

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

**In the Matter of the Petition to Revoke  
Probation Against:**

**Marlon Fidel Castillo, M.D.**

**Physician's and Surgeon's  
Certificate No. A 93971**

**Respondent.**

**Case No. 800-2019-055424**

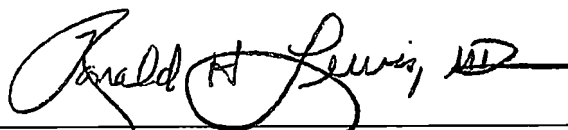
**DECISION**

**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 July 22, 2020.**

**IT IS SO ORDERED: June 22, 2020.**

**MEDICAL BOARD OF CALIFORNIA**



**Ronald H. Lewis, M.D., Chair  
Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 KAROLYN M. WESTFALL  
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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

13 In the Matter of the Petition to Revoke  
14 Probation Against:

15 **MARLON FIDEL CASTILLO, M.D.**  
16 **1043 Wycliffe**  
**Irvine, CA 92602**

17 **Physician's and Surgeon's Certificate No.**  
**A 93971**

18 Respondent.  
19

Case No. 800-2019-055424

OAH No. 2019070175

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

22 **PARTIES**

23 1. Christine J. Lally<sup>1</sup> (Complainant) is the Interim Executive Director of the Medical  
24 Board of California (Board). Kimberly Kirchmeyer, brought this action solely in her official  
25 capacity as the then Executive Director of the Board. They have been represented in this matter

26 ///

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

1 by Xavier Becerra, Attorney General of the State of California, by Karolyn M. Westfall, Deputy  
2 Attorney General.

3 2. Respondent Marlon Fidel Castillo, M.D. (Respondent) is represented in this  
4 proceeding by attorney Fred Ray, Esq., whose address is: Ray & Bishop, PLC, 5000 Birch Street,  
5 Suite 7000, Newport Beach, CA, 92660.

6 3. On or about February 8, 2006, the Board issued Physician's and Surgeon's Certificate  
7 No. A 93971 to Respondent. The Physician's and Surgeon's Certificate was in full force and  
8 effect at all times relevant to the charges brought in Petition to Revoke Probation No. 800-2019-  
9 055424, and will expire on August 31, 2021, unless renewed.

### 10 **JURISDICTION**

11 4. Petition to Revoke Probation No. 800-2019-055424 was filed before the Board, and is  
12 currently pending against Respondent. The Petition to Revoke Probation and all other statutorily  
13 required documents were properly served on Respondent on May 29, 2019. Respondent timely  
14 filed his Notice of Defense contesting the Petition to Revoke Probation.

15 5. A copy of Petition to Revoke Probation No. 800-2019-055424 is attached hereto as  
16 Exhibit A and incorporated herein by reference.

### 17 **ADVISEMENT AND WAIVERS**

18 6. Respondent has carefully read, fully discussed with counsel, and understands the  
19 charges and allegations in Petition to Revoke Probation No. 800-2019-055424. Respondent has  
20 also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated  
21 Settlement and Disciplinary Order.

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



1       14. In consideration of the foregoing admissions and stipulations, the parties agree that  
2 the Board may, without further notice or opportunity to be heard by the Respondent, issue and  
3 enter the following Disciplinary Order:

4                                       **DISCIPLINARY ORDER**

5           IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 93971 issued  
6 to Respondent Marlon Fidel Castillo, M.D., is revoked. However, the revocation is stayed and  
7 Respondent is placed on probation for seven (7) years from the effective date of this Decision and  
8 Order, on the following terms and conditions, which shall supersede all terms and conditions  
9 previously ordered in the Decision and Order in Case No. 800-2014-009413.

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

20           A professionalism program taken after the effective date of the Decision and Order in Case  
21 No. 800-2014-009413, but prior to the effective date of the Decision may be accepted towards the  
22 fulfillment of this condition if the program would have been approved by the Board or its  
23 designee had the program been taken after the effective date of this Decision.

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

27       2.           **PSYCHIATRIC EVALUATION**. Within 30 calendar days of the effective date of  
28 this Decision, and on whatever periodic basis thereafter may be required by the Board or its

1 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological  
2 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall  
3 consider any information provided by the Board or designee and any other information the  
4 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its  
5 designee. Psychiatric evaluations conducted after the effective date of the Decision and Order in  
6 Case No. 800-2014-009413, but prior to the effective date of this Decision may be accepted  
7 towards the fulfillment of this condition if the program would have been approved by the Board  
8 or its designee had the program been taken after the effective date of this Decision. Respondent  
9 shall pay the cost of all psychiatric evaluations and psychological testing.

