

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

ROBERT T. PEREZ, M.D.)

Case No. 04-2013-234367

Physician's and Surgeon's)
Certificate No. G 80178)

Respondent)
_____)

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on November 8, 2017.

IT IS SO ORDERED: December 8, 2017.

MEDICAL BOARD OF CALIFORNIA



Kristina Lawson, J.D., Chair
Panel B

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRIS LEONG
Deputy Attorney General
4 State Bar No. 141079
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2575
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

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:

Case No. 04-2013-234367

12 ROBERT T. PEREZ, M.D.
1420 E. Edinger Avenue, Suite 123
13 Santa Ana, CA 92705

OAH No. 2017010798

14 Physician's and Surgeon's Certificate No.
15 G80178,

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Medical Board of California (Board), the parties hereby
20 agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to
21 the Board for approval and adoption as the final disposition of the Accusation.

22 PARTIES

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Board. She
24 brought this action solely in her official capacity and is represented in this matter by Xavier
25 Becerra, Attorney General of the State of California, by Chris Leong, Deputy Attorney General.

26 2. Respondent Robert T. Perez, M.D. (Respondent) is represented in this proceeding by
27 attorney Lee J. Petros, whose address is 1851 East First Street, Ste. 840
28 Santa Ana, CA 92705.

1 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
2 or its designee, be accepted towards the fulfillment of this condition if the course would have
3 been approved by the Board or its designee had the course been taken after the effective date of
4 this Decision.

5 Respondent shall submit a certification of successful completion to the Board or its
6 designee not later than 15 calendar days after successfully completing the course, or not later than
7 15 calendar days after the effective date of the Decision, whichever is later.

8 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
9 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
10 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
11 Respondent shall participate in and successfully complete that program. Respondent shall
12 provide any information and documents that the program may deem pertinent. Respondent shall
13 successfully complete the classroom component of the program not later than six (6) months after
14 Respondent's initial enrollment, and the longitudinal component of the program not later than the
15 time specified by the program, but no later than one (1) year after attending the classroom
16 component. The professionalism program shall be at Respondent's expense and shall be in
17 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

18 A professionalism program taken after the acts that gave rise to the charges in the
19 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
20 or its designee, be accepted towards the fulfillment of this condition if the program would have
21 been approved by the Board or its designee had the program been taken after the effective date of
22 this Decision.

23 Respondent shall submit a certification of successful completion to the Board or its
24 designee not later than 15 calendar days after successfully completing the program or not later
25 than 15 calendar days after the effective date of the Decision, whichever is later.

26 4. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the
27 effective date of this Decision, Respondent shall enroll in a professional boundaries program
28 approved in advance by the Board or its designee. Respondent, at the program's discretion, shall

1 undergo and complete the program's assessment of Respondent's competency, mental health
2 and/or neuropsychological performance, and at minimum, a 24 hour program of interactive
3 education and training in the area of boundaries, which takes into account data obtained from the
4 assessment and from the Decision(s), Accusation(s) and any other information that the Board or
5 its designee deems relevant. The program shall evaluate Respondent at the end of the training
6 and the program shall provide any data from the assessment and training as well as the results of
7 the evaluation to the Board or its designee.

8 Failure to complete the entire program not later than six (6) months after Respondent's
9 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees
10 in writing to a later time for completion. Based on Respondent's performance in and evaluations
11 from the assessment, education, and training, the program shall advise the Board or its designee
12 of its recommendation(s) for additional education, training, psychotherapy and other measures
13 necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with
14 program recommendations. At the completion of the program, Respondent shall submit to a final
15 evaluation. The program shall provide the results of the evaluation to the Board or its designee.
16 The professional boundaries program shall be at Respondent's expense and shall be in addition to
17 the Continuing Medical Education (CME) requirements for renewal of licensure.

18 The program has the authority to determine whether or not Respondent successfully
19 completed the program.

20 A professional boundaries course taken after the acts that gave rise to the charges in the
21 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
22 or its designee, be accepted towards the fulfillment of this condition if the course would have
23 been approved by the Board or its designee had the course been taken after the effective date of
24 this Decision.

