

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

In the Matter of the Accusation
Against:

Sudha A. Russell, M.D.

Physician's & Surgeon's
Certificate No G 54900

Respondent

Case No. 800-2019-053663

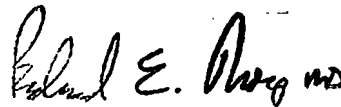
DECISION

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 February 24, 2022.

IT IS SO ORDERED January 25, 2022.

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 TRINA L. SAUNDERS
Deputy Attorney General
4 State Bar No. 207764
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
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7 *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:

13 **SUDHA A. RUSSELL, M.D.**
14 **114 E. Morrison Ave.,**
Santa Maria, CA 93454-6620

15 **Physician's and Surgeon's Certificate**
16 **No. G 54900,**

17 Respondent.

Case No. 800-2019-053663

OAH No. 2021010137

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20 **STIPULATED SETTLEMENT AND**
21 **DISCIPLINARY ORDER**

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

24 **PARTIES**

25 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
26 California (Board). He brought this action solely in his official capacity and is represented in this
27 matter by Rob Bonta, Attorney General of the State of California, by Trina L. Saunders, Deputy
28 Attorney General.

2. Respondent Sudha A. Russell, M.D. (Respondent) is represented in this proceeding
by attorney Kent Thomas Brandmeyer, of 2 North Lake Avenue, Suite 820, Pasadena, CA 91101.

1 3. On September 1, 2008, the Board issued Physician's and Surgeon's Certificate No. G
2 54900 to Sudha A. Russell, M.D. (Respondent). That license was in full force and effect at all
3 times relevant to the charges brought in Accusation No. 800-2019-053663, and will expire on
4 September 30, 2022, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2019-053663 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on September 9, 2020. Respondent timely filed her Notice of
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2019-053663 is attached as Exhibit A and is
11 incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2019-053663. Respondent has also carefully read,
15 fully discussed with her counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

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

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 9. Respondent understands and agrees that the charges and allegations in Accusation
27 No. 800-2019-053663, if proven at a hearing, constitute cause for imposing discipline upon her
28 Physician's and Surgeon's Certificate.

1 Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand, which
2 is issued in connection with Respondent's care and treatment of a single patient, as set forth in
3 Accusation No. 800-2019-053663, states as follows:

4 In 2019, you were negligent, in the care and treatment of a minor patient. An eleven-year-
5 old female patient, who was accompanied by her mother, presented to you for knee pain and itchy
6 skin. Despite the mother's representation that her daughter was female, you doubted the veracity
7 of the representation, due to the child wearing a hoodie which covered her hair, your perception
8 that her name was suited for a male as opposed to a female, and your belief that she had an
9 androgynous look. You inappropriately conducted a physical examination of the patient's breasts
10 to confirm her gender.

11 2. EDUCATION. Within 60 calendar days of the effective date of this Decision,
12 Respondent shall submit to the Board or its designee for its prior approval educational program(s)
13 or course(s) which shall not be less than 40 hours, and must include course(s) in the area of
14 professional boundaries. The educational program(s) or course(s) shall be aimed at correcting
15 any areas of deficient practice or knowledge and shall be Category I certified. The educational
16 program(s) or course(s) shall be at Respondent's expense and shall be in addition to the
17 Continuing Medical Education (CME) requirements for renewal of licensure. Following the
18 completion of each course, the Board or its designee may administer an examination to test
19 Respondent's knowledge of the course.

20 Such review course work taken after February 15, 2019, which is after the date of the acts
21 that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may,
22 in the sole discretion of the Board or its designee, be accepted toward the fulfillment of this
23 condition, if the course would have been approved by the Board or its designee had the course
24 been taken after the effective date of this Decision.

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

28 Failure to successfully complete this coursework within 180 days of the effective date of

1 the decision shall be a violation of this agreement and Disciplinary Order, and shall constitute
2 unprofessional conduct. In that event, the matter will be returned to the Office of Administrative
3 Hearings for further proceedings on Accusation No. 800-2019-053663.


4 ACCEPTANCE

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
6 discussed it with my attorney, Kent Thomas Brandmeyer. I understand the stipulation and the
7 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
8 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
9 bound by the Decision and Order of the Medical Board of California.

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DATED: 11/17/2021 
SUDHA A. RUSSELL, M.D.
Respondent

I have read and fully discussed with Respondent Sudha A. Russell, M.D. the terms and
conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
I approve its form and content.

