

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

**In the Matter of the Accusation  
Against:**

**Carlos X. Montano, M.D.**

**Physician's and Surgeon's  
Certificate No. A 41718**

**Case No. 800-2017-034615**

**Respondent.**

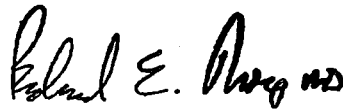
**DECISION**

**The attached Stipulated Revocation 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 June 21, 2021.**

**IT IS SO ORDERED June 21, 2021.**

**MEDICAL BOARD OF CALIFORNIA**



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

1 XAVIER BECERRA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 GIOVANNI F. MEJIA  
Deputy Attorney General  
4 State Bar No. 309951  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9072  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **CARLOS X. MONTANO, M.D.**  
15 **1545 Nutmeg Place**  
**Costa Mesa, CA 92626**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 41718**

18 Respondent.

Case No. 800-2017-034615

OAH No. 2020120563

**STIPULATED REVOCATION OF  
LICENSE AND 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). This action was previously brought by Christine J. Lally solely in her prior  
24 official capacity as Interim Executive Director of the Board. Complainant is represented in this  
25 matter by Xavier Becerra, Attorney General of the State of California, by Giovanni F. Mejia,  
26 Deputy Attorney General.

27 ///

28 ///

2. Carlos X. Montano, M.D. (Respondent) is represented in this proceeding by attorneys Dennis K. Ames, Esq. and Poge Henderson, Esq., whose address is: La Follette, Johnson, DeHaas, Fesler & Ames, 2677 North Main Street, Suite 901, Santa Ana, CA 92705-6632.

3. On or about December 13, 1985, the Board issued Physician's and Surgeon's Certificate No. A 41718 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-034615 and will expire on December 31, 2022, unless renewed.

#### **JURISDICTION**

4. Accusation No. 800-2017-034615 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 9, 2020. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2017-034615 is attached as Exhibit A and incorporated herein by reference.

#### **ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2017-034615. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Revocation of License and Order.

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

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

////

////

1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 800-2017-034615, and that he has thereby subjected his Physician's and Surgeon's  
4 Certificate No. A 41718 to disciplinary action.

5 9. Respondent understands that by signing this stipulation, he enables the Board to issue  
6 an order revoking his Physician's and Surgeon's Certificate without further process.

7 **CONTINGENCY**

8 10. The parties agree that this Stipulated Revocation of License and Order shall be  
9 submitted to the Board for its consideration in the above-entitled matter and, further, that the  
10 Board shall have a reasonable period of time in which to consider and act on this Stipulated  
11 Revocation of License and Order after receiving it. By signing this stipulation, Respondent fully  
12 understands and agrees that he may not withdraw his agreement or rescind this stipulation prior to  
13 the time the Board considers and acts upon it.

14 11. The parties agree that this Stipulated Revocation of License and Order shall be null  
15 and void and not binding upon the parties unless approved and adopted by the Board, except for  
16 this paragraph, which shall remain in full force and effect. Respondent fully understands and  
17 agrees that in deciding whether or not to approve and adopt this Stipulated Revocation of License  
18 and Order, the Board may receive oral and written communications from its staff and/or the  
19 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the  
20 Board, any member thereof, and/or any other person from future participation in this or any other  
21 matter affecting or involving respondent. In the event that the Board, in its discretion, does not  
22 approve and adopt this Stipulated Revocation of License and Order, with the exception of this  
23 paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall  
24 not be relied upon or introduced in any disciplinary action by either party hereto. Respondent  
25 further agrees that should the Board reject the Stipulated Revocation of License and Order for any  
26 reason, respondent will assert no claim that the Board, or any member thereof, was prejudiced by  
27 its/his/her review, discussion and/or consideration of this Stipulated Revocation of License and  
28 Order or of any matter or matters related hereto.

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4

5  
6  
7

89

## 0

- 1
- 2
- 3

4  
5  
6

7  
8

90

- 1
- 2
- 3
- 4
- 5
- 6

7  
8

1 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
2 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
3 contained in Accusation No. 800-2017-034615 shall be deemed to be true, correct and admitted  
4 by Respondent when the Board determines whether to grant or deny the petition.

