

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

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

Seth Camhi, M.D.

**Physician's and Surgeon's
Certificate No. A 121153**

Case No.: 800-2019-053979

Respondent.

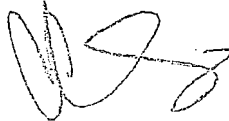
DECISION

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 March 2, 2023.

IT IS SO ORDERED: January 31, 2023.

MEDICAL BOARD OF CALIFORNIA



**Laurie Rose Lubiano, J.D., Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 GIOVANNI F. MEJIA
Deputy Attorney General
4 State Bar No. 309951
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9072
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **SETH CAMHI, M.D.**
15 **8929 University Center Ln., Suite 201**
San Diego, CA 92122

16 **Physician's and Surgeon's Certificate**
17 **No. A 121153,**

18 Respondent.

Case No. 800-2019-053979

OAH No. 2022040466

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

21 **PARTIES**

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

26 2. Respondent Seth Camhi, M.D. (Respondent) is represented in this proceeding by
27 attorney Steven H. Zeigen, Esq., whose address is: Rosenberg, Shpall & Zeigen, APLC,
28 10815 Rancho Bernardo Rd., Suite 310, San Diego, CA 92127-2189.

3. On or about May 2, 2012, the Board issued Physician's and Surgeon's Certificate No. A 121153 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-053979, and will expire on May 31, 2024, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-053979 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 25, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2019-053979 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-053979. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

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 in Accusation No. 800-2019-053979, a true and correct copy of which is attached hereto as exhibit A, and that

1 he has thereby subjected his Physician's and Surgeon's Certificate No. A 121153 to disciplinary
2 action.

3 10. Respondent agrees that if he ever petitions for early termination or modification of
4 probation, or if an accusation and/or petition to revoke probation is filed against him before the
5 Board, all of the charges and allegations contained in Accusation No. 800-2019-053979 shall be
6 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
7 other licensing proceeding involving Respondent in the State of California.

8 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
9 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
10 Disciplinary Order below.

11 CONTINGENCY

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

22 ADDITIONAL PROVISIONS

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

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

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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 121153
6 issued to Respondent SETH CAMHI, M.D. is revoked. However, the revocation is stayed, and
7 Respondent is placed on probation for the duration of the five-year probationary term issued in
8 Medical Board case No. 800-2017-038533, which went into effect February 25, 2022, subject to
9 the following conditions of probation, which shall supersede all other conditions of probation
10 previously ordered in Medical Board case No. 800-2017-038533 as of the effective date of this
11 Decision and Disciplinary Order.

12 1. **CONTROLLED SUBSTANCES - PARTIAL RESTRICTION.** Respondent shall not
13 order, prescribe, dispense, administer, furnish, or possess any Schedule II controlled substance as
14 defined by the California Uniform Controlled Substances Act, except for the following drugs
15 listed in Schedule II of the Act: Stimulants, as defined under Health and Safety Code section
16 11055, subdivision (d).

17 Respondent shall immediately surrender Respondent's current DEA permit to the Drug
18 Enforcement Administration for cancellation and reapply for a new DEA permit limited to those
19 Schedules authorized by this order. Within 15 calendar days after the effective date of this
20 Decision, Respondent shall submit proof that Respondent has surrendered Respondent's DEA
21 permit to the Drug Enforcement Administration for cancellation and re-issuance. Within 15
22 calendar days after the effective date of issuance of a new DEA permit, Respondent shall submit a
23 true copy of the permit to the Board or its designee.

24 2. **CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO**
25 **RECORDS AND INVENTORIES.** Respondent shall maintain a record of all controlled
26 substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any
27 recommendation or approval which enables a patient or patient's primary caregiver to possess or
28 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health

1 and Safety Code section 11362.5, during probation, showing all of the following: 1) the name and
2 address of the patient; 2) the date; 3) the character and quantity of controlled substances involved;
3 and 4) the indications and diagnosis for which the controlled substances were furnished.

4 Respondent shall keep these records in a separate file or ledger, in chronological order. All
5 records and any inventories of controlled substances shall be available for immediate inspection
6 and copying on the premises by the Board or its designee at all times during business hours and
7 shall be retained for the entire term of probation.

