.

Case No. 800-2014-009758

**ACCUSATION**

18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about December 4, 2002, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number A 81272 to Karl Bandyan (Respondent). The Physician's and Surgeon's  
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on November 30, 2018, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 2004 of the Code states:

6 "The board shall have the responsibility for the following:

7 "(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice  
8 Act.

9 "(b) The administration and hearing of disciplinary actions.

10 "(c) Carrying out disciplinary actions appropriate to findings made by a panel or an  
11 administrative law judge.

12 "(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of  
13 disciplinary actions.

14 "(e) Reviewing the quality of medical practice carried out by physician and surgeon  
15 certificate holders under the jurisdiction of the board.

16 "(f) Approving undergraduate and graduate medical education programs.

17 "(g) Approving clinical clerkship and special programs and hospitals for the programs in  
18 subdivision (f).

19 "(h) Issuing licenses and certificates under the board's jurisdiction.

20 "(i) Administering the board's continuing medical education program."

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

25 6. Section 2234 of the Code, states:

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

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

3       "(b) Gross negligence.

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

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

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

14       "(d) Incompetence.

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

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

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

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

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1           7.     Section 2242 of the Code states:

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

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

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

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

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

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

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

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

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

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1           9.     Section 725 of the Code states:

2           "(a) Repeated acts of clearly excessive prescribing, furnishing, dispensing, or administering  
3 of drugs or treatment, repeated acts of clearly excessive use of diagnostic procedures, or repeated  
4 acts of clearly excessive use of diagnostic or treatment facilities as determined by the standard of  
5 the community of licensees is unprofessional conduct for a physician and surgeon, dentist,  
6 podiatrist, psychologist, physical therapist, chiropractor, optometrist, speech-language  
7 pathologist, or audiologist.

8           "(b) Any person who engages in repeated acts of clearly excessive prescribing or  
9 administering of drugs or treatment is guilty of a misdemeanor and shall be punished by a fine of  
10 not less than one hundred dollars (\$100) nor more than six hundred dollars (\$600), or by  
11 imprisonment for a term of not less than 60 days nor more than 180 days, or by both that fine and  
12 imprisonment.

13           "(c) A practitioner who has a medical basis for prescribing, furnishing, dispensing, or  
14 administering dangerous drugs or prescription controlled substances shall not be subject to  
15 disciplinary action or prosecution under this section.

16           "(d) No physician and surgeon shall be subject to disciplinary action pursuant to this section  
17 for treating intractable pain in compliance with Section 2241.5."

18           10.    Section 2238 of the Code provides the following:

19           "A violation of any federal statute or federal regulation or any of the statutes or regulations  
20 of this state regulating dangerous drugs or controlled substances constitutes unprofessional  
21 conduct."

22           11.    Section 2239, subdivision (a), of the Code provides the following:

23           "The use or prescribing for or administering to himself or herself, of any controlled  
24 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic  
25 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to  
26 any other person or to the public, or to the extent that such use impairs the ability of the licensee  
27 to practice medicine safely or more than one misdemeanor or any felony involving the use,  
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1 consumption, or self-administration of any of the substances referred to in this section, or any  
2 combination thereof, constitutes unprofessional conduct. The record of the conviction is  
3 conclusive evidence of such unprofessional conduct.”

4 12. Health and Safety Code section 11153 states in pertinent part:

5 “(a) A prescription for a controlled substance shall only be issued for a legitimate medical  
6 purpose by an individual practitioner acting in the usual course of his or her professional  
7 practice...

8 “(b) Any person who knowingly violates this section shall be punished by imprisonment  
9 in the state prison or in a county jail not exceeding one year, or by a fine not exceeding twenty  
10 thousand (\$20,000), or by both that fine and imprisonment...”

11 13. Health and Safety Code section 11157 states:

12 “No person shall issue a prescription that is false or fictitious in any respect.”

13 14. Health and Safety Code section 11173, subdivision (a), states:

14 “No person shall obtain or attempt to obtain controlled substances, or procure or attempt to  
15 procure the administration of or prescription for a controlled substances, (1) by fraud, deceit,  
16 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.”  
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19 FIRST CAUSE FOR DISCIPLINE

20 (Gross Negligence)

21 15. Respondent is subject to disciplinary action under section 2234, subdivision (b) of the  
22 Code, in that he wrote prescriptions for controlled substances to himself using the alias “Karen  
23 Bandyan” and prescriptions for family members/patients E.N., L.K., and A.N.<sup>1</sup> The  
24 circumstances are as follows:

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27 <sup>1</sup> The initials of these individuals are used to protect their privacy. Their true identities  
28 will be disclosed to Respondent upon receipt of a proper discovery request.

1           A. After receiving a consumer complaint regarding Respondent, the Medical Board  
2 (Board) began an investigation and reviewed prescriptions and documents showing Respondent's  
3 prescribing practices/history. Said documents listed numerous prescriptions written on behalf of  
4 Respondent and other "patients," including the alias "Karen Bandyan" used by Respondent, for  
5 controlled and highly addictive prescription medications. Interviews with Respondent as well as  
6 E.N., L.K., and A.N. confirmed that they had, in fact, received numerous prescriptions for  
7 controlled substances from Respondent.

