

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

In the Matter of the Case Against:

Case No. 800-2019-060738

Ati Urban Yates, M.D.

653 Wasco Drive

The Dalles, OR 97058-9702

**STIPULATION FOR
SURRENDER OF LICENSE**

Physician's and Surgeon's

Certificate No. G 146224

Respondent.

TO ALL PARTIES:

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

1. Complainant, Christine J. Lally, is the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs ("Board").

2. Ati Urban Yates, M.D. ("Respondent") has carefully read and fully understands the effect of this Stipulation.

3. Respondent agrees that based on the action taken by the New Mexico Medical Board, (Exhibit A) cause exists to discipline her California Physician's and Surgeon's certificate pursuant to Business and Professions Code sections 141(a) and 2305.

4. Respondent understands that, if proven at hearing, the charges and allegations under investigation would constitute cause for imposing discipline upon Respondent's license issued by the Board.

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1 5. Respondent is aware of each of her rights, including the right to a hearing, the
2 right to confront and cross-examine witnesses who would testify against Respondent, the right to
3 testify and present evidence on her own behalf, as well as to the issuance of subpoenas to compel
4 the attendance of witnesses and the production of documents, the right to contest any charges and
5 allegations, and other rights which are accorded Respondent pursuant to the California
6 Administrative Procedure Act (Gov. Code, §11500 et seq.) and other applicable laws, including
7 the right to seek reconsideration, review by the superior court, and appellate review.

8 6. In order to avoid the expense and uncertainty of a hearing, Respondent freely and
9 voluntarily waives each and every one of these rights set forth above. Respondent hereby agrees
10 to surrender Physician's and Surgeon's Certificate No. G 146224.

11 7. Respondent understands that by signing this Stipulation she is enabling the Board
12 to accept the surrender of her license without further process, as provided by section 11415.60(b)
13 of the Government Code.

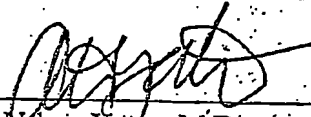
14 8. Upon acceptance of the Stipulation by the Board; Respondent understands that
15 she will no longer be permitted to practice as a Physician and Surgeon in California, and also
16 agrees to surrender and cause to be delivered to the Board both her license and wallet certificate
17 before the effective date of the Decision.

18 9. Respondent hereby represents that she does not intend to seek relicensure or
19 reinstatement as a Physician and Surgeon. Respondent fully understands and agrees, however,
20 that if Respondent ever files an application for relicensure or reinstatement in the State of
21 California, the Board shall treat it as a Petition for Reinstatement, and the Respondent must
22 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
23 effect at the time the Petition is filed. Case Report No. 800-2019-060738, including all
24 referenced attachments and other exhibits, and any additional attachments, and other exhibits,
25 that may be generated subsequent to the filing of the surrender of license, shall be admissible as
26 direct evidence, and any time based defenses, such as laches or any applicable statute of
27 limitations, shall be waived when the Board determines whether to grant or deny the Petition.
28

1 10. Respondent understands that this document may be disclosed to the public, and/or
2 the National Practitioner Data Bank and/or the Federation of State Medical Boards.
3

4 ACCEPTANCE

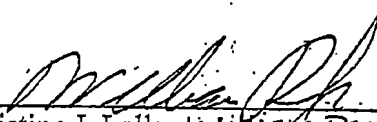
5
6 I, Ati Urban Yates, M.D., have carefully read the above Stipulation and enter into it
7 freely and voluntarily, with the full knowledge of its force and effect, do hereby surrender
8 Physician's and Surgeon's Certificate No. G 146224, to the Medical Board of California. By
9 signing this Stipulation for Surrender of License, I recognize that upon its formal acceptance by
10 the Board, I will lose all rights and privileges to practice as a Physician and Surgeon in the State
11 of California, and I also will cause to be delivered to the Board both my license and wallet
12 certificate before the effective date of the Decision.
13

14 
15 _____
16 Ati Urban Yates, M.D.
17 Respondent

06/10/2020
18 _____
19 Date

20 
21 _____
22 Bruce A. Wright
23 Attorney or Witness

06/10/2020
24 _____
25 Date

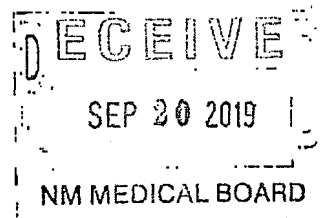
26 
27 _____
28 Christine J. Eally
29 ~~Interim~~ Executive Director
30 Medical Board of California

JUN 25 2020
31 _____
32 Date

33 ///
34 ///

Exhibit A

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
ATI URBAN YATES, M.D.,)
License No. MD2017-0033,)
Respondent.)

Case No. 2019-058
(Inv. No. 2017-C-265)

AGREED ORDER FOR VOLUNTARY SURRENDER OF LICENSE
WHILE UNDER INVESTIGATION

The New Mexico Medical Board (“Board”) and Ati Urban Yates, M.D. (“Respondent”) (together, “the Parties”) jointly approve this “Agreed Order for Voluntary Surrender of License While Under Investigation” (“Agreed Order”).

STIPULATIONS OF THE PARTIES

1. The Parties stipulate Respondent holds a license to practice in New Mexico and is subject to the jurisdiction of the Board pursuant to the Medical Practice Act (MPA), NMSA 1978, Sections 61-6-1 through -35 (1989, as amended through 2019), the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-1 through -34 (1953, as amended through 2019), and rules and regulations of the Board related to the practice of medicine (“Rules”), which are codified at Title 16, Chapter 10, NMAC.

