

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

In the Matter of the Accusation  
Against:

Marisel Rosa Chibas, M.D.

Physician's and Surgeon's  
Certificate No. A 85381

Respondent.

Case No. 800-2017-039799

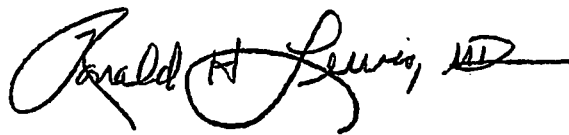
DECISION

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 May 14, 2021.

IT IS SO ORDERED: April 16, 2021.

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  
Deputy Attorney General  
4 State Bar No. 234540  
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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 Accusation Against:  
14 **MARISEL ROSA CHIBAS, M.D.**  
2302 Merrill Center Dr.  
15 El Centro, CA 92243  
16 **Physician's and Surgeon's Certificate**  
No. A 85381,  
17  
18 Respondent.

Case No. 800-2017-039799

OAH No. 2020080036

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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 Karolyn M. Westfall,  
25 Deputy Attorney General.

26 2. Respondent Marisel Rosa Chibas, M.D. (Respondent) is represented in this  
27 proceeding by attorney Robert W. Frank, Esq., whose address is: Neil, Dymott, Frank, McFall &  
28 Trexler, McCabe & Hudson, APLC, 110 West A Street, Suite 1200, San Diego, CA 92101.







1 obtained from the pre-assessment, self-report forms and interview, and the Decision(s),  
2 Accusation(s), and any other information that the Board or its designee deems relevant. The  
3 program shall require Respondent's on-site participation for a minimum of three (3) and no more  
4 than five (5) days as determined by the program for the assessment and clinical education  
5 evaluation. Respondent shall pay all expenses associated with the clinical competence  
6 assessment program.

7 At the end of the evaluation, the program will submit a report to the Board or its designee  
8 which unequivocally states whether the Respondent has demonstrated the ability to practice  
9 safely and independently. Based on Respondent's performance on the clinical competence  
10 assessment, the program will advise the Board or its designee of its recommendation(s) for the  
11 scope and length of any additional educational or clinical training, evaluation or treatment for any  
12 medical condition or psychological condition, or anything else affecting Respondent's practice of  
13 medicine. Respondent shall comply with the program's recommendations.

14 Determination as to whether Respondent successfully completed the clinical competence  
15 assessment program is solely within the program's jurisdiction.

16 If Respondent fails to enroll, participate in, or successfully complete the clinical  
17 competence assessment program within the designated time period, Respondent shall receive a  
18 notification from the Board or its designee to cease the practice of medicine within three (3)  
19 calendar days after being so notified. Respondent shall not resume the practice of medicine until  
20 enrollment or participation in the outstanding portions of the clinical competence assessment  
21 program have been completed. If Respondent did not successfully complete the clinical  
22 competence assessment program, Respondent shall not resume the practice of medicine until a  
23 final decision has been rendered on the accusation and/or a petition to revoke probation. The  
24 cessation of practice shall not apply to the reduction of the probationary time period.

25 Within 60 days after Respondent has successfully completed the clinical competence  
26 assessment program, Respondent shall participate in a professional enhancement program  
27 approved in advance by the Board or its designee, which shall include quarterly chart review,  
28 semi-annual practice assessment, and semi-annual review of professional growth and education.

1 Respondent shall participate in the professional enhancement program at Respondent's expense  
2 during the term of probation, or until the Board or its designee determines that further  
3 participation is no longer necessary.

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

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

13 4. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
14 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
15 advanced practice nurses.

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

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

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

24 7. GENERAL PROBATION REQUIREMENTS.

25 Compliance with Probation Unit

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

27 Address Changes

28 Respondent shall, at all times, keep the Board informed of Respondent's business and

1 residence addresses, email address (if available), and telephone number. Changes of such  
2 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
3 circumstances shall a post office box serve as an address of record, except as allowed by Business  
4 and Professions Code section 2021, subdivision (b).

