

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

**In the Matter of the Amended Accusation )**

**Against: )**

**JORDAN JOHN MICHELENA, M.D. )**

**Case No. 800-2014-004292**

**Physician's and Surgeon's )  
Certificate No. A 101937 )**

**Respondent )  
\_\_\_\_\_ )**

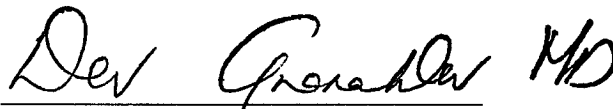
**DECISION**

**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 September 4, 2015.**

**IT IS SO ORDERED: August 6, 2015.**

**MEDICAL BOARD OF CALIFORNIA**



**Dev Gnanadev, M.D., Chair  
Panel B**

1 KAMALA D. HARRIS  
Attorney General of California  
2 CONNIE A. BROUSSARD  
Supervising Deputy Attorney General  
3 MARA FAUST  
Deputy Attorney General  
4 State Bar No. 111729  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5358  
Facsimile: (916) 327-2247  
7 *Attorneys for Complainant*

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

11 In the Matter of the Amended Accusation Against:

12 **JORDAN JOHN MICHELENA, M.D.**  
12371 Crab Trap Ct.  
13 Jacksonville, FL 32223

14 Physician's and Surgeon's Certificate No. A 101937

15 Respondent.

Case No. 800-2014-004292

OAH No. 2015050627

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Kimberly Kirchmeyer ("Complainant") is the Executive Director of the Medical  
21 Board of California. She brought this action solely in her official capacity and is represented in  
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Mara Faust,  
23 Deputy Attorney General.

24 2. Respondent Jordan John Michelena, M.D. ("Respondent") is representing himself in  
25 this proceeding and has chosen not to exercise his right to be represented by counsel.

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1           3.     On or about October 31, 2007, the Medical Board of California issued Physician's and  
2 Surgeon's Certificate No. A 101937 to Jordan John Michelena, M.D. (Respondent). The  
3 Physician's and Surgeon's Certificate expired on January 31, 2015, and has been renewed to  
4 January 31, 2017.

5                                   JURISDICTION

6           4.     Accusation No. 800-2014-004292 was filed before the Medical Board of California  
7 (Board) , Department of Consumer Affairs, on April 15, 2015. Subsequently, on June 15, 2015,  
8 an Amended Accusation No. 800-2014-004292 was filed before the Board and is currently  
9 pending against Respondent. The Amended Accusation and all other statutorily required  
10 documents were properly served on Respondent on June 15, 2015. Respondent timely filed his  
11 Notice of Defense contesting the Amended Accusation.

12           5.     A copy of Amended Accusation No. 800-2014-004292 is attached as exhibit A and  
13 incorporated herein by reference.

14                                   ADVISEMENT AND WAIVERS

15           6.     Respondent has carefully read, and understands the charges and allegations in  
16 Amended Accusation No. 800-2014-004292. Respondent has also carefully read, and  
17 understands the effects of this Stipulated Settlement and Disciplinary Order.

18           7.     Respondent is fully aware of his legal rights in this matter, including the right to a  
19 hearing on the charges and allegations in the Amended Accusation; the right to be represented by  
20 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
21 the right to present evidence and to testify on his own behalf; the right to the issuance of  
22 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
23 reconsideration and court review of an adverse decision; and all other rights accorded by the  
24 California Administrative Procedure Act and other applicable laws.

25           8.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
26 every right set forth above.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Amended  
3 Accusation No. 800-2014-004292.

4 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
6 Disciplinary Order below.

7 CIRCUMSTANCES IN MITIGATION

8 11. Respondent Jordan John Michelena, M.D. has never been the subject of any prior  
9 disciplinary action. He is admitting responsibility at an early stage in the proceedings.  
10 Respondent has been unable to practice as a physician and surgeon for twenty-one months,  
11 commencing with his suspension of Navy hospital privileges on September 13, 2013, through his  
12 nine months of incarceration in the Navy brig commencing on June 18, 2014, and then through  
13 the suspension of his California physician's and surgeon's license on since March 3, 2015.

