

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

In the Matter of the Accusation Against:

Duc Minh Vu, M.D.

Physician's and Surgeon's  
Certificate No. A 135611

Case No.: 800-2018-046620

Respondent.

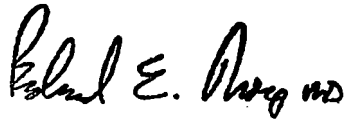
DECISION

The attached Stipulated Settlement 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 November 25, 2021.

IT IS SO ORDERED: October 26, 2021.

MEDICAL BOARD OF CALIFORNIA



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

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

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

13 In the Matter of the Accusation Against:

14 **DUC MINH VU, M.D.**  
15 **209 Camphor Pl.**  
**Orange, CA 92868-3233**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 135611,**

18 Respondent.

Case No. 800-2018-046620

OAH No. 2021040448

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of  
23 California (Board). 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 Karolyn M. Westfall,  
25 Deputy Attorney General.

26 2. Respondent Duc Minh Vu, M.D. (Respondent) is represented in this proceeding by  
27 attorney Courtney E. Pilchman, Esq., whose address is: 2030 Main Street, Suite 1300, Irvine, CA  
28 92614.

3. On or about April 10, 2015, the Board issued Physician's and Surgeon's Certificate No. A 135611 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-046620, and will expire on April 30, 2021, unless renewed.

## JURISDICTION

4. Accusation No. 800-2018-046620 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 15, 2021. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2018-046620 is attached hereto as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2018-046620. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 9. Respondent admits that, at an administrative hearing, Complainant could establish a  
3 *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-  
4 2018-046620, and agrees that he has thereby subjected his Physician's and Surgeon's Certificate  
5 No. A 135611 to disciplinary action.

6 10. Respondent further agrees that if he ever petitions for modification or early  
7 termination of probation, or if an accusation and/or petition to revoke probation is filed against  
8 him before the Medical Board of California, all of the charges and allegations contained in  
9 Accusation No. 800-2018-046620 shall be deemed true, correct, and fully admitted by  
10 Respondent for purposes of any such proceeding or any other licensing proceeding involving  
11 Respondent in the State of California or elsewhere.

12 11. Respondent agrees that his Physician's and Surgeon's Certificate No. A 135611 is  
13 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth  
14 in the Disciplinary Order below.

15 **CONTINGENCY**

16 12. This stipulation shall be subject to approval by the Medical Board of California.  
17 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
18 Board of California may communicate directly with the Board regarding this stipulation and  
19 settlement, without notice to or participation by Respondent or his counsel. By signing the  
20 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
21 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
22 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
23 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
24 action between the parties, and the Board shall not be disqualified from further action by having  
25 considered this matter.

26 13. Respondent agrees that if he ever petitions for early termination or modification of  
27 probation, or if an accusation and/or petition to revoke probation is filed against him before the  
28 Board, all of the charges and allegations contained in Accusation No. 800-2018-046620 shall be

1 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or  
2 any other licensing proceeding involving Respondent in the State of California.

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

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

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 135611  
11 issued to Respondent Duc Minh Vu, M.D., is revoked. However, the revocation is stayed and  
12 Respondent is placed on probation for five (5) years from the effective date of the Decision, on  
13 the following terms and conditions:

14 1. **PROFESSIONALISM PROGRAM (ETHICS COURSE)**. Within 60 calendar days of  
15 the effective date of this Decision, Respondent shall enroll in a professionalism program, that  
16 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
17 Respondent shall participate in and successfully complete that program. Respondent shall  
18 provide any information and documents that the program may deem pertinent. Respondent shall  
19 successfully complete the classroom component of the program not later than six (6) months after  
20 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
21 time specified by the program, but no later than one (1) year after attending the classroom  
22 component. The professionalism program shall be at Respondent's expense and shall be in  
23 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

2. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the effective date of this Decision, Respondent shall enroll in a professional boundaries program approved in advance by the Board or its designee. Respondent, at the program's discretion, shall undergo and complete the program's assessment of Respondent's competency, mental health and/or neuropsychological performance, and at minimum, a 24 hour program of interactive education and training in the area of boundaries, which takes into account data obtained from the assessment and from the Decision(s), Accusation(s) and any other information that the Board or its designee deems relevant. The program shall evaluate Respondent at the end of the training and the program shall provide any data from the assessment and training as well as the results of the evaluation to the Board or its designee.

Failure to complete the entire program not later than six (6) months after Respondent's initial enrollment shall constitute a violation of probation unless the Board or its designee agrees in writing to a later time for completion. Based on Respondent's performance in and evaluations from the assessment, education, and training, the program shall advise the Board or its designee of its recommendation(s) for additional education, training, psychotherapy and other measures necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with program recommendations. At the completion of the program, Respondent shall submit to a final evaluation. The program shall provide the results of the evaluation to the Board or its designee. The professional boundaries program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

The program has the authority to determine whether or not Respondent successfully completed the program.

