

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

In the Matter of the Accusation
Against:

Mrunal Bhatt, M.D.

Physician's and Surgeon's
Certificate No. A 84457

Respondent.

Case No.: 800-2020-064842

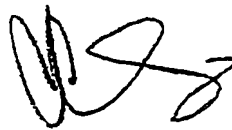
DECISION

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 August 18, 2021.

IT IS SO ORDERED: July 19, 2021.

MEDICAL BOARD OF CALIFORNIA



Laurie Rose Lubiano, J.D., Vice Chair
Panel A

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 CHRISTINE A. RHEE
Deputy Attorney General
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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:
14 **MRUNAL BHATT, M.D.**
15 **74 Interstellar**
Irvine, CA 92618
16 **Physician's and Surgeon's Certificate**
17 **No. A 84457,**
18 Respondent.

Case No. 800-2020-064842

OAH No. 2021010023

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

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 Christine A. Rhee, Deputy
26 Attorney General.

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1 **CULPABILITY**

2 9. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a prima facie case with respect to the charges and allegations contained in Accusation
4 No. 800-2020-064842 and agrees that he has thereby subjected his license to disciplinary action.

5 10. Respondent agrees that if he ever petitions for reinstatement of his license, or if an
6 accusation and/or petition to revoke probation is filed against him before the Board, all of the
7 charges and allegations in Accusation No. 800-2020-064842 shall be deemed true, correct, and
8 fully admitted by Respondent for purposes of any such proceeding or any other licensing
9 proceeding involving Respondent in the State of California.

10 11. Respondent acknowledges the Disciplinary Order below, requiring the disclosure of
11 probation pursuant to Business and Professions Code section 2228.1, serves to protect the public
12 interest.

13 12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
14 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
15 Disciplinary Order below.

16 **RESERVATION**

17 13. The admissions made by Respondent herein are only for the purposes of this
18 proceeding, or any other proceedings in which the Medical Board of California or other
19 professional licensing agency is involved, and shall not be admissible in any other criminal or
20 civil proceeding.

21 **CONTINGENCY**

22 14. This stipulation shall be subject to approval by the Medical Board of California.
23 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
24 Board of California may communicate directly with the Board regarding this stipulation and
25 settlement, without notice to or participation by Respondent or his counsel. By signing the
26 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
27 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
28 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary

1 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
2 action between the parties, and the Board shall not be disqualified from further action by having
3 considered this matter.

4 **ADDITIONAL PROVISIONS**

5 15. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
6 be an integrated writing representing the complete, final, and exclusive embodiment of the
7 agreements of the parties in the above-listed matter.

8 16. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
9 including copies of the signatures of the parties, may be used in lieu of original documents and
10 signatures and, further, that such copies shall have the same force and effect as originals.

11 17. In consideration of the foregoing admissions and stipulations, the parties agree that
12 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
13 enter the following Disciplinary Order:

14 **DISCIPLINARY ORDER**

15 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 84457 issued
16 to Respondent Mrunal Bhatt, M.D., is revoked. However, the revocation is stayed and
17 Respondent is placed on probation for five (5) years from the effective date of this Decision on
18 the following terms and conditions:

19 1. **PATIENT DISCLOSURE**. Before a patient's first visit following the effective date
20 of this order and while Respondent is on probation, Respondent must provide all patients, or
21 patient's guardian or health care surrogate, with a separate disclosure that includes Respondent's
22 probation status, the length of the probation, the probation end date, all practice restrictions
23 placed on Respondent by the Board, the Board's telephone number, and an explanation of how
24 the patient can find further information on Respondent's probation on Respondent's profile page
25 on the Board's website. Respondent shall obtain from the patient, or the patient's guardian or
26 health care surrogate, a separate, signed copy of that disclosure. Respondent shall not be required
27 to provide a disclosure if any of the following applies: (1) the patient is unconscious or otherwise
28 unable to comprehend the disclosure and sign the copy of the disclosure and a guardian or health

1 care surrogate is unavailable to comprehend the disclosure and sign the copy; (2) the visit occurs
2 in an emergency room or an urgent care facility or the visit is unscheduled, including
3 consultations in inpatient facilities; (3) Respondent is not known to the patient until immediately
4 prior to the start of the visit; or (4) Respondent does not have a direct treatment relationship with
5 the patient.

