

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

**In the Matter of the Accusation** )  
**Against:** )  
 )  
 )  
**Cesar Benitez, M.D.** )  
 )  
**Physician's and Surgeon's** )  
**Certificate No. A107600** )  
 )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 800-2015-017700**

**DECISION**

**The attached Stipulated Settlement 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 May 15, 2020.**

**IT IS SO ORDERED: April 16, 2020.**

**MEDICAL BOARD OF CALIFORNIA**



\_\_\_\_\_  
**Ronald H. Lewis, M.D.**  
**Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 KAROLYN M. WESTFALL  
Deputy Attorney General  
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8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2015-017700

13 **CESAR BENITEZ, M.D.**  
14 **225 W MADISON AVE STE II**  
**EL CAJON CA 92020-3454**

OAH No. 2019061104

15 **Physician's and Surgeon's Certificate No.**  
16 **A 107600**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17 Respondent.

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

21 **PARTIES**

22 1. Christine J. Lally<sup>1</sup> (Complainant) is the Interim Executive Director of the Medical  
23 Board of California (Board). Kimberly Kirchmeyer, brought this action solely in her official  
24 capacity as the then Executive Director of the Board. They have been represented in this matter  
25 by Xavier Becerra, Attorney General of the State of California, by Karolyn M. Westfall, Deputy  
26 Attorney General.

27  
28 <sup>1</sup> Kimberly Kirchmeyer became the Director of the Department of Consumer Affairs on October  
28; 2019. On that date, Ms. Lally became the Interim Executive Director of the Medical Board.





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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 107600  
6 issued to Respondent Cesar Benitez, M.D. is revoked. However, the revocation is stayed and  
7 Respondent is placed on probation for four (4) years from the effective date of the Decision and  
8 Order on the following terms and conditions:

9 1. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the  
10 use of products or beverages containing alcohol.

11 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall  
12 receive a notification from the Board or its designee to immediately cease the practice of  
13 medicine. Respondent shall not resume the practice of medicine until the final decision on an  
14 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to  
15 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.  
16 If Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board  
17 shall provide Respondent with a hearing within 30 days of the request, unless Respondent  
18 stipulates to a later hearing. If the case is heard by an Administrative Law Judge alone, he or she  
19 shall forward a Proposed Decision to the Board within 15 days of submission of the matter.  
20 Within 15 days of receipt by the Board of the Administrative Law Judge's proposed decision, the  
21 Board shall issue its Decision, unless good cause can be shown for the delay. If the case is heard  
22 by the Board, the Board shall issue its decision within 15 days of submission of the case, unless  
23 good cause can be shown for the delay. Good cause includes, but is not limited to, non-adoption  
24 of the proposed decision, requests for reconsideration, remands and other interlocutory orders  
25 issued by the Board. The cessation of practice shall not apply to the reduction of the probationary  
26 time period.

27 If the Board does not file an accusation or petition to revoke probation within 30 days of the  
28 issuance of the notification to cease practice or does not provide Respondent with a hearing

1 within 30 days of such a request, the notification of cease practice shall be dissolved.

2 2. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
3 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
4 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
5 follicle testing, or similar drug screening approved by the Board or its designee. Prior to  
6 practicing medicine, Respondent shall contract with a laboratory or service approved in advance  
7 by the Board or its designee that will conduct random, unannounced, observed, biological fluid  
8 testing. The contract shall require results of the tests to be transmitted by the laboratory or  
9 service directly to the Board or its designee within four hours of the results becoming available.  
10 Respondent shall maintain this laboratory or service contract during the period of probation.

11 A certified copy of any laboratory test result may be received as direct evidence in any  
12 proceedings between the Board and Respondent.

13 The Board may order Respondent undergo biological fluid testing on any day, at any time,  
14 including weekends and holidays. Respondent shall be subject to up to 24 random tests per year.  
15 Nothing precludes the Board from increasing the number of random tests if the Board finds that  
16 Respondent has committed a violation of any of the biological fluid testing requirements.

