
**BEFORE THE MISSISSIPPI STATE BOARD
OF MEDICAL LICENSURE**

IN THE MATTER OF THE PHYSICIAN'S LICENSE OF
MEHYAR HEFAZI TORGHABEH, M.D.

FINAL ORDER

THIS MATTER came before the Mississippi State Board of Medical Licensure ("Board") in Jackson, Hinds County, Mississippi, on September 13, 2023 pursuant to a Summons and Affidavit issued to Mehیار Hefazi Torghabeh, M.D. ("Licensee"). A quorum of Board members was present throughout the proceeding and deliberations.

Board Counsel Paul Barnes presented the charges set forth in the Affidavit. The Board introduced into evidence, without objection, exhibits marked as MSB 1 through 40. Licensee, having been properly served with Summons, was represented by Douglas G. Mercier, Esq. Licensee introduced into evidence, without objection, exhibits marked as Torghabeh 1 through 83. Assistant Attorney General Kim Turner, designated to serve as Hearing Officer, presided over the hearing and was directed to prepare this Final Order in accordance with the Board's deliberations and decision.

Based upon the evidence and testimony presented at the hearing, the Board makes the following findings of fact, conclusions of law and final order:

FINDINGS OF FACT

1. Licensee holds Mississippi Medical License Number 28866 issued on May 12, 2021 and current through June 30, 2024. Licensee's area of practice is

radiology and his medical practice is located in Menlo Park, California.

2. Licensee holds a probationary license to practice medicine in the state of California because he voluntarily entered into a Settlement Agreement on or about November 9, 2021. Licensee holds a restricted license to practice medicine in the state of Maryland by reason of the California Settlement Agreement.
3. Licensee holds unrestricted licenses to practice medicine in the states of Ohio, Oklahoma, New York, New Mexico, and Washington.
4. Based upon the disciplinary action taken by the Medical Board of California, as memorialized by the Settlement Agreement, the Board issued Summons¹ and an Affidavit, charging Licensee with unprofessional conduct pursuant to Miss. Code Ann. Section 73-25-29(8)(d) and subject to disciplinary action pursuant to Miss. Code Ann. Section 73-25-29(9) and 73-25-83(a).
5. On April 5, 2021, Licensee submitted his Mississippi MD Permanent Application to the Board. (Torghabeh at 002–009). Licensee answered “yes” and provided the same explanation in response to the following questions:
 - a. Have your staff privileges at any hospital or health care facility been revoked, suspended, curtailed, limited, or placed under conditions restricting your practice” and provided an explanation;
 - b. During any postgraduate training were you ever on probation,

¹ At the onset of the hearing, Board Counsel advised the Board that the Summons issued incorrectly stated Licensee was “guilty of having a conviction of a felony or misdemeanor involving moral turpitude.” (Tr. at p. 97).

restrictions, suspension, revocation, modification, or otherwise acted against; and

- c. To your knowledge, have you ever been or are you now, the subject of an investigation or disciplinary proceeding by any licensing Board/Agency as of the date of this application.

- 6. Licensee explained his answer to the preceding application questions in relevant part as follows:

In January 2019 as a junior diagnostic radiology resident, I received approval for and used Geisinger graduate education funds to attend a medical conference in Hawaii. I used these funds as part of my travel to and stay [on] a different island and did not attend the conference. I had initially intended to attend the conference and booked a hotel [on] one of the islands under the false assumption that there was reliable transportation from there to the island where the Conference was held. I did not do prior research to confirm that I would be able to commute from one island to the other. It was only upon arrival in Hawaii when I realized that no such method of transportation existed and that I must board a plane for each round of commute. I am responsible for this mistake and I have been embarrassed and sorry for that ever since. This was not a premeditated scheme and I am truly sorry for that. As a result of my actions, an investigation was conducted by the former Program Director (Dr. Anne Dunne) and Associate Program Director (Dr. Dillenia Rosica) with Geisinger graduate medical education and the residency clinical competency committee. The clinical competency committee voted not to pursue termination, but I was given suspension with pay and benefits for 5 days and returned from suspension on probation until June 30, 2019. There were also several stipulations to my return, including immediate dismissal from the program for any subsequent professional or ethical infraction through graduation. In March 2019 after my return from suspension and consistent academic and professional improvements, I had a conversation with Dr. Dunne and Dr. Rosica, both of whom assured me this incident was considered an "internal matter" and did not need to be reported for licensing purposes. I have attached an email documenting that conversation. Based on that guidance, I did not disclose this information to the Medical Board of California. My intention was never to deceive or conceal the incident in any way. . . I have discussed all of this with my current Program Director and Vice Chair of Education, Dr. David Pryluck, who was unaware of the assurance of former Program Director and former Associate Program Director had given me about reporting this incident for licensing

