

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

In the Matter of the Accusation  
Against:

Faustino Bernadett, M.D.

Physician's and Surgeon's  
Certificate No. G44925

Respondent

Case No. 800-2020-064131

DECISION

The attached Stipulated Surrender of License and 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 3, 2021.

IT IS SO ORDERED February 25, 2021.

MEDICAL BOARD OF CALIFORNIA

By:   
William Prasifka  
Executive Director

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 LATRICE R. HEMPHILL  
Deputy Attorney General  
4 State Bar No. 285973  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6198  
Facsimile: (916) 731-2117  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2020-064131

13 **FAUSTINO BERNADETT, M.D.**  
14 **P.O. Box 2677**  
**Los Alamitos, CA 90720**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **Physician's and Surgeon's Certificate No. G**  
16 **44925,**

Respondent.

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

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of  
23 California (Board). He brought this action solely in his official capacity and is represented in this  
24 matter by Xavier Becerra, Attorney General of the State of California, by Latrice R. Hemphill,  
25 Deputy Attorney General.

26 2. FAUSTINO BERNADETT, M.D. (Respondent) is represented in this proceeding by  
27 attorney Bryce M. Cullinane, Esq., whose address is: 400 Oceangate, Long Beach, CA 90802.

28 ///

1 3. On or about June 29, 1981, the Board issued Physician's and Surgeon's Certificate  
2 No. G 44925 to Respondent. The Physician's and Surgeon's Certificate was in full force and  
3 effect at all times relevant to the charges brought in Accusation No. 800-2020-064131 and will  
4 expire on May 31, 2021, unless renewed.

#### 5 **JURISDICTION**

6 4. Accusation No. 800-2020-064131 was filed before the Board, and is currently  
7 pending against Respondent. The Accusation and all other statutorily required documents were  
8 properly served on Respondent on November 12, 2020. Respondent timely filed his Notice of  
9 Defense contesting the Accusation. A copy of Accusation No. 800-2020-064131 is attached as  
10 Exhibit A and incorporated by reference.

#### 11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in Accusation No. 800-2020-064131. Respondent also has carefully read,  
14 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License  
15 and Order.

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

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

#### 24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 800-2020-064131, agrees that cause exists for discipline, and hereby surrenders his  
27 Physician's and Surgeon's Certificate No. G 44925 for the Board's formal acceptance.

28 ///

1 9. Respondent understands that by signing this stipulation, he enables the Board to issue  
2 an order accepting the surrender of his Physician's and Surgeon's Certificate without further  
3 process.

4 **CONTINGENCY**

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

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

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

19 **ORDER**

20 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 44925, issued  
21 to Respondent FAUSTINO BERNADETT, M.D., is surrendered and accepted by the Board.

22 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the  
23 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
24 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
25 of Respondent's license history with the Board.

26 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in  
27 California as of the effective date of the Board's Decision and Order.

28 ///

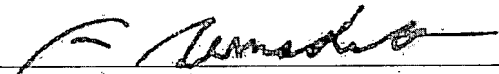
1 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was  
2 issued, his wall certificate on or before the effective date of the Decision and Order.

3 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
4 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
5 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
6 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
7 contained in Accusation No. 800-2020-064131 shall be deemed to be true, correct and admitted  
8 by Respondent when the Board determines whether to grant or deny the petition.


9 5. If Respondent should ever apply or reapply for a new license or certification, or  
10 petition for reinstatement of a license, by any other health care licensing agency in the State of  
11 California, all of the charges and allegations contained in Accusation, No. 800-2020-064131 shall  
12 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
13 Issues or any other proceeding seeking to deny or restrict licensure.

14 **ACCEPTANCE**

15 I have carefully read the above Stipulated Surrender of License and Order and have fully  
16 discussed it with my attorney Bryce M. Cullinane, Esq. I understand the stipulation and the effect  
17 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of  
18 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
19 Decision and Order of the Medical Board of California.

20  
21 DATED: 12-16-2020   
22 FAUSTINO BERNADETT, M.D.  
23 Respondent

24 I have read and fully discussed with Respondent Faustino Bernadett, M.D. the terms and  
25 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
26 approve its form and content.

27 DATED: December 16, 2020   
28 BRYCE M. CULLINANE, ESQ.  
Attorney for Respondent

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: December 9, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General



LATRICE R. HEMPHILL  
Deputy Attorney General  
*Attorneys for Complainant*

LA2020601308  
63814146.docx

**Exhibit A**

**Accusation No. 800-2020-064131**

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 LATRICE R. HEMPHILL  
Deputy Attorney General  
4 State Bar No. 285973  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6198  
Facsimile: (916) 731-2117  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:  
13 **Faustino Bernadett, M.D.**  
14 **P.O. Box 2677**  
**Los Alamitos, CA 90720-7677**  
15  
16 **Physician's and Surgeon's Certificate**  
**No. G 44925,**  
17  
18 Respondent.

Case No. 800-2020-064131

**ACCUSATION**

19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about June 29, 1981, the Medical Board issued Physician's and Surgeon's  
25 Certificate Number G 44925 to Faustino Bernadett, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on May 31, 2021, unless renewed.