17 If Respondent fails to cooperate in a random biological fluid testing program within the  
18 specified time frame, Respondent shall receive a notification from the Board or its designee to  
19 immediately cease the practice of medicine. Respondent shall not resume the practice of  
20 medicine until the final decision on an accusation and/or a petition to revoke probation is  
21 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30  
22 days of the notification to cease practice. If Respondent requests a hearing on the accusation  
23 and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within  
24 30 days of the request, unless Respondent stipulates to a later hearing. If the case is heard by an  
25 Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board within  
26 15 days of submission of the matter. Within 15 days of receipt by the Board of the  
27 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good  
28 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its

1 decision within 15 days of submission of the case, unless good cause can be shown for the delay.  
2 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for  
3 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of  
4 practice shall not apply to the reduction of the probationary time period.

5 If the Board does not file an accusation or petition to revoke probation within 15 days of  
6 the issuance of the notification to cease practice or does not provide Respondent with a hearing  
7 within 30 days of such a request, the notification of cease practice shall be dissolved.

8 3. EDUCATION COURSE. Within 60 calendar days of the effective date of this  
9 Decision, Respondent shall submit to the Board or its designee for its prior approval educational  
10 program(s) or course(s) which shall not be less than 8 hours in the area of anger management.  
11 The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition  
12 to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

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

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

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

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

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

24 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
25 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
26 Chief Executive Officer at every hospital where privileges or membership are extended to  
27 Respondent, at any other facility where Respondent engages in the practice of medicine,  
28 including all physician and locum tenens registries or other similar agencies, and to the Chief



1 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
2 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
3 calendar days.

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

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

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

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

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

16 10. GENERAL PROBATION REQUIREMENTS.

17 Compliance with Probation Unit

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

19 Address Changes

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

25 Place of Practice

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

1        License Renewal

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

4        Travel or Residence Outside California

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

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

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

14        12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
15 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
16 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
17 defined as any period of time Respondent is not practicing medicine as defined in Business and  
18 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
19 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
20 Respondent resides in California and is considered to be in non-practice, Respondent shall  
21 comply with all terms and conditions of probation. All time spent in an intensive training  
22 program which has been approved by the Board or its designee shall not be considered non-  
23 practice and does not relieve Respondent from complying with all the terms and conditions of  
24 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
25 on probation with the medical licensing authority of that state or jurisdiction shall not be  
26 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
27 period of non-practice.

28        ///.

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

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

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

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

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

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

24 15. LICENSE SURRENDER. Following the effective date of this Decision, if  
25 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
26 the terms and conditions of probation, Respondent may request to surrender his or her license.  
27 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
28 determining whether or not to grant the request, or to take any other action deemed appropriate

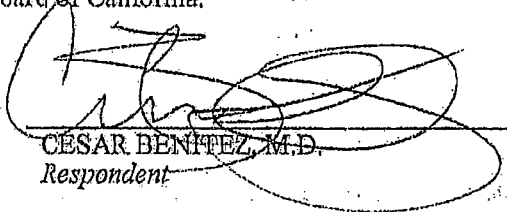
1 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
2 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
3 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
4 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
5 application shall be treated as a petition for reinstatement of a revoked certificate.

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

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
13 discussed it with my attorney, Robert Frank, Esq. I understand the stipulation and the effect it  
14 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
15 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
16 Decision and Order of the Medical Board of California.

17  
18 DATED: 03/03/2020

  
19 CÉSAR BENÍTEZ, M.D.  
Respondent

20  
21 I have read and fully discussed with Respondent Cesar Benitez, M.D., the terms and  
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
23 I approve its form and content.