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

12 3. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar days of the  
13 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board  
14 or its designee, Respondent shall undergo a medical evaluation by a Board-appointed physician  
15 who shall consider any information provided by the Board or designee and any other information  
16 the evaluating physician deems relevant and shall furnish a medical report to the Board or its  
17 designee. Respondent shall provide the evaluating physician with any information and  
18 documentation that the evaluating physician may deem pertinent.

19 Medical evaluations conducted after the effective date of the Decision and Order in Case  
20 No. 800-2014-009413, but prior to the effective date of this Decision may be accepted towards  
21 the fulfillment of this condition if the program would have been approved by the Board or its  
22 designee had the program been taken after the effective date of this Decision. Respondent shall  
23 pay the cost of all medical evaluations.

24 Following the evaluation, Respondent shall comply with all restrictions or conditions  
25 recommended by the evaluating physician within 15 calendar days after being notified by the  
26 Board or its designee. If Respondent is required by the Board or its designee to undergo medical  
27 treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the  
28 Board or its designee for prior approval the name and qualifications of a California licensed

1 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent  
2 shall within 15 calendar days undertake medical treatment and shall continue such treatment until  
3 further notice from the Board or its designee.

4 The treating physician shall consider any information provided by the Board or its designee  
5 or any other information the treating physician may deem pertinent prior to commencement of  
6 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or  
7 its designee indicating whether or not the Respondent is capable of practicing medicine safely.  
8 Respondent shall provide the Board or its designee with any and all medical records pertaining to  
9 treatment that the Board or its designee deems necessary.

10 If, prior to the completion of probation, Respondent is found to be physically incapable of  
11 resuming the practice of medicine without restrictions, the Board shall retain continuing  
12 jurisdiction over Respondent's license and the period of probation shall be extended until the  
13 Board determines that Respondent is physically capable of resuming the practice of medicine  
14 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

15 4. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective  
16 date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a  
17 practice monitor, the name and qualifications of one or more licensed physicians and surgeons  
18 whose licenses are valid and in good standing, and who are preferably American Board of  
19 Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or  
20 personal relationship with Respondent, or other relationship that could reasonably be expected to  
21 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
22 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
23 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

24 The Board or its designee shall provide the approved monitor with copies of the Decision  
25 and Petition to Revoke Probation, and a proposed monitoring plan. Within 15 calendar days of  
26 receipt of the Decision and Petition to Revoke Probation, and proposed monitoring plan, the  
27 monitor shall submit a signed statement that the monitor has read the Decision and Petition to  
28 Revoke Probation, fully understands the role of a monitor, and agrees or disagrees with the

1 proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the  
2 monitor shall submit a revised monitoring plan with the signed statement for approval by the  
3 Board or its designee.

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

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

13 The monitor(s) shall submit a quarterly written report to the Board or its designee which  
14 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
15 are within the standards of practice of medicine, and whether Respondent is practicing medicine  
16 safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the  
17 quarterly written reports to the Board or its designee within 10 calendar days after the end of the  
18 preceding quarter.

19 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
20 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
21 name and qualifications of a replacement monitor who will be assuming that responsibility within  
22 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
23 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
24 notification from the Board or its designee to cease the practice of medicine within three (3)  
25 calendar days after being so notified. Respondent shall cease the practice of medicine until a  
26 replacement monitor is approved and assumes monitoring responsibility.

27 In lieu of a monitor, Respondent may participate in a professional enhancement program  
28 approved in advance by the Board or its designee that includes, at minimum, quarterly chart



1 review, semi-annual practice assessment, and semi-annual review of professional growth and  
2 education. Respondent shall participate in the professional enhancement program at Respondent's  
3 expense during the term of probation.

4 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in  
5 the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
6 where: 1) Respondent merely shares office space with another physician but is not affiliated for  
7 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that  
8 location.

9 If Respondent fails to establish a practice with another physician or secure employment in  
10 an appropriate practice setting within 60 calendar days of the effective date of this Decision,  
11 Respondent shall receive a notification from the Board or its designee to cease the practice of  
12 medicine within three (3) calendar days after being so notified. The Respondent shall not resume  
13 practice until an appropriate practice setting is established.

14 If, during the course of the probation, the Respondent's practice setting changes and the  
15 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent  
16 shall notify the Board or its designee within five (5) calendar days of the practice setting change.  
17 If Respondent fails to establish a practice with another physician or secure employment in an  
18 appropriate practice setting within 60 calendar days of the practice setting change, Respondent  
19 shall receive a notification from the Board or its designee to cease the practice of medicine within  
20 three (3) calendar days after being so notified. The Respondent shall not resume practice until an  
21 appropriate practice setting is established.

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

1 calendar days.

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

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

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

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

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

13 10. GENERAL PROBATION REQUIREMENTS.

