

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

In the Matter of the Accusation
Against:

Danny Lee Valentine, M.D.

Physician's and Surgeon's
Certificate No. A 113826

Respondent.

Case No.: 800-2021-075177

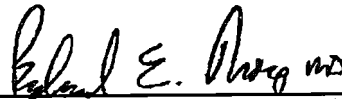
DECISION

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

This Decision shall become effective at 5:00 p.m. on October 20, 2022.

IT IS SO ORDERED: September 20, 2022.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JASON J. AHN
Deputy Attorney General
4 State Bar No. 253172
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8 *Attorneys for Complainant*

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

In the Matter of the Accusation Against:
DANNY LEE VALENTINE, M.D.
3626 Ruffin Rd.
San Diego, CA 92123

Physician's and Surgeon's Certificate
No. A 113826

Respondent.

Case No. 800-2021-075177
OAH No. 2022010748
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Jason J. Ahn, Deputy Attorney General.

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CULPABILITY

9. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-2021-075177, a copy of which is attached hereto as Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate No. A 113826 to disciplinary action.

10. Respondent agrees that if an accusation is ever filed against him before the Medical Board of California, all of the charges and allegations contained in Accusation No. 800-2021-075177 shall be deemed true, correct, and fully admitted by Respondent for purposes of that proceeding or any other licensing proceeding involving Respondent in the State of California.

11. Respondent agrees that his Physician's and Surgeon's Certificate No. A 113826 is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

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

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1 13. Respondent agrees that if he ever petitions for early termination or modification of
2 probation, or if an accusation and/or petition to revoke probation is filed against him before the
3 Board, all of the charges and allegations contained in Accusation No. 800-2021-075177 shall be
4 deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or
5 any other licensing proceeding involving Respondent in the State of California.

6 **ADDITIONAL PROVISIONS**

7 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein
8 to be an integrated writing representing the complete, final, and exclusive embodiment of the
9 agreements of the parties in the above-entitled matter.

10 15. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
11 including copies of the signatures of the parties, may be used in lieu of original documents and
12 signatures and, further, that such copies shall have the same force and effect as originals.

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

16 **DISCIPLINARY ORDER**

17 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 113826
18 issued to Respondent Danny Lee Valentine, M.D. is revoked. However, the revocation is stayed
19 and Respondent is placed on probation for five (5) years on the following terms and conditions:

20 1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain
21 completely from the personal use or possession of controlled substances as defined in the
22 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
23 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
24 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
25 illness or condition.

26 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
27 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
28 number; medication name, strength, and quantity; and issuing pharmacy name, address, and

1 telephone number.

2 If Respondent has a confirmed positive biological fluid test for any substance (whether or
3 not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall
4 receive a notification from the Board or its designee to immediately cease the practice of
5 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
6 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
7 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.
8 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the
9 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
10 Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge
11 alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of
12 the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
13 decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the
14 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
15 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
16 non-adoption of the proposed decision, requests for reconsideration, remands and other
17 interlocutory orders issued by the Board. The cessation of practice shall not apply to the
18 reduction of the probationary time period.

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

22 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
23 use of products or beverages containing alcohol.

24 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall
25 receive a notification from the Board or its designee to immediately cease the practice of
26 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
27 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
28 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.

1 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the
2 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
3 Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge
4 alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of
5 the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
6 decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the
7 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
8 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
9 non-adoption of the proposed decision, requests for reconsideration, remands and other
10 interlocutory orders issued by the Board. The cessation of practice shall not apply to the
11 reduction of the probationary time period.

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

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

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

26 If Respondent fails to cooperate in a random biological fluid testing program within the
27 specified time frame, Respondent shall receive a notification from the Board or its designee to
28 immediately cease the practice of medicine. The Respondent shall not resume the practice of

1 medicine until the final decision on an accusation and/or a petition to revoke probation is
2 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30
3 days of the notification to cease practice. If the Respondent requests a hearing on the accusation
4 and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within
5 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by
6 an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board
7 within 15 days of submission of the matter. Within 15 days of receipt by the Board of the
8 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good
9 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
10 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
11 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
12 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
13 practice shall not apply to the reduction of the probationary time period.

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

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

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

1 Respondent shall have the treating psychotherapist submit quarterly status reports to the
2 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
3 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
4 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
5 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
6 period of probation shall be extended until the Board determines that Respondent is mentally fit
7 to resume the practice of medicine without restrictions.

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

9 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
10 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
11 where: 1) Respondent merely shares office space with another physician but is not affiliated for
12 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
13 location.

