

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

**In the Matter of the Accusation
Against:**

Martin Charles Nation, M.D.

**Physician's and Surgeon's
Certificate No. G 44036**

Respondent.

Case No. 800-2019-052595

DECISION

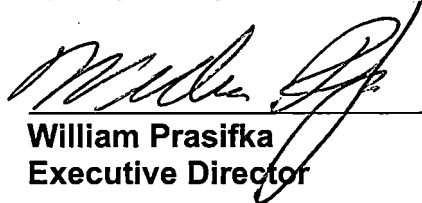
**The attached Stipulated Surrender of License and Disciplinary Order
is hereby adopted as the Decision and Order of the Medical Board of
California, Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on

NOV 19 2021

IT IS SO ORDERED NOV 12 2021

MEDICAL BOARD OF CALIFORNIA



**William Prasifka
Executive Director**

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
Deputy Attorney General-
4 State Bar No. 239872
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9401
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2019-052595

14 **MARTIN CHARLES NATION, M.D.**
1123 W. Struck Avenue
15 Orange, CA 92867

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate**
No. G 44036,

17 Respondent.
18

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 LeAnna E. Shields, Deputy
26 Attorney General.

27 2. Martin Charles Nation, M.D. (Respondent) is represented in this proceeding by
28 attorneys Peter R. Osinoff, Esq., and Carolyn W. Lindholm, Esq., with Bonne, Bridges, Mueller,

1 O'Keefe & Nichols, whose address is: 355 South Grand Avenue, Suite 1750, Los Angeles, CA
2 90071.

3 3. On or about January 12, 1981, the Board issued Physician's and Surgeon's Certificate
4 No. G 44036 to Respondent. The Physician's and Surgeon's Certificate was in full force and
5 effect at all times relevant to the charges brought in Accusation No. 800-2019-052595 and will
6 expire on June 30, 2022, unless renewed.

7 **JURISDICTION**

8 4. On September 15, 2021, Accusation No. 800-2019-052595 was filed before the
9 Board; and is currently pending against Respondent. A true and correct copy of Accusation No.
10 800-2019-052595 and all other statutorily required documents were properly served on
11 Respondent on September 15, 2021. Respondent timely filed his Notice of Defense contesting
12 the Accusation. A true and correct copy of Accusation No. 800-2019-052595 is attached hereto
13 as Exhibit A and incorporated by reference as if fully set forth herein.

14 **ADVISEMENT AND WAIVERS**

15 5. Respondent has carefully read, fully discussed with counsel, and fully understands the
16 charges and allegations in Accusation No. 800-2019-052595. Respondent also has carefully read,
17 fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of
18 License and Disciplinary Order.

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

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

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1 and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the
2 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

3 14. The parties agree that this Stipulated Surrender of License and Disciplinary Order
4 shall be null and void and not binding upon the parties unless approved and adopted by the
5 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
6 force and effect. Respondent fully understands and agrees that in deciding whether or not to
7 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
8 Director and/or the Board may receive oral and written communications from its staff and/or the
9 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
10 Executive Director, the Board, any member thereof, and/or any other person from future
11 participation in this or any other matter affecting or involving Respondent. In the event that the
12 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
13 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
14 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
15 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
16 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
17 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
18 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
19 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
20 of any matter or matters related hereto.

21 ADDITIONAL PROVISIONS

22 15. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
23 herein to be an integrated writing representing the complete, final and exclusive embodiment of
24 the agreements of the parties in the above-entitled matter.

25 16. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
26 Order, including copies of the signatures of the parties, may be used in lieu of original documents
27 and signatures and, further, that such copies shall have the same force and effect as originals.

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17. In consideration of the foregoing admissions and stipulations, the parties agree the Executive Director of the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 44036, issued to Respondent MARTIN CHARLES NATION, M.D., is hereby surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate No. G 44036, and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2019-052595 shall be deemed to be true, correct and fully admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2019-052595 shall be deemed to be true, correct, and fully admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.


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1 ACCEPTANCE

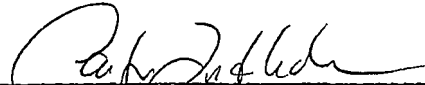
2 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
3 have fully discussed it with my attorneys, Peter R. Osinoff, Esq., and Carolyn W. Lindholm, Esq.
4 I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's
5 Certificate No. G 44036. I enter into this Stipulated Surrender of License and Disciplinary Order
6 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
7 Medical Board of California.

8
9 DATED: 2/Nov/21


MARTIN CHARLES NATION, M.D.
Respondent

11 I have read and fully discussed with Respondent Martin Charles Nation, M.D. the terms and
12 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
13 Order. I approve its form and content.

14
15 DATED: 11/2/21


PETER R. OSINOFF, ESQ.
CAROLYN W. LINDHOLM, ESQ.
Attorneys for Respondent

18 ENDORSEMENT

19 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
20 respectfully submitted for consideration by the Medical Board of California of the Department of
21 Consumer Affairs.