6 2. CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO
7 RECORDS AND INVENTORIES. Respondent shall maintain a record of all controlled
8 substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any
9 recommendation or approval which enables a patient or patient's primary caregiver to possess or
10 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health
11 and Safety Code section 11362.5, during probation, showing all of the following: (1) the name
12 and address of the patient; (2) the date; (3) the character and quantity of controlled substances
13 involved; and (4) the indications and diagnosis for which the controlled substances were
14 furnished.

15 Respondent shall keep these records in a separate file or ledger, in chronological order. All
16 records and any inventories of controlled substances shall be available for immediate inspection
17 and copying on the premises by the Board or its designee at all times during business hours and
18 shall be retained for the entire term of probation.

19 3. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain
20 completely from the personal use or possession of controlled substances as defined in the
21 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
22 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
23 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
24 illness or condition.

25 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
26 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
27 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
28 telephone number.

1 4. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
2 use of products or beverages containing alcohol.

3 5. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
4 days of the effective date of this Decision, Respondent shall provide to the Board the names,
5 physical addresses, mailing addresses, and telephone numbers of any and all employers and
6 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
7 worksite monitor, and Respondent's employers and supervisors to communicate regarding
8 Respondent's work status, performance, and monitoring.

9 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
10 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
11 privileges.

12 6. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
13 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
14 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
15 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
16 make daily contact with the Board or its designee to determine whether biological fluid testing is
17 required. Respondent shall be tested on the date of the notification as directed by the Board or its
18 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
19 any time, including weekends and holidays. Except when testing on a specific date as ordered by
20 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
21 basis. The cost of biological fluid testing shall be borne by the Respondent.

22 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
23 During the second year of probation and for the duration of the probationary term, up to five (5)
24 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no
25 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
26 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
27 of random tests to the first-year level of frequency for any reason.

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1 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
2 approved in advance by the Board or its designee, that will conduct random, unannounced,
3 observed, biological fluid testing and meets all of the following standards:

4 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
5 Association or have completed the training required to serve as a collector for the United
6 States Department of Transportation.

7 (b) Its specimen collectors conform to the current United States Department of
8 Transportation Specimen Collection Guidelines.

9 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
10 by the United States Department of Transportation without regard to the type of test
11 administered.

12 (d) Its specimen collectors observe the collection of testing specimens. .

13 (e) Its laboratories are certified and accredited by the United States Department of Health
14 and Human Services.

15 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
16 of receipt and all specimens collected shall be handled pursuant to chain of custody
17 procedures. The laboratory shall process and analyze the specimens and provide legally
18 defensible test results to the Board within seven (7) business days of receipt of the
19 specimen. The Board will be notified of non-negative results within one (1) business day
20 and will be notified of negative test results within seven (7) business days.

21 (g) Its testing locations possess all the materials, equipment, and technical expertise
22 necessary in order to test Respondent on any day of the week.

23 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
24 for the detection of alcohol and illegal and controlled substances.

25 (i) It maintains testing sites located throughout California.

26 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
27 computer database that allows the Respondent to check in daily for testing.

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1 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
2 access to drug test results and compliance reporting information that is available 24 hours a
3 day.

4 (l) It employs or contracts with toxicologists that are licensed physicians and have
5 knowledge of substance abuse disorders and the appropriate medical training to interpret
6 and evaluate laboratory biological fluid test results, medical histories, and any other
7 information relevant to biomedical information.

8 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
9 while practicing, even if the Respondent holds a valid prescription for the substance.

10 Prior to changing testing locations for any reason, including during vacation or other travel,
11 alternative testing locations must be approved by the Board and meet the requirements above.

12 The contract shall require that the laboratory directly notify the Board or its designee of
13 non-negative results within one (1) business day and negative test results within seven (7)
14 business days of the results becoming available. Respondent shall maintain this laboratory or
15 service contract during the period of probation.

16 A certified copy of any laboratory test result may be received in evidence in any
17 proceedings between the Board and Respondent.

18 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
19 administered to himself a prohibited substance, the Board shall order Respondent to cease
20 practice and instruct Respondent to leave any place of work where Respondent is practicing
21 medicine or providing medical services. The Board shall immediately notify all of Respondent's
22 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
23 provide medical services while the cease-practice order is in effect.

24 A biological fluid test will not be considered negative if a positive result is obtained while
25 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
26 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

27 After the issuance of a cease-practice order, the Board shall determine whether the positive
28 biological fluid test is in fact evidence of prohibited substance use by consulting with the

1 specimen collector and the laboratory, communicating with the licensee, his or her treating
2 physician(s), other health care provider, or group facilitator, as applicable.