11/19/2021 
DATED: _____
KENT THOMAS BRANDMEYER
Attorney for Respondent

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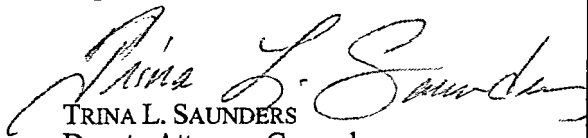
ENDORSEMENT

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

DATED: November 19, 2021

Respectfully submitted,

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



TRINA L. SAUNDERS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 TRINA L. SAUNDERS
Deputy Attorney General
4 State Bar No. 207764
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5 300 So. Spring Street, Suite 1702
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7 *Attorneys for Complainant*

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

10
11 In the Matter of the Accusation Against:

Case No. 800-2019-053663

12 Sudha A. Russell, M.D.
13 9603 Tonset Street
Bakersfield, CA 93313-6130

A C C U S A T I O N

14 Physician's and Surgeon's Certificate
15 No. G 54900,

16 Respondent.

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19 **PARTIES**

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

23 2. On or about September 1, 2008, the Medical Board issued Physician's and Surgeon's
24 Certificate Number G 54900 to Sudha A. Russell, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on September 30, 2022, unless renewed.

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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 states:

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

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

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

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

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

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

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

27 5. Section 2234 of the Code, states:

28 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.

(1) An initial negligent diagnosis followed by an act or omission medically

1 appropriate for that negligent diagnosis of the patient shall constitute a single
2 negligent act.

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

8 (d) Incompetence.

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

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

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

16 FIRST CAUSE FOR DISCIPLINE

17 (Gross Negligence)

18 6. Respondent, a pediatrician, is subject to disciplinary action under section 2234,
19 subdivision (b), gross negligence, in that she inappropriately conducted an unnecessary breast
20 examination of a patient during a medical appointment. The circumstances are as follows:

21 7. On February 25, 2019, an eleven-year-old patient presented to Respondent at North
22 Valley Health Corporation, with complaints of right knee pain and itchy skin. The patient was
23 accompanied by her mother. The patient's mother was present in the examination room, during
24 her appointment.

25 8. Respondent took the patient's history. The patient's knee pain had a sudden onset
26 and had been present for approximately one month, at the time of her appointment. The pain was
27 constant and of moderate severity. The pain was aggravated by bending and climbing stairs.
28 However, the patient was able to walk well. Acetaminophen had been used for pain relief. A
bike landed on the patient while she was on the subway and was presumably the cause of the
pain. At the time of the visit, the right knee had slight tenderness over the supra patellar region
and there was discoloration at the site. The knee had intact range of motion. The patient had no
pain on weight bearing and the popliteal pulse exam was normal. Respondent's diagnosis was

1 contusion of the right knee. She recommended radiographs, non-steroidal anti-inflammatory
2 medication as needed for pain and distress, and a return to the clinic in four days for radiograph
3 results and a recheck. The patient's itchy skin was also evaluated. The patient had a history of
4 eczema. She presented with complaints of itchy skin for several months, with itching that
5 interrupted her sleep. The patient had been using Benadryl to manage her sleep. A referral to an
6 allergist was requested by the patient's mother. Respondent diagnosed dry skin dermatitis and
7 recommended the use of Eucerin cream each night for two weeks and a return visit to the clinic in
8 four days for a recheck and follow-up.

9 9. During the above-described visit, Respondent referred to the patient as a boy, by
10 using masculine pronouns when speaking about her. Pursuant to the report of investigation, the
11 patient was offended. The patient's mother, who was present, corrected Respondent. In turn,
12 Respondent commented that the patient having the hood on her jacket pulled up made her look
13 like a boy, but said that when she removed the hood she was beautiful. The Respondent also
14 commented that the patient's legs were beautiful, but her feet were ugly. Respondent also took
15 the palm of her hand and groped the patient's breast in a vertical up and down direction, and
16 commented that the patient was not developing.

17 10. Respondent admitted that because she did not think that the patient appeared to be
18 female, that she confirmed that the patient was female by touching the patient's breast. She
19 explained that in her experience, knee pain and itchy skin may not have been the real reason for
20 the patient's visit to her office.

21 11. Respondent's inappropriate physical examination of the patient's breast without
22 indication for examination is an extreme departure from the standard of care.

23 **PRAAYER**


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

26 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 54900,
27 issued to Sudha A. Russell, M.D.

28

- 1 2. Revoking, suspending or denying approval of Sudha A. Russell, M.D.'s authority to
- 2 supervise physician assistants and advanced practice nurses;
- 3 3. Ordering Sudha A. Russell, M.D., if placed on probation, to pay the Board the costs
- 4 of probation monitoring; and
- 5 4. Taking such other and further action as deemed necessary and proper.

6
7 DATED: SEP 09 2020



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

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13 Accusation with client revisions (002).docx

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