28 ///



1 JURISDICTION

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

5 4. Section 2227 of the Code states:

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

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

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

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

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

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

21 (b) Any matter heard pursuant to subdivision (a), except for warning letters,  
22 medical review or advisory conferences, professional competency examinations,  
23 continuing education activities, and cost reimbursement associated therewith that are  
24 agreed to with the board and successfully completed by the licensee, or other matters  
25 made confidential or privileged by existing law, is deemed public, and shall be made  
26 available to the public by the board pursuant to Section 803.1.

27 5. Section 2234 of the Code, states:

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

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

(b) Gross negligence.

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

(1) An initial negligent diagnosis followed by an act or omission medically

1 appropriate for that negligent diagnosis of the patient shall constitute a single  
negligent act.

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

5 (d) Incompetence.

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

8 (f) Any action or conduct that would have warranted the denial of a certificate.

9 (g) The failure by a certificate holder, in the absence of good cause, to attend  
10 and participate in an interview by the board. This subdivision shall only apply to a  
certificate holder who is the subject of an investigation by the board.

11 6. Section 2236 of the Code states:

12 (a) The conviction of any offense substantially related to the qualifications,  
13 functions, or duties of a physician and surgeon constitutes unprofessional conduct  
within the meaning of this chapter. The record of conviction shall be conclusive  
14 evidence only of the fact that the conviction occurred.

15 (b) The district attorney, city attorney, or other prosecuting agency shall notify  
the Division of Medical Quality of the pendency of an action against a licensee  
16 charging a felony or misdemeanor immediately upon obtaining information that the  
defendant is a licensee. The notice shall identify the licensee and describe the crimes  
17 charged and the facts alleged. The prosecuting agency shall also notify the clerk of  
the court in which the action is pending that the defendant is a licensee, and the clerk  
18 shall record prominently in the file that the defendant holds a license as a physician  
and surgeon.

19 (c) The clerk of the court in which a licensee is convicted of a crime shall,  
20 within 48 hours after the conviction, transmit a certified copy of the record of  
conviction to the board. The division may inquire into the circumstances surrounding  
21 the commission of a crime in order to fix the degree of discipline or to determine if  
the conviction is of an offense substantially related to the qualifications, functions, or  
22 duties of a physician and surgeon.

23 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is  
24 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  
occurred.

25 ///

26 ///

27 ///

28 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Crime)

3 7. Respondent Faustino Bernadett, M.D. is subject to disciplinary action under section  
4 2236 of the Business and Professions Code in that he was convicted of a crime substantially  
5 related to the qualifications, functions, or duties of a physician or surgeon. The circumstances are  
6 as follows:

7 8. On or about July 8, 2019, in the case of *The United States of America v. Faustino*  
8 *Bernadett*, United States District Court for the Central District of California, case number SACR  
9 19-00121-JLS, Respondent was charged with violating Title 18, United States Code, section 4 (18  
10 U.S.C. § 4), commonly known as Misprison of a Felony.

11 9. On or about January 17, 2020, Respondent was convicted, by way of a guilty plea, of  
12 violating one count of 18 U.S.C. § 4, Misprison of a Felony.

13 10. On January 17, 2020, Respondent was sentenced to a fifteen (15) month prison term  
14 and one year of supervised release, upon his release from prison. Respondent was ordered to pay  
15 restitution and other fines.

16 11. The facts underlying Respondent's conviction are as follows:

17 A. In 2005, Respondent purchased the Pacific Hospital of Long Beach ("Pacific  
18 Hospital") from Michael D. Drobot ("Drobot").

19 B. Respondent had a majority ownership interest in Pacific Hospital from 2005  
20 until October 2010. Respondent subsequently sold his interest back to Drobot.

21 C. No later than January 2008, Respondent learned that Drobot was using sham  
22 contracts to pay illegal kickbacks in order to induce physicians to perform surgeries at Pacific  
23 Hospital or refer surgeries to surgeons who would perform the surgeries at Pacific Hospital.

24 D. Respondent authorized the continued use of these contracts to pay kickbacks.

25 E. Respondent acted to conceal the conduct from law enforcement by continuing  
26 to authorize the use of contracts for the payment of illegal kickbacks until Respondent sold his  
27 ownership interest in Pacific Hospital.

28 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct/Dishonest and Corrupt Acts)

3 12. Respondent Faustino Bernadett, M.D. is subject to disciplinary action under section  
4 2234, subdivision (e), in that he engaged in dishonest and corrupt acts. The circumstances are as  
5 follows:

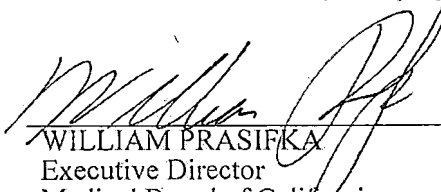
6 13. The allegations of the First Cause for Discipline, paragraphs 7 through 11, above, are  
7 incorporated herein by reference as if fully set forth.

8 PRAYER

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

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 44925,  
12 issued to Faustino Bernadett, M.D.;
- 13 2. Revoking, suspending or denying approval of Faustino Bernadett, M.D.'s authority to  
14 supervise physician assistants and advanced practice nurses;
- 15 3. Ordering Faustino Bernadett, M.D., if placed on probation, to pay the Board the costs  
16 of probation monitoring; and
- 17 4. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: NOV 12 2020

20   
21 WILLIAM PRASIFKA  
22 Executive Director  
23 Medical Board of California  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant

27  
28 LA2020601308  
63473856.docx