24  
25 DATED: 3-3-2020

  
26 ROBERT FRANK, ESQ.  
Attorney for Respondent

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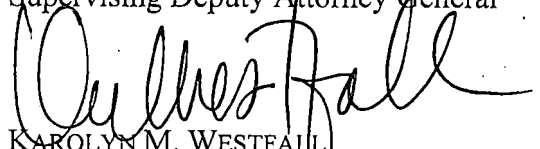
**ENDORSEMENT**

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

DATED: 3/3/20

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General



KAROLYN M. WESTFALL  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 800-2015-017700**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 KAROLYN M. WESTFALL  
Deputy Attorney General  
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10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:  
14 **CESAR BENITEZ, M.D.**  
15 **225 W. Madison Ave., Ste. II**  
**El Cajon, CA 92020-3454**  
16 **Physician's and Surgeon's Certificate**  
17 **No. A107600,**  
18 **Respondent.**

Case No. 800-2015-017700  
**ACCUSATION**

19  
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about May 6, 2009, the Medical Board issued Physician's and Surgeon's  
26 Certificate No. A107600 to Cesar Benitez, M.D. (Respondent). The Physician's and Surgeon's  
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on April 30, 2021, unless renewed.

**JURISDICTION**

1  
2       3.    This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

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

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

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

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

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

16           “(4) Be publicly reprimanded by the board. The public reprimand may include a  
17 requirement that the licensee complete relevant educational courses approved by the board.

18           “(5) Have any other action taken in relation to discipline as part of an order of  
19 probation, as the board or an administrative law judge may deem proper.

20           “...”

21       5.    Section 2234 of the Code, states, in pertinent part:

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

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

27           “...”

28    ///



1           6. Unprofessional conduct under Business and Professions Code section 2234 is conduct  
2 which breaches the rules or ethical code of the medical profession, or conduct which is  
3 unbecoming a member in good standing of the medical profession, and which demonstrates an  
4 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,  
5 575.)

6           7. Section 2236 of the Code states, in pertinent part:

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

11           “... ”

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

15           8. Section 2239 of the Code states, in pertinent part:

16           “(a) The use or prescribing for or administering to himself or herself, of any  
17 controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or  
18 of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to  
19 the licensee, or to any other person or to the public, or to the extent that such use impairs  
20 the ability of the licensee to practice medicine safely or more than one misdemeanor or any  
21 felony involving the use, consumption, or self-administration of any of the substances  
22 referred to in this section, or any combination thereof, constitutes unprofessional conduct.  
23 The record of the conviction is conclusive evidence of such unprofessional conduct.

24           “... ”

25           9. California Code of Regulations, title 16, section 1360, states:

26           “For the purposes of denial, suspension or revocation of a license, certificate or  
27 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act  
28 shall be considered to be substantially related to the qualifications, functions or duties of a

1 person holding a license, certificate or permit under the Medical Practice Act if to a  
2 substantial degree it evidences present or potential unfitness of a person holding a license,  
3 certificate or permit to perform the functions authorized by the license, certificate or permit  
4 in a manner consistent with the public health, safety or welfare. Such crimes or acts shall  
5 include but not be limited to the following: Violating or attempting to violate, directly or  
6 indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision  
7 of the Medical Practice Act.”

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of an Offense Substantially Related to the Qualifications,  
10 Functions, or Duties of a Physician and Surgeon)**

11 10. Respondent has subjected his Physician’s and Surgeon’s Certificate No.  
12 A107600 to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the  
13 Code, and California Code of Regulations, title 16, section 1360, in that he has been convicted of  
14 an offense substantially related to the qualifications, functions, or duties of a physician and  
15 surgeon, as more particularly alleged hereinafter:

16 11. On or about October 9, 2015,<sup>1</sup> Respondent was engaged to R.E., a woman whom  
17 he had been in a dating relationship for approximately three (3) years, and who was  
18 approximately eight (8) weeks pregnant with his child.