5 Place of Practice

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

9 License Renewal

10 Respondent shall maintain a current and renewed California physician's and surgeon's  
11 license.

12 Travel or Residence Outside California

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

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

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

22 9. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
23 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
24 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
25 defined as any period of time Respondent is not practicing medicine as defined in Business and  
26 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
27 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
28 Respondent resides in California and is considered to be in non-practice, Respondent shall



1 comply with all terms and conditions of probation. All time spent in an intensive training  
2 program which has been approved by the Board or its designee shall not be considered non-  
3 practice and does not relieve Respondent from complying with all the terms and conditions of  
4 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
5 on probation with the medical licensing authority of that state or jurisdiction shall not be  
6 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
7 period of non-practice.

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

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

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

15 Periods of non-practice for a Respondent residing outside of California will relieve  
16 Respondent of the responsibility to comply with the probationary terms and conditions with the  
17 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
18 General Probation Requirements; and Quarterly Declarations.

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

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

1 the matter is final.

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

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

17 ACCEPTANCE

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

23  
24 DATED: 2/25/2021


  
25 MARISEL ROSA GHIBAS, M.D.  
Respondent

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

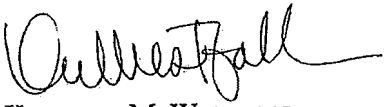
DATED: 2-26-21

  
ROBERT FRANK, ESQ.  
*Attorney for Respondent*

**ENDORSEMENT**

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

DATED: 2/26/21

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
  
KAROLYN M. WESTFALL  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2017-039799**

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

14 In the Matter of the Accusation Against:

Case No. 800-2017-039799

15 **MARISEL ROSA CHIBAS, M.D.**  
2302 Merrill Center Dr.  
El Centro, CA 92243

**A C C U S A T I O N**

16 **Physician's and Surgeon's Certificate**  
No. A 85381,

17 Respondent.

18  
19  
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 December 5, 2003, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. A 85381 to Marisel Rosa Chibas, 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 September 30, 2021, unless renewed.

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 (Code) unless otherwise  
4 indicated.

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

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

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

12           ...

13           (b) Gross negligence.

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

17           ...

18           (d) Incompetence.

19           ...

20       6.    Section 2266 of the Code states: The failure of a physician and surgeon to maintain  
21 adequate and accurate records relating to the provision of services to their patients constitutes  
22 unprofessional conduct.

**FIRST CAUSE FOR DISCIPLINE**

**(Gross Negligence)**

25       7.    Respondent has subjected her Physician's and Surgeon's Certificate No. A 85381 to  
26 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of  
27 the Code, in that she was grossly negligent in her care and treatment of Patient A, as more  
28 particularly alleged hereinafter:

1           8. On or about January 30, 2014, Patient A<sup>1</sup> was admitted to El Centro Regional  
2 Medical Center by S.G., M.D. (Dr. S.G.) with concerns of pregnancy induced hypertension and  
3 preeclampsia. Patient A was forty-one-years-old at the time and 36 2/7 weeks gestational age.  
4 Labs taken on that date revealed a normal platelet count of 162,000, and 2+ protein on urinalysis.  
5 The patient's blood pressure over the course of a ten hour period was labile, ranging between  
6 135/67 to 167/81. Dr. S.G.'s plan at that time was to monitor the patient overnight.

7           9. On or about January 31, 2014, at approximately 5:55 a.m., Patient A's repeat  
8 urinalysis revealed 2+ protein. Between approximately 6:08 a.m. and 8:21 a.m., the patient's  
9 blood pressure was consecutively measured to be 194/93, 163/81, and 159/74.

10          10. On or about January 31, 2014, at approximately 8:00 a.m., Patient A's care was  
11 assumed by Respondent. Respondent did not have access to the patient's prenatal records and she  
12 did not review Dr. S.G.'s notes before meeting with the patient.