14 RESERVATION

15 12. The admissions made by Respondent herein are only for the purposes of this  
16 proceeding, or any other proceedings in which the Medical Board of California or other  
17 professional licensing agency is involved, and shall not be admissible in any other criminal or  
18 civil proceeding.

19 CONTINGENCY

20 13. This stipulation shall be subject to approval by the Medical Board of California.  
21 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
22 Board of California may communicate directly with the Board regarding this stipulation and  
23 settlement, without notice to or participation by Respondent. By signing the stipulation,  
24 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
25 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
26 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
27 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between

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1 the parties, and the Board shall not be disqualified from further action by having considered  
2 this matter.

3 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
4 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
5 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

6 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
7 the Board may, without further notice or formal proceeding, issue and enter the following  
8 Disciplinary Order:

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 101937 issued  
11 to Respondent Jordan John Michelena, M.D. (Respondent) is revoked. However, the revocation  
12 is stayed and Respondent is placed on probation for seven (7) years on the following terms and  
13 conditions.

14 1. COMMUNITY SERVICE - FREE SERVICES. Within 60 calendar days of the  
15 effective date of this Decision, Respondent shall submit to the Board or its designee for prior  
16 approval a community service plan in which Respondent shall within the first 2 years of  
17 probation, provide 100 hours of free services (can be medical but not clinical work with patients)  
18 to a community or non-profit organization. If the term of probation is designated for 2 years or  
19 less, the community service hours must be completed not later than 6 months prior to the  
20 completion of probation.

21 Prior to engaging in any community service Respondent shall provide a true copy of the  
22 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief  
23 executive officer at every community or non-profit organization where Respondent provides  
24 community service and shall submit proof of compliance to the Board or its designee within 15  
25 calendar days. This condition shall also apply to any change(s) in community service.

26 Community service performed prior to the effective date of the Decision shall not be  
27 accepted in fulfillment of this condition.

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2. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR), section 1358. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

3. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

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

Respondent shall not engage in the practice of medicine until notified by the Board or its designee that Respondent is mentally fit to practice medicine safely. The period of time that Respondent is not practicing medicine shall not be counted toward completion of the term of probation.

4. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval the name and qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Respondent shall cooperate in providing the psychotherapist any information and documents that the psychotherapist may deem pertinent.

Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or its designee. The Board or its designee may require Respondent to undergo psychiatric evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of probation, Respondent is found to be mentally unfit to resume the practice of medicine without restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the period of probation shall be extended until the Board determines that Respondent is mentally fit to resume the practice of medicine without restrictions.

Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

5. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice monitor(s), the name and qualifications of one or more licensed physicians and surgeons

1 whose licenses are valid and in good standing, and who are preferably American Board of  
2 Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or  
3 personal relationship with Respondent, or other relationship that could reasonably be expected to  
4 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
5 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
6 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

7 The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
8 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the  
9 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed  
10 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role  
11 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees  
12 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the  
13 signed statement for approval by the Board or its designee.

14 Within 60 calendar days of the effective date of this Decision, and continuing throughout  
15 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall  
16 make all records available for immediate inspection and copying on the premises by the monitor  
17 at all times during business hours and shall retain the records for the entire term of probation.

18 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective  
19 date of this Decision, Respondent shall receive a notification from the Board or its designee to  
20 cease the practice of medicine within three (3) calendar days after being so notified. Respondent  
21 shall cease the practice of medicine until a monitor is approved to provide monitoring  
22 responsibility.

23 The monitor(s) shall submit a quarterly written report to the Board or its designee which  
24 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
25 are within the standards of practice of medicine, and whether Respondent is practicing medicine  
26 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure  
27 that the monitor submits the quarterly written reports to the Board or its designee within 10  
28 calendar days after the end of the preceding quarter.



