

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

In the Matter of the First Amended  
Accusation Against:

Paul Edward Verhoeve, M.D.

Physician's and Surgeon's  
Certificate No. A 45358

Respondent.

Case No.: 800-2020-069878

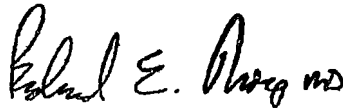
DECISION

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 July 15, 2022.

IT IS SO ORDERED: June 15, 2022.

MEDICAL BOARD OF CALIFORNIA



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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  
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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 First Amended Accusation  
14 Against:

15 **PAUL EDWARD VERHOEVE, M.D.**  
1240 Broadway, Suite 201  
16 El Cajon, CA 92021

17 **Physician's and Surgeon's Certificate**  
18 **No. A 45358,**

Respondent.

Case No. 800-2020-069878

OAH No. 2021100441

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

22 **PARTIES**

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

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

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

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. Respondent shall  
14 make daily contact with the Board or its designee to determine whether biological fluid testing is  
15 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
16 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
17 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
18 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
19 basis. The cost of biological fluid testing shall be borne by the Respondent.

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

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

- 1 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
2 Association or have completed the training required to serve as a collector for the United  
3 States Department of Transportation.
- 4 (b) Its specimen collectors conform to the current United States Department of  
5 Transportation Specimen Collection Guidelines.
- 6 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
7 by the United States Department of Transportation without regard to the type of test  
8 administered.
- 9 (d) Its specimen collectors observe the collection of testing specimens.
- 10 (e) Its laboratories are certified and accredited by the United States Department of Health  
11 and Human Services.
- 12 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
13 of receipt and all specimens collected shall be handled pursuant to chain of custody  
14 procedures. The laboratory shall process and analyze the specimens and provide legally  
15 defensible test results to the Board within seven (7) business days of receipt of the  
16 specimen. The Board will be notified of non-negative results within one (1) business day  
17 and will be notified of negative test results within seven (7) business days.
- 18 (g) Its testing locations possess all the materials, equipment, and technical expertise  
19 necessary in order to test Respondent on any day of the week.
- 20 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
21 for the detection of alcohol and illegal and controlled substances.
- 22 (i) It maintains testing sites located throughout California.
- 23 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
24 computer database that allows the Respondent to check in daily for testing.
- 25 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
26 access to drug test results and compliance reporting information that is available 24 hours a  
27 day.
- 28 (l) It employs or contracts with toxicologists that are licensed physicians and have

1 knowledge of substance abuse disorders and the appropriate medical training to interpret  
2 and evaluate laboratory biological fluid test results, medical histories, and any other  
3 information relevant to biomedical information.

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

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

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

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

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

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

23 After the issuance of a cease-practice order, the Board shall determine whether the positive  
24 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
25 specimen collector and the laboratory, communicating with the licensee, his or her treating  
26 physician(s), other health care provider, or group facilitator, as applicable.

27 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
28 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.



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

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

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

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

23 The facilitator shall provide a signed document to the Board or its designee showing  
24 Respondent’s name, the group name, the date and location of the meeting, Respondent’s  
25 attendance, and Respondent’s level of participation and progress. The facilitator shall report any  
26 unexcused absence by Respondent from any substance abuse support group meeting to the Board,  
27 or its designee, within twenty-four (24) hours of the unexcused absence.

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1           6.    VIOLETION OF PROBATION CONDITION FOR SUBSTANCE ABUSING

2   LICENSEES. Failure to fully comply with any term or condition of probation is a violation of  
3 probation.

4           A.       If Respondent commits a major violation of probation as defined by section  
5 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
6 one or more of the following actions:

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

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

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

19           B.       If Respondent commits a minor violation of probation as defined by section  
20 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
21 one or more of the following actions:

- 22           (1) Issue a cease-practice order;
- 23           (2) Order practice limitations;
- 24           (3) Order or increase supervision of Respondent;
- 25           (4) Order increased documentation;
- 26           (5) Issue a citation and fine, or a warning letter;

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

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

5 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
6 to revoke Respondent's probation if he or she has violated any term or condition of probation. If  
7 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
8 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
9 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
10 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
11 is final, and the period of probation shall be extended until the matter is final.

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

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

21 8. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
22 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
23 advanced practice nurses.

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

27 10. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby  
28 ordered to reimburse the Board its costs of investigation and enforcement, in the amount of

1 \$436.25 (four hundred thirty-six dollars and twenty-five cents). Costs shall be payable to the  
2 Medical Board of California. Failure to pay such costs shall be considered a violation of  
3 probation.

4 Any and all requests for a payment plan shall be submitted in writing by Respondent to the  
5 Board.

6 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility  
7 to repay investigation and enforcement costs.

