

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

In the Matter of the Accusation Against:

Jasbir Singh Tiwana, M.D.

Physician's & Surgeon's
Certificate No. A 105298

Respondent.

Case No. 800-2020-066844

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 October 1, 2021.

IT IS SO ORDERED: September 1, 2021.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRIS LEONG
Deputy Attorney General
4 State Bar No. 141079
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 269-6460
Facsimile: (916) 731-2117
7 E-mail: chris.leong@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 JASBIR SINGH TIWANA, M.D.

13 2060-D Avenida De Los Arboles, #765
14 Thousand Oaks, CA 91362

15 Physician's and Surgeon's Certificate No.
16 A 105298

17 Respondent.

Case No. 800-2020-066844

OAH No. 2021030801

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Chris Leong, Deputy
25 Attorney General.

26 2. Respondent Jasbir Singh Tiwana, M.D. (Respondent) is represented in this
27 proceeding by attorney Frederick M. Ray, Esq., whose address is: 5000 Birch Street, Suite 7000
28 Newport Beach, CA 92660-8151.

1 Board, all of the charges and allegations contained in Accusation No. 800-2020-066844 shall be
2 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
3 other licensing proceeding involving Respondent in the State of California.

4 16. The parties understand and agree that Portable Document Format (PDF) and facsimile
5 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
6 signatures thereto, shall have the same force and effect as the originals.

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

10 **DISCIPLINARY ORDER**

11 **IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. A 105298
12 issued to Respondent Jasbir Singh Tiwana, M.D. is revoked. However, the revocation is stayed
13 and Respondent is placed on probation for four (4) years on the following terms and conditions:

14 1. **SUSPENSION.** Respondent's certificate will be suspended for twenty (20) days
15 commencing on the effective date of the Decision.

16 2. **ALCOHOL - ABSTAIN FROM USE.** Respondent shall abstain completely from the
17 use of products or beverages containing alcohol. If Respondent has a confirmed positive
18 biological fluid test for alcohol, Respondent shall receive a notification from the Board or its
19 designee to immediately cease the practice of medicine. The Respondent shall not resume the
20 practice of medicine until the final decision on an accusation and/or a petition to revoke probation
21 is effective. An accusation and/or petition to revoke probation shall be filed by the Board within
22 30 days of the notification to cease practice. If the Respondent requests a hearing on the
23 accusation and/or petition to revoke probation, the Board shall provide the Respondent with a
24 hearing within 30 days of the request, unless the Respondent stipulates to a later hearing. the case
25 is heard by an Administrative Law Judge alone, he or she shall forward a Proposed Decision to
26 the Board within 15 days of submission of the matter. Within 15 days of receipt by the Board of
27 the Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless
28 good cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its

1 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
2 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
3 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
4 practice shall not apply to the reduction of the probationary time period.

5 If the Board does not file an accusation or petition to revoke probation within 30 days of the
6 issuance of the notification to cease practice or does not provide Respondent with a hearing
7 within 30 days of such a request, the notification of cease practice shall be dissolved.

8 3. CONTROLLED SUBSTANCES – ABSTAIN FROM USE. Respondent shall
9 abstain completely from the personal use or possession of controlled substances as defined in the
10 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
11 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
12 apply to medications lawfully prescribed to respondent by another practitioner for a bona fide
13 illness or condition.

14 Within 15 calendar days of receiving any lawfully prescribed medications, respondent shall
15 notify the Board or its designee of the: issuing practitioner's name, address, and telephone
16 number, medication name, strength, and quantity; and issuing pharmacy name, address, and
17 telephone number.

18 If respondent has a confirmed positive biological fluid test for any substance (whether or
19 not legally prescribed) and has not reported the use to the Board or its designee, respondent shall
20 receive a notification from the Board or its designee to immediately cease the practice of medicine.
21 The respondent shall not resume the practice of medicine until the final decision on an accusation
22 and/or a petition to revoke probation is effective. An accusation and/or petition to revoke
23 probation shall be filed by the Board within 30 days of the notification to cease practice. If the
24 respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
25 shall provide the respondent with a hearing within 30 days of the request, unless the respondent
26 stipulates to a later hearing. If the case is heard by an Administrative Law Judge alone, he or she
27 shall forward a Proposed Decision to the Board within 15 days of submission of the matter.