25 If Respondent fails to complete the program within the designated time period, Respondent
26 shall cease the practice of medicine within three (3) calendar days after being notified by the
27 Board or its designee that Respondent failed to complete the program.

28 5. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of

1 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
2 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
3 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
4 consider any information provided by the Board or designee and any other information the
5 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
6 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
7 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
8 psychiatric evaluations and psychological testing.

9 Respondent shall comply with all restrictions or conditions recommended by the evaluating
10 psychiatrist within 15 calendar days after being notified by the Board or its designee.

11 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
12 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
13 Chief Executive Officer at every hospital where privileges or membership are extended to
14 Respondent, at any other facility where Respondent engages in the practice of medicine,
15 including all physician and locum tenens registries or other similar agencies, and to the Chief
16 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
17 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
18 calendar days.

19 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

20 7. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
21 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
22 advanced practice nurses.

23 8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
24 governing the practice of medicine in California and remain in full compliance with any court
25 ordered criminal probation, payments, and other orders.

26 9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
27 under penalty of perjury on forms provided by the Board, stating whether there has been
28 compliance with all the conditions of probation.

1 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
2 of the preceding quarter.

3 10. GENERAL PROBATION REQUIREMENTS.

4 Compliance with Probation Unit

5 Respondent shall comply with the Board's probation unit.

6 Address Changes

7 Respondent shall, at all times, keep the Board informed of Respondent's business and
8 residence addresses, email address (if available), and telephone number. Changes of such
9 addresses shall be immediately communicated in writing to the Board or its designee. Under no
10 circumstances shall a post office box serve as an address of record, except as allowed by Business
11 and Professions Code section 2021(b).

12 Place of Practice

13 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
14 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
15 facility.

16 License Renewal

17 Respondent shall maintain a current and renewed California physician's and surgeon's
18 license.

19 Travel or Residence Outside California

20 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
21 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
22 (30) calendar days.

23 In the event Respondent should leave the State of California to reside or to practice
24 ,Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
25 departure and return.

26 11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
27 available in person upon request for interviews either at Respondent's place of business or at the
28 probation unit office, with or without prior notice throughout the term of probation.

1 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
2 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
3 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
4 defined as any period of time Respondent is not practicing medicine as defined in Business and
5 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
6 patient care, clinical activity or teaching, or other activity as approved by the Board. If
7 Respondent resides in California and is considered to be in non-practice, Respondent shall
8 comply with all terms and conditions of probation. All time spent in an intensive training
9 program which has been approved by the Board or its designee shall not be considered non-
10 practice and does not relieve Respondent from complying with all the terms and conditions of
11 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
12 on probation with the medical licensing authority of that state or jurisdiction shall not be
13 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
14 period of non-practice.

15 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
16 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
17 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
18 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
19 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

20 Respondent's period of non-practice while on probation shall not exceed two (2) years.

21 Periods of non-practice will not apply to the reduction of the probationary term.

22 Periods of non-practice for a Respondent residing outside of California will relieve
23 Respondent of the responsibility to comply with the probationary terms and conditions with the
24 exception of this condition and the following terms and conditions of probation: Obey All Laws;
25 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
26 Controlled Substances; and Biological Fluid Testing.

27 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
28 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the

1 completion of probation. Upon successful completion of probation, Respondent's certificate shall
2 be fully restored.

3 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
4 of probation is a violation of probation. If Respondent violates probation in any respect, the
5 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
6 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
7 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
8 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
9 the matter is final.

10 15. LICENSE SURRENDER. Following the effective date of this Decision, if
11 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
12 the terms and conditions of probation, Respondent may request to surrender his or her license.
13 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
14 determining whether or not to grant the request, or to take any other action deemed appropriate
15 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
16 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
17 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
18 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
19 application shall be treated as a petition for reinstatement of a revoked certificate.

20 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
21 with probation monitoring each and every year of probation, as designated by the Board, which
22 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
23 California and delivered to the Board or its designee no later than January 31 of each calendar
24 year.