14 If Respondent fails to establish a practice with another physician or secure employment in
15 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
16 Respondent shall receive a notification from the Board or its designee to cease the practice of
17 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
18 practice until an appropriate practice setting is established.

19 If, during the course of the probation, the Respondent's practice setting changes and the
20 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
21 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
22 If Respondent fails to establish a practice with another physician or secure employment in an
23 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
24 shall receive a notification from the Board or its designee to cease the practice of medicine within
25 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
26 appropriate practice setting is established.

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1 6. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
2 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
3 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
4 licensed physician and surgeon, other licensed health care professional if no physician and
5 surgeon is available, or, as approved by the Board or its designee, a person in a position of
6 authority who is capable of monitoring the Respondent at work.

7 The worksite monitor shall not have a current or former financial, personal, or familial
8 relationship with Respondent, or any other relationship that could reasonably be expected to
9 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
10 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
11 monitor, this requirement may be waived by the Board or its designee, however, under no
12 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

13 The worksite monitor shall have an active unrestricted license with no disciplinary action
14 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
15 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
16 by the Board or its designee.

17 Respondent shall pay all worksite monitoring costs.

18 The worksite monitor shall have face-to-face contact with Respondent in the work
19 environment on as frequent a basis as determined by the Board or its designee, but not less than
20 once per week; interview other staff in the office regarding Respondent's behavior, if requested
21 by the Board or its designee; and review Respondent's work attendance.

22 The worksite monitor shall verbally report any suspected substance abuse to the Board and
23 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
24 substance abuse does not occur during the Board's normal business hours, the verbal report shall
25 be made to the Board or its designee within one (1) hour of the next business day. A written
26 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
27 any other information deemed important by the worksite monitor shall be submitted to the Board
28 or its designee within 48 hours of the occurrence.

1 The worksite monitor shall complete and submit a written report monthly or as directed by
2 the Board or its designee which shall include the following: (1) Respondent's name and
3 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
4 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
5 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
6 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
7 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
8 lead to suspected substance abuse by Respondent. Respondent shall complete any required
9 consent forms and execute agreements with the approved worksite monitor and the Board, or its
10 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

11 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
12 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
13 approval, the name and qualifications of a replacement monitor who will be assuming that
14 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
15 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
16 monitor, Respondent shall receive a notification from the Board or its designee to cease the
17 practice of medicine within three (3) calendar days after being so notified. Respondent shall
18 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
19 responsibility.

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

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

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

4 9. OBEDIENT TO ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
5 governing the practice of medicine in California and remain in full compliance with any court
6 ordered criminal probation, payments, and other orders.

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

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

12 11. GENERAL PROBATION REQUIREMENTS.

13 Compliance with Probation Unit

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

15 Address Changes

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

21 Place of Practice

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

25 License Renewal

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

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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 12. 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 13. 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 14. 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. This term does not include cost recovery, which is due within 30
12 calendar days of the effective date of the Order, or by a payment plan approved by the Medical
13 Board and timely satisfied. Upon successful completion of probation, Respondent’s certificate
14 shall be fully restored.

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

22 16. LICENSE SURRENDER. Following the effective date of this Decision, if
23 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
24 the terms and conditions of probation, Respondent may request to surrender his or her license.
25 The Board reserves the right to evaluate Respondent’s request and to exercise its discretion in
26 determining whether or not to grant the request, or to take any other action deemed appropriate
27 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
28 shall within 15 calendar days deliver Respondent’s wallet and wall certificate to the Board or its

1 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
2 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
3 application shall be treated as a petition for reinstatement of a revoked certificate.

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

9 18. FUTURE ADMISSIONS CLAUSE.

10 If Respondent should ever apply or reapply for a new license or certification, or petition for
11 reinstatement of a license, by any other health care licensing action agency in the State of
12 California, all of the charges and allegations contained in Accusation No. 800-2021-075177 shall
13 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
14 Issues or any other proceeding seeking to deny or restrict license.

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ACCEPTANCE

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

Danny L. Valentine, M.D.

DATED: 07 / 29 / 2022

DANNY LEE VALENTINE, M.D.
Respondent

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

DATED: 7/29/22



DAVID ROSENBERG, 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: July 29, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

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Stip Settlement and Disc Order - MBC-Osteopathic.docx

Exhibit A

Accusation No. 800-2021-075177

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JASON J. AHN
Deputy Attorney General
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8 *Attorneys for Complainant*

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

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14 In the Matter of the Accusation Against:

Case No. 800-2021-075177

15 **DANNY LEE VALENTINE, M.D.**
3626 Ruffin Road
16 San Diego CA 92123

A C C U S A T I O N

17 **Physician's and Surgeon's
Certificate No. A 113826,**

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Respondent.