8 3. EDUCATION COURSE. Within 60 calendar days of the effective date of this
9 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
10 for its prior approval educational program(s) or course(s) which shall not be less than 60 hours
11 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
12 correcting any areas of deficient practice or knowledge, focused in the areas of primary care,
13 wellness and/or preventive medicine, and shall be Category I certified. The educational
14 program(s) or course(s) shall be at Respondent's expense and shall be in addition to the
15 Continuing Medical Education (CME) requirements for renewal of licensure. Following the
16 completion of each course, the Board or its designee may administer an examination to test
17 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 85
18 hours of CME of which 60 hours were in satisfaction of this condition.

19 4. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective
20 date of this Decision, Respondent shall enroll in a course in prescribing practices approved in
21 advance by the Board or its designee. Respondent shall provide the approved course provider
22 with any information and documents that the approved course provider may deem pertinent.
23 Respondent shall participate in and successfully complete the classroom component of the course
24 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
25 complete any other component of the course within one (1) year of enrollment. The prescribing
26 practices course shall be at Respondent's expense and shall be in addition to the Continuing
27 Medical Education (CME) requirements for renewal of licensure.

28 ///

1 A prescribing practices course taken after the acts that gave rise to the charges in the
2 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
3 or its designee, be accepted towards the fulfillment of this condition if the course would have
4 been approved by the Board or its designee had the course been taken after the effective date of
5 this Decision.

6 Respondent shall submit a certification of successful completion to the Board or its
7 designee not later than 15 calendar days after successfully completing the course, or not later than
8 15 calendar days after the effective date of the Decision, whichever is later.

9 5. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
10 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
11 advance by the Board or its designee. Respondent shall provide the approved course provider
12 with any information and documents that the approved course provider may deem pertinent.
13 Respondent shall participate in and successfully complete the classroom component of the course
14 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
15 complete any other component of the course within one (1) year of enrollment. The medical
16 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing
17 Medical Education (CME) requirements for renewal of licensure.

18 A medical record keeping course taken after the acts that gave rise to the charges in the
19 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
20 or its designee, be accepted towards the fulfillment of this condition if the course would have
21 been approved by the Board or its designee had the course been taken after the effective date of
22 this Decision.

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

26 6. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
27 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
28 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.

1 Respondent shall participate in and successfully complete that program. Respondent shall provide
2 any information and documents that the program may deem pertinent. Respondent shall
3 successfully complete the classroom component of the program not later than six (6) months after
4 Respondent's initial enrollment, and the longitudinal component of the program not later than the
5 time specified by the program, but no later than one (1) year after attending the classroom
6 component. The professionalism program shall be at Respondent's expense and shall be in
7 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

16 7. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
17 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
18 monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose
19 licenses are valid and in good standing, and who are preferably American Board of Medical
20 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
21 relationship with Respondent, or other relationship that could reasonably be expected to
22 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
23 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
24 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

25 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
26 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
27 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
28 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role

1 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
2 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
3 signed statement for approval by the Board or its designee.

4 Within 60 calendar days of the effective date of this Decision, and continuing throughout
5 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
6 make all records available for immediate inspection and copying on the premises by the monitor
7 at all times during business hours and shall retain the records for the entire term of probation.

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

13 The monitor(s) shall submit a quarterly written report to the Board or its designee which
14 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
15 are within the standards of practice of medicine, and whether Respondent is practicing medicine
16 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure
17 that the monitor submits the quarterly written reports to the Board or its designee within 10
18 calendar days after the end of the preceding quarter.

19 If the monitor resigns or is no longer available, Respondent shall, within five (5) calendar
20 days of such resignation or unavailability, submit to the Board or its designee, for prior approval,
21 the name and qualifications of a replacement monitor who will be assuming that responsibility
22 within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within
23 60 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
24 notification from the Board or its designee to cease the practice of medicine within three (3)
25 calendar days after being so notified. Respondent shall cease the practice of medicine until a
26 replacement monitor is approved and assumes monitoring responsibility.

27 In lieu of a monitor, Respondent may participate in a professional enhancement program
28 approved in advance by the Board or its designee that includes, at minimum, quarterly chart

1 review, semi-annual practice assessment, and semi-annual review of professional growth and
2 education. Respondent shall participate in the professional enhancement program at Respondent's
3 expense during the term of probation.