1 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
2 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
3 name and qualifications of a replacement monitor who will be assuming that responsibility within  
4 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
5 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
6 notification from the Board or its designee to cease the practice of medicine within three (3)  
7 calendar days after being so notified Respondent shall cease the practice of medicine until a  
8 replacement monitor is approved and assumes monitoring responsibility.

9 In lieu of a monitor, Respondent may participate in a professional enhancement program  
10 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the  
11 University of California, San Diego School of Medicine, that includes, at minimum, quarterly  
12 chart review, semi-annual practice assessment, and semi-annual review of professional growth  
13 and education. Respondent shall participate in the professional enhancement program at  
14 Respondent's expense during the term of probation.

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

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

24 7. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is  
25 prohibited from supervising physician assistants.

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

1           9.   QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
2 under penalty of perjury on forms provided by the Board, stating whether there has been  
3 compliance with all the conditions of probation. These declarations shall be submitted no later  
4 than 10 calendar days after the end of the preceding quarter.

5           10.   GENERAL PROBATION REQUIREMENTS.

6           Compliance with Probation Unit

7           Respondent shall comply with the Board's probation unit and all terms and conditions of  
8 this Decision.

9           Address Changes

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

15          Place of Practice

16          Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
17 of residence, unless the patient resides in a skilled nursing facility or other similarly licensed  
18 facility.

19          License Renewal

20          Respondent shall maintain a current and renewed California physician's and surgeon's  
21 license.

22          Travel or Residence Outside California

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

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

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

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

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

Periods of non-practice will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

13. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

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

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

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

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1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
3 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into  
4 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and  
5 agree to be bound by the Decision and Order of the Medical Board of California.

6  
7 DATED: 06/27/2015

  
8 JORDAN JOHN MICHELENA, M.D.  
Respondent

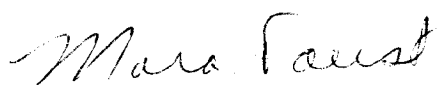
9  
10 ENDORSEMENT

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

13 Dated: 6/27/2015

Respectfully submitted,

14 KAMALA D. HARRIS  
Attorney General of California  
15 CONNIE A. BROUSSARD  
Supervising Deputy Attorney General

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17 MARA FAUST  
18 Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Amended Accusation No. 800-2014-004292**

1 KAMALA D. HARRIS  
Attorney General of California  
2 CONNIE A. BROUSSARD  
Supervising Deputy Attorney General  
3 MARA FAUST  
Deputy Attorney General  
4 State Bar No. 111729  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5358  
Facsimile: (916) 327-2247  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO JUNE 15, 2015  
BY: [Signature] ANALYST

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

11 In the Matter of the Amended Accusation Against:

Case No. 800-2014-004292

12 **JORDAN JOHN MICHELENA, M.D.**

**AMENDED ACCUSATION**

13 12371 Crab Trap Ct.  
Jacksonville, FL 32223

14 Physician's and Surgeon's Certificate No. A 101937

15 Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about October 31, 2007, the Medical Board of California issued Physician's and  
24 Surgeon's Certificate Number A 101937 to Jordan John Michelena, M.D. (Respondent). The  
25 Physician's and Surgeon's Certificate expires on January 31, 2017. A Notice of Automatic  
26 Suspension of License was issued by the Executive Director of the Medical Board on March 3,  
27 2015, due to Respondent's incarceration in the Naval Consolidated Brig, in Charleston, South  
28 Carolina.

## JURISDICTION

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

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

5. Section 2234 of the Code, states:

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

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

"..."

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

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

"..."

6. Section 2236 of the Code states:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"(b) The district attorney, city attorney, or other prosecuting agency shall notify the Division of Medical Quality of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The



1 prosecuting agency shall also notify the clerk of the court in which the action is pending that the  
2 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds  
3 a license as a physician and surgeon.