19 12. On or about October 9, 2015, Respondent and R.E. went to a friend’s house where  
20 Respondent consumed a large amount of hard alcohol. The couple returned to Respondent’s  
21 home late that evening and an argument ensued. During the argument, Respondent grabbed R.E.  
22 by her wrist and throat, threw her onto the bed, strangled her neck for approximately ten (10)  
23 seconds, pulled her hair, and pinned her to the ground. When R.E. was able to escape from  
24 Respondent’s grasp, she called the police. While on the phone with the police, Respondent

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26 \_\_\_\_\_  
27 <sup>1</sup> Conduct occurring more than three years after the Board discovered the act or omission alleged  
28 as the ground for disciplinary action is for informational purposes only and is not alleged as a basis for  
disciplinary action. (Bus. & Prof. Code, § 2230.5.)

1 grabbed R.E. again and forced her to the ground. When R.E. attempted to call the police again,  
2 Respondent hung up the phone and threw it across the room.

3 13. On or about October 10, 2015, at approximately 12:46 a.m., law enforcement  
4 officers responded to R.E.'s call for help. Upon their arrival, they spoke with R.E. and observed  
5 her to be upset and crying and noted redness to her throat. R.E. was transported to the hospital by  
6 ambulance, and Respondent was placed under arrest for domestic violence.

7 14. On or about January 7, 2016, the San Diego City Attorney filed a criminal  
8 complaint against Respondent in the matter of *The People of the State of California v. Cesar*  
9 *Benitez*, San Diego County Superior Court Case No. M209988DV. Respondent was charged with  
10 eight misdemeanors including: (1) Corporal injury to spouse and/or roommate, in violation of  
11 Penal Code section 273.5(a); (2) Assault by means likely to produce great bodily injury, in  
12 violation of Penal Code section 245(a)(4); (3) Battery of a current or former significant other, in  
13 violation of Penal Code section 243(e)(1); (4) Battery of a current or former significant other, in  
14 violation of Penal Code section 243(e)(1); (5) False imprisonment, in violation of Penal Code  
15 section 236; (6) Battery of a current or former significant other, in violation of Penal Code section  
16 243(e)(1); (7) Attempting to dissuade a witness from reporting a crime, in violation of Penal Code  
17 section 136.1(b)(1); and (8) Damaging a wireless communication device to prevent assistance, in  
18 violation of Penal Code section 591.5.

19 15. On or about June 6, 2016, Respondent was convicted upon his plea of guilty to  
20 count 3, battery of a current or former significant other, in violation of Penal Code section  
21 243(e)(1). Respondent was sentenced to three years of probation, ordered to attend 52 weeks of  
22 individual counseling, pay standard fines, and a criminal protective order was ordered that  
23 prohibited him from having any negative contact with R.E. during the pendency of probation.

24 16. On or about August 20, 2017, Respondent and R.E. went to a friend's barbeque  
25 with their two children. During the barbeque, both R.E. and Respondent consumed a large  
26 amount of alcohol. Shortly after the couple returned home that evening with their children, an  
27 argument ensued. At some point, the argument became physical, and Respondent struck R.E. in  
28 the face, causing her nose to bleed.



1 unbecoming to a member in good standing of the medical profession, and which demonstrates an  
2 unfitness to practice medicine, as more particularly alleged in paragraphs 10 through 20, above,  
3 which are hereby incorporated by reference and realleged as if fully set forth herein.

4 **PRAYER**

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


7 1. Revoking or suspending Physician's and Surgeon's Certificate No. A107600, issued  
8 to Respondent, Cesar Benitez, M.D.;

9 2. Revoking, suspending or denying approval of Respondent, Cesar Benitez, M.D.'s  
10 authority to supervise physician assistants and advanced practice nurses;

11 3. Ordering Respondent, Cesar Benitez, M.D., if placed on probation, to pay the Board  
12 the costs of probation monitoring; and

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

14  
15 DATED: May 2, 2019

16   
17 KIMBERLY KIRCHMEYER  
18 Executive Director  
19 Medical Board of California  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant

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