2. The Parties stipulate Respondent came under investigation by the Board on or about November 1, 2017, based on Respondent’s self-report that her employment with an Oregon hospital had been terminated and she had been placed under investigation by the Oregon Medical Board.

3. The Parties stipulate the Board’s investigation produced evidence supporting the following allegations –

a. on or about September 6, 2017, Respondent's clinical privileges at an Oregon hospital were placed on "precautionary privilege withdrawal" status to facilitate an investigation by the hospital's medical executive committee based on concerns with Respondent's cognitive abilities,

b. on or about October 6, 2017, after Respondent's clinical privileges were reinstated, the hospital notified Respondent her independent contractor agreement was being terminated without cause,

c. the hospital's concerns resulted in a complaint with the Oregon Medical Board,

d. the Oregon Medical Board referred Respondent for a neuropsychological evaluation, which resulted in a December 11, 2017, report indicating no evidence of cognitive impairment that would deter Respondent from performing her duties as a physician, and

e. an April 2019 assessment by the Center for Personalized Education for Professionals (CPEP) identified areas where educational intervention could assist Respondent if Respondent returned to practice medicine in a hospital setting.

4. The Parties stipulate the allegations outlined above, if proven, would subject Respondent to discipline by the Board under the MPA and the Board's Rules. *See, e.g., NMSA 1978, § 61-6-15(D)(13)* (subjecting licensees to discipline based on evidence of incompetence to practice medicine).

5. The Parties stipulate the Board initially agreed to withhold action on Respondent's case pending resolution of the Oregon Medical Board complaint involving Respondent, but expiration of the statute of limitations governing the Board's actions prevents the Board from holding Respondent's case in abeyance any longer.

6. The Parties stipulate Respondent does not admit any wrongdoing by entering into this Agreed Order, and specifically does not concede she is not competent to practice.

7. The Parties stipulate they have the authority under the MPA and the ULA to enter into this Agreed Order, and entry of this Agreed Order will resolve all existing Board investigations and allegations involving Respondent.

8. The Parties stipulate this Agreed Order was mutually negotiated and determined, contains no provision that is unconscionable, and will otherwise remain in full force and effect if any portion of it is invalidated by judgment or court order.

9. The Parties stipulate this Agreed Order is in the best interests of Respondent, the Board and the public and is consistent with the purposes and objectives of the MPA, particularly where Respondent is not currently practicing in New Mexico and does not intend to resume practice in New Mexico in the near future.

AGREEMENT OF THE PARTIES

10. In exchange for Respondent's agreement to voluntarily surrender her license and not to apply for a new license for at least one year, the Board agrees it will not issue a Notice of Contemplated Action (NCA) to pursue disciplinary action against Respondent based on the evidence gathered during its investigation.

11. In exchange for the Board's agreement not to issue an NCA and not to pursue disciplinary action against her, Respondent agrees –

a. to voluntarily surrender her license to practice in New Mexico and not to apply for a new license to practice in New Mexico for at least one year following entry of this Agreed Order,

b. to waive her right to a hearing during which the Board would be required to prove by a preponderance of the evidence the allegations outlined in this Agreed Order,

c. she will not challenge the factual allegations outlined above in any future proceeding before the Board, and

d. to waive her right to an appeal.

12. The Parties agree this Agreed Order contains the entire agreement between the Parties with respect to its subject matter, and this Agreed Order will not be enlarged, modified, or altered except by written order of the Board after Respondent has been given all due process required by law.

13. The Parties agree this Agreed Order shall have full force and effect if it is executed in counterparts and/or via facsimile or electronic means.

14. The Parties agree this Agreed Order will be effective upon approval by the Board.

15. The Parties agree Respondent will report entry of this Agreed Order to any other jurisdiction where she may be licensed to practice.

STATEMENT AND ACKNOWLEDGEMENTS BY RESPONDENT

16. By signing below, Respondent states and acknowledges –

a. she knowingly, voluntarily and intelligently accepts and understands the terms of this Agreed Order,

b. she knowingly, voluntarily and intelligently is waiving her rights under the MPA and the ULA, including her right to a hearing, and her right to an appeal,

c. she cannot challenge the factual allegations outlined above in any future Board proceeding,

d. she understands that, having surrendered her license to practice in New Mexico, she will be required to apply for a new license if she wishes to practice in New Mexico in the future but may not do so for at least one year,

c. she knows and understands she has the right to consult with an attorney of her choice regarding her rights and the effects of this Agreed Order, and is stating she has either

consulted an attorney or is waiving her right to counsel,

f. she confirms her knowledge that this Agreed Order is a public document, reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB) and the American Medical Association (AMA), and

g. she states she is of sound mind and not impaired by any medication or drug.

September 13, 2019

Date

9/18/2019

Date

[Redacted Signature]
[Redacted Signature]
Thomas M. Gooney, Esq.
~~Gooney, Gooney and Madigan LLC~~
David H. JOHNSON, ESQ.
Sutin Thayer & Browne, APC

ORDER

THE BOARD, HAVING FOUND that allowing Respondent to voluntarily surrender her license to practice in New Mexico is in the best interests of Respondent, the Board and the public, and

HAVING FURTHER FOUND that Respondent understands the terms of this Agreed Order, including her waiver of rights,

HEREBY AGREES not to issue a Notice of Contemplated Action (NCA) or pursue disciplinary action based on the information obtained during the course of its investigation unless Respondent applies for a new license to practice medicine in New Mexico.

NEW MEXICO MEDICAL BOARD

[Redacted Signature]
Steven M. Jenkusky, M.D., Chairman

9/20/19
Date