4 8. PROHIBITED PRACTICE. During probation, Respondent is prohibited from making
5 or issuing any written exemption from immunization, or any other written statement providing
6 that any child is exempt from the requirements of Chapter 1, commencing with Section 120325,
7 of the Health and Safety Code or any successor statute relating to requirements for immunization
8 against childhood diseases. After the effective date of this Decision, all patients being treated by
9 the Respondent shall be notified of this prohibition. Any new patients must be provided this
10 notification at the time of their initial appointment.

11 Respondent shall maintain a log of all patients to whom the required oral notification was
12 made. The log shall contain the: 1) patient's name, address and phone number; 2) patient's
13 medical record number, if available; 3) the full name of the person making the notification; 4) the
14 date the notification was made; and 5) a description of the notification given. Respondent shall
15 keep this log in a separate file or ledger, in chronological order, shall make the log available for
16 immediate inspection and copying on the premises at all times during business hours by the Board
17 or its designee, and shall retain the log for the entire term of probation.

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

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

27 10. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
28 prohibited from supervising physician assistants.

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

4 12. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
5 ordered to reimburse the Board its costs of investigation and enforcement in the amount of \$6,020
6 (six thousand twenty dollars). Costs shall be payable to the Medical Board of California. Failure
7 to pay such costs shall be considered a violation of probation.

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

10 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
11 repay investigation and enforcement costs.

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

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

17 14. GENERAL PROBATION REQUIREMENTS.

18 Compliance with Probation Unit

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

20 Address Changes

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

26 ///

27 ///

28 ///

1 Place of Practice

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

5 License Renewal

6 Respondent shall maintain a current and renewed California physician's and surgeon's
7 license.

8 Travel or Residence Outside California

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

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

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

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

1 probation with the medical licensing authority of that state or jurisdiction shall not be considered
2 non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-
3 practice.

4 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
5 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
6 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
7 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
8 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

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

16 17. COMPLETION OF PROBATION. Respondent shall comply with all financial
17 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
18 completion of probation. Upon successful completion of probation, Respondent's certificate shall
19 be fully restored.

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

27 19. LICENSE SURRENDER. Following the effective date of this Decision, if
28 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy

1 the terms and conditions of probation, Respondent may request to surrender his or her license.
2 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
3 determining whether or not to grant the request, or to take any other action deemed appropriate
4 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
5 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
6 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
7 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
8 application shall be treated as a petition for reinstatement of a revoked certificate.

9 20. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
10 with probation monitoring each and every year of probation, as designated by the Board, which
11 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
12 California and delivered to the Board or its designee no later than January 31 of each calendar
13 year.

14 21. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a
15 new license or certification, or petition for reinstatement of a license, by any other health care
16 licensing action agency in the State of California, all of the charges and allegations contained in
17 Accusation Nos. 800-2017-038533 and 800-2019-053979 shall be deemed to be true, correct, and
18 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding
19 seeking to deny or restrict license.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 ACCEPTANCE

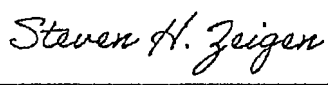
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Steven H. Zeigen, Esq. I understand the stipulation and the effect it
4 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
5 Disciplinary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

7
8 DATED: 7/5/22


9 SETH CAMHI, M.D..
Respondent

10 I have read and fully discussed with Respondent Seth Camhi, M.D. the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: July 6, 2022


14 STEVEN H. ZEIGEN, ESQ.
Attorney for Respondent

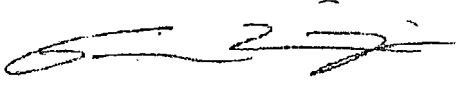
15
16 ENDORSEMENT

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

19
20 DATED: July 6, 2022

Respectfully submitted,

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

24 
25 GIOVANNI F. MEJIA
26 Deputy Attorney General
Attorneys for Complainant

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 GIOVANNI F. MEJIA
Deputy Attorney General
4 State Bar No. 309951
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9072
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

Case No. 800-2019-053979

15 **Seth Camhi, M.D.**
8929 University Center Ln., Suite 201
San Diego, CA 92122-1006

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 121153,**

18 **Respondent.**

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
22 Affairs (Board).

23 2. On or about May 2, 2012, the Medical Board issued Physician's and Surgeon's
24 Certificate No. A 121153 to Seth Camhi, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on May 21, 2024, unless renewed.