14 Compliance with Probation Unit

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

16 Address Changes

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

22 Place of Practice

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

26 License Renewal

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

1           Travel or Residence Outside California

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

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

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

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

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

26           Periods of non-practice for a Respondent residing outside of California will relieve  
27 Respondent of the responsibility to comply with the probationary terms and conditions with the  
28 exception of this condition and the following terms and conditions of probation: Obey All Laws;

1 General Probation Requirements; and Quarterly Declarations.

2 Respondent's period of non-practice while on probation shall not exceed six (6) months. If  
3 Respondent's period of non-practice exceeds six (6) months, he shall be notified by the Board or  
4 its designee in writing to his address of record with the Board. In consideration of his admissions  
5 made in Petition to Revoke Probation No. 800-2019-055424, above, Respondent hereby agrees  
6 that if his period of non-practice exceeds six (6) months, Respondent agrees that he has violated  
7 this term of his probation, that he will not contest this violation, and agrees that he shall  
8 voluntarily surrender his license within 15 calendar days of written notification from the Board or  
9 its designee.

10 Respondent is fully aware of his legal rights regarding a violation of this term of probation,  
11 including the right to the filing of charges and allegations in a Petition to Revoke Probation; the  
12 right to confront and cross-examine the witnesses against him; the right to present evidence and to  
13 testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of  
14 witnesses and the production of documents; the right to reconsideration and court review of an  
15 adverse decision; and all other rights accorded by the California Administrative Procedure Act  
16 and other applicable laws. Having the benefit of counsel, Respondent hereby voluntarily,  
17 knowingly, and intelligently waives and gives up each and every right set forth above as to this  
18 term of probation only.

19 Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver  
20 Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no  
21 longer practice medicine. Respondent will no longer be subject to the terms and conditions of  
22 probation. If Respondent re-applies for a medical license, the application shall be treated as a  
23 petition for reinstatement of a revoked certificate.

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

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1           14.       VIOLATION OF PROBATION. Failure to fully comply with any term or  
2 condition of probation is a violation of probation. Notwithstanding Condition No. 12 regarding  
3 Non-Practice While on Probation, above, if Respondent violates any other term of probation in  
4 any respect, the Board, after giving Respondent notice and the opportunity to be heard, may  
5 revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition  
6 to Revoke Probation, or an Interim Suspension Order is filed against Respondent during  
7 probation, the Board shall have continuing jurisdiction until the matter is final, and the period of  
8 probation shall be extended until the matter is final.

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

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

24 ///  
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26 ///  
27 ///  
28 ///



**Exhibit A**

**Petition to Revoke Probation No. 800-2019-055424**

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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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO May 29 20 19  
BY [Signature] ANALYST

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

14 In the Matter of the Petition to Revoke  
Probation Against:

15 **MARLON FIDEL CASTILLO, M.D.**  
16 **500 N. Anaheim Blvd.**  
**Anaheim, CA 92805**

17 **Physician's and Surgeon's Certificate No.**  
18 **A93971**

19 Respondent.

Case No. 800-2019-055424

**PETITION TO REVOKE PROBATION**

20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about February 8, 2006, the Medical Board of California (Board) issued  
26 Physician's and Surgeon's Certificate No. A93971 to Marlon Fidel Castillo, M.D. (Respondent).  
27 The Physician's and Surgeon's Certificate was in effect at all times relevant to the charges  
28 brought herein and will expire on August 31, 2019, unless renewed.



1 3. In a disciplinary action entitled "In the Matter of Accusation Against Marlon Fidel  
2 Castillo, M.D.," Case No. 800-2014-009413, the Medical Board of California, issued a Decision,  
3 effective March 25, 2016, in which Respondent's Physician's and Surgeon's Certificate was  
4 revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's  
5 Certificate was placed on probation for a period of seven (7) years with certain terms and  
6 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

7 **JURISDICTION**

8 4. This Petition to Revoke Probation is brought before the Board, under the authority of  
9 the following laws, and under the Board's Decision and Order in Case No. 800-2014-009413. All  
10 section references are to the Business and Professions Code (Code) unless otherwise indicated.

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

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

17 "(1) Have his or her license revoked upon order of the board.

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

20 "(3) Be placed on probation and be required to pay the costs of probation monitoring  
21 upon order of the board.

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

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

26 "..."

27 6. At all times after the effective date of the Decision and Order in Case No. 800-2014-  
28 009413, Probation Condition No. 14 states:

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

8                           **CAUSE TO REVOKE PROBATION**

9                           **(Non-Practice While on Probation)**

10           7. At all times after the effective date of the Decision and Order in Case No. 800-2014-  
11 009413, Probation Condition No. 12 states,

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

25                   “In the event Respondent’s period of non-practice while on probation exceeds  
26 18 calendar months, Respondent shall successfully complete a clinical training  
27 program that meets the criteria of Condition 18 of the current version of the Board’s  
28 “Manual of Model Disciplinary Orders and Disciplinary Guidelines” prior to

1 resuming the practice of medicine.

