

**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. )

MBC File # 04-2013-234367

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

\_\_\_\_\_  
Respondent. )

**ORDER CORRECTING NUNC PRO TUNC  
CLERICAL ERRORS IN "ORDER DATE" AND "EFFECTIVE DATE"  
PORTIONS OF DECISION**

On its own motion, the Medical Board of California (hereafter "board") finds that there are clerical errors in the "order date" and "effective date" portions of the Decision in the above-entitled matter and that such clerical errors should be corrected.

IT IS HEREBY ORDERED that the order date and effective date contained on the Decision Order Page in the above-entitled matter be and hereby are amended and corrected nunc pro tunc as of the date of entry of the decision to read:

- "IT IS SO ORDERED: November 8, 2017."
- "This Decision shall become effective at 5:00 p.m. on December 8, 2017."

Dated: November 14, 2017



Kristina D. Lawson, J.D., Chair  
Panel B

**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  
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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 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.  
G80178,

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15  
16 Respondent.  
17

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.

3. On November 2, 1994, the Board issued Physician's and Surgeon's Certificate No. G80178., Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in the Accusation No. 04-2013-234367 and will expired on February 89, 2018, unless renewed.

## JURISDICTION

4. Accusation No. 04-2013-234367 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 5, 2015. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 04-2013-234367 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 04-2013-234367. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

## CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 04-2013-234367, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

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

12. Respondent agrees that if he ever petitions for early termination of probation or modification of probation, or if the Board ever petitions for revocation of probation, all of the charges and allegations contained in Accusation No. 04-2013-234367, shall be deemed true, correct and fully admitted by Respondent for purpose of that proceeding or any other licensing proceeding involving Respondent in the State of California.

## CONTINGENCY

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

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

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

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G80178 issued to Respondent Robert T. Perez, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for thirty-five (35) months on the following terms and conditions.

1. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 20 hours of CME of which 10 hours were in satisfaction of this condition.

2. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A prescribing practices course taken after the acts that gave rise to the charges in the

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.

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

10. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

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

Place of Practice

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

License Renewal

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

Travel or Residence Outside California

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

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

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.

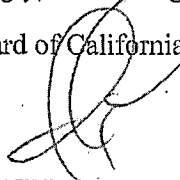
20 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
21 with probation monitoring each and every year of probation, as designated by the Board, which  
22 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
23 California and delivered to 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

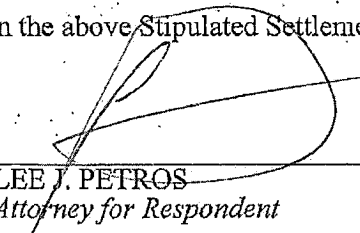
1 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
2 Decision and Order of the Medical Board of California.

3  
4 DATED: 8/2/17

  
ROBERT T. PEREZ, M.D.  
*Respondent*

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

9 DATED: 8/3/17

  
LEE J. PETROS  
*Attorney for Respondent*

11  
12 ENDORSEMENT

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

15 Dated:

Respectfully submitted,

16 8/3/17  
XAVIER BECERRA  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General

18   
CHRIS LEONG  
Deputy Attorney General  
*Attorneys for Complainant*

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**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  
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Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 04-2013-234367

13 **ROBERT T. PEREZ, M.D.**

**ACCUSATION**

14 2021 E. 4<sup>th</sup> Street, #118  
Santa Ana, CA 92705

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

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 ///

## JURISDICTION

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

4. Section 2227 of the Code states, in pertinent part:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the Board may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the Board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the Board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the Board.

“(4) Be publicly reprimanded by the Board.

“(5) Have any other action taken in relation to discipline as the Board or an administrative law judge may deem 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.

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.



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

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

"(d) Incompetence.

"(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 2266 of the Code states: AThe failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

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

### FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

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

Patient M.M.

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

<sup>1</sup> 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.

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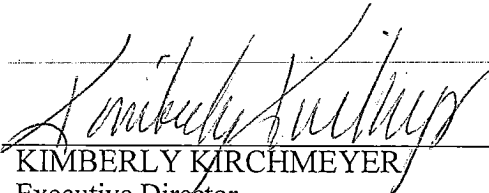


**PRAYER**

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

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

DATED: May 5, 2015

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

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