matters when he completed his attestation on my behalf for the Medical Board of California. Dr. Pryluck has graciously offered to advocate on my behalf . . .

(Torghabeh at 004-006, 016; Tr. at pp. 107 – 112).

7. By email correspondence, Licensee twice updated the Board first, about the decision of the Medical Board of California to issue a probationary license and thereafter, of the decision of the Maryland State Board of Physicians to likewise issue a probationary license contingent upon the stipulations of the California Settlement Agreement. (Torghabeh at 017, 032; Tr. at pp. 115-116).
8. Licensee testified that, pursuant to California law, the term of probation imposed by the Settlement Agreement may be terminated at the two (2) year anniversary because he is in good standing and has been compliant and/or satisfied the terms and conditions of said Agreement. (Torghabeh at 014; Tr. at p. 116).

CONCLUSIONS OF LAW

1. The Board was created and established pursuant to Miss. Code Ann. Section 73-43-1 and is charged with the duty of licensing and regulating the practice of medicine in the State of Mississippi pursuant to Miss. Code Ann. Sections 73-25-1, *et. seq.*
2. The Board is authorized to license and regulate persons who apply for or hold a medical license and prescribe conditions under which persons may practice to protect the public health, safety, and welfare.
3. The Board has personal and subject matter jurisdiction pursuant to Miss. Code Ann. Sections 73-25-29 and 73-25-83(a). Venue is likewise proper at the Board's

office in Hinds County, Mississippi.

4. The proceedings were duly and properly convened, and all substantive and procedural requirements under law were satisfied.

5. Pursuant to Section 73-25-29(8)(d), unprofessional conduct includes, but is not limited to, being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

6. The board has the authority to discipline a physician licensed or otherwise lawfully practicing within this state who, after a hearing, has been adjudged by the board as unqualified by reason of unprofessional conduct.

7. The Board also may suspend, revoke or restrict a license based upon a restriction imposed on a license by a licensing authority which prevents or restricts practice in that jurisdiction. A certified copy of the disciplinary order or action taken by the other state or jurisdiction constitutes prima facie evidence thereof, notwithstanding the pendency of any appeal. *Miss. Code Ann. 73-25-29(9)*.

8. The Board finds the evidence presented at hearing insufficient to establish unprofessional conduct as defined by Section 73-25-29 and further finds, Licensee fully disclosed the restrictions imposed by both the California and Maryland licensing authorities prior to and after the issuance of a license to practice medicine in the state of Mississippi.

NOW, THEREFORE, IT IS HEREBY ORDERED that, the Affidavit is hereby dismissed, with prejudice. Without the necessity of further action, Licensee shall continue to hold an unrestricted license to practice medicine in the state of Mississippi.

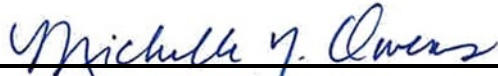
IT IS FURTHER ORDERED that pursuant to Miss. Code Ann. Section 73-25-27,

a copy of this Order shall be sent by registered mail or personally served upon Mehیار Hefazi Torghabeh, M.D.

IT IS FURTHER ORDERED that this Final Order shall be deemed a public record. It may be shared with other licensing boards (in and out of state), and the public, and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the minutes of the Board as its official act and deed.

SO ORDERED, this the 13th day of September 2023.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

By: 

Michelle Y. Owens, M.D.
President