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

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

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

9 8. Respondent's probation is subject to revocation because he failed to comply with  
10 Probation Condition No. 12 referenced above. The facts and circumstances regarding this  
11 violation are as follows:

12 9. On or about April 14, 2016, Respondent's assigned probation inspector mailed him a  
13 letter to his address of record in Connecticut. This letter reminded Respondent that if a period of  
14 non-practice while on probation exceeds 18 months, he will be required to successfully complete  
15 a clinical training program prior to resuming practice in California. In addition, that any period of  
16 non-practice shall not exceed two (2) years.

17 10. On or about April 29, 2016, Respondent acknowledged receipt of the letter from his  
18 probation inspector, and advised her of his updated address of record in Connecticut.

19 11. On or about May 26, 2016, Respondent submitted an Information Summary form to  
20 his probation inspector, which indicated that he was not practicing medicine at that time.

21 12. On or about August 9, 2016, Respondent submitted a Semi-Annual Declaration of an  
22 out-of-state probationer to his probation inspector, which indicated that he closed his practice in  
23 Connecticut and surrendered his medical license there on March 15, 2016.

24 13. On or about April 13, 2017, Respondent's assigned probation inspector mailed him a  
25 letter to his address of record in Connecticut, informing him that his 18 months of non-practice  
26 will end on September 25, 2017, and his 2-year period of non-practice would end on March 25,  
27 2018.

28 ///

1           14. On or about June 30, 2017, Respondent submitted a Quarterly Declaration of an out-  
2 of-state probationer to his probation inspector, which indicated that he had worked zero hours that  
3 quarter, and was not practicing medicine at that time.

4           15. On or about October 1, 2017, Respondent submitted a Quarterly Declaration of an  
5 out-of-state probationer to his probation inspector, which indicated that he had worked zero hours  
6 that quarter, and was not practicing medicine at that time.

7           16. On or about January 1, 2018, Respondent submitted a Quarterly Declaration of an  
8 out-of-state probationer to his probation inspector, which indicated that he had worked "N/A"  
9 hours that quarter, and was not practicing medicine at that time.

10           17. On or about March 31, 2018, Respondent submitted a Quarterly Declaration to his  
11 probation inspector, which indicated that his address of record was in San Diego, California, and  
12 that he had worked zero hours that quarter, and was not practicing medicine at that time.

13           18. Between on or about May 7, 2018, and May 11, 2018, Respondent completed the  
14 PACE physician assessment program.

15           19. On or about May 14, 2018, Respondent's assigned probation inspector mailed him a  
16 letter to his address of record informing him that he had exceeded his two (2) year period of non-  
17 practice as of March 25, 2018.

18           20. On or about June 30, 2018, Respondent submitted a Quarterly Declaration to his  
19 probation inspector, which indicated that he had worked zero hours that quarter, and was not  
20 practicing medicine at that time.

21           21. On or about September 30, 2018, Respondent submitted a Quarterly Declaration to  
22 his probation inspector, which indicated that his home address was back in Connecticut, and that  
23 he had worked "N/A" hours that quarter, and was not practicing medicine at that time.

24           22. On or about January 4, 2019, Respondent submitted a Quarterly Declaration to his  
25 probation inspector, which indicated that he had worked zero hours that quarter, and was not  
26 practicing medicine at that time.

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1           23. Respondent's probation is subject to revocation because he failed to comply with  
2 Probation Condition No. 12, referenced above, in that Respondent has exceeded two (2) years of  
3 non-practice from the effective date of Decision and Order Case No. 800-2014-009413.

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 the probation that was granted by the Medical Board of California in Case
- 8 No. 800-2014-009413 and imposing the disciplinary order that was stayed thereby revoking
- 9 Physician's and Surgeon's Certificate No. A93971 issued to Marlon Fidel Castillo, M.D.;
- 10          2.    Revoking or suspending Physician's and Surgeon's Certificate No. A93971, issued to
- 11 Respondent, Marlon Fidel Castillo, M.D.;
- 12          3.    Revoking, suspending or denying approval of Respondent, Marlon Fidel Castillo,
- 13 M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;
- 14          4.    Taking such other and further action as deemed necessary and proper.

15  
16 DATED:    May 29, 2019

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

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19  
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21  
22 SD2019800532  
13741640.docx

**Exhibit A**

**Decision and Order**

**Medical Board of California Case No. 800-2014-009413**

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

In the Matter of the Accusation Against: ) ) ) MARLON FIDEL CASTILLO, M.D. ) ) ) Physician's & Surgeon's ) Certificate No. A93971 ) ) _____ Respondent. )	Case No. 8002014009413
--	------------------------

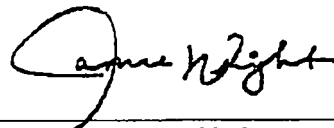
**ORDER CORRECTING NUNC PRO TUNC  
RESPONDENT'S NAME IN THE CAPTION OF DECISION**

On its own motion, the Medical Board of California (hereafter "board") finds that there is a clerical error reflecting Respondent's name in the caption of the Decision in the above-entitled matter, and that such clerical error should be corrected.

