

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

**In the Matter of the Accusation  
Against**

**Xiaoling Zhu, M.D.**

**Physician's and Surgeon's  
Certificate No. A 98460**

**Respondent.**

**Case No. 800-2019-061224**

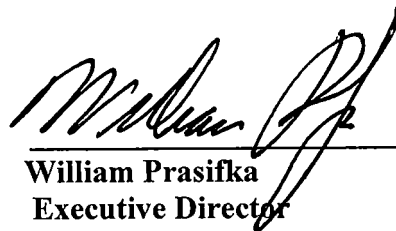
**DECISION**

**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 JUL 22 2021.**

**IT IS SO ORDERED JUL 15 2021.**

**MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
**William Prasifka  
Executive Director**

1 ROB BONTA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 THOMAS OSTLY  
Deputy Attorney General  
4 State Bar No. 209234  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3871  
6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:  
12 **XIAOLING ZHU, M.D.**  
13 **225 El Pinto**  
**Danville, CA 94526-1414**  
14  
15 **Physician's ad Surgeon's Certificate No. A**  
**98460**  
16 Respondent.

Case No. 800-2019-061224  
**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
18 interest and the responsibility of the Medical Board of California of the Department of Consumer  
19 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order  
20 which will be submitted to the Board for approval and adoption as the final disposition of the  
21 Accusation.

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 Rob Bonta, Attorney General of the State of California, by Thomas Ostly, Deputy  
26 Attorney General .

27 2. Xiaoling Zhu, M.D. (Respondent) is represented in this proceeding by attorney  
28 Robert Hodges, whose address is: 3480 Buskirk Ave #250, Pleasant Hill, CA 94523.

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1 3. On or about December 29, 2006, the Board issued Physician's ad Surgeon's  
 2 Certificate No. A 98460 to Xiaoling Zhu, M.D. (Respondent). The Physician's ad Surgeon's  
 3 Certificate was in full force and effect at all times relevant to the charges brought in Accusation  
 4 No. 800-2019-061224 and is currently suspended pursuant to an Interim Suspension Order issued  
 5 on May 6, 2021.

6 **JURISDICTION**

7 4. Accusation No. 800-2019-061224 was filed before the Board, and is currently  
 8 pending against Respondent. The Accusation and all other statutorily required documents were  
 9 properly served on Respondent on May 31, 2021. A copy of Accusation No. 800-2019-061224 is  
 10 attached as 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. 800-2019-061224. 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 her 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 her; the right to present evidence and to testify on her 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 understands that the charges and allegations in Accusation No. 800-2019-  
 26 061224, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and  
 27 Surgeon's Certificate.

1 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
3 basis for the charges in the Accusation and that those charges constitute cause for discipline.  
4 Respondent hereby gives up her right to contest that cause for discipline exists based on those  
5 charges.

6 10. Respondent understands that by signing this stipulation she enables the Board to issue  
7 an order accepting the surrender of her Physician's and Surgeon's Certificate without further  
8 process.

9 **CONTINGENCY**

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

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

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

24 **ORDER**

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 98460, issued  
26 to Respondent Xiaoling Zhu, M.D., is surrendered and accepted by the Board.

27 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the  
28 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
2 of Respondent's license history with the Board.

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

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


7 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent  
9 understands that she may not petition for reinstatement as a physician and surgeon for a period of  
10 two (2) years from the effective date of her surrender. Respondent must comply with all the laws,  
11 regulations and procedures for reinstatement of a revoked or surrendered license in effect at the  
12 time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-  
13 2019-061224 shall be deemed to be true, correct and admitted by Respondent when the Board  
14 determines whether to grant or deny the petition.

15 5. If Respondent should ever apply or reapply for a new license or certification, or  
16 petition for reinstatement of a license, by any other health care licensing agency in the State of  
17 California, all of the charges and allegations contained in Accusation, No. 800-2019-061224 shall  
18 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
19 Issues or any other proceeding seeking to deny or restrict licensure.

20 **ACCEPTANCE**

21 I have carefully read the above Stipulated Surrender of License and Order and have fully  
22 discussed it with my attorney Robert Hodges. I understand the stipulation and the effect it will  
23 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License  
24 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and  
25 Order of the Medical Board of California.