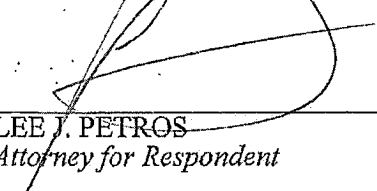
25 ACCEPTANCE

26 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
27 discussed it with my attorney, Lee J. Petros. I understand the stipulation and the effect it will
28 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and

1 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
2 Decision and Order of the Medical Board of California.

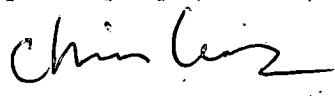
3
4 DATED: 8/2/17 
5 ROBERT T. PEREZ, M.D.
6 Respondent

7 I have read and fully discussed with Respondent Robert T. Perez, M.D. the terms and
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

9 I approve its form and content.
10 DATED: 8/3/17 
11 LEE J. PETROS
12 Attorney for Respondent

13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Medical Board of California.

16 Dated: 8/3/17 Respectfully submitted,
17 XAVIER BECERRA
18 Attorney General of California
19 ROBERT MCKIM BELL
20 Supervising Deputy Attorney General
21 
22 CHRIS LEONG
23 Deputy Attorney General
24 Attorneys for Complainant

25 LA2014615354
26 62469987.doc

EXHIBIT A

Accusation No. 04-2013-234367

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CHRIS LEONG
Deputy Attorney General
4 State Bar No. 141079
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2575
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

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

11
12 In the Matter of the Accusation Against:

Case No. 04-2013-234367

13 **ROBERT T. PEREZ, M.D.**
2021 E. 4th Street, #118
14 Santa Ana, CA 92705

ACCUSATION

15 Physician's and Surgeon's Certificate
No. G80178

16
17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about November 2, 1994, the Board issued Physician's and Surgeon's
24 Certificate Number G80178 to Robert T. Perez, M.D. (Respondent). This license was in full
25 force and effect at all times relevant to the charges brought herein and expires on February 29,
26 2016, unless renewed.

27 ///

28 ///

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

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

8 "(d) Incompetence.

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

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

12 "..."

13 6. Section 2266 of the Code states: AThe failure of a physician and surgeon to
14 maintain adequate and accurate records relating to the provision of services to their patients
15 constitutes unprofessional conduct.

16 7. Unprofessional conduct under 2234 of the Code is conduct which breaches the
17 rules or ethical code of the medical profession, or conduct which is unbecoming to a member in
18 good standing of the medical profession, and which demonstrates an unfitness to practice
19 medicine. (*Sheah v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

20 **FIRST CAUSE FOR DISCIPLINE**

21 (Gross Negligence)

22 8. Respondent is subject to disciplinary action under Code section 2234, subdivision
23 (b), in that he was grossly negligent in both his behavior towards numerous individuals and the
24 care and treatment of Patient M.M.¹ The circumstances are as follows:

25 Patient M.M.

26 9. Patient M.M., 47, was a female patient of Respondent, a psychiatrist, from
27

28 ¹ The names of the patient, friend and former girlfriend are reduced to initials for privacy.

1 December 2012 through July 2013. On June 26, 2013, Respondent greeted M.M. in a "peculiar
2 way" saying, "How are you beautiful, you're beautiful as always." Respondent told M.M. that she
3 looked beautiful. This made M.M. uncomfortable. During the first half hour of the visit,
4 Respondent talked to her about his divorce referring to his wife as "cabrona" and claiming that his
5 wife wanted to take his daughter away from him. Respondent showed her a picture of his
6 daughter and told her about a restraining order against him. Respondent said, "I'm a doctor, I don't
7 deserve this" [a divorce and restraining order]. Respondent said to M.M.: "You're a very
8 valuable woman, get a divorce and I will take you."

9 10. On July 18, 2013, M.M. went to Respondent's office with her friend, R.M., to turn
10 in some insurance papers. She did not have an appointment on that day. Respondent told her to
11 have his secretary fill out the insurance papers and to cancel her next appointment, because he
12 had to go to Court. M.M. told Respondent about concerns she had with medication he prescribed
13 to her. M.M. told Respondent that a pharmacist told her that a medication Respondent
14 prescribed, Topamax, reacted badly with her other medications, Lexapro and Xanax. Respondent
15 became furious and yelled at M.M. in an uncontrollable manner stating: "I was on vacation, what
16 do you want me to do! I have problems. I have to go to Court on Monday. My ex-wife is a
17 fucking liar and she wants to take my daughter from me. I am a doctor, I am the one that knows.
18 Assholes! Bastards! I'm going to sue them assholes!" M.M. became frightened and called her
19 husband and put him on speaker phone. M.M. received three calls from Respondent's office that
20 day and she called back because she thought it was to cancel her appointment, but the secretary
21 told her that the doctor wanted to talk to her. M.M. refused to talk with Respondent because she
22 was still scared.