IT IS HEREBY ORDERED that the caption contained in the Decision in the above-entitled matter be and is hereby amended and corrected nunc pro tunc to reflect the Respondent's correct name as follows:

"Marlon Fidel Castillo, M.D."

IT IS SO ORDERED March 4, 2016.



\_\_\_\_\_  
 Jamie Wright, J.D., Chair  
 Panel A  
 Medical Board of California

MEDICAL BOARD OF CALIFORNIA  
 I do hereby certify that this document is a true  
 and correct copy of the original on file in this  
 office.

S. Woods  
 Signature  
For Custodian of Records  
 Title  
5/3/2019  
 Date

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

**In the Matter of the Accusation** )  
**Against:** )  
 )  
 )  
**MARTIN FIDEL CASTILLO, M.D.** )  
 )  
**Physician's and Surgeon's** )  
**Certificate No. A93971** )  
 )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 8002014009413**

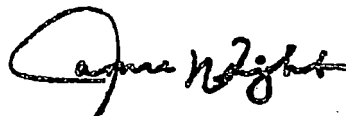
**DECISION**

**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 March 25, 2016.**

**IT IS SO ORDERED: February 24, 2016.**

**MEDICAL BOARD OF CALIFORNIA**



\_\_\_\_\_  
**Jamie Wright, J.D., Chair  
Panel A**



1 KAMALA D. HARRIS  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 JOSHUA M. TEMPLET  
Deputy Attorney General  
4 State Bar No. 267098  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5529  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:  
11 **MARLON F. CASTILLO, M.D.**  
12 **31 Strawberry Hill Avenue**  
13 **Stamford, CT 06902**  
14 **Physician's and Surgeon's Certificate No. A**  
**93971**  
15 Respondent.

Case No. 800-2014-009413  
OAH No. 2015070222

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

16  
17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

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

25 2. Respondent Marlon F. Castillo, M.D. ("Respondent") is represented in this  
26 proceeding by attorney Fredrick M. Ray, 5000 Birch Street, Suite 7000, Newport Beach, CA  
27 92660-2127.  
28

1 3. On or about February 8, 2006, the Medical Board of California issued Physician's and  
2 Surgeon's Certificate No. A 93971 to Respondent. The certificate was in full force and effect at  
3 all times relevant to the charges brought in Accusation No. 800-2014-009413 and will expire on  
4 August 31, 2017, unless renewed.

5 JURISDICTION

6 4. Accusation No. 800-2014-009413 was filed before the Medical Board of California  
7 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
8 Accusation and all other statutorily required documents were properly served on Respondent on  
9 June 8, 2015. Respondent timely filed his Notice of Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2014-009413 is attached as **Exhibit A** and  
11 incorporated herein by reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in Accusation No. 800-2014-009413. Respondent has also carefully read,  
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
16 Disciplinary Order.

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

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

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28 ///

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 800-2014-009413, if proven at a hearing, constitute cause for imposing discipline upon his  
4 Physician's and Surgeon's Certificate.

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

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

12 CONTINGENCY

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

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

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

1  
2 **DISCIPLINARY ORDER**

3 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 93971 issued  
4 to Respondent Marlon F. Castillo, M.D. (Respondent) is revoked. However, the revocation is  
5 stayed and Respondent is placed on probation for seven (7) years on the following terms and  
6 conditions.

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

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

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

25 2. **PSYCHIATRIC EVALUATION**. Within 30 calendar days of the effective date of  
26 this Decision, and on whatever periodic basis thereafter may be required by the Board or its  
27 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological  
28 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

1 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its  
2 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not  
3 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all  
4 psychiatric evaluations and psychological testing.

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

7 3. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar days of the  
8 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board  
9 or its designee, Respondent shall undergo a medical evaluation by a Board-appointed physician  
10 who shall consider any information provided by the Board or designee and any other information  
11 the evaluating physician deems relevant and shall furnish a medical report to the Board or its  
12 designee. Respondent shall provide the evaluating physician any information and documentation  
13 that the evaluating physician may deem pertinent.

14 Following the evaluation, Respondent shall comply with all restrictions or conditions  
15 recommended by the evaluating physician within 15 calendar days after being notified by the  
16 Board or its designee. If Respondent is required by the Board or its designee to undergo medical  
17 treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the  
18 Board or its designee for prior approval the name and qualifications of a California licensed  
19 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent  
20 shall within 15 calendar days undertake medical treatment and shall continue such treatment until  
21 further notice from the Board or its designee.