5 6. If Respondent should ever apply or reapply for a new license or certification, or  
6 petition for reinstatement of a license, by any other health care licensing agency in the State of  
7 California, all of the charges and allegations contained in Accusation, No. 800-2017-034615 shall  
8 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
9 Issues or any other proceeding seeking to deny or restrict licensure.

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///


27 ///

28 ///

1 ACCEPTANCE

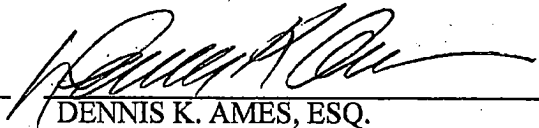
2 I have carefully read the above Stipulated Revocation of License and Order and have fully  
3 discussed it with my attorney Dennis K. Ames, Esq., Pogey Henderson, Esq., or both. I  
4 understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate.  
5 I enter into this Stipulated Revocation of License and Order voluntarily, knowingly, and  
6 intelligently, and agree to be bound by the Decision and Order of the Medical Board of  
7 California.

8  
9 DATED: 5/5/2021

  
CARLOS X. MONTANO, M.D.  
Respondent

11 I have read and fully discussed with Respondent Carlos X. Montano, M.D. the terms and  
12 conditions and other matters contained in this Stipulated Revocation of License and Order. I  
13 approve its form and content.

14 DATED: 5/5/2021

  
DENNIS K. AMES, ESQ.  
POGEY HENDERSON, ESQ.  
Attorneys for Respondent

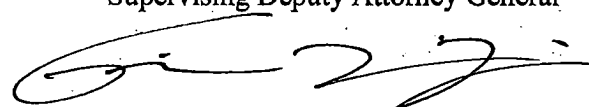
17 ENDORSEMENT

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

20 DATED: 5/5/2021

Respectfully submitted,

21 XAVIER BECERRA  
22 Attorney General of California  
23 MATTHEW M. DAVIS  
Supervising Deputy Attorney General

24   
25 GIOVANNI F. MEJIA  
26 Deputy Attorney General  
27 Attorneys for Complainant

28 SD2020700546  
82833382.docx

**Exhibit A**

**Accusation No. 800-2017-034615**



1 XAVIER BECERRA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 GIOVANNI F. MEJIA  
Deputy Attorney General  
4 State Bar No. 309951  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9072  
7 Facsimile: (619) 645-2061

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:

Case No. 800-2017-034615

14 **Carlos X. Montano, M.D.**  
15 **1545 Nutmeg Place**  
**Costa Mesa, CA 92626-2560**

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

16 **Physician's and Surgeon's Certificate**  
17 **No. A 41718,**

Respondent.

18  
19 **PARTIES**

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

23 2. On or about December 13, 1985, the Medical Board issued Physician's and Surgeon's  
24 Certificate No. A 41718 to Carlos X. Montano, 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 December 31, 2020, unless renewed.

27 ///

28 ///

- 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

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

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

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

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

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

(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.

•

• • • •

- 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

2  
3  
4

5

6  
7  
8

10  
11

12

13  
14  
15

17

18

21

24

25

26  
27  
28

1 holding a license, certificate or permit to perform the functions authorized by the  
2 license, certificate or permit in a manner consistent with the public health, safety or  
3 welfare. Such crimes or acts shall include but not be limited to the following:  
Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
violation of, or conspiring to violate any provision of the Medical Practice Act.

4  
5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Conviction of Crimes Substantially Related to the Qualifications, Functions or Duties of a**  
7 **Physician and Surgeon)**

8 10. Respondent has subjected his Physician's and Surgeon's Certificate No. A 41718 to  
9 disciplinary action under sections 2227 and 2234 of the Code, as defined by sections 2236 of the  
10 Code and section 1360 of the Medical Practice Regulations, in that he was convicted of crimes  
11 substantially related to the qualifications, functions, or duties of a physician and surgeon. The  
12 circumstances are as follows:

13 11. In or around November 2, 2012<sup>1</sup> to December 15, 2016, Respondent wrote urine drug  
14 prescriptions for certain sober living residents and employees of Compass Rose Recovery and  
15 Compass Rose Staffing that were not medically necessary knowing that they would be presented  
16 to health insurance carriers, such as Anthem Blue Cross and United Health Care, in support of a  
17 healthcare claim.

