

COPY

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

PROTHONOTARY  
2017 APR 24 AM 7:33  
Department of State

In the Matter of the Automatic Suspension  
of the License to Practice as a Medical  
Physician and Surgeon held by Keykhosrow  
Parsia, M.D.,  
License No.: MD031743L

File No.: 16-49-06335

Docket No: 0733 -49-17

NOTICE AND ORDER OF AUTOMATIC SUSPENSION

WHEREAS, the records of the State Board of Medicine ("Board") reflect that Keykhosrow Parsia, M.D., is the holder of a license to practice medicine and surgery in the Commonwealth of Pennsylvania ("Commonwealth"), license no. MD031743L; and

WHEREAS, a prosecuting attorney for the Commonwealth has filed a Petition for Automatic Suspension ("Petition") (attached as **Attachment A**), including certified copies of the Criminal Docket, Criminal Indictment, Government's Change of Plea Memorandum and Guilty Plea Agreement in the matter of United States of America v. Alan Summers, et al., filed in the United States District Court for the Eastern District of Pennsylvania at Docket No. 2:16-cr-000201 in which Respondent was named as Defendant(3); and

WHEREAS, the indictment specifies, among other things, that Respondent and a co-defendant knowingly and intentionally distributed a mixture and substance containing a detectable amount of buprenorphine, also known as Suboxone, a Schedule III controlled substance, and a mixture and substance containing a detectable amount of clonazepam, also known as Klonopin, a Schedule IV controlled substance, to a Cooperating Defendant and an undercover law enforcement officer in violation of Title 21, United States Code, Section 841(a)(1), 21 U.S.C. §841(a)(1); and

**WHEREAS**, on or about January 30, 2017, the Respondent pleaded guilty to, *inter alia*, four (4) counts of Distribution of Controlled Substances, in violation of Title 21, United States Code, Section 841(a)(1), 21 U.S.C. §841(a)(1); and

**WHEREAS**, Title 21 of the United States Code, Section 841(a)(1) specifies, in pertinent part, the following:

*§ 841 Prohibited Acts*

*(a) Unlawful acts. Except as authorized by this title, it shall be unlawful for any person knowingly or intentionally -*

*\* \* \**

*(1) To manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance;*

21 U.S.C. §841(a)(1); and

**WHEREAS**, the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act<sup>1</sup> ("Drug Act"), at 35 P.S. § 780-113, provides, in pertinent part, that:

*(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:*

*\* \* \**

*(14) The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.*

35 P.S. §780-113(a)(14); and

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<sup>1</sup> Act of April 14, 1972, P.L. 233 as amended, 35 P.S. §§ 780-101 to 780-144

**WHEREAS**, the Drug Act at 35 P.S. §780-113(f)(2) classifies violations of subsection 113 (a)(14) as follows:

*(f) Any person who violates clause ... (14) ... of subsection (a) with respect to:*

*\* \* \**

*(2) Any other controlled substance or counterfeit substance classified in Schedule I, II, or III, is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment not exceeding five years, or to pay a fine not exceeding fifteen thousand dollars (\$15,000), or both.*

35 P.S. § 780-113(f)(2); and

**WHEREAS**, the criminal offense of distribution of controlled substances to which the Respondent was found guilty and for which he was sentenced would be a felony if prosecuted under subsection 113(f)(2) of the Drug Act, 35 P.S. § 780-113(f)(2); and

**WHEREAS**, section 40(b) of the Medical Practice Act of 1985<sup>2</sup> ("MPA"), provides in part:

*(b) Automatic suspensions. - A license or certificate issued under this act shall automatically be suspended upon the ...conviction of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act. As used in this section the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere.*

63 P.S. § 422.40(b); and

**WHEREAS**, section 43 of the MPA, 63 P.S. § 422.43, provides, in pertinent part, that:

*\* \* \**

*(b) REINSTATEMENT AFTER FELONY CONVICTION.— Any person whose license, certificate or registration has been suspended or revoked because of a felony conviction under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or*

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<sup>2</sup> Act of December 20, 1985, P.L. 457, as amended, 63 P.S. §§ 422.1-422.53

*similar law of another jurisdiction, may apply for reinstatement after a period of at least ten years has elapsed from the date of conviction....*

**NOW THEREFORE**, upon consideration of the allegations set forth in the Petition, Respondent's license number MD031743L, along with any other licenses, registrations, certificates, approvals, authorizations, or permits issued by the State Board of Medicine to Respondent shall be **AUTOMATICALLY SUSPENDED** for at least 10 years under authority of sections 40(b) and 43(b) of the MPA, 63 P.S. §§ 422.40(b) and 422.43(b), and Respondent shall **CEASE AND DESIST** from the practice of medicine and surgery in the Commonwealth of Pennsylvania unless Respondent files a response to the Petition and a request for a hearing by May 10, 2017, twenty days from the date of this order. Responses to the Petition and any hearing held in connection with the responses shall be limited to the issues of whether Respondent was convicted of the offense(s) as defined by the MPA and as alleged in the Petition or, whether conviction of the offense(s), if committed under the laws of another jurisdiction, would be a felony in this Commonwealth under the Drug Act.

Responses to the petition and any request for hearing shall be filed with Prothonotary, Bureau of Professional and Occupational Affairs, Department of State, 2601 North Third Street, Harrisburg, PA 17110. A copy of the response and request for hearing shall be served on the prosecuting attorney identified in the petition at the address set forth below.