27 ///

28 ///

1

2

3

4

6

7

3

1

J

•

5.

1

1

1

1 licensee's conduct departs from the applicable standard of care, each departure
2 constitutes a separate and distinct breach of the standard of care.

3

4 6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
5 adequate and accurate records relating to the provision of services to their patients constitutes
6 unprofessional conduct.

7 COST RECOVERY

8 7. Business and Professions Code section 125.3 states that:

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

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

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

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

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

(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

1 licensee who demonstrates financial hardship and who enters into a formal agreement
2 with the board to reimburse the board within that one-year period for the unpaid
costs,

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

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

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

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Gross Negligence)**

11 8. Respondent has subjected his Physician's and Surgeon's Certificate No. A 121153 to
12 disciplinary action under section 2234, subdivision (b) of the Code in that he committed gross
13 negligence in the course of his care and treatment of one or more patients. The circumstances are
14 as follows:

15 9. On or about July 6, 2017, Patient A and Patient B,¹ minor siblings, presented to
16 Respondent. At the time Patient A was approximately three years old and Patient B was
17 approximately two years old.

18 10. This was Respondent's first medical appointment with Patient A or Patient B, or both.

19 11. In a note for the appointment on or about July 6, 2017, Respondent documented or
20 caused to be documented that Patient A "[was] going to be attending school soon and needs
21 evaluation as her mom does not want to vaccinate her and needs a letter stating that. She has no
22 other concerns while here today."

23 12. Respondent did not document a medical history or family medical history for
24 Patient A.

25 ///

26
27 ¹ In the interests of preserving patient confidentiality, a pseudonym is used for any patient
28 referenced in this Accusation. The true identity of any such patient is known to Respondent or
will be disclosed to Respondent following Complainant's receipt of a duly issued request for
discovery.

1 13. Respondent documented or caused to be documented that Patient A's review of
2 systems, vital signs and physical examination were normal.

3 14. Respondent documented or caused to be documented an assessment that Patient A
4 "had been evaluated and based on her family history has been exempt [sic] from all
5 vaccinations."

6 15. On or about July 6, 2017, Respondent issued a vaccination exemption letter for
7 Patient A stating, in pertinent part:

8 This letter is a medical exemption from vaccination. I am the Family Physician
9 for [Patient A]. I thoroughly evaluated the past and current medical history and family
10 history of this patient. It is my opinion that she be exempt from all vaccinations
11 including measles [sic], mumps, rubella, chicken pox, polio, Hib,² hepatitis B,
12 diphtheria [sic], tetanus, and pertusis [sic] for the rest of childhood for the following
13 reasons: family history of autoimmune disorders, IBD, Neurodevelopmental
14 Disorders, and Psychiatric [sic] Disorders. I agree that due to these factors, which will
15 persist indefinitely, there could be a severe reaction to further vaccinations.

16 16. In fact, as of July 6, 2017, Respondent had failed to establish or document, or both, an
17 adequate basis for Patient A's exemption from all vaccinations for all of childhood.

18 17. In a note for the July 6, 2017 appointment, Respondent documented or caused to be
19 documented that Patient B "...[was there] today with her mother. [Patient B was there] today for
20 evaluation for need for vaccinations. She [had] no other concerns while [there] today."

21 18. Respondent did not document any medical history or family medical history for
22 Patient B.

23 19. Respondent documented or caused to be documented that Patient B's review of
24 systems, vital signs and physical examination were normal.

25 20. Respondent documented or caused to be documented an assessment that Patient B
26 "presents with mother for vaccination exemption. Letter provided as requested."

27 21. On July 6, 2017, Respondent issued a vaccination exemption letter for Patient B
28 stating, in pertinent part:

This letter is a medical exemption from vaccination. I am the Family Physician
for [Patient B]. I thoroughly evaluated the past and current medical history and family
history of this patient. It is my opinion that she be exempt from all vaccinations

² "Hib" is an abbreviation for haemophilus influenzae type b vaccine.

1 including measles [sic], mumps, rubella, chicken pox, polio, Hib,³ hepatitis B,
2 diphtheria [sic], tetanus, and pertusis [sic] for the rest of childhood for the following
3 reasons: family history of autoimmune disorders, IBD, Neurodevelopmental
Disorders, and Psychaitric [sic] Disorders. I agree that due to these factors, which will
persist indefinitely, there could be a severe reaction to further vaccinations.

