

**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

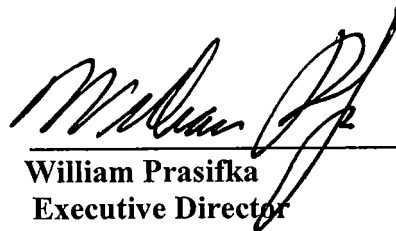
DECISION

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.

XZ

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 ad 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

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

16 /s/ Thomas Ostly
17 THOMAS OSTLY
18 Deputy Attorney General
19 Attorneys for Complainant

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21 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
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2019-061224

13 **Xiaoling Zhu, M.D.**
14 **225 El Pinto**
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,**

17 Respondent.

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

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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

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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. CURES¹ 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
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27 ¹ 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.

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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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