3 For purposes of this condition, the terms “biological fluid testing” and “testing” mean the
4 acquisition and chemical analysis of a Respondent’s urine, blood, breath, or hair.

5 For purposes of this condition, the term “prohibited substance” means an illegal drug, a
6 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
7 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
8 instructed by the Board not to use, consume, ingest, or administer to himself.

9 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
10 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
11 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
12 any other terms or conditions the Board determines are necessary for public protection or to
13 enhance Respondent’s rehabilitation.

14 7. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
15 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
16 prior approval, the name of a substance abuse support group which he shall attend for the duration
17 of probation. Respondent shall attend substance abuse support group meetings at least once per
18 week, or as ordered by the Board or its designee. Respondent shall pay all substance abuse
19 support group meeting costs.

20 The facilitator of the substance abuse support group meeting shall have a minimum of three
21 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
22 or certified by the state or nationally certified organizations. The facilitator shall not have a
23 current or former financial, personal, or business relationship with Respondent within the last five
24 (5) years. Respondent’s previous participation in a substance abuse group support meeting led by
25 the same facilitator does not constitute a prohibited current or former financial, personal, or
26 business relationship.

27 The facilitator shall provide a signed document to the Board or its designee showing
28 Respondent’s name, the group name, the date and location of the meeting, Respondent’s

1 attendance, and Respondent's level of participation and progress. The facilitator shall report any
2 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
3 or its designee, within twenty-four (24) hours of the unexcused absence.

4 8. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
5 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
6 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
7 licensed physician and surgeon, or other licensed health care professional if no physician and
8 surgeon is available, or, as approved by the Board or its designee, a person in a position of
9 authority who is capable of monitoring the Respondent at work.

10 The worksite monitor shall not have a current or former financial, personal, or familial
11 relationship with Respondent, or any other relationship that could reasonably be expected to
12 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
13 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
14 monitor, this requirement may be waived by the Board or its designee, however, under no
15 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

16 The worksite monitor shall have an active unrestricted license with no disciplinary action
17 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
18 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
19 by the Board or its designee.

20 Respondent shall pay all worksite monitoring costs.

21 The worksite monitor shall have face-to-face contact with Respondent in the work
22 environment on as frequent a basis as determined by the Board or its designee, but not less than
23 once per week; interview other staff in the office regarding Respondent's behavior, if requested
24 by the Board or its designee; and review Respondent's work attendance.

25 The worksite monitor shall verbally report any suspected substance abuse to the Board and
26 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
27 substance abuse does not occur during the Board's normal business hours, the verbal report shall
28 be made to the Board or its designee within one (1) hour of the next business day. A written

1 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
2 any other information deemed important by the worksite monitor shall be submitted to the Board
3 or its designee within 48 hours of the occurrence.

4 The worksite monitor shall complete and submit a written report monthly or as directed by
5 the Board or its designee which shall include the following: (1) Respondent's name and
6 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
7 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
8 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
9 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
10 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
11 lead to suspected substance abuse by Respondent. Respondent shall complete any required
12 consent forms and execute agreements with the approved worksite monitor and the Board, or its
13 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

14 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
15 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
16 approval, the name and qualifications of a replacement monitor who will be assuming that
17 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
18 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
19 monitor, Respondent shall receive a notification from the Board or its designee to cease the
20 practice of medicine within three (3) calendar days after being so notified. Respondent shall
21 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
22 responsibility.

23 9. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
24 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
25 probation.

26 A. If Respondent commits a major violation of probation as defined by section
27 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
28 one or more of the following actions:

1 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
2 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
3 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
4 order issued by the Board or its designee shall state that Respondent must test negative for at least
5 a month of continuous biological fluid testing before being allowed to resume practice. For
6 purposes of determining the length of time a Respondent must test negative while undergoing
7 continuous biological fluid testing following issuance of a cease-practice order, a month is
8 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
9 notified in writing by the Board or its designee that he may do so.

10 (2) Increase the frequency of biological fluid testing.

11 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
12 other action as determined by the Board or its designee.

13 B. If Respondent commits a minor violation of probation as defined by section
14 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
15 one or more of the following actions:

16 (1) Issue a cease-practice order;

17 (2) Order practice limitations;

18 (3) Order or increase supervision of Respondent;

19 (4) Order increased documentation;

20 (5) Issue a citation and fine, or a warning letter;

21 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
22 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
23 Regulations, at Respondent's expense;

24 (7) Take any other action as determined by the Board or its designee.