28 Within 15 days of receipt by the Board of the Administrative Law Judge's proposed decision, the

1 Board shall issue its Decision, unless good cause can be shown for the delay. If the case is heard
2 by the Board, the Board shall issue its decision within 15 days of submission of the case, unless
3 good cause can be shown for the delay. Good cause includes, but is not limited to, non-adoption
4 of the proposed decision, request for reconsideration, remands and other interlocutory orders
5 issued by the Board. The cessation of practice shall not apply to the reduction of the probationary
6 time period.

7 If the Board does not file an accusation or petition to revoke probation within 30 days of the
8 issuance of the notification to cease practice or does not provide respondent with a hearing within
9 30 days of such a request, the notification of cease practice shall be dissolved.

10 4. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
11 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
12 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
13 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
14 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
15 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
16 testing. The contract shall require results of the tests to be transmitted by the laboratory or
17 service directly to the Board or its designee within four hours of the results becoming available.
18 Respondent shall maintain this laboratory or service contract during the period of probation.

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

21 If Respondent fails to cooperate in a random biological fluid testing program within the
22 specified time frame, Respondent shall receive a notification from the Board or its designee to
23 immediately cease the practice of medicine. The Respondent shall not resume the practice of
24 medicine until the final decision on an accusation and/or a petition to revoke probation is
25 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30
26 days of the notification to cease practice. If the Respondent requests a hearing on the accusation
27 and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within
28 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by

1 an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board
2 within 15 days of submission of the matter. Within 15 days of receipt by the Board of the
3 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good
4 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
5 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
6 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
7 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
8 practice shall not apply to the reduction of the probationary time period.

9 If the Board does not file an accusation or petition to revoke probation within 15 days of the
10 issuance of the notification to cease practice or does not provide Respondent with a hearing
11 within 30 days of such a request, the notification of cease practice shall be dissolved.

12 5. COMMUNITY SERVICE - FREE SERVICES. Within 60 calendar days of the
13 effective date of this Decision, Respondent shall submit to the Board or its designee for prior
14 approval a community service plan in which Respondent shall, within the first 2 years of
15 probation, provide 40 hours of free services medical or nonmedical to a community or non-profit
16 organization.

17 Prior to engaging in any community service, Respondent shall provide a true copy of the
18 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief
19 executive officer at every community or non-profit organization where Respondent provides
20 community service and shall submit proof of compliance to the Board or its designee within 15
21 calendar days. This condition shall also apply to any change(s) in community service.

22 Community service performed prior to the effective date of the Decision shall not be
23 accepted in fulfillment of this condition.

24 6. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
25 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
26 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
27 Respondent shall participate in and successfully complete that program. Respondent shall
28 provide any information and documents that the program may deem pertinent. Respondent shall

1 successfully complete the classroom component of the program not later than six (6) months after
2 Respondent's initial enrollment, and the longitudinal component of the program not later than the
3 time specified by the program, but no later than one (1) year after attending the classroom
4 component. The professionalism program shall be at Respondent's expense and shall be in
5 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

6 A professionalism program taken after the acts that gave rise to the charges in the
7 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
8 or its designee, be accepted towards the fulfillment of this condition if the program would have
9 been approved by the Board or its designee had the program been taken after the effective date of
10 this Decision.

11 Respondent shall submit a certification of successful completion to the Board or its
12 designee not later than 15 calendar days after successfully completing the program or not later
13 than 15 calendar days after the effective date of the Decision, whichever is later.

14 7. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
15 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
16 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
17 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
18 consider any information provided by the Board or designee and any other information the
19 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
20 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
21 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
22 psychiatric evaluations and psychological testing.

23 Respondent shall comply with all restrictions or conditions recommended by the evaluating
24 psychiatrist within 15 calendar days after being notified by the Board or its designee.

25 8. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar days of the
26 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board
27 or its designee, Respondent shall undergo a medical evaluation by a Board-appointed physician
28 who shall consider any information provided by the Board or designee and any other information

1 the evaluating physician deems relevant and shall furnish a medical report to the Board or its
2 designee. Respondent shall provide the evaluating physician with any information and
3 documentation that the evaluating physician may deem pertinent.