18 12. On or about May 18, 2017, in the case entitled *The People of the State of California v.*  
19 *Carlos X. Montano, M.D.*, Superior Court of California, County of Orange, Case No. 17CF1241,  
20 a felony criminal complaint was filed in the Superior Court of California, County of Orange,  
21 charging Respondent with one felony count of violating Penal Code section 550, subdivision (a),  
22 paragraph (6) (Conspiracy to Commit Medical Insurance Fraud), and three felony counts of  
23 violating Penal Code section 550, subdivision (a), paragraph (5) (Insurance Fraud – Written  
24 Claim).

25 13. On or about July 26, 2018, in the case entitled *The People of the State of California v.*  
26 *Carlos X. Montano, M.D.*, Superior Court of California, County of Orange, Case No. 17CF1241,

27 <sup>1</sup> Any acts or omissions alleged to have occurred more than seven years prior to the date  
28 of filing of this Accusation are pleaded for information purposes only and not as a basis for  
disciplinary action.

1 Respondent was convicted, upon his plea of guilty, of two felony violations of Penal Code  
2 section 550, subdivision (a), paragraph (5) (Insurance Fraud – Written Claim).

3 14. As a result of this conviction, Respondent was sentenced to 365 days in Orange  
4 County jail and formal probation for five years. The terms and conditions of probation included,  
5 but were not limited to, payment of restitution in the amount of approximately \$57,550.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Conviction of More than One Count of Violating Section 550 of the Penal Code)**

8 15. Respondent has further subjected his Physician's and Surgeon's  
9 Certificate No. A 41718 to disciplinary action under sections 2227 and 2273 of the Code in that  
10 he was convicted of more than one count of violating section 550 of the Penal Code as more  
11 particularly alleged in paragraphs 12 through 14, above, which are hereby incorporated by  
12 reference and realleged as if fully set forth herein.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Dishonest or Corrupt Acts)**

15 16. Respondent has further subjected his Physician's and Surgeon's Certificate  
16 No. A 41718 to disciplinary action under sections 2227 and 2234 of the Code, as defined by  
17 section 2234, subdivision (e) of the Code and section 1360 of the Medical Practice Regulations,  
18 in that he committed one or more acts involving dishonesty or corruption that were substantially  
19 related to the qualification, functions, or duties of a physician and surgeon as more particularly  
20 alleged in paragraphs 10 through 15, above, which are hereby incorporated by reference and  
21 realleged as if fully set forth herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Violations of the Medical Practice Act)**

24 17. Respondent has further subjected his Physician's and Surgeon's Certificate  
25 No. A 41718 to disciplinary action under sections 2227 and 2234, as defined by section 2234,  
26 subdivision(a), of the Code in that he committed violations of one or more provisions of the  
27 Medical Practice Act, as more particularly alleged in paragraphs 10 through 16, above, which are  
28 hereby incorporated by reference and realleged as if fully set forth herein.

1 PRAYER

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

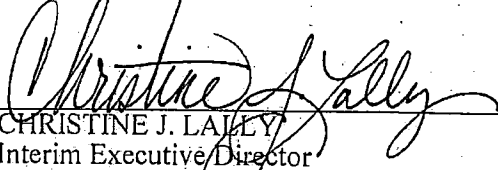
4 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 41718, issued to  
5 Respondent Carlos X. Montano, M.D.;

6 2. Revoking, suspending or denying approval of Respondent Carlos X.  
7 Montano, M.D.'s authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Respondent Carlos X. Montano, M.D., if placed on probation, to pay the  
9 Board the costs of probation monitoring; and

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

11 DATED: JUN 09 2020

12   
13 CHRISTINE J. LALLY  
14 Interim Executive Director  
15 Medical Board of California  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28