4 “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours  
5 after the conviction, transmit a certified copy of the record of conviction to the board. The  
6 division may inquire into the circumstances surrounding the commission of a crime in order to fix  
7 the degree of discipline or to determine if the conviction is of an offense substantially related to  
8 the qualifications, functions, or duties of a physician and surgeon.

9 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to  
10 be a conviction within the meaning of this section and Section 2236.1. The record of conviction  
11 shall be conclusive evidence of the fact that the conviction occurred.”

12 7. Section 2305 of the Code states that “the revocation, suspension, or other discipline,  
13 restriction, or limitation imposed by another state upon a license or certificate to practice  
14 medicine issued by that state, or the revocation, suspension, or restriction of the authority to  
15 practice medicine by any agency of the federal government, that would have been grounds for  
16 discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary  
17 action for unprofessional conduct against the licensee in this state.”

18 8. Section 141 of the Code provides in relevant part that “For any licensee holding a  
19 license issued by a board under the jurisdiction of the department, a disciplinary action taken by  
20 another state, by any agency of the federal government, or by another country for any act  
21 substantially related to the practice regulated by the California license, may be a ground for  
22 disciplinary action by the respective state licensing board. A certified copy of the record of  
23 disciplinary action taken against a licensee by another state, an agency of the federal government,  
24 or another country shall be conclusive evidence of the events related therein.”

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**FIRST CAUSE FOR DISCIPLINE**  
**(Conviction of a crime substantially related)**

9. Respondent is subject to disciplinary action under sections 2234, subdivision (a), and 2236 in that Respondent was convicted of a crime or crimes substantially related to the practice of medicine. The circumstances are as follows:

10. On or about January 29, 2013, in a Court-Martial entitled General Court-Martial Order No. 20-14, (which was amended on June 5 and 16, 2014), which was convened at the Naval Hospital in Jacksonville, Florida, the Judge Advocate, along with eight officers, found Respondent guilty of the following Articles of the Uniform Code of Military Justice (UCMJ): Article 81 (Conspiracy to commit robbery and aggravated assault); Article 122 (Robbery); Article 133 (Conduct unbecoming of an officer); and Article 134 (Soliciting another to commit assault and larceny, receipt of stolen property and communicating a threat). As a result of these convictions, Respondent was sentenced on June 19, 2014, to one (1) year confinement in the Naval Consolidated Brig, to commence on July 19, 2014. Respondent's conviction of the above referenced crimes are substantially related to the practice of medicine and therefore constitute a violation of sections 2234, subdivision (a), and 2236.

The underlying acts of these convictions occurred between March and April 2013 where Respondent hired a third party to rob and beat up his former roommate in retaliation for this roommate ending the relationship with him and taking unauthorized funds and property.

**SECOND CAUSE FOR DISCIPLINE**  
**(Out-of-State or Federal Discipline)**

11. Respondent is subject to disciplinary action under sections 2305 and 141 in that Respondent suffered a restriction of privileges from the federal government that would be grounds for discipline in California. The circumstances are as follows:

12. Complainant hereby incorporates paragraph 10 of the Amended Accusation as though fully set forth herein. As a result of these convictions, on September 17, 2013, Respondent lost his privileges to practice medicine for the Navy, and was terminated from his family residency program, which constitutes a restriction of privileges from the federal government under sections 2305 and 141 of the Code.

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 A 101937,  
5 issued to Jordan John Michelena, M.D.;

6 2. Revoking, suspending or denying approval of Jordan John Michelena, M.D.'s  
7 authority to supervise physician assistants, pursuant to section 3527 of the Code;

8 3. If placed on probation, ordering Jordan John Michelena, M.D. to pay the Medical  
9 Board of California the costs of probation monitoring;

10 4. Taking such other and further action as deemed necessary and proper.  
11

12  
13 DATED: June 15, 2015

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

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