26  
27 DATED: 6/18/2021

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\_\_\_\_\_  
XIAOLING ZHU, M.D.  
Respondent

1 I have read and fully discussed with Respondent Xiaoling Zhu, M.D. the terms and  
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
3 approve its form and content.

4 DATED: 6/18/2021 Robert W. Hodges  
5 Robert W. Hodges  
6 Attorney for Respondent

7 **ENDORSEMENT**

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

10 DATED: June 21, 2021

Respectfully submitted,  
11 ROB BONTA  
Attorney General of California  
12 JANE ZACK SIMON  
Supervising Deputy Attorney General

13 /s/ Thomas Ostly  
14 THOMAS OSTLY  
15 Deputy Attorney General  
16 Attorneys for Complainant

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19 Stipulated Surrender of License and Order.docx

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Exhibit A

Accusation No. 800-2019-061224

1 ROB BONTA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 THOMAS OSTLY  
Deputy Attorney General  
4 State Bar No. 209234  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3871  
6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2019-061224

12 **Xiaoling Zhu, M.D.**  
13 **225 El Pinto**  
14 **Danville, CA 94526-1414**

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

15 **Physician's and Surgeon's Certificate**  
16 **No. A 98460,**

Respondent.

17  
18  
19 **PARTIES**

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

23 2. On or about December 29, 2006, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number A 98460 to Xiaoling Zhu, M.D. (Respondent). The Physician's and Surgeon's  
25 Certificate is renewed and current, with an expiration date of July 31, 2022. An Interim  
26 Suspension Order was issued on May 5, 2021 and Respondent's Physician's and Surgeon's  
27 license is suspended and will remain suspended until a final decision has been issued by the  
28 Medical Board.



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 2234 of the Code, states:

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

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

11            .....

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

15       5.    Section 2239 of the Code states:

16            (a) The use or prescribing for or administering to himself or herself, of any  
17 controlled substance; or the use of any of the dangerous drugs specified in Section  
18 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous  
19 or injurious to the licensee, or to any other person or to the public, or to the extent that  
20 such use impairs the ability of the licensee to practice medicine safely or more than  
21 one misdemeanor or any felony involving the use, consumption, or  
22 self-administration of any of the substances referred to in this section, or any  
23 combination thereof, constitutes unprofessional conduct. The record of the  
24 conviction is conclusive evidence of such unprofessional conduct.

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

28       7.    Section 2280 of the Code states:

          No licensee shall practice medicine while under the influence of any narcotic  
drug or alcohol to such extent as to impair his or her ability to conduct the practice of  
medicine with safety to the public and his or her patients. Violation of this section  
constitutes unprofessional conduct and is a misdemeanor.

8.       Section 822 of the Code provides that the Board may take action if a licentiate's  
ability to practice his or her profession safely is impaired because of mental or physical illness.

9.       Section 2228.1 of the Code provides, in pertinent part, that the Board shall require a

1 licensee who is disciplined based on drug or alcohol abuse to the extent that such use impairs the  
2 ability of the licensee to practice safely to disclose to his or her patients information regarding his  
3 or her probation status. The licensee is required to disclose: Probation status, the length of the  
4 probation, the probation end date, all practice restrictions placed on the license by the Board, the  
5 Board's telephone number, and an explanation of how the patient can find further information on  
6 the licensee's probation on the Board's Internet Web site.

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10 **FACTUAL ALLEGATIONS**

11 10. In October 2019, Respondent provided psychiatric treatment to a child, who was  
12 accompanied by his mother to the appointment. Respondent was late for the scheduled  
13 appointment, her eyes were heavy and lidded, her speech was slurred, and she exhibited  
14 significant confusion about the patient's condition. That confusion included, among other things,  
15 Respondent referring to the patient by the wrong gender and referencing the efficacy of  
16 medication the patient was not taking. The patient's mother reported that Respondent was under  
17 the influence during the appointment.

18 11. Respondent was arrested on August 29, 2019 for driving under the influence (DUI).  
19 The arrest report noted poor driving and Respondent's blood sample taken after the DUI stop  
20 tested positive for multiple controlled substances. Two of the substances detected in her blood  
21 were prescribed by Respondent to other persons in her household. Prescription bottles for  
22 controlled substances prescribed by Respondent to her husband were found in her car. During the  
23 traffic stop and investigation Respondent only admitted to police she had taken one medication.