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PARTIES

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

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2. On or about August 27, 2010, the Board issued Physician's and Surgeon's Certificate
No. A 113826 to Danny Lee Valentine, M.D. (Respondent). The Physician's and Surgeon's
Certificate was in full force and effect at all times relevant to the charges brought herein and will
expire on June 30, 2022, unless renewed.

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 820 of the Code states:

28 Whenever it appears that any person holding a license, certificate or permit
under this division or under any initiative act referred to in this division may be
unable to practice his or her profession safely because the licentiate's ability to
practice is impaired due to mental illness, or physical illness affecting competency,
the licensing agency may order the licentiate to be examined by one or more
physicians and surgeons or psychologists designated by the agency. The report of the
examiners shall be made available to the licentiate and may be received as direct
evidence in proceedings conducted pursuant to Section 822.

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1 6. Section 822 of the Code states:

2 If a licensing agency determines that its licentiate's ability to practice his or her
3 profession safely is impaired because the licentiate is mentally ill, or physically ill
4 affecting competency, the licensing agency may take action by any one of the
 following methods:

- 5 (a) Revoking the licentiate's certificate or license.
6 (b) Suspending the licentiate's right to practice.
7 (c) Placing the licentiate on probation.
8 (d) Taking such other action in relation to the licentiate as the licensing agency
 in its discretion deems proper.

9 The licensing section shall not reinstate a revoked or suspended certificate or
10 license until it has received competent evidence of the absence or control of the
11 condition which caused its action and until it is satisfied that with due regard for the
 public health and safety the person's right to practice his or her profession may be
 safely reinstated.

12 SECTION 822 CAUSE FOR ACTION

13 (Physical or Mental Illness Affecting Competency)

14 7. Respondent's Physician's and Surgeon's Certificate No. A 113826 is subject to action
15 under section 822 of the Code in that he suffers from a mental and/or physical illness affecting
16 competency.

17 8. On or about April 13, 2021, E.R., M.D. conducted a voluntary physical examination
18 of Respondent, pursuant to Business and Professions Code section 820. On or about April 18,
19 2021, Dr. E.R. issued her expert report and concluded, among other things, that Respondent's
20 substance use disorder and recent relapse is a medical condition that would result in the need to
21 restrict or place conditions on his ability to practice medicine. Dr. E.R. also opined that
22 Respondent would benefit from ongoing treatment, rehabilitative services, and ongoing
23 monitoring for his substance use disorder in order to practice medicine safely.

24 9. On or about May 19, 2021, Respondent voluntarily underwent a mental evaluation by
25 W.S., M.D., pursuant to Business and Professions Code section 820. On or about May 19, 2021,
26 Dr. W.S. issued his expert report and concluded, among other things, that Respondent's substance
27 use disorder had the potential to impact his ability to safely practice as a physician and would
28 need to be monitored going forward to ensure it did not compromise his ability to practice

1 medicine. Dr. W.S. also concluded that Respondent would need neuropsychological testing to
2 better delineate his cognitive strengths and weaknesses.

3 10. On or about July 30, 2021, Respondent voluntarily underwent a neuropsychological
4 evaluation by C.B., Ph.D., pursuant to Business and Professions Code section 820. On or about
5 September 14, 2021, Dr. C.B. issued her expert report and concluded, among other things, that,
6 "Due to safety concerns, Respondent should not practice medicine. Given that Respondent had
7 been clean and sober for six months prior to this evaluation, a significant change in functioning is
8 not expected or likely. There are no accommodations or adaptations that would eliminate the
9 safety risk."

10 11. On or about September 16, 2021, Dr. W.S. issued an updated Mental Evaluation
11 Report, after having reviewed Dr. C.B.'s neuropsychological evaluation report, described in
12 paragraph 9, above. Dr. W.S. concluded, among other things, that based on the findings from
13 DR. C.B.'s neuropsychological evaluation of Respondent, Respondent's continued practice of
14 medicine more likely than not poses a present danger or threat to the public health, welfare, or
15 safety. In addition, Dr. W.S. concluded that he agrees with Dr. C.B.'s recommendation that
16 Respondent should refrain from practicing medicine at this time and seek further evaluation with
17 a neurology.

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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. A 113826, issued to Respondent Danny Lee Valentine, M.D.;
2. Revoking, suspending or denying approval of Respondent Danny Lee Valentine, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Danny Lee Valentine, 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: DEC 28 2021


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

Reji Varghese
Deputy Director

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