

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION
MEDICAL UNIT
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Via Certified Mail – Return Receipt Requested

August 22, 2018

Behzad Emad, M.D.
900 Wilshire Boulevard, Suite 410
Santa Monica, CA 90401-1872

PUBLIC LETTER OF REPRIMAND

Dear Dr. Emad:

As you know the Medical Unit of the Division of Workers' Compensation ("DWC") received a complaint with regard to an evaluation that you performed for an injured worker. As a result of the review of the complaint, a discipline file was opened by the Discipline Unit of the DWC, and an investigation was initiated.

As part of the investigation, an audit was performed relating to four additional medical-legal reports and bills prepared by you. The findings of that audit resulted in five allegations of overbilling for Medical Legal Evaluations in violation of Labor Code §139.2(k), Business and Professions Code §§2234e), 2261, 810 and California Code of Regulations ("CCR") Title 8 §9795. The minimum sanction, according to the sanctions guidelines, for a proven violation of these code sections is revocation of the QME appointment, stayed, and five years' probation.

As you are aware, if proven true, conduct as described above would represent direct violations of your administrative duties under 8 CCR § 9795 and Labor Code §§ 4620 and 5307.6. 8 CCR § 9795 lays out the Medical-Legal Fee Schedule for Qualified and Agreed Medical Evaluators and Labor Code § 4620 addresses billing for Medical-Legal Evaluations, while 5307.6 specifically outlines the rules associated with the Fee Schedule for Medical-Legal Evaluations.

A finding of your violation of the above referenced statutes and regulations would prevent your reappointment as a qualified medical evaluator pursuant to Labor Code §§139.2(j) (6) & 139.2(k) (1) if sustained at a disciplinary hearing related to your certification.

The investigation into the current accusations against you yielded no clear evidence of intent to defraud. Therefore, this matter is being settled short of the discipline possible under the sanctions guidelines; and instead by way of this letter of public reprimand. Please be advised that if similar

Behzad Emad, M.D.

August 22, 2018

Page 2

complaints are received against you in the future, you cannot expect a similar resolution of those complaints. In addition, future complaints of a similar nature may precipitate the reopening of this investigation file.

Instead of continuing to pursue an action against you, given the totality of the circumstances surrounding this situation, this letter is issued instead. We trust that this letter will be sufficient to assure your future compliance with these regulations and code sections, copies of which are enclosed for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Winslow F. West', with a long horizontal flourish extending to the right.

Winslow F. West
Counsel, DWC Legal Unit

Enc.- Regulations and Code Sections

cc: Charles Rondeau, Esq.