23 11. On July 23, 2013, M.M. went to Respondent's office accompanied by her husband
24 and her son to pick up the insurance papers. Respondent was rude to her husband and asked him
25 to leave the office and called them paranoid. Respondent asked M.M.'s husband if he had
26 brought a firearm; M.M.'s husband replied that they did not. Respondent told M.M. that he
27 would only give her the insurance papers if she went into his office alone. M.M. and her husband
28

1 told him that was not going to happen and that she was not going to his office alone. Respondent
2 told her husband to shut up and that if he did not like his methods, the door was wide open.
3 M.M.'s son J.M, told Respondent not to talk to his father like that and to have some respect, and
4 Respondent calmed down. M.M. asked Respondent to give her chart to her so that she could see
5 another psychiatrist and Respondent refused. M.M. took the records. Respondent told M.M. that
6 if she did not give it back to him he would call 911 since she was taking his property. M.M. gave
7 Respondent back the records. Respondent yelled at M.M. and called her a paranoid schizophrenic
8 and said, "Bye bye," as he tried to close the door on them. M.M.'s son prevented him from
9 closing the door and Respondent once again asked if they were armed. Respondent ran out of his
10 office and made copies, but did not give M.M. a copy of the full records.

11 12. On or about December 11, 2013, a Medical Board Investigator visited
12 Respondent's office regarding M.M.'s complaints. Respondent was rude and unprofessional and
13 very sarcastic and condescending. Respondent clenched both fists and took a fighting stance,
14 even though the Investigator had one hand on the portfolio and his right hand in his pocket. The
15 investigator informed Respondent that he had failed to pay his medical license fees.

16 13. Respondents records showed that he diagnosed M.M. with: "Atypical Depression
17 and Panic Disorder with Agoraphobia." In a letter addressed to the Board dated December 13,
18 2013, M.M. noted that Respondent had treated M.M. from November 6, 2012, through June 11,
19 2013.

20 14. Another physician had previously treated M.M. from December 2011 through
21 2012; her diagnosis then included "Adjustment Disorder with Mixed Anxiety, Depressed Mood,
22 and Panic Disorder with Agoraphobia." She was provided a temporary total psychiatric disability
23 with respect to her job as a customer service representative. She was prescribed Celexa (an
24 antidepressant) and Xanax (an anti-anxiety medication).

25 15. Respondent altered the written medical records months after his last session with
26 the patient. This was clearly done to validate his defense against the allegations raised by his
27 former patient, M.M.

1 Former Girlfriend S.P.

2 16. Respondent and his former girlfriend S.P. have a daughter, C.P. From May 9,
3 2013, through August 22, 2013, Respondent and S.P. were involved in a matter before the
4 Superior Court of California, County of Orange, Family Court regarding the case of *S.P. v.*
5 *Robert T. Perez*. A petition to establish parental relationship was filed on May 9, 2013, by S.P.
6 regarding the custody and visitation of Respondent. A Restraining Order was issued by Judge
7 Silbar on June 7, 2013, against Respondent, protecting S.P. and her two daughters aged 17 and
8 13, and two nephews aged 17 and 11. The Order was amended on August 22, 2013.

9 17. A Minute Order dated June 7, 2013, noted that Respondent was admonished by the
10 Court for showing disrespect to the Court. The Court described for the record, the disrespectful
11 conduct of Respondent. The Court issued a Restraining Order based on the following:
12 Respondent's demeanor appeared to be angry. Respondent threatened S.P. of defamation and
13 was involved in disputes with the S.P.'s 17-year-old child. Respondent drove through S.P.'s lawn
14 angrily. Respondent was awarded monitored visitations and initially ordered to complete an
15 eight-week anger management course. A stipulated judgment on August 22, 2013, modified the
16 visitation for unmonitored visits.