4 Following the evaluation, Respondent shall comply with all restrictions or conditions
5 recommended by the evaluating physician within 15 calendar days after being notified by the
6 Board or its designee. If Respondent is required by the Board or its designee to undergo medical
7 treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the
8 Board or its designee for prior approval the name and qualifications of a California licensed
9 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent
10 shall within 15 calendar days undertake medical treatment and shall continue such treatment until
11 further notice from the Board or its designee.

12 The treating physician shall consider any information provided by the Board or its designee
13 or any other information the treating physician may deem pertinent prior to commencement of
14 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
15 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
16 Respondent shall provide the Board or its designee with any and all medical records pertaining to
17 treatment that the Board or its designee deems necessary.

18 If, prior to the completion of probation, Respondent is found to be physically incapable of
19 resuming the practice of medicine without restrictions, the Board shall retain continuing
20 jurisdiction over Respondent's license and the period of probation shall be extended until the
21 Board determines that Respondent is physically capable of resuming the practice of medicine
22 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

23 9. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
24 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
25 Chief Executive Officer at every hospital where privileges or membership are extended to
26 Respondent, at any other facility where Respondent engages in the practice of medicine,
27 including all physician and locum tenens registries or other similar agencies, and to the Chief
28 Executive Officer at every insurance carrier which extends malpractice insurance coverage to

1 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
2 calendar days. This condition shall apply to any change(s) in hospitals, other facilities or
3 insurance carrier.

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

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

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

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

15 13. GENERAL PROBATION REQUIREMENTS.

16 Compliance with Probation Unit

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

18 Address Changes

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

24 Place of Practice

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

28 //

1 License Renewal

2 Respondent shall maintain a current and renewed California physician's and surgeon's
3 license.

4 Travel or Residence Outside California

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

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

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

14 15. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
15 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
16 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
17 defined as any period of time Respondent is not practicing medicine as defined in Business and
18 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
19 patient care, clinical activity or teaching, or other activity as approved by the Board. If
20 Respondent resides in California and is considered to be in non-practice, Respondent shall
21 comply with all terms and conditions of probation. All time spent in an intensive training
22 program which has been approved by the Board or its designee shall not be considered non-
23 practice and does not relieve Respondent from complying with all the terms and conditions of
24 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
25 on probation with the medical licensing authority of that state or jurisdiction shall not be
26 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
27 period of non-practice.

28 In the event Respondent's period of non-practice while on probation exceeds 18 calendar

1 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
2 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
3 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
4 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

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

12 16. COMPLETION OF PROBATION. Respondent shall comply with all financial
13 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
14 completion of probation. Upon successful completion of probation, Respondent's certificate shall
15 be fully restored.

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

23 18. LICENSE SURRENDER. Following the effective date of this Decision, if
24 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
25 the terms and conditions of probation, Respondent may request to surrender his or her license.
26 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
27 determining whether or not to grant the request, or to take any other action deemed appropriate
28 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent

1 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
2 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
3 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
4 application shall be treated as a petition for reinstatement of a revoked certificate.

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

10 20. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
11 a new license or certification, or petition for reinstatement of a license, by any other health care
12 licensing action agency in the State of California, all of the charges and allegations contained in
13 Accusation No. 800-2020-066844 shall be deemed to be true, correct, and admitted by
14 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
15 restrict license.

16 ACCEPTANCE

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

22
23 DATED: June 15th 2021



24 JASBIR SINGH TIWANA, M.D.
Respondent

25 I concur with this stipulated settlement.

26
27 DATED: 6/15/2021



28 FREDERICK M. RAY
Attorney for Respondent

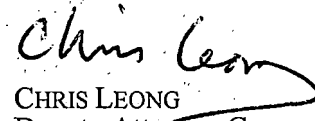
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

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

DATED: June 16, 2021 Respectfully submitted,

ROB BONTA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General


CHRIS LEONG
Deputy Attorney General
Attorneys for Complainant

LA2021600057
Tiwana Stipulation with added MBC Abstain Drugs provision.docx

Exhibit A

Accusation No. 800-2020-066844

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRIS LEONG
Deputy Attorney General
4 State Bar No. 141079
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 269-6460
Facsimile: (916) 731-2117
7 E-mail: chris.leong@doj.ca.gov
Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against

Case No. 800-2020-066844

13 JASBIR SINGH TIWANA, M.D.

A C C U S A T I O N

14 2060-D Avenida De Los Arboles, #765
Thousand Oaks, California 91362

15 Physician's and Surgeon's Certificate
16 No. A 105298,

17 Respondent.

18 **PARTIES**

19 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
20 as the Executive Director of the Medical Board of California (Board).

