

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

In the Matter of the Accusation
Against:

Emil I. Shieh, M.D.

Physician's & Surgeon's
Certificate No G83344

Respondent

Case No. 800-2016-
020684

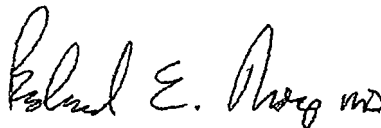
DECISION

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 18, 2021.

IT IS SO ORDERED February 16, 2021.

MEDICAL BOARD OF CALIFORNIA

By: 

Richard E. Thorp, M.D., Chair
Panel B

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 ALICE W. WONG
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:
13 **EMIL I. SHIEH, M.D.**
14 **North Bay Eye Associates**
15 **1310 Prentice Dr., Ste. F**
16 **Healdsburg, CA 95448**
17 **Physician's and Surgeon's Certificate No. G**
18 **83344**
Respondent.

Case No. 800-2016-020684
OAH No. 2020060913
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19
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. William Prasifka (Complainant) is the Executive Director of the Medical Board of
24 California (Board). He brought this action solely in his official capacity and is represented in this
25 matter by Xavier Becerra, Attorney General of the State of California, by Alice W. Wong, Deputy
26 Attorney General.

27 2. Respondent Emil I. Shieh, M.D. (Respondent) is representing himself in this
28 proceeding and has chosen not to exercise his right to be represented by counsel.

1 disciplinary action. Respondent further agrees to be bound by the Board's imposition of
2 discipline as set forth in the Disciplinary Order below.

3 10. Respondent further agrees that if he fails to successfully complete the education
4 course, which is more fully described below, within the required time, all of the charges and
5 allegations contained in Accusation No. 800-2016-020684, shall be deemed true, correct, and
6 fully admitted by Respondent for purposes of any further proceeding before the Board, and that
7 his failure to complete the education course shall constitute unprofessional conduct and grounds
8 for further disciplinary action.

9 **CONTINGENCY**

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

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

23 13. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
25 enter the following Disciplinary Order:

26
27 ///

28 ///

1 **DISCIPLINARY ORDER**

2 A. **PUBLIC REPRIMAND**

3 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 83344 issued
4 to Respondent Emil I. Shieh, M.D., shall be and is hereby Publicly Reprimanded pursuant to
5 California Business and Professions Code section 2277, subdivision (a)(4). This Public
6 Reprimand is issued in connection with Respondent's care and treatment of two patients, as set
7 forth in Accusation No. 800-2016-020684 (exhibit A).


8 B. **EDUCATION COURSE.** Within 60 calendar days of the effective date of this
9 Decision, Respondent shall submit to the Board or its designee for its prior approval 10 hours of
10 educational course(s) aimed at correcting any areas of deficient practice or knowledge and shall
11 be Category I certified. Respondent shall successfully complete the 10 hours of educational
12 course(s) not later than six (6) months after Respondent's initial enrollment. The educational
13 course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical
14 Education (CME) requirements for renewal of licensure.

15 Respondent shall submit a certification of successful completion to the Board or its
16 designee not later than 15 calendar days after successfully completing the education course(s) or
17 not later than 15 calendar days after the effective date of the Decision, whichever is later.

18 **ACCEPTANCE**

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

23
24 DATED: 11/11/2020

25 
26 _____
27 EMIL I. SHIEH, M.D.
28 Respondent

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ENDORSEMENT

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

DATED: November 12, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

Alice W. Wong

ALICE W. WONG
Deputy Attorney General
Attorneys for Complainant

SF2018200647
FINAL Stipulated Settlementt and Disciplinary Order (Emil Shieh MD).docx

Exhibit A

Accusation No. 800-2016-020684

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO JULY 23 20 18
BY LOU PASO ANALYST

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

12 In the Matter of the Accusation Against:

Case No. 800-2016-020684

13 **Emil I. Shieh, M.D.**
14 **1310 Prentice Drive, Suite F**
15 **Healdsburg, CA 95448**

ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. G 83344,**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

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

24 2. On August 15, 1996, the Medical Board issued Physician's and Surgeon's Certificate
25 Number G 83344 to Emil I. Shieh, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on June 30, 2020, unless renewed.

28 **JURISDICTION**

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

1 4. Section 2234 of the Code states:

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

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

7 "....

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

11 "...."

12 **FACTS**

13 5. At all times relevant to this matter, Respondent was licensed and practicing
14 ophthalmology in California.

15 6. On May 13, 2013, Respondent performed cataract surgery on Patient C's¹ left eye.
16 The surgery was complicated by rupture of the posterior capsule requiring Respondent to perform
17 an anterior vitrectomy and to place the intraocular lens in the ciliary sulcus instead of the capsule.
18 The intraocular lens Respondent used was the SA60AT, a single piece acrylic intraocular lens.

19 7. Post-operatively, Patient C had problems with elevated intraocular pressure and
20 macular edema which she has treated with glaucoma drops and anti-inflammatory drops.

21 8. On October 22, 2012, Respondent performed cataract surgery on Patient D's left eye.
22 The surgery was complicated by posterior dislocation of a portion of the cataract into the vitreous
23 cavity. Respondent performed an anterior vitrectomy and placed the SA60AT single piece
24 acrylic intraocular lens in the ciliary sulcus instead of the capsule and arranged for a retina
25

26
27 ¹ The patients are designated in this document as Patients C and D to protect their privacy.
28 The Board received redacted medical records from The Permanente Medical Group and does not know the identities of the patients.

1 specialist to see the patient for urgent pars plana vitrectomy surgery to remove the posteriorly
2 displaced lens nucleus.

3 9. Over the next few months, Patient D had recurrent iritis and the intraocular lens was
4 eventually replaced by the retina specialist.

5 **CAUSE FOR DISCIPLINE**

6 **(Repeated Negligent Acts)**

7 10. Emil I. Shieh, M.D. is guilty of unprofessional conduct and subject to disciplinary
8 action under section 2234, subdivisions (a) (violating the Medical Practice Act) and (c) (repeated
9 negligent acts), of the Code in that Respondent placed a single piece acrylic intraocular lens in the
10 ciliary sulcus in Patients C and D.

11 **PRAYER**

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


14 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 83344,
15 issued to Emil I. Shieh, M.D.;

16 2. Revoking, suspending or denying approval of Emil I. Shieh, M.D.'s authority to
17 supervise physician assistants and advanced practice nurses;

18 3. Ordering Emil I. Shieh, M.D., if placed on probation, to pay the Board the costs of
19 probation monitoring; and

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

21
22 DATED: July 23, 2018


23 KIMBERLY KIRCHMEYER
24 Executive Director
25 Medical Board of California
26 Department of Consumer Affairs
27 State of California
28 Complainant

SF2018200647
accusation - mbc.rtf