17 18. Respondent exhibited narcissistic and sociopathic type behaviors towards his
18 patient, M.M. Respondent exhibited similar behavior toward his ex-girlfriend S.P., who is the
19 mother of his 10-year-old daughter. The documents filed in Family Court in the Superior Court
20 of Orange County regarding the case of *S.P. v. Robert Perez*, indicate a pattern of threatening
21 behavior to his ex-girlfriend, e.g., making documented multiple threats to call the Immigration
22 Service to have S.P. deported. He threatened to refuse to pay child support – which is illegal in
23 California – and to obtain full custody of their daughter. The court documents indicated that
24 Respondent advised S.P. that he made an “anonymous tip” to the Orange County Police
25 Department to report her for not having a driver's license and for working illegally (she was
26 previously employed by him). He wrote numerous letters of a threatening nature to S.P. alleging
27 she was mentally ill and suffered from Bipolar Disorder. He threatened to only have a cash

1 practice so he didn't have to pay her child support. The judge opined that Respondent was
2 disrespectful to the Court and issued a Restraining Order against him protecting S.P.
3 The threatening letters to his ex-girlfriend do not fall into the normal range of understandably
4 disgruntled family law litigants. Respondent used his power, position and money to threaten S.P.,
5 showing that he had no regard for others, especially the mother of his young daughter. He was
6 subsequently admonished by the Court and an order in June 2013 to complete an eight-week
7 anger management course was modified to a January 16, 2014, order to complete a 22 – week
8 anger management program after he continued his threatening behavior towards S.P. while under
9 the scrutiny of the judge.

10 19. Respondent was grossly negligent in both his behavior and in the care and
11 treatment of a patient as follows:

12 A. The standard of care provides that a physician should not share intimate details
13 of his personal life with a patient. Respondent failed to maintain a professional demeanor and
14 boundaries with his patient, M.M., by repeatedly discussing his personal life, specifically
15 regarding a contentious custody battle with the mother of his ten-year-old daughter.

16 B. Respondent used profanity and made sexual innuendoes to M.M. He exhibited
17 unprofessional behavior by being rude, sarcastic, condescending and threatening and by yelling
18 and engaging in verbal outbursts, thereby exhibiting an unprofessional demeanor, which was
19 unbecoming to a member in good standing of the medical profession.

20 C. Respondent made condescending, verbally abusive statements, and yelled at
21 the Medical Board Investigator during the course of this investigation, thereby exhibiting an
22 unprofessional demeanor, which was unbecoming to a member in good standing of the medical
23 profession.

24 D. Respondent was rude, angry, and disrespectful towards an Orange County
25 Superior Court Judge during his Family Court trial, thereby exhibiting an unprofessional
26 demeanor, which was unbecoming to a member in good standing of the medical profession. This
27 resulted in a restraining order issued against Respondent to protect S.P.

1 E. Respondent made false, threatening, and harmful statements regarding S.P.,
2 thereby exhibiting an unprofessional demeanor, which was unbecoming to a member in good
3 standing of the medical profession, including:

- 4 1) making multiple threats to call the immigration service to have S.P.
5 deported,
- 6 2) threatening to refuse to pay child support for their daughter,
- 7 3) threatening to obtain full custody of their daughter,
- 8 4) making an "anonymous tip to the Orange County Police Department to
9 report S.P. for not having a drivers license and for working illegally
10 (she previously worked for him).
- 11 5) writing numerous letters of a threatening nature alleging she was
12 mentally ill and suffering from Bipolar Disorder.
- 13 6) threatening to only have a cash practice so he didn't have to pay her
14 child support.

15 F. Respondent altered the medical records of patient M.M. after his last session
16 with her.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Repeated Negligent Acts)

19 20. Respondent is subject to disciplinary action under Code section 2234, subdivision (c),
20 in that he was repeatedly negligent in both his behavior towards numerous individuals and the
21 care and treatment of Patient M.M. The facts and circumstances alleged in the First Cause For
22 Discipline are incorporated here as if fully set forth. Respondent engaged in repeated negligent
23 acts in his behavior and in his care and treatment of a patient as follows:

24 A. The standard of care provides that a physician should not share intimate details
25 of his personal life with a patient. Respondent failed to maintain a professional demeanor and
26 boundaries with his patient, M.M., by repeatedly discussing his personal life, specifically
27 regarding a contentious custody battle with the mother of his ten-year-old daughter.