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

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

13 12. GENERAL PROBATION REQUIREMENTS.

14 Compliance with Probation Unit

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

16 Address Changes

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

22 Place of Practice

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

26 License Renewal

27 Respondent shall maintain a current and renewed California physician's and surgeon's  
28 license.

1           Travel or Residence Outside California

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

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

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

11           14. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
12 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
14 defined as any period of time Respondent is not practicing medicine as defined in Business and  
15 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
16 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
17 Respondent resides in California and is considered to be in non-practice, Respondent shall  
18 comply with all terms and conditions of probation. All time spent in an intensive training  
19 program which has been approved by the Board or its designee shall not be considered non-  
20 practice and does not relieve Respondent from complying with all the terms and conditions of  
21 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
22 on probation with the medical licensing authority of that state or jurisdiction shall not be  
23 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
24 period of non-practice.

25           In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
26 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
27 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
28 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

1 Disciplinary Orders and Disciplinary Guidelines” prior to resuming the practice of medicine.

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

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

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

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

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

20 17. LICENSE SURRENDER. Following the effective date of this Decision, if  
21 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
22 the terms and conditions of probation, Respondent may request to surrender his or her license.  
23 The Board reserves the right to evaluate Respondent’s request and to exercise its discretion in  
24 determining whether or not to grant the request, or to take any other action deemed appropriate  
25 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
26 shall within 15 calendar days deliver Respondent’s wallet and wall certificate to the Board or its  
27 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject

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1 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
2 application shall be treated as a petition for reinstatement of a revoked certificate.

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

8 ACCEPTANCE

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
10 discussed it with my attorney, Dan Bacal, Esq. I understand the stipulation and the effect it will  
11 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
12 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
13 Decision and Order of the Medical Board of California.

14  
15 DATED: 3/24/2022 Paul Edward Verhoeve, M.D.  
16 PAUL EDWARD VERHOEVE, M.D.  
17 Respondent

18 I have read and fully discussed with Respondent Paul Edward Verhoeve, M.D., the terms  
19 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
20 Order. I approve its form and content.

21  
22 DATED: 3/24/22 [Signature]  
23 DAN BACAL, ESQ.  
Attorney for Respondent

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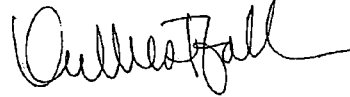
**ENDORSEMENT**

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

DATED: 3/25/22

Respectfully submitted,

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



KAROLYN M. WESTFALL  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**First Amended Accusation No. 800-2020-069878**

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*

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Case No. 800-2020-069878

15 **PAUL EDWARD VERHOEVE, M.D.**  
16 **1240 Broadway, Suite 201**  
**El Cajon, CA 92021**

**FIRST AMENDED ACCUSATION**

17 **Physician's and Surgeon's Certificate**  
18 **No. A 45358,**

Respondent.

19  
20 **PARTIES**

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

24 2. On or about October 3, 1988, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. A 45358 to Paul Edward Verhoeve, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on July 31, 2022, unless renewed.

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JURISDICTION

1  
2       3.     This First Amended Accusation, which supersedes the Accusation filed on September  
3 16, 2021, is brought before the Board, under the authority of the following laws. All section  
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

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

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  
into a stipulation for disciplinary action with the board, may, in accordance with the  
provisions of this chapter:

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

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

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

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

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

19                ...

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

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

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

26                ...

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

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

(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.

...

(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.

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

(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.<sup>1</sup>

...

9. California Code of Regulations, title 16, section 1360, states, in pertinent part:

(a) For the purposes of denial, suspension or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes, professional misconduct, or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of state or federal law governing the applicant's or licensee's professional practice.

...

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<sup>1</sup> There is a nexus between a physician's use of alcoholic beverages and his or her fitness to practice medicine, established by the Legislature in section 2239, "in all cases where a licensed physician used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others." (*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407, 1411.)

1 COST RECOVERY

2 10. Section 125.3 of the Code states:

3 (a) Except as otherwise provided by law, in any order issued in resolution of a  
4 disciplinary proceeding before any board within the department or before the  
5 Osteopathic Medical Board upon request of the entity bringing the proceeding, the  
6 administrative law judge may direct a licensee found to have committed a violation or  
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
8 investigation and enforcement of the case.

9 (b) In the case of a disciplined licentiate that is a corporation or a partnership,  
10 the order may be made against the licensed corporate entity or licensed partnership.

11 (c) A certified copy of the actual costs, or a good faith estimate of costs where  
12 actual costs are not available, signed by the entity bringing the proceeding or its  
13 designated representative shall be prima facie evidence of reasonable costs of  
14 investigation and prosecution of the case. The costs shall include the amount of  
15 investigative and enforcement costs up to the date of the hearing, including, but not  
16 limited to, charges imposed by the Attorney General.