A professional boundaries course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have

1 been approved by the Board or its designee had the course been taken after the effective date of  
2 this Decision.

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

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

14       4.    PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,  
15 Respondent shall submit to the Board or its designee for prior approval the name and  
16 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who  
17 has a doctoral degree in psychology and at least five years of postgraduate experience in the  
18 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall  
19 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
20 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

21       The psychotherapist shall consider any information provided by the Board or its designee  
22 and any other information the psychotherapist deems relevant and shall furnish a written  
23 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
24 psychotherapist with any information and documents that the psychotherapist may deem  
25 pertinent.

26       Respondent shall have the treating psychotherapist submit quarterly status reports to the  
27 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
28 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of

1 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
2 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
3 period of probation shall be extended until the Board determines that Respondent is mentally fit  
4 to resume the practice of medicine without restrictions.

5 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

6 5. THIRD PARTY CHAPERONE. During probation, Respondent shall have a third  
7 party chaperone present while consulting, examining or treating patients. Respondent shall,  
8 within 30 calendar days of the effective date of the Decision, submit to the Board or its designee  
9 for prior approval name(s) of persons who will act as the third party chaperone.

10 If Respondent fails to obtain approval of a third party chaperone within 60 calendar days of  
11 the effective date of this Decision, Respondent shall receive a notification from the Board or its  
12 designee to cease the practice of medicine within three (3) calendar days after being so notified.  
13 Respondent shall cease the practice of medicine until a chaperone is approved to provide  
14 monitoring responsibility.

15 Each third party chaperone shall sign (in ink or electronically) and date each patient  
16 medical record at the time the chaperone's services are provided. Each third party chaperone  
17 shall read the Decision(s) and the Accusation(s), and fully understand the role of the third party  
18 chaperone.

19 Respondent shall maintain a log of all patients seen for whom a third party chaperone is  
20 required. The log shall contain the: 1) patient initials, address and telephone number; 2) medical  
21 record number; and 3) date of service. Respondent shall keep this log in a separate file or ledger,  
22 in chronological order, shall make the log available for immediate inspection and copying on the  
23 premises at all times during business hours by the Board or its designee, and shall retain the log  
24 for the entire term of probation.

25 Respondent is prohibited from terminating employment of a Board-approved third party  
26 chaperone solely because that person provided information as required to the Board or its  
27 designee.

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1 If the third party chaperone resigns or is no longer available, Respondent shall, within five  
2 (5) calendar days of such resignation or unavailability, submit to the Board or its designee, for  
3 prior approval, the name of the person(s) who will act as the third party chaperone. If Respondent  
4 fails to obtain approval of a replacement chaperone within 30 calendar days of the resignation or  
5 unavailability of the chaperone, Respondent shall receive a notification from the Board or its  
6 designee to cease the practice of medicine within three (3) calendar days after being so notified.  
7 Respondent shall cease the practice of medicine until a replacement chaperone is approved and  
8 assumes monitoring responsibility.

9 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision,  
10 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
11 Chief Executive Officer at every hospital where privileges or membership are extended to  
12 Respondent, at any other facility where Respondent engages in the practice of medicine,  
13 including all physician and locum tenens registries or other similar agencies, and to the Chief  
14 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
15 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
16 calendar days.

17 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

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

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

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

26 9. GENERAL PROBATION REQUIREMENTS.

27 Compliance with Probation Unit

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

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       10. 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       11. 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' 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 12. 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 13. 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 14. 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 15. 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 ACCEPTANCE


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

26  
27 DATED: 08/19/2021

  
\_\_\_\_\_  
DUC MINH VU, M.D.  
Respondent

1 I have read and fully discussed with Respondent, Duc Minh Vu, M.D., the terms and  
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
3 I approve its form and content.

4  
5 DATED: 8/19/21

  
COURTNEY E. PILCHMAN, ESQ.  
*Attorney for Respondent*


6  
7  
8 **ENDORSEMENT**

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

11 DATED: 8/19/21

Respectfully submitted,

12 ROB BONTA  
13 Attorney General of California  
14 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General

15   
16 KAROLYN M. WESTFALL  
17 Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2018-046620**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 KAROLYN M. WESTFALL  
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
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12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2018-046620

14 **DUC MINH VU, M.D.**  
209 Camphor Pl.  
15 Orange, CA 92868-3233

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

16 **Physician's and Surgeon's Certificate**  
17 **No. A 135611,**

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 April 10, 2015, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. A 135611 to Duc Minh Vu, M.D. (Respondent). The Physician's and Surgeon's  
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on April 30, 2021, unless renewed.