22 DATED: Nov. 3, 2021

Respectfully submitted,

23 ROB BONTA
24 Attorney General of California
25 MATTHEW M. DAVIS
26 Supervising Deputy Attorney General



27 LEANNA E. SHIELDS
28 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2019-052595

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
Deputy Attorney General
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Telephone: (619) 738-9401
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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2019-052595

14 **MARTIN CHARLES NATION, M.D.**
1123 W. Struck Avenue
15 Orange, CA 92867

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. G 44036,**

Respondent.

19
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about January 12, 1981, the Medical Board issued Physician's and Surgeon's
26 Certificate No. G 44036 to Martin Charles Nation, M.D. (Respondent). The Physician's and
27 Surgeon's Certificate No. G 44036 was in full force and effect at all times relevant to the charges
28 brought herein and will expire on June 30, 2022, unless renewed.

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:

(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.

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

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.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more 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.

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

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

9 ...
10 6. Section 2415 of the Code states, in pertinent part:

11 (a) Any physician and surgeon or any doctor of podiatric medicine, as the case
12 may be, who as a sole proprietor, or in a partnership, group, or professional
13 corporation, desires to practice under any name that would otherwise be a violation of
14 Section 2285 may practice under that name if the proprietor, partnership, group, or
15 corporation obtains and maintains in current status a fictitious-name permit issued by
16 the Division of Licensing, or, in the case of doctors of podiatric medicine, the
17 California Board of Podiatric Medicine, under the provisions of this section.

18 ...
19 7. Unprofessional conduct under section 2234 of the Code is conduct which breaches
20 the rules or ethical code of the medical profession, or conduct which is unbecoming to a member
21 in good standing of the medical profession, and which demonstrates an unfitness to practice
22 medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

23 FACTUAL ALLEGATIONS

24 8. On or about December 6, 2012, the Medical Board of California issued Fictitious
25 Name Permit (FNP) No. 43596 to Flawless Med Spa (FMS), identifying Respondent as president
26 and owner of the business.

27 9. On or about December 31, 2016, the FNP No. 43596 expired and was not renewed.

28 10. According to FMS operational policies and procedures, Respondent was the sole
physician and medical director of FMS. Respondent was responsible for supervising procedures
performed by FMS staff, including, but not limited to, registered nurses and nurse practitioners.

11. On or about December 17, 2020, during an interview with investigators with the
Division of Investigation, Respondent indicated he was Board certified in orthopedic surgery.
Respondent admitted having no formal training or certifications in the treatments provided by
FMS, including, but not limited to, laser treatments, facial injections, photo facials, and cool

1 sculpting. Respondent indicated he purchased a comprehensive textbook about dermatologic
2 surgery when he began working with FMS.

3 12. During his interview with investigators, Respondent also indicated he only visited
4 FMS once a month to review records. When asked about specific operations at FMS, Respondent
5 could not clearly specify how many employees were on staff at FMS, who arranged staffing
6 schedules, or the identities of the staff and their credentials. Respondent also admitted he was not
7 actively involved in hiring FMS staff, but was merely introduced to them upon hiring.
8 Respondent also could not identify who was the other listed owner on the corporation documents,
9 who issued his paychecks, and indicated he did not have keys to FMS.

10 **Patient A¹**

11 13. On or about October 20, 2017, Patient A, a then 40-year-old female, presented at
12 FMS seeking to improve her facial skin appearance, including, but not limited to, reduction of
13 fine lines, wrinkles, and dark spots.

14 14. According to records, Patient A underwent a good faith examination, however,
15 records for the good faith examination are not dated or signed by Respondent or any other staff
16 member at FMS.

17 15. At no time prior to treatment at FMS did Respondent discuss the risks, indicate a
18 diagnosis, or discuss a plan of treatment with Patient A.

19 16. On or about October 20, 2017, through on or about February 2, 2019, Patient A
20 received facial injections at FMS by a staff nurse on approximately four (4) separate occasions,
21 including, but not limited to, October 10, 2017; February 2, 2018; June 1, 2018; and October 5,
22 2018. Records for these visits indicate the injections were performed by an FMS registered nurse.
23 Records for these treatments are not signed by Respondent.

24 17. On or about October 20, 2017, through on or about February 2, 2019, Patient A
25 received Intense Pulsed Light (IPL) treatment at FMS by a staff nurse on approximately nine (9)
26 separate occasions, including, but not limited to, December 9, 2017; February 2, 2018; March 6,

27
28 ¹ To protect the privacy of patients involved, patient names have not been included in this pleading.
Respondent is aware of the identity of the patients referred to herein.

1 2018; April 6, 2018; June 1, 2018; September 21, 2018; October 19, 2018; November 2018; and
2 February 2, 2019. Records for these visits indicate the IPL treatment was performed by an FMS
3 registered nurse. Records for these treatments are not signed by Respondent.