25 C. Nothing in this Decision shall be considered a limitation on the Board's authority
26 to revoke Respondent's probation if he has violated any term or condition of probation. If
27 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
28 opportunity to be heard, may revoke probation and carry out the disciplinary order that was

1 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
2 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
3 is final, and the period of probation shall be extended until the matter is final.

4 10. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
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 11. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
14 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
15 advanced practice nurses.

16 12. 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 13. 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 14. GENERAL PROBATION REQUIREMENTS.

25 Compliance with Probation Unit

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

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1 Address Changes

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

7 Place of Practice

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

11 License Renewal

12 Respondent shall maintain a current and renewed California physician’s and surgeon’s
13 license.

14 Travel or Residence Outside California

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

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

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

24 16. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
25 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
26 30 calendar days and within 15 calendar days of Respondent’s return to practice. Non-practice is
27 defined as any period of time Respondent is not practicing medicine as defined in Business and
28 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct

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

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

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

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

17 Periods of non-practice for a Respondent residing outside of California will relieve
18 Respondent of the responsibility to comply with the probationary terms and conditions with the
19 exception of this condition and the following terms and conditions of probation: Obey All Laws;
20 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
21 Controlled Substances; and Biological Fluid Testing..

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

26 18. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
27 of probation is a violation of probation. If Respondent violates probation in any respect, the
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and

1 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
2 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
4 the matter is final.

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

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

20 21. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
21 a new license or certification, or petition for reinstatement of a license, by any other health care
22 licensing action agency in the State of California, all of the charges and allegations contained in
23 Accusation No. 800-2020-064842 shall be deemed to be true, correct, and admitted by
24 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
25 restrict license.

26 **ACCEPTANCE**

27 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
28 discussed it with my attorney, Kevin D. Cauley, Esq. I understand the stipulation and the effect it

1 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
2 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
3 Decision and Order of the Medical Board of California.

4
5 DATED: 5/4/21 
6 MRUNAL BHATT, M.D.
7 Respondent

8 I have read and fully discussed with Respondent Mrunal Bhatt, M.D., the terms and
9 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
10 I approve its form and content.

11 DATED: May 5, 2021 
12 KEVIN D. CAULEY, ESQ.
13 Attorney for Respondent

ENDORSEMENT

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

16 DATED: _____

Respectfully submitted,

17
18 ROB BONTA
19 Attorney General of California
20 ALEXANDRA M. ALVAREZ
21 Supervising Deputy Attorney General

22
23 CHRISTINE A. RHEE
24 Deputy Attorney General
25 Attorneys for Complainant

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1 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
2 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
3 Decision and Order of the Medical Board of California.

4
5 DATED: _____
6 MRUNAL BHATT, M.D.
7 Respondent

8 I have read and fully discussed with Respondent Mrunal Bhatt, M.D., the terms and
9 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
10 I approve its form and content.


11 DATED: _____
12 KEVIN D. CAULEY, ESQ.
13 Attorney for Respondent

14 **ENDORSEMENT**

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

17 DATED: May 5, 2021 _____

18 Respectfully submitted,
19 ROB BONTA
20 Attorney General of California
21 ALEXANDRA M. ALVAREZ
22 Supervising Deputy Attorney General

23 
24 CHRISTINE A. RHEE
25 Deputy Attorney General
26 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2020-064842

1 XAVIER BECERRA
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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2020-064842

14 **MRUNAL BHATT, M.D.**
15 **74 Interstellar**
Irvine, CA 92618

ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. A84457,**

18 Respondent.

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 August 29, 2003, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A84457 to Mrunal Bhatt, M.D. (Respondent). Physician's and Surgeon's
26 Certificate No. A84457 was in full force and effect at all times relevant to the charges brought
27 herein and will expire on March 31, 2021, unless renewed.

28 *///*

1 (d) Taking such other action in relation to the licentiate as the licensing agency
2 in its discretion deems proper.

3 ...

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

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

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

10 ...

11 8. Unprofessional conduct under section 2234 of the code is conduct which breaches the
12 rules or ethical code of the medical profession, or conduct which is unbecoming to a member in
13 good standing of the medical profession, and which demonstrates an unfitness to practice
14 medicine. *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

15 9. Section 2238 of the Code, states:

16 A violation of any federal statute or federal regulation or of any of the statutes
17 or regulations of this state regulating dangerous drugs or controlled substances
18 constitutes unprofessional conduct.

19 10. Section 2239 of the Code states, in pertinent part:

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

...