13          11. Sometime after 8:00 a.m., Respondent met with Patient A but did not perform a  
14 detailed examination. Respondent introduced herself to the patient, reviewed the patient's blood  
15 pressure readings, and received a report from the nurse. Respondent did not prepare or document  
16 a diagnosis or plan of care for the patient at that time.

17          12. Throughout January 31, 2014, the patient's blood pressure remained labile, ranging  
18 between 137/78 to 183/91. Respondent ordered continued observation and repeat labs. Between  
19 approximately 8:00 p.m. and 9:16 p.m., the patient's blood pressure was consecutively measured  
20 to be 170/84, 178/82, and 183/91. Respondent did not treat the patient's elevated blood pressure  
21 at that time, or any time thereafter.

22          13. At approximately 9:00 p.m., Respondent met with Patient A for the second time and  
23 informed her that an induction would need to be initiated if there was any worsening of her  
24 preeclampsia.

25          14. On or about February 1, 2014, at approximately 6:06 a.m., Patient A's blood pressure  
26 was measured to be 160/79. Labs ordered by Respondent revealed a platelet count of 130,000.

27 \_\_\_\_\_  
28 <sup>1</sup> To protect the privacy of the patient involved, the patient's name has not been included  
in this pleading. Respondent is aware of the identity of the patient referred to herein.

1 As a result of the drop in platelets, Respondent formed the belief that the patient needed to be  
2 induced. At approximately 8:00 a.m., Respondent spoke with the incoming physician, Dr. E.M.,  
3 and informed him of her opinion that the patient needed to be induced. Dr. E.M. informed  
4 Respondent that he would handle the patient's induction when he arrived at the hospital later that  
5 morning.

6 15. Between January 31, 2014, and February 1, 2014, while providing care to Patient A,  
7 Respondent did not order or obtain 24-hour urine collection from the patient, did not treat the  
8 patient's elevated blood pressures in any way, and did not diagnose the patient with severe  
9 preeclampsia at any time.

10 16. Respondent committed gross negligence in her care and treatment of Patient A by  
11 failing to appropriately diagnose, manage, and treat the patient for preeclampsia and elevated  
12 blood pressure.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Repeated Negligent Acts)**

15 17. Respondent has further subjected her Physician's and Surgeon's Certificate No.  
16 A 85381 to disciplinary action under sections 2227 and 2234, as defined by section 2234,  
17 subdivision (c), of the Code, in that she committed repeated negligent acts in her care and  
18 treatment of Patient A, as more particularly alleged hereinafter:

19 A. Paragraphs 7 through 16, above, are hereby incorporated by reference and  
20 realleged as if fully set forth herein;

21 B. Failing to perform a bedside evaluation and review of records of Patient A in  
22 the morning on or about January 31, 2014, in order to make appropriate plan of  
23 care decisions.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Incompetence)**

26 18. Respondent has further subjected her Physician's and Surgeon's Certificate No.  
27 A 85381 to disciplinary action under sections 2227 and 2234, as defined by section 2234,  
28 subdivision (d), of the Code, in that she has demonstrated incompetence in her care and treatment



1 of Patient A, as more particularly alleged in paragraphs 7 through 16, above, which are hereby  
2 incorporated by reference and re-alleged as if fully set forth herein.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Maintain Adequate and Accurate Records)**


5 19. Respondent has further subjected her Physician's and Surgeon's Certificate No.  
6 A 85381 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the  
7 Code, in that Respondent failed to maintain adequate and accurate records regarding her care and  
8 treatment of Patient A, as more particularly alleged in paragraphs 7 through 16, above, which are  
9 hereby incorporated by reference and realleged as if fully set forth herein.

10 **PRAYER**

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

- 13 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 85381, issued  
14 to Respondent, Marisel Rosa Chibas, M.D.;
- 15 2. Revoking, suspending or denying approval of Respondent, Marisel Rosa Chibas,  
16 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 17 3. Ordering Respondent, Marisel Rosa Chibas, M.D., if placed on probation, to pay the  
18 Board the costs of probation monitoring; and
- 19 4. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: JUL 09 2020

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

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