28 ///

**JURISDICTION**

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

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

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

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

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

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

(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

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

...

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

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

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

...

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

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1       6. Unprofessional conduct under Business and Professions Code section 2234 is conduct  
2 which breaches the rules or ethical code of the medical profession, or conduct which is  
3 unbecoming a member in good standing of the medical profession, and which demonstrates an  
4 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,  
5 575.)

6       7. Section 2236 of the Code states, in pertinent part:

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

12           ...

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

17       8. California Code of Regulations, title 16, section 1360, states:

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

28           **FIRST CAUSE FOR DISCIPLINE**

**(Conviction of an Offense Substantially Related to the Qualifications,  
          Functions, or Duties of a Physician and Surgeon)**

9.       Respondent has subjected his Physician's and Surgeon's Certificate No.  
A 135611 to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the  
Code, and California Code of Regulations, title 16, section 1360, in that he has been convicted of  
an offense substantially related to the qualifications, functions, or duties of a physician and  
surgeon, as more particularly alleged hereinafter:

///

1           10.     In or around August 2017, Respondent was living in a three bedroom house owned  
2 by his parents. Respondent occupied the master bedroom and had roommates renting the other  
3 two bedrooms.

4           11.     Sometime prior to August 5, 2017, Respondent acquired a USB plug wall charger  
5 and a mini clock radio that were both equipped with a hidden spy camera and SD card for  
6 recording.

7           12.     On or about August 5, 2017, Respondent received a phone call from his roommate  
8 informing Respondent that he was bringing a party bus of people over to the house to continue a  
9 birthday party celebration for his girlfriend. Sometime thereafter, approximately ten to fifteen  
10 people arrived at Respondent's house.

11          13.     On or about August 5, 2017, Respondent placed his USB plug wall charger and  
12 mini clock radio into the downstairs bathroom. Respondent set both items to record while facing  
13 the toilet and then exited the bathroom.

14          14.     On or about August 5, 2017, approximately 145 three-minute segments of video  
15 were recorded in the downstairs bathroom on Respondent's devices, including videos of multiple  
16 men and women using the restroom.

17          15.     At some point during the night, two of the party-goers observed the USB charger  
18 and mini clock radio were equipped with covert cameras and called the police.

19          16.     On or about January 9, 2018, Respondent was interviewed by a detective from the  
20 Orange Police Department. During that interview, Respondent admitted he knowingly placed the  
21 recording devices in the bathroom to record people on or about August 5, 2017.

22          17.     On or about August 16, 2018, the Orange County District Attorney filed a criminal  
23 complaint against Respondent in the matter entitled, *The People of the State of California vs. Duc*  
24 *Minh Vu*, County of Orange Superior Court Case No. 18CM06901. Respondent was charged  
25 with thirteen (13) counts of misdemeanor disorderly conduct, for secretly filming an identifiable  
26 person, who may be in a state of full or partial undress, for the purposes of viewing the body of  
27 and undergarments of the other person, without the consent and knowledge of the person, in an

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1 area where that other person had a reasonable expectation of privacy, with the intent to invade the  
2 person's privacy, in violation of Penal Code section 647(j)(3)(A).

3 18. On or about February 13, 2020, Respondent was convicted by a jury of ten counts  
4 of violating Penal Code section 647(j)(3)(A), in Superior Court Case No. 18CM06901.

5 19. On or about June 5, 2020, Respondent was sentenced to three years of formal  
6 probation, subject to various terms and conditions that included attending counseling and  
7 completing 90 days of community service.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Dishonesty or Corruption)**

10 20. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
11 A 135611 to disciplinary action under sections 2227 and 2234, as defined by section 2234,  
12 subdivision (e), of the Code, in that he has committed an act or acts of dishonesty or corruption,  
13 as more particularly alleged in paragraphs 9 through 19, above, which are hereby incorporated by  
14 reference and realleged as if fully set forth herein.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(General Unprofessional Conduct)**

17 21. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
18 A 135611 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged  
19 in conduct which breaches the rules or ethical code of the medical profession, or conduct which is  
20 unbecoming to a member in good standing of the medical profession, and which demonstrates an  
21 unfitness to practice medicine, as more particularly alleged in paragraphs 9 through 19, above,  
22 which are hereby incorporated by reference and realleged as if fully set forth herein.

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1 PRAYER

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


4 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 135611, issued  
5 to Respondent, Duc Minh Vu, M.D.;

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

8 3. Ordering Duc Minh Vu, M.D., if placed on probation, to pay the Board the costs of  
9 probation monitoring; and

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

11  
12 DATED: MAR 15 2021

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

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