21 2. On August 20, 2008, the Board issued Physician's and Surgeon's Certificate Number
22 A 105298 to Jasbir Singh Tiwana, M.D. (Respondent). That license was in full force and effect at
23 all times relevant to the charges brought herein and will expire on August 31, 2022, unless
24 renewed.

25 ///

26 ///

27 ///

28

1 JURISDICTION

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

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

9 5. Section 2234 of the Code, states:

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

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

14 (b) Gross negligence.

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

17 (1) An initial negligent diagnosis followed by an act or omission medically
18 appropriate for that negligent diagnosis of the patient shall constitute a single
negligent act.

19 (2) When the standard of care requires a change in the diagnosis, act, or
20 omission that constitutes the negligent act described in paragraph (1), including, but
not limited to, a reevaluation of the diagnosis or a change in treatment, and the
21 licensee's conduct departs from the applicable standard of care, each departure
constitutes a separate and distinct breach of the standard of care.

22 (d) Incompetence.

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

25 (f) Any action or conduct that would have warranted the denial of a certificate.

26 (g) The failure by a certificate holder, in the absence of good cause, to attend
27 and participate in an interview by the board. This subdivision shall only apply to a
certificate holder who is the subject of an investigation by the board.

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

6. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

7. Section 2239 of the Code states:

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

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Medical Board may order discipline of the licensee in accordance with Section 2227 or the Medical Board may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

8. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has

1 been convicted of a crime, if the crime is substantially related to the qualifications,
functions, or duties of the business or profession for which the license was issued.

2 (b) Notwithstanding any other provision of law, a board may exercise any
3 authority to discipline a licensee for conviction of a crime that is independent of the
4 authority granted under subdivision (a) only if the crime is substantially related to the
qualifications, functions, or duties of the business or profession for which the
licensee's license was issued.

5 "..."

6 9. Section 493 of the Code states:

7 (a) Notwithstanding any other law, in a proceeding conducted by a board within
8 the department pursuant to law to deny an application for a license or to suspend or
revoke a license or otherwise take disciplinary action against a person who holds a
9 license, upon the ground that the applicant or the licensee has been convicted of a
crime substantially related to the qualifications, functions, and duties of the licensee
10 in question, the record of conviction of the crime shall be conclusive evidence of the
fact that the conviction occurred, but only of that fact.

11 (b) (1) Criteria for determining whether a crime is substantially related to the
12 qualifications, functions, or duties of the business or profession the board regulates
shall include all of the following:

13 (A) The nature and gravity of the offense.

14 (B) The number of years elapsed since the date of the offense.

15 (C) The nature and duties of the profession.

16 (2) A board shall not categorically bar an applicant based solely on the type of
17 conviction without considering evidence of rehabilitation.

18 (c) As used in this section, "license" includes "certificate," "permit,"
"authority," and "registration."

19 (d) This section does not in any way modify or otherwise affect the existing
20 authority of the following entities in regard to licensure:

21 (1) The State Athletic Commission.

22 (2) The Bureau for Private Postsecondary Education.

23 (3) The California Horse Racing Board.

24 (e) This section shall become operative on July 1, 2020.

25 10. Vehicle Code Section 2315, subdivisions (a), (b) and (c) state:

26 (a) It is unlawful for a person who is under the influence of any alcoholic beverage to drive
27 a vehicle.

28 (b) It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or
her blood to drive a vehicle.

1 For purposes of this article and Section 34501.16, percent, by weight, of alcohol in a
2 person's blood is based upon grams of alcohol per 100 milliliters of blood or grams of
3 alcohol per 210 liters of breath.

4 In any prosecution under this subdivision, it is a rebuttable presumption that the person had
5 0.08 percent or more, by weight, of alcohol in his or her blood at the time of driving the
6 vehicle if the person had 0.08 percent or more, by weight, of alcohol in his or her blood at
7 the time of the performance of a chemical test within three hours after the driving.