24 12. CURES<sup>1</sup> reports from July 23, 2017 through July 23, 2020 reveal that three persons  
25 to whom Respondent prescribed were identified as Respondent's employee and relatives. The  
26

27 <sup>1</sup> The Controlled Substance Utilization Review and Evaluation System (CURES) is a  
28 program operated by the California Department of Justice. It tracks controlled substances  
prescriptions.

1 CURES report also showed all four individuals obtained prescriptions from various pharmacies in  
2 Truckee, CA. The prescriptions were for the same substances found in Respondent's blood  
3 sample during her DUI stop.

4 13. Multiple pharmacies expressed concern to Respondent over her prescribing practices,  
5 including prescribing opiates and benzodiazepines together and Respondent prescribing to family  
6 members. At least one pharmacy refused to fill Respondent's future prescriptions.

7 14. During her interview with the Board investigator, Respondent denied any illicit or  
8 recreational drug use, and Respondent did not disclose any form of treatment for drug  
9 dependency.

10 15. Respondent underwent an evaluation by a Board-appointed psychiatrist. The  
11 evaluator noted that Respondent prescribed large amounts of controlled substances to her family  
12 and an employee, and that those prescriptions were for the same drugs Respondent uses. The  
13 evaluator further noted that Respondent received prescriptions for many of the same drugs,  
14 including opioids and benzodiazepines, that she prescribed to her family and employee, that she  
15 took steps to obtain unauthorized refills of her medications, and demonstrated a pattern of using  
16 medications without appropriate medical oversight. The evaluator noted that Respondent had  
17 not obtained treatment for her substance use, and did not demonstrate insight into her  
18 inappropriate use of prescription medication or her inappropriate prescribing to others. The  
19 evaluator concluded that Respondent has an Opioid Use Disorder and Sedative Hypnotic or  
20 Anxiolytic Use Disorder that, unless appropriately treated, impairs her ability to safely practice  
21 medicine.

22 **FIRST CAUSE FOR BOARD ACTION**

23 (Impaired Ability to Safely Practice)

24 16. The allegations of paragraphs 10 through 15 are incorporated by reference as if set  
25 out in full. Respondent's certificate is subject to action by the Board pursuant to sections 2227  
26 and 822 of the Code in that Respondent is impaired in her ability to safely practice medicine as a  
27 result of mental illness and/or substance abuse.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct: Dangerous Use of Drugs and Alcohol)

3 17. The allegations of paragraphs 10 through 15 are incorporated by reference as if set  
4 out in full. Respondent’s certificate is subject to Board action for unprofessional conduct  
5 pursuant to sections 2234 and/or 2239 of the Code in that her history of drug abuse, obtaining  
6 illicit drugs for self-use, and diversion of drugs by use of her prescribing privileges, constitute  
7 unprofessional conduct and the use of controlled substances in a manner dangerous to herself and  
8 the public.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct: Dishonest Acts)

11 18. The allegations of paragraphs 10 through 15 are incorporated by reference as if set  
12 out in full. Respondent’s certificate is subject to Board action for unprofessional conduct  
13 pursuant to sections 2234 and/or 2234(e) of the Code for false statements made to the Board  
14 investigator regarding her use of narcotics.

15 **THIRD CAUSE FOR DISCIPLINE**

16 (Unprofessional Conduct: Practice While Impaired)

17 19. The allegations of paragraphs 10 through 15 are incorporated by reference as if set  
18 out in full. Respondent’s certificate is subject to Board action for unprofessional conduct  
19 pursuant to sections 2234 and/or 2280 of the Code for practicing while impaired.

20  
21 **PRAYER**


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

- 24 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 98460,  
25 issued to Xiaoling Zhu, M.D.;
- 26 2. Revoking, suspending or denying approval of Xiaoling Zhu, M.D.'s authority to  
27 supervise physician assistants and advanced practice nurses;

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- 3. Ordering Xiaoling Zhu, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
- 4. Ordering Respondent, if placed on probation, to provide disclosure/patient notification in accordance with Business and Professions Code sections 2228.1; and,
- 5. Taking such other and further action as deemed necessary and proper.

DATED:           MAY 28 2021          

  
\_\_\_\_\_  
WILLIAM PRASIFKA  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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