4 18. On or about February 2, 2019, after Patient A's IPL treatment at FMS, Patient A's
5 skin displayed burn marks and scabbing.

6 19. On or about February 6, 2019, Patient A was seen by Respondent. According to
7 records, Respondent noted scabbing on Patient A's forehead and cheeks as a result of Patient A's
8 IPL treatment on February 2, 2019. Respondent determined Patient A suffered first or second
9 degree burns, prescribed ointment medication, and scheduled a follow-up visit.

10 **Patient B**

11 20. On or about October 3, 2019, an undercover investigator (UI) with the Division of
12 Investigation, Health Quality Investigation Unit (HQIU), posed as a potential patient and
13 presented at FMS under the guise of seeking to improve his facial skin appearance, including, but
14 not limited to, reduction of wrinkles.

15 21. During his consultation, the UI completed initial patient intake forms and met with an
16 FMS staff nurse who explained the treatments and procedures to the UI and used a pen to draw on
17 the UI's face to indicate the treatment areas. The FMS staff nurse informed the UI that his initial
18 treatment would consist of approximately 54 units of Botox.

19 22. The FMS staff nurse then escorted the UI into a room with an iPad where the UI met
20 with Respondent by videoconference. Respondent inquired as to the UI's medical history and
21 indicated the FMS staff nurse would perform the treatments. At no time did Respondent state a
22 diagnosis, describe a treatment plan, or discuss the FMS staff nurse's Botox assessment.
23 According to records, Respondent cleared the UI for various treatments to be provided by the
24 FMS staff nurse, including, but not limited to, Botulinum Toxin A (Botox) injections and
25 hyaluronic acid dermal fillers.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 23. Respondent has subjected his Physician's and Surgeon's Certificate No. G 44036 to
4 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
5 the Code; in that he, as owner and medical director of FMS, committed gross negligence in the
6 care and treatment of Patients A and B, as more particularly alleged hereinafter.

7 A. Paragraphs 8 through 22, above, are hereby incorporated by reference and
8 realleged as if fully set forth herein;

9 B. Respondent maintained a supervisory role in medical procedures in which
10 Respondent had no formal training, appropriate knowledge, competence, and/or
11 experience, including, but not limited to, dermatologic and/or cosmetic
12 procedures such as IPL, facial injections, and dermal fillers;

13 C. Respondent failed to actively supervise FMS staff in the provision of medical
14 services to patients, including, but not limited to, Patients A and B, in that he
15 failed to obtain informed consent, determine a diagnosis, prepare a written
16 treatment plan, supervise the provision of treatment services, and/or maintain
17 patient records; and

18 D. Respondent failed to maintain appropriate responsibilities and duties as owner
19 of FMS.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Repeated Negligent Acts)**

22 24. Respondent has further subjected his Physician's and Surgeon's Certificate No. G
23 44036 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
24 subdivision (c), of the Code, in that he, as owner and medical director of FMS, committed
25 repeated negligent acts in the care and treatment of Patients A and B, as more particularly alleged
26 hereinafter.

27 A. Paragraphs 8 through 23, above, are hereby incorporated by reference and
28 realleged as if fully set forth herein;

1 B. Respondent failed to properly document his performance of a good faith
2 examination of Patients A and B; and

3 C. Respondent failed to ensure the proper administration of IPL by FMS staff on
4 Patient A.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Failure to Maintain a Current Fictitious Name Permit)**

7 25. Respondent has further subjected his Physician's and Surgeon's Certificate No. G
8 44036 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
9 subdivision (a), and 2415, subdivision (a), of the Code, in that he failed to maintain a current
10 fictitious-name permit with the Medical Board of California, as more particularly alleged in
11 paragraphs 8 through 12, above, which are hereby incorporated by reference and realleged as if
12 fully set forth herein.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(General Unprofessional Conduct)**

15 26. Respondent has further subjected his Physician's and Surgeon's Certificate No. G
16 44036 to disciplinary action under sections 2227 and 2234, of the Code, in that Respondent
17 engaged in conduct which breached the rules or ethical code of the medical profession or which
18 was unbecoming of a member in good standing of the medical profession, and which
19 demonstrates an unfitness to practice medicine, in his care and treatment of Patients A and B, as
20 more particularly alleged in paragraphs 8 through 25, above, which are hereby incorporated by
21 reference and realleged as if fully set forth herein.

22 **PRAYER**

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

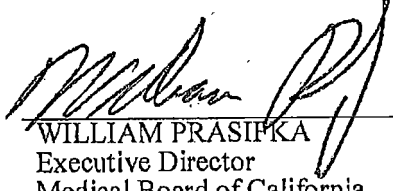
25 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 44036, issued
26 to Respondent Martin Charles Nation, M.D.;

27 2. Revoking, suspending or denying approval of Respondent Martin Charles Nation,
28 M.D.'s authority to supervise physician assistants and advanced practice nurses;

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3. Ordering Respondent Martin Charles Nation, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: SEP 15 2021



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

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