8 (c) It is unlawful for a person who is addicted to the use of any drug to drive a vehicle. This
9 subdivision shall not apply to a person who is participating in a narcotic treatment program
10 approved pursuant to Article 3 (commencing with Section 11875) of Chapter 1 of Part 3 of
11 Division 10.5 of the Health and Safety Code.

12 11. California Code of Regulations, title 16, section 1360, states:

13 "For the purposes of denial, suspension or revocation of a license, certificate or permit
14 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
15 considered to be substantially related to the qualifications, functions or duties of a person holding
16 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
17 evidences present or potential unfitness of a person holding a license, certificate or permit to
18 perform the functions authorized by the license, certificate or permit in a manner consistent with
19 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
20 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
21 violation of, or conspiring to violate any provision of the Medical Practice Act."

22 FACTUAL ALLEGATIONS

23 12. On or about April 20, 2012, Respondent was driving a 2016 dark BMW sedan in the
24 area of Championship Drive and Nelson Road, in the city of Moorpark, California, at
25 approximately 7:59 p.m. Ventura County Sheriff's Deputy G. responded to a 911 call, where
26 another driver reported that Respondent was driving, swerving and almost caused a collision.
27 Deputy G. observed that Respondent was driving extremely slowly as he made a left turn from
28 Walnut Canyon Drive to Championship Drive. Deputy G. observed that Respondent was having
a hard time negotiating the turn. Respondent turned left onto Nelson Street, which is the entrance
to a gated neighborhood. Respondent drove on the left side of the road, and attempted to enter
through the exit gate of the community.

13. Deputy G. conducted a traffic stop and noticed Respondent's eyes were watery and he

1 had a blank stare on his face. Deputy G. asked for his driver's license, registration and insurance.
2 Respondent struggled to find the documents. Two times, Respondent tried to hand Deputy G.
3 unrelated paperwork. Respondent had a difficult time finding and removing his license from his
4 wallet. Deputy G. smelled the odor of an alcoholic beverage emanating from his breath.

5 14. Respondent agreed and attempted to perform standard field sobriety tests (SFSTs),
6 but he could not perform them. Deputy G. observed when Respondent walked, he was very
7 unsteady on his feet and had poor coordination. Deputy G. did not ask him to perform two of the
8 evaluations out of concern for his safety, since it appeared that as though he might fall over.

9 15. The following is a summary of the SFST evaluations:

10 A. Horizontal Gaze Nystagmus (HGN) Test, Vertical Gaze Nystagmus (VGN)
11 Test, Lack of Convergence Test (LOC): Respondent was unable to follow a stimulus without
12 moving his head. Deputy G. told Respondent several times to follow his finger with his eyes
13 only, without moving his head and Respondent stated he understood, but, during the horizontal
14 gaze check, the vertical gaze check and the lack of convergence check, Respondent moved his
15 head in order to follow Deputy G.'s finger.

16 B. Modified Romberg Balance Test: Respondent estimated 30 seconds to be 33
17 actual seconds. Respondent had a sway of approximately 2-3 inches. Additionally, it took
18 several times of explaining the test before Respondent was able to comprehend what Deputy G.
19 was asking him to do.

20 C. Walk and Turn: Respondent was unable to keep his balance during the
21 instruction phase of the test. Additionally, Respondent was unable to stand in the instructed
22 position during the instruction phase. Deputy G. explained the test to Respondent several times,
23 but Respondent appeared to have difficulty understanding the instructions. At one point in time,
24 Deputy G. asked if Respondent remembered how many steps to take and Respondent stated nine.
25 Satisfied that Respondent understood the instructions, Deputy G. asked him to start, but
26 Respondent did not move. It appeared as though Respondent might fall if he were to walk.
27 Therefore, Deputy G. stopped the evaluation.

28 D. One Leg Stand. During the one leg stand, Respondent lifted his right leg

1 approximately three inches off the ground, with his knee bent, his arms approximately six inches
2 away from his body for balance, and Respondent was looking at the horizon. Respondent lifted
3 his foot for approximately two seconds before returning it to the ground. Respondent appeared to
4 be swaying approximately 2-3 inches during this test. Afraid Respondent might fall, Deputy G.
5 stopped the evaluation.