22 The treating physician shall consider any information provided by the Board or its designee  
23 or any other information the treating physician may deem pertinent prior to commencement of  
24 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or  
25 its designee indicating whether or not the Respondent is capable of practicing medicine safely.  
26 Respondent shall provide the Board or its designee with any and all medical records pertaining to  
27 treatment, the Board or its designee deems necessary.

28 If, prior to the completion of probation, Respondent is found to be physically incapable of

1 resuming the practice of medicine without restrictions, the Board shall retain continuing  
2 jurisdiction over Respondent's license and the period of probation shall be extended until the  
3 Board determines that Respondent is physically capable of resuming the practice of medicine  
4 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

5 4. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this  
6 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice  
7 monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose  
8 licenses are valid and in good standing, and who are preferably American Board of Medical  
9 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal  
10 relationship with Respondent, or other relationship that could reasonably be expected to  
11 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
12 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
13 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

14 The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
15 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the  
16 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed  
17 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role  
18 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees  
19 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the  
20 signed statement for approval by the Board or its designee.

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

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

1 responsibility.

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

8 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
9 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
10 name and qualifications of a replacement monitor who will be assuming that responsibility within  
11 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
12 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
13 notification from the Board or its designee to cease the practice of medicine within three (3)  
14 calendar days after being so notified Respondent shall cease the practice of medicine until a  
15 replacement monitor is approved and assumes monitoring responsibility.

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

22 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the  
23 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
24 where: 1) Respondent merely shares office space with another physician but is not affiliated for  
25 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that  
26 location.

27 If Respondent fails to establish a practice with another physician or secure employment in  
28 an appropriate practice setting within 60 calendar days of the effective date of this Decision,

1 Respondent shall receive a notification from the Board or its designee to cease the practice of  
2 medicine within three (3) calendar days after being so notified. The Respondent shall not resume  
3 practice until an appropriate practice setting is established.

4 If, during the course of the probation, the Respondent's practice setting changes and the  
5 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent  
6 shall notify the Board or its designee within 5 calendar days of the practice setting change. If  
7 Respondent fails to establish a practice with another physician or secure employment in an  
8 appropriate practice setting within 60 calendar days of the practice setting change, Respondent  
9 shall receive a notification from the Board or its designee to cease the practice of medicine within  
10 three (3) calendar days after being so notified. The Respondent shall not resume practice until an  
11 appropriate practice setting is established.

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

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

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

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

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



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

3 10. GENERAL PROBATION REQUIREMENTS.

4 Compliance with Probation Unit

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

7 Address Changes

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

13 Place of Practice

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

17 License Renewal

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

20 Travel or Residence Outside California

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

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

27 11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
28 available in person upon request for interviews either at Respondent's place of business or at the

1 probation unit office, with or without prior notice throughout the term of probation.

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

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

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

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

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

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

26 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
27 of probation is a violation of probation. If Respondent violates probation in any respect, the  
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and

1 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
2 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
4 the matter is final.

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

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

20 ACCEPTANCE

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
22 discussed it with my attorney, Fredrick M. Ray, A Professional Corporation. I understand the  
23 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this  
24 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
25 to be bound by the Decision and Order of the Medical Board of California.

26  
27 DATED: Dec 02-2015

Marlon F. Castillo  
MARLON F. CASTILLO, M.D.  
Respondent

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I have read and fully discussed with Respondent Marlon F. Castillo, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: Dec. 2, 2015 Frederick M. Ray  
Frederick M. Ray, A Professional Corporation  
Attorney for Respondent

ENDORSEMENT

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

Dated: 1/11/2016

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General  
  
JOSHUA M. TEMPLET  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2014-009413**

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Attorney General of California  
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Supervising Deputy Attorney General  
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7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO June 8 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 Accusation Against:

Case No. 800-2014-009413

12 **Marlon F. Castillo, M.D.**  
13 **31 Strawberry Hill Avenue**  
**Stamford, CT 06902**

**ACCUSATION**

14 **Physician's and Surgeon's Certificate**  
15 **No. A-93971,**

Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about February 8, 2006, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number A 93971 to Marlon F. Castillo, M.D. (Respondent). The Physician's and  
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on August 31, 2015, unless renewed.

27 ///

28 ///

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 unless otherwise indicated.

4 4. Section 2004 of the Code provides that the Medical Board shall have the  
5 responsibility for the enforcement of the disciplinary and criminal provisions of the Medical  
6 Practice Act.

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

11 6. Section 2234 of the Code, states:

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

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

16 .....

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

19 .....

20 7. Section 2236 of the Code states:

21 (a) The conviction of any offense substantially related to the qualifications,  
22 functions, or duties of a physician and surgeon constitutes unprofessional conduct  
23 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.