1 B. Respondent used profanity and made sexual innuendoes to M.M. He exhibited
2 unprofessional behavior by being rude, sarcastic, condescending and threatening and by yelling
3 and engaging in verbal outbursts, thereby exhibiting an unprofessional demeanor, which was
4 unbecoming to a member in good standing of the medical profession.

5 C. Respondent made condescending, verbally abusive statements, and yelled at
6 the Medical Board Investigator during the course of this investigation, thereby exhibiting an
7 unprofessional demeanor, which was unbecoming to a member in good standing of the medical
8 profession.

9 D. Respondent was rude, angry, and disrespectful towards an Orange County
10 Superior Court Judge during his Family Court trial, thereby exhibiting an unprofessional
11 demeanor, which was unbecoming to a member in good standing of the medical profession. This
12 resulted in a restraining order issued against Respondent to protect S.P.;

13 E. Respondent made false, threatening, and harmful statements regarding S.P.,
14 thereby exhibiting an unprofessional demeanor, which was unbecoming to a member in good
15 standing of the medical profession, including:

- 16 1) making multiple threats to call the immigration service to have S.P.
17 deported,
- 18 2) threatening to refuse to pay child support for their daughter,
- 19 3) threatening to obtain full custody of their daughter,
- 20 4) making an "anonymous tip to the Orange County Police Department to
21 report S.P. for not having a drivers license and for working illegally
22 (she previously worked for him).
- 23 5) writing numerous letters of a threatening nature alleging she was
24 mentally ill and suffering from Bipolar Disorder.
- 25 6) threatening to only have a cash practice so he didn't have to pay her
26 child support.

27 F. Respondent altered the medical records of patient M.M. after his last session
28 with her.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Dishonest Acts)

3 21. Respondent is subject to disciplinary action under Code section 2234, subdivision (e),
4 in that he was dishonest in the course of providing medical services. The fact and circumstances
5 alleged above in the First and Second Causes for Discipline are incorporated here as if fully set
6 forth.

7 22. More specifically, Respondent was dishonest as follows:

8 A. When he altered M.M.'s medical records to avoid liability.

9 B. When he made false statements regarding S.P.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 (Failure to Maintain Adequate and Accurate Records)

12 23. Respondent is subject to disciplinary action under Code section 2266, in that he failed
13 to maintain adequate and accurate records relating to the provision of medical services to patient
14 M.M., by altering the medical records of M.M. and the fact and circumstances alleged above in
15 the First, Second, and Third Causes for Discipline. The fact and circumstances alleged above in
16 the First, Second, and Third Causes for Discipline, are incorporated here as if fully set forth.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct)

19 24. Respondent is subject to disciplinary action under Code section 2234, in that he
20 engaged in unprofessional conduct in the care and treatment of a patient. The facts and
21 circumstances alleged above in the First, Second, Third, and Fourth Causes for Discipline, are
22 incorporated here as if fully set forth.

23 ///

24 ///

25 ///

26 ///

27 ///

1 PRAYER

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

- 4 1. Revoking or suspending Physician's and Surgeon's Certificate Number G80178,
5 issued to Robert T. Perez, M.D.;
- 6 2. Revoking, suspending or denying approval of Robert T. Perez, M.D.'s authority to
7 supervise physician assistants, pursuant to section 3527 of the Code;
- 8 3. Ordering Robert T. Perez, M.D. to pay the Medical Board of California, if placed on
9 probation, the costs of probation monitoring; and
- 10 4. Taking such other and further action as deemed necessary and proper.

11
12 DATED: May 5, 2015


13 KIMBERLY KIRCHMEYER
14 Executive Director
15 Medical Board of California
16 Department of Consumer Affairs
17 State of California
18 Complainant

19
20
21 LA2014615354
22 61540007.doc