6 E. Finger to Nose: Deputy G. did not have Respondent complete the evaluation,
7 due to fear Respondent might fall.

8 16. After the SFSTs were complete, Deputy G. asked if Respondent would provide a
9 Preliminary Alcohol Screen (PAS) breath sample and Respondent stated he would not and asked
10 for an attorney. Deputy G. then read the Admin Per Se document to Respondent, explaining that
11 Respondent did not have the right to an attorney before deciding which test to take. Additionally,
12 Deputy G. explained the process of obtaining a search warrant for a blood sample. Afterward,
13 Respondent stated he would provide a PAS breath sample. The PAS showed Respondent had a
14 blood alcohol concentration(BAC) of 0.23%, almost three times the Per Se Limit of 0.08% BAC
15 or higher.

16 17. Deputy G. placed Respondent under arrest for a violation of Vehicle Code Section
17 23152, subdivision(a) – Driving under the influence, and Vehicle Code Section 23152,
18 subdivision(b) – Driving with a BAC of 0.08% or higher. After telling Respondent he was under
19 arrest and without placing him in handcuffs, Deputy G. read the Miranda Advisement to
20 Respondent from his department-issued card. While Deputy G. was reading this to Respondent,
21 Respondent shook his head, indicating he understood. Deputy G. asked Respondent if he would
22 answer audibly, but Respondent just continued to shake his head. Respondent then provided an
23 evidentiary breath sample. The evidentiary breath sample showed Respondent had a BAC of
24 0.22% at 21:21 hours (9:21 p.m.) and 0.21% at 21:24 hours (9:24 p.m.).

25 18. Deputy G. transported Respondent to the Moorpark Police Station to complete the
26 pre-booking paperwork. Afterward, Deputy G. transported Respondent to the Pre-Trial Detention
27 facility to be booked. Respondent agreed to and submitted to PAS testing; The results were
28 .147% at 1:53 a.m. .164% at 1:57 a.m. and .158% at 2:00 a.m.

1 19. On or about August 5, 2020, in Ventura Superior Court in court case number
2 2020010916 MA, entitled *People of the State of California v. Jasbir Singh Tiwana*, Respondent
3 was charged with two misdemeanor counts:

4 a. Count 1 is a violation of Vehicle Code section 23152, subdivision (a), (driving a
5 vehicle while being under the influence of an alcoholic beverage) – plus Special Allegation 1 for
6 being 0.15% BAC and higher, and Special Allegation 2 that prior to the commission of the above
7 offense, Respondent was convicted on November 18, 2014 in Court Case number 2014008122, of
8 violating Vehicle Code section 23152, subdivision (b) in the Superior Court of California, County
9 of Ventura.

10 b. Count 2 is a violation of Vehicle Code section 23152, subdivision (b) (driving a
11 vehicle with 0.08% or more of alcohol in his blood) plus Special Allegations 1 and 2 – as alleged
12 in Count 1.

13 20. On or about August 5, 2020, Respondent pled guilty to all counts. He admitted to all
14 prior and special allegations associated with the criminal case. Respondent was sentenced to five
15 (5) years of formal probation, with terms and conditions, including, among other things, serving
16 20 days in the Ventura County Jail, and fines in excess of \$1,600.00.

17 **FIRST CAUSE FOR DISCIPLINE**

18 (Dangerous Use of Alcohol)

19 21. Respondent is subject to disciplinary action under section 2239 of the Code, in that he
20 used alcoholic beverages to the extent, or in such a manner as to be dangerous or injurious to
21 himself, or to any other person or to the public. The circumstances are as follows:

22 22. The allegations in paragraphs 10 through 18, inclusive, above are incorporated herein
23 by reference as if fully set forth.

24 **SECOND CAUSE FOR DISCIPLINE**

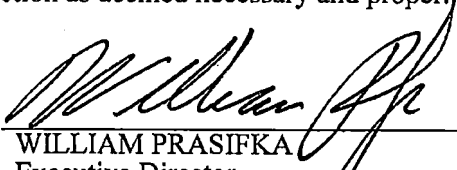
25 (Conviction of a Substantially Related Crime)

26 23. Respondent is subject to disciplinary action under sections 2236 and 490, of the
27 Code, in that he was convicted of offenses substantially related to the qualifications, functions, or
28 duties of a physician. The circumstances are as follows:

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

DATED: FEB 26 2021


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

Complainant

LA2021600057
4th Draft Accusation - SDAG Reviewed.docx