Hearings shall be scheduled within 30 days of receipt of the request for a hearing. Continuances will only be granted for good cause shown.

If a response to the petition and a request for a hearing are not filed within the time period set forth above, Respondent's license will be automatically suspended effective *May 15, 2017*, and a Final Order to that effect will be issued forthwith.

This order shall take effect immediately.



**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

  
\_\_\_\_\_  
**IAN J. HARLOW  
COMMISSIONER**

For the Commonwealth:

Respondent:

Board Counsel:

Date of Mailing:

**BY ORDER:**

**STATE BOARD OF MEDICINE**

  
\_\_\_\_\_  
**MARILYN J. HEINE, M.D.  
CHAIR**

Mark R. Zogby, Esq.  
Prosecuting Attorney  
Department of State  
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Keykhosrow Parsia, M.D.  
620 Michelle Street  
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*Apr. 24, 2017*

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# ATTACHMENT A

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

PROHIBITORY  
2017 APR 24 AM 7:33  
Department of State

In the Matter of the License to Practice as a  
Medical Physician and Surgeon of  
Keykhosrow Parsia, M.D.,  
License No. MD031743L

File No.: 16-49-06335

Docket No.: 0733-49-2017

PETITION FOR AUTOMATIC SUSPENSION

The Commonwealth of Pennsylvania ("Commonwealth"), by and through its Prosecuting Attorney, Mark R. Zogby, hereby files this Petition for Automatic Suspension and in support thereof, avers as follows:

1. Keykhosrow Parsia, M.D. ("Respondent") holds a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, license no. MD031743L.
2. Respondent's license was originally issued on January 7, 1971 and has been suspended since May 17, 2016.
3. At all times pertinent to the Factual Allegations, Respondent held a property interest in a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania.
4. Respondent's last known address on file with the Board is 620 Michelle Street, Ridley Park, PA 19078.
5. On or about May 11, 2016, an Indictment was filed, in the United States District Court for the Eastern District of Pennsylvania, at Docket No. 2:16-cr-000201, charging the Respondent with, *inter alia*, four (4) counts of Distribution of Controlled Substances, a violation of 21 U.S.C. § 841(a)(1).

6. On or about January 30, 2017, the Respondent pleaded guilty to, *inter alia*, four (4) counts of Distribution of Controlled Substances, a violation of 21 U.S.C. § 841(a)(1).

7. True and correct copies of the relevant docket entries in the matter of United States of America v. Keykhosrow Parsia, M.D., et al., Docket No. 2:16-cr-00201 (E.D. Pa.) are attached, collectively, hereto as **Exhibit “A”** and are incorporated herein by reference.

8. 21 U.S.C. §841(a)(1) provides, in pertinent part, as follows:

(a) Unlawful acts

Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally –

- (1) To manufacture, distribute, or dispense, or possess with intent to manufacture, distribute or dispense, a controlled substance; ...

9. Section 13(a)(14) of the Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act (“Drug Act”), an Act of April 14, 1972, P.L. 233, No. 64, as amended, 35 P.S. § 780-113(a)(14), provides as follows:

(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

- ...  
(14) The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner or professional assistant under the practitioner’s direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.

10. Section 13(f)(2) of the Pennsylvania Drug Act, 35 P.S. §780-113(f)(2) provides, in pertinent part, as follows:

(f) Any person who violates clause... (14) ... of subsection (a) with respect to:

(1) A controlled substance or counterfeit substance classified in Schedule I or II, which is a narcotic drug, is guilty of a felony...

...

(2) Any other controlled substance or counterfeit substance classified in Schedule I, II or III, is guilty of a felony...

11. The controlled substance at issue in the Respondent's criminal case was, *inter alia*, Suboxone (buprenorphine), which is a Schedule III controlled substance. **See Exhibit A.**

12. The criminal offense, to which the Respondent pleaded guilty, on or about March 2, 2017, would be a felony under the Pennsylvania Drug Act, if committed in this Commonwealth.

13. Section 40(b) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), as amended, 63 P.S. §422.40(b) provides, in pertinent part, as follows:

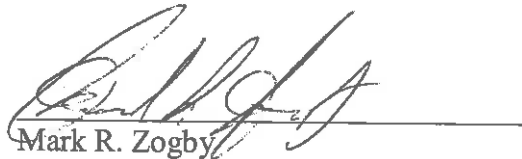
(b) **Automatic suspensions.** – A license or certificate issued under this act shall automatically be suspended upon...conviction of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act. As used in this section the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere. Automatic suspension under this subsection shall not be stayed pending any appeal of the conviction. Restoration of such license or certificate shall be made as hereinafter provided in the case of revocation or suspension of such license or certificate.

14. Section 43(b) of the Act provides, in pertinent part as follows:

(b) **Reinstatement after felony conviction.** – Any person whose license, certificate or registration has been suspended or revoked because of a felony conviction under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or similar law of another jurisdiction, may apply for reinstatement after a period of at least ten years has elapsed from the date of conviction...

WHEREFORE, the Commonwealth respectfully requests that the State Board of Medicine enter an Order **AUTOMATICALLY SUSPENDING** the Respondent's license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, pursuant to Section 40(b) of the Act, 63 P.S. §422.40(b), and ordering the Respondent to **CEASE AND DESIST** from the practice of medicine and surgery in the Commonwealth of Pennsylvania.

Respectfully submitted,



Mark R. Zogby  
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Commonwealth of Pennsylvania  
Department of State  
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(717) 783-7200

DATE: April 17, 2017