8           B. Board investigators also interviewed other witnesses such as pharmacists, who  
9 informed the Board that Respondent would often pick up the prescriptions himself, and would  
10 sometimes become belligerent when told that the pharmacies could not fill said prescriptions.  
11 Board investigators subsequently asked Respondent for the medical records of Karen Bandyan,  
12 the alias used by Respondent, E.N., L.K., and A.N., and was informed that none were available.<sup>2</sup>

13           C. Respondent engaged in gross negligence as follows:

14           (1) By repeatedly prescribing controlled substances to himself using the alias  
15 "Karen Bandyan" and to his family members, E.N., L.K., and A.N.

16           (2) By failing to provide even a modicum of essential information in  
17 Respondent's records regarding the necessity/justification for the prescriptions,  
18 thus representing an extreme departure from the standard of care.

19           (3) By prescribing addictive medications to himself using the alias "Karen  
20 Bandyan" and multiple other individuals, without any accessible medical records  
21 documenting an appropriate medical exam, the rationale for the use of such  
22 medications, or their impact on the symptoms that Respondent was ostensibly  
23 treating.

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27           <sup>2</sup> Specifically, Respondent signed declarations certifying that no records existed for Karen  
28 Bandyan, E.N., L.K., and A.N. Respondent claimed that he did keep a medical chart for L.K., but  
that said chart had been lost.

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SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

16. By reason of the facts and opinions set forth in the First Cause for Discipline above, Respondent is subject to disciplinary action under section 2234, subdivision (c) of the Code, in that Respondent engaged in acts and omissions, constituting repeated negligent acts.

THIRD CAUSE FOR DISCIPLINE

(Prescribing Without Exam/Indication)

17. By reason of the facts and opinions set forth in the First Cause for Discipline above, Respondent is subject to disciplinary action under section 2242 of the Code, in that Respondent prescribed dangerous drugs to himself and other patients without an appropriate prior examination or medical indication therefor.

FOURTH CAUSE FOR DISCIPLINE

(Excessive Prescribing)

18. By reason of the facts and opinions set forth in the First Cause for Discipline above, Respondent is subject to disciplinary action under section 725 of the Code, in that Respondent excessively prescribed dangerous drugs to himself and other patients.

FIFTH CAUSE FOR DISCIPLINE

(Inadequate Records)

19. By reason of the facts and opinions set forth in the First Cause for Discipline above, Respondent is subject to disciplinary action under section 2266 of the Code, in that Respondent failed to maintain adequate and accurate records of his care and treatment of patients.

SIXTH CAUSE FOR DISCIPLINE

(Dishonest Acts)

20. By reason of the facts and opinions set forth in the First Cause for Discipline above, Respondent is subject to disciplinary action for dishonest acts under section 2234, subdivision (e) of the Code, in that he would often prescribe controlled substances to himself using the alias



1 “Karen Bandyan” and attempt to fill/pick up prescriptions, ostensibly written for other  
2 individuals.

3 SEVENTH CAUSE FOR DISCIPLINE

4 (Violation of Drug Statutes)

5 21. By reason of the facts and opinions set forth in the First Cause for Discipline above,  
6 Respondent is subject to disciplinary action for violating drug statutes under section 2238 of the  
7 Code.

8 EIGHTH CAUSE FOR DISCIPLINE

9 (Misuse of Controlled Substances)

10 22. By reason of the facts and opinions set forth in the First Cause for Discipline above,  
11 Respondent is subject to disciplinary action for misuse of controlled substances under section  
12 2239, subdivision (a) of the Code.

13 NINTH CAUSE FOR DISCIPLINE

14 (Illegitimate Prescriptions)

15 23. By reason of the facts and opinions set forth in the First Cause for Discipline above,  
16 Respondent is subject to disciplinary action for prescribing illegitimate prescriptions for  
17 controlled substances in violation of Health and Safety Code section 11153.

18 TENTH CAUSE FOR DISCIPLINE

19 (False/Fictitious Prescriptions)

20 24. By reason of the facts and opinions set forth in the First Cause for Discipline above,  
21 Respondent is subject to disciplinary action for issuing false/fictitious prescriptions for controlled  
22 substances in violation of Health and Safety Code section 11157.

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1 ELEVENTH CAUSE FOR DISCIPLINE

2 (Obtaining Prescriptions by Fraud/Deceit)


3 25. By reason of the facts and opinions set forth in the First Cause for Discipline above,  
4 Respondent is subject to disciplinary action for obtaining/procuring prescriptions for controlled  
5 substances by fraud/deceit in violation of Health and Safety Code section 11173, subdivision (a),  
6 in that he would often prescribe controlled substances to himself using the alias "Karen Bandyan"  
7 and attempt to fill/pick up prescriptions, ostensibly written for other individuals.

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9 PRAYER

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

- 12 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 81272,  
13 issued to Karl Bandyan, M.D.;
- 14 2. Revoking, suspending or denying approval of Karl Bandyan M.D.'s authority to  
15 supervise physician assistants and advanced practice nurses;
- 16 3. Ordering Karl Bandyan, M.D., if placed on probation, to pay the Board the costs of  
17 probation monitoring; and
- 18 4. Taking such other and further action as deemed necessary and proper.

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20 DATED: September 15, 2017

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

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