24 .....

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

28 8. Section 141 of the Code states:

1 (a) For any licensee holding a license issued by a board under the jurisdiction of the  
2 department, a disciplinary action taken by another state, by any agency of the federal  
3 government, or by another country for any act substantially related to the practice  
4 regulated by the California license, may be a ground for disciplinary action by the  
5 respective state licensing board. A certified copy of the record of the disciplinary  
6 action taken against the licensee by another state, an agency of the federal  
7 government, or another country shall be conclusive evidence of the events related  
8 therein.

9 (b) Nothing in this section shall preclude a board from applying a specific statutory  
10 provision in the licensing act administered by that board that provides for discipline  
11 based upon a disciplinary action taken against the licensee by another state, an agency  
12 of the federal government, or another country.

13 9. Section 2305 of the Code states:

14 The revocation, suspension, or other discipline, restriction or limitation imposed by  
15 another state upon a license or certificate to practice medicine issued by that state, or  
16 the revocation, suspension, or restriction of the authority to practice medicine by any  
17 agency of the federal government, that would have been grounds for discipline in  
18 California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall  
19 constitute grounds for disciplinary action for unprofessional conduct against the  
20 licensee in this state.

#### 21 FIRST CAUSE FOR DISCIPLINE

##### 22 (Criminal Conviction)

23 10. On May 8, 2014, in the Supreme Court for the State of New York, Queens County,  
24 New York. Respondent pleaded guilty to the crime of aiding or abetting the unauthorized practice  
25 of medicine, in violation of New York State Education Law, Section 6512(1), a felony.  
26 Respondent was sentenced on June 27, 2014 to five years of probation and was ordered to pay  
27 restitution to the patients harmed as a result of his actions.

28 11. As a result of his conviction for an offense substantially related to the qualifications,  
functions, or duties of a physician and surgeon, Respondent is subject to discipline under Code  
sections 2234(a) (unprofessional conduct) and 2236 (criminal conviction).

#### SECOND CAUSE FOR DISCIPLINE

##### (Dishonesty)

12. On or about March 14, 2013, Respondent filed an application with the New York  
State Department of Education to renew his registration to practice medicine in New York. The  
application included the question "Are criminal charges pending against you in any court?" to



1 which Respondent responded, "No." However criminal charges were pending against Respondent  
2 at the time that he completed his application, and had been so pending for nearly a year.

3 13. The criminal complaint in the above referenced criminal prosecution of the  
4 Respondent before the Supreme Court for the State of New York, Queens County, New York was  
5 filed on April 11, 2012. Respondent was arrested in that matter on April 17, 2012, and arraigned  
6 on the filed charges on April 18, 2012. Accordingly, Respondent was aware, or should have been  
7 aware, of the existence of pending criminal charges against him when he responded to the  
8 question regarding pending criminal charges.

9 14. As a result of his submission of a dishonest response in his medical license renewal  
10 application, an act substantially related to the qualifications, functions, or duties of a physician  
11 and surgeon, Respondent is subject to discipline under section 2234(e) (unprofessional conduct:  
12 commission of any act involving dishonesty or corruption).

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Discipline, Restriction or Limitation Imposed by another State)**

15 15. On October 27, 2014, the New York State Board for Professional Medical Conduct  
16 ("New York Board") issued Consent Order No. 14-259 against Respondent, attached as  
17 **Exhibit A** and hereby incorporated by reference. The Order incorporated a Statement of Charges  
18 alleging that Respondent (1) had committed professional misconduct by having been convicted of  
19 a felony, as noted above, and (2) had committed professional misconduct "by practicing the  
20 profession of medicine fraudulently," based on his dishonest response in his license renewal  
21 application to the New York State Department of Education, as noted above. In the Consent  
22 Agreement, made part of the Consent Order, Respondent conceded that "I assert that I cannot  
23 successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of  
24 the charges against me, and agree to the following penalty . . . ." The Consent Order required  
25 Respondent to cease his practice of medicine, to close his medical practice, and to change his  
26 New York medical license status to "inactive."

1 16. Respondent's conduct and the action of the New York Board as set forth above  
2 constitute unprofessional conduct within the meaning of section 2305 and conduct subject to  
3 discipline within the meaning of section 141(a).

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 Number A 93971,  
8 issued to Marlon F. Castillo, M.D.;

9 2. Revoking, suspending or denying approval of Marlon F. Castillo, M.D.'s authority to  
10 supervise physician assistants, pursuant to section 3527 of the Code;

11 3. Ordering Marlon F. Castillo, M.D., if placed on probation, to pay the Board the costs  
12 of probation monitoring; and

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

14  
15 DATED: June 8, 2015

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

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**EXHIBIT A**  
**Consent Order No. 14-259**

IN THE MATTER  
OF  
MARLON F. CASTILLO, M.D.