FACTUAL ALLEGATIONS

11. On or about January 5, 2020, Respondent was working on a laparoscopic
cholecystectomy in the operating room of a hospital as the anesthesiologist. During the
procedure, Respondent and the surgeon stepped out of the operating room for x-rays to be taken.
After the x-rays were completed, Respondent did not return to the operating room. Attempts

1 were made to find Respondent by calling the doctor's lounge and paging Respondent over the
2 intercom.

3 12. A short period of time later, Respondent returned to the operating room. A nurse
4 observed that Respondent was slurring his speech, had difficulty keeping his eyes open, and had
5 an unsteady gait. The nurse had to shout at Respondent and clap her hands multiple times to
6 wake Respondent up. The patient was extubated and the surgery was completed. The nurse
7 reported Respondent's irregular behavior to the hospital's management and filed an incident
8 report.

9 13. Later that day, two physicians from Respondent's practice group met Respondent at
10 his home to take him to the hospital to take a drug test. Respondent told them that he had used
11 fentanyl.¹ One of the physicians saw fresh needle marks in Respondent's arm. According to
12 Respondent, Respondent took a leave of absence from his practice group.

13 14. On or about June 12, 2020, the Board ordered Respondent to submit to physical and
14 mental examinations pursuant to Business and Professions Code section 820.

15 15. On or about June 26, 2020, Respondent submitted to a mental examination conducted
16 by M.N., M.D., a psychiatrist who is Board-certified in addiction medicine. Respondent told
17 M.N., M.D., that he had started self-injecting fentanyl in 2019 for gout-related pain and that his
18 use escalated from June 2019 to January 2020. By January 2020, Respondent was injecting
19 between 250 to 750 micrograms of fentanyl every two or three days. He admitted to injecting
20 fentanyl at work one time prior to the January 5, 2020, incident. Respondent also told M.N.,
21 M.D., that he had told his colleagues that he had been diverting fentanyl from the operating room
22 when they confronted him on or about January 5, 2020. Following this incident, Respondent
23 went to inpatient rehab, and at the time of his interview with M.N., M.D., Respondent was in
24 outpatient recovery.

25 16. After interviewing Respondent on or about June 26, 2020, and reviewing the Board's
26 investigative documents and the results of Respondent's psychiatric testing, M.N., M.D., opined

27 _____
28 ¹ Fentanyl is an opioid and a Schedule II controlled substance pursuant to Health and
Safety Code section 11055, subdivision (b).

1 that Respondent has opioid use disorder in early remission and that his disorder affects his ability
2 to practice medicine safely.

3 **FIRST CAUSE FOR ACTION**
4 **(Mental Illness Affecting Competency)**

5 17. Respondent's Physician's and Surgeon's Certificate No. A84457 is subject to action
6 under section 822 of the Code, in that Respondent has a mental illness affecting competency, as
7 more particularly alleged in paragraphs 11 through 16, above, which are hereby incorporated by
8 reference and re-alleged as if fully set forth herein.

9 **FIRST CAUSE FOR DISCIPLINE**
10 **(Use or Administering to Himself of Any Controlled Substance)**

11 18. Respondent's Physician's and Surgeon's Certificate No. A84457 is subject to
12 disciplinary action under sections 2227 and 2234, as defined by and section 2239, of the Code, in
13 that Respondent administered a controlled substance to himself, as more particularly alleged in
14 paragraphs 11 through 16, above, which are hereby incorporated by reference and re-alleged as if
15 fully set forth herein.

16 **SECOND CAUSE FOR DISCIPLINE**
17 **(Violating State Statutes Regulating Controlled Substances)**

18 19. Respondent's Physician's and Surgeon's Certificate No. A84457 is further subjected
19 to disciplinary action under sections 2227 and 2234, as defined by and section 2238, of the Code,
20 in that Respondent violated state statutes regulating controlled substances, as more particularly
21 alleged in paragraphs 11 through 18, above, which are hereby incorporated by reference and re-
22 alleged as if fully set forth herein.

23 **PRAYER**

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

26 I. Revoking or suspending Physician's and Surgeon's Certificate No. A84457, issued to
27 Respondent Mrunal Bhatt, M.D.;

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- 2. Revoking, suspending or denying approval of Respondent Mrunal Bhatt, M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 3. Ordering Respondent Mrunal Bhatt, M.D., if placed on probation, to pay the Board the costs of probation monitoring;
- 4. Taking action as authorized by section 822 of the Code as the Board, in its discretion, deems necessary and proper; and
- 5. Taking such other and further action as deemed necessary and proper.

DATED: NOV 25 2020



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

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