17 (d) The administrative law judge shall make a proposed finding of the amount  
18 of reasonable costs of investigation and prosecution of the case when requested  
19 pursuant to subdivision (a). The finding of the administrative law judge with regard  
20 to costs shall not be reviewable by the board to increase the cost award. The board  
21 may reduce or eliminate the cost award, or remand to the administrative law judge if  
22 the proposed decision fails to make a finding on costs requested pursuant to  
23 subdivision (a).

24 (e) If an order for recovery of costs is made and timely payment is not made as  
25 directed in the board's decision, the board may enforce the order for repayment in any  
26 appropriate court. This right of enforcement shall be in addition to any other rights  
27 the board may have as to any licensee to pay costs.

28 (f) In any action for recovery of costs, proof of the board's decision shall be  
conclusive proof of the validity of the order of payment and the terms for payment.

(g)(1) Except as provided in paragraph (2), the board shall not renew or  
reinstate the license of any licensee who has failed to pay all of the costs ordered  
under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion,  
conditionally renew or reinstate for a maximum of one year the license of any  
licensee who demonstrates financial hardship and who enters into a formal agreement  
with the board to reimburse the board within that one-year period for the unpaid  
costs.

(h) All costs recovered under this section shall be considered a reimbursement  
for costs incurred and shall be deposited in the fund of the board recovering the costs  
to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of  
the costs of investigation and enforcement of a case in any stipulated settlement.

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1 (j) This section does not apply to any board if a specific statutory provision in  
2 that board's licensing act provides for recovery of costs in an administrative  
disciplinary proceeding.

3  
4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Use of Alcoholic Beverages to the Extent, or in a Manner, as to be Dangerous to  
6 Respondent, Another Person, or the Public)**

7 11. Respondent has subjected his Physician's and Surgeon's Certificate No. A 45358 to  
8 disciplinary action under sections 2227 and 2234, as defined by section 2239, subdivision (a), of  
9 the Code, in that he has used alcoholic beverages to the extent, or in such a manner, as to be  
10 dangerous or injurious to himself, another person, or the public, as more particularly alleged  
hereinafter:

11 12. On or about August 4, 2020, at approximately 7:30 p.m., Respondent was driving  
12 home from a restaurant when he crashed his vehicle into four parked cars. When police officers  
13 arrived shortly thereafter, they immediately noted Respondent smelled of alcohol, spoke with  
14 slurred speech, and had an unsteady gait. Respondent admitted drinking wine prior to driving and  
15 informed the officers that he was texting a patient that had a medical emergency at the time of the  
16 collision. After performing poorly on field sobriety tests, Respondent was placed under arrest for  
17 driving under the influence of alcohol. At approximately 9:13 p.m., two breath samples were  
18 obtained from Respondent that indicated he had a blood alcohol content of .21 and .20 percent.

19 13. On or about January 20, 2021, the San Diego City Attorney filed a criminal  
20 complaint against Respondent in the matter of *The People of the State of California v. Paul*  
21 *Edward Verhoeve*, San Diego County Superior Court Case No. M272570. The complaint  
22 charged Respondent with three misdemeanors, including (1) driving under the influence of  
23 alcohol, in violation of Vehicle Code section 23152, subdivision (a), (2) driving with a blood  
24 alcohol content level of 0.08 percent or more, in violation of Vehicle Code section 23152,  
25 subdivision (b), and (3) driving without a valid driver's license, in violation of Vehicle Code  
26 section 12500, subdivision (a).

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1 No. 10-2001-124677 on or about January 1, 2008, and that Decision is now final and incorporated  
2 by reference as if fully set forth herein.

3 **PRAYER**

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

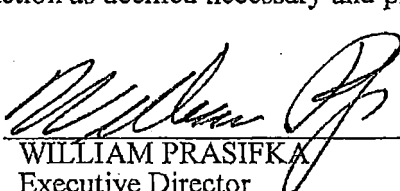
6 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 45358, issued  
7 to Respondent, Paul Edward Verhoeve, M.D.;

8 2. Revoking, suspending or denying approval of Respondent, Paul Edward Verhoeve,  
9 M.D.'s authority to supervise physician assistants and advanced practice nurses;

10 3. Ordering Respondent, Paul Edward Verhoeve, M.D., to pay the Board the costs of the  
11 investigation and enforcement of this case, and if placed on probation, to pay the Board the costs  
12 of probation monitoring; and

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

14 DATED: **FEB 17 2022**  
15 \_\_\_\_\_

  
16 WILLIAM PRASIFKA  
17 Executive Director  
18 Medical Board of California  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

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