CONSENT  
ORDER

Upon the application of (Respondent) MARLON F. CASTILLO, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 10/19/2014

REDACTED

ARTHUR S. HENGERER, M.D.  
Chair  
State Board for Professional Medical Conduct

1  
NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
MARLON F. CASTILLO, M.D.

CONSENT  
AGREEMENT

MARLON F. CASTILLO, M.D., represents that all of the following statements are true:

That on or about December 4, 2003, I was licensed to practice as a physician in the State of New York, and issued License No. 230700 by the New York State Education Department.

My current address is REDACTED and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I assert that I cannot successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of the charges against me, and agree to the following penalty:

Immediately upon issuance of the Consent Order for which I apply, my license to practice medicine shall be limited, pursuant to N.Y. Pub. Health Law § 230-a, to preclude patient contact and any practice of medicine, clinical or otherwise. I shall be precluded from diagnosing, treating, operating, or prescribing for any human disease, pain, injury, deformity, or physical condition. I shall be precluded from further reliance upon my license to practice medicine to exempt me from the licensure, certification or other requirements set forth in statute or regulation for the practice of any other profession licensed, regulated or certified by the Board of Regents, Department of Education, Department of Health or the Department of State.

I further agree that the Consent Order for which I apply shall impose the following conditions:

That Respondent shall, within 30 days of the issuance of the Consent Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC immediately upon having done so; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with

the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall comply with all conditions set forth in attached Exhibit "B" ("Requirements for Closing a Medical Practice").

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined in N.Y. Educ. Law § 6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.



I stipulate that the proposed sanction and Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

I am aware and agree that, regardless of prior communication, the attorney for the Department, the Director of the Office of Professional Medical Conduct, and the Chairperson of the State Board for Professional Medical Conduct each reserve full discretion to enter into the Consent Agreement that I propose in this application, or to decline to do so.

DATE 10/08/2014.

REDACTED  
MARLON F. CASTILLO, M.D.  
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 10/8/14

REDACTED  
\_\_\_\_\_  
AMY T. KULB, ESQ.  
Attorney for Respondent

DATE: 10/8/14

REDACTED  
\_\_\_\_\_  
DAVID W. QUIST, ESQ.  
Associate Attorney  
Bureau of Professional Medical Conduct

DATE: 10/16/14

REDACTED  
\_\_\_\_\_  
KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

EXHIBIT "A"

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

MARLON F. CASTILLO, M.D.

STATEMENT  
OF  
CHARGES

MARLON F. CASTILLO, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 4, 2003, by the issuance of license number 230700 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 8, 2014 in the Supreme Court for the State of New York, Queens County, New York, Respondent entered a plea of guilty to, and was accordingly convicted of, aiding or abetting the unauthorized practice of medicine, in violation of New York State Education Law, Section 6512(1), a felony. Pursuant to that conviction, Respondent was sentenced on or about June 27, 2014, *inter alia*, to probation for a period of five years, and adjourned payment of a fifty dollar (\$50) DNA fee. Respondent also made agreed upon restitution to the patients harmed as a result of the Respondent's actions.

B. On or about March 14, 2013, Respondent filed an application with the New York State Department of Education for renewal of his registration to practice medicine in New York State. One of the questions on the application was "Are criminal charges pending against you in any court?" Respondent answered "no" to that question. However, the complaint in the matter referenced in paragraph "A," above was filed on or about April 11, 2012, Respondent was arrested in that matter on or about April 17, 2012, and Respondent was arraigned on those charges in the Criminal Court of the City of New York, Queens County, on or about April 18, 2012. Accordingly, Respondent was aware, or should have been aware, of the existence of pending criminal charges against him when he answered "no" to the question regarding pending criminal charges on his registration renewal application on March 14, 2013, subsequent to his arrest, the date of the criminal complaint, and his criminal arraignment but before his May 8, 2014 conviction.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION (N.Y.S.)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law as alleged in the facts of the following:

1. The facts in Paragraph A.

SECOND SPECIFICATION  
FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

2. The facts in Paragraph B.

DATE: October 10, 2014  
Albany, New York

REDACTED

MICHAEL A. HISER, ESQ.  
Deputy Counsel  
Bureau of Professional Medical Conduct

EXHIBIT "B"

**Requirements for Closing a Medical Practice Following a  
Revocation, Surrender, Limitation or Suspension of a Medical License**

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice medicine.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's current biennial registration to the Office of Professional Medical Conduct (OPMC) at Riverview Center, 150 Broadway, Suite 365, Albany, New York 12204-2719.
3. Within 15 days of the Order's effective date, Licensee shall notify all patients of the cessation or limitation of Licensee's medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
4. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact persons who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure

engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.

9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.

10. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 8512, it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.