4 22. In fact, as of July 6, 2017, Respondent had failed to establish or document, or both, an
5 adequate basis for Patient B's exemption from all vaccinations for all of childhood.

6 23. On or about March 20, 2019, Respondent received a facsimile stating, in substance,
7 that the parent of Patient A and Patient B had presented the July 6, 2017 vaccine exemption
8 letters issued by Respondent to the patients' school district, but that such letters "[did]" not meet
9 the legal requirements for [the district] to enroll [the patients] in school."

10 24. On or about March 20, 2019, Respondent issued a "Medical Exemption to Required
11 Immunizations" form for Patient A. In the form, Respondent certified, in pertinent part, that:

12 ...[Patient A] has a physical condition or medical circumstances such that
13 [i]mmunization otherwise required for admission to school, child care center, day
14 nursery, nursery school, family day care home, or development center in California is
not considered safe.

15 In the form, Respondent permanently exempted Patient A from immunizations for polio, DTaP,⁴
16 MMR,⁵ Hib, hepatitis B, varicella and Tdap.⁶

17 25. In fact, as of March 20, 2019, Respondent had failed to establish or document, or
18 both, an adequate basis to permanently exempt Patient A from all of the immunizations listed in
19 the "Medical Exemption to Required Immunizations" form.

20 26. On or about March 20, 2019, Respondent issued a "Medical Exemption to Required
21 Immunizations" form for Patient B. In the form, Respondent certified, in pertinent part, that:

22 ...[Patient B] has a physical condition or medical circumstances such that
23 [i]mmunization otherwise required for admission to school, child care center, day
24 nursery, nursery school, family day care home, or development center in California is
not considered safe.

25
26 ³ "Hib" is an abbreviation for haemophilus influenzae type b vaccine.

27 ⁴ "DTaP" is an abbreviation for diphtheria, tetanus and acellular pertussis vaccine.

⁵ "MMR" is an abbreviation for measles, mumps, and rubella vaccine.

28 ⁶ "Tdap" is an abbreviation for the vaccine used to protect older children, adolescents and
adults from tetanus, diphtheria and pertussis.

1 In the form, Respondent permanently exempted Patient B from immunizations for polio, DTaP,
2 MMR, Hib, hepatitis B, varicella and Tdap.

3 27. In fact, as of March 20, 2019, Respondent had failed to establish or document, or
4 both, an adequate basis to permanently exempt Patient B from all of the immunizations listed in
5 the "Medical Exemption to Required Immunizations" form.

6 28. Respondent committed gross negligence in the course of his treatment of Patient A
7 including, but not limited to:

8 a. Failing to properly document Patient A's family medical history;

9 b. Issuing a vaccination exemption for Patient A listing a multitude of potential
10 elements of family history, none of which were documented in the patient's medical record;

11 c. Failing to properly document the risks of non-vaccination to Patient A or
12 discussion of such risks with a parent of Patient A, or both;

13 d. Failing to properly document a rationale for exempting Patient A from
14 vaccination or immunization;

15 e. Failing to maintain adequate and accurate records for Patient A; and

16 f. Issuing improper exemptions for vaccination or immunization for Patient A.

17 29. Respondent committed gross negligence in the course of his treatment of Patient B
18 including, but not limited to:

19 a. Failing to properly document Patient B's family medical history;

20 b. Issuing a vaccination exemption for Patient B listing a multitude of potential
21 elements of family history, none of which were documented in the patient's medical record;

22 c. Failing to properly document the risks of non-vaccination to Patient B or
23 discussion of such risks with Patient B's parents, or both;

24 d. Failing to properly document the rationale for exempting Patient B from
25 vaccination or immunization;

26 e. Failing to maintain adequate and accurate records for Patient B; and

27 f. Issuing improper exemptions for vaccination or immunization for Patient B.

28 ////

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 30. Respondent has further subjected his Physician's and Surgeon's Certificate
4 No. A 121153 to disciplinary action under section 2234, subdivision (c) of the Code in that he
5 committed repeated negligent acts in the course of his care and treatment of one or more patients
6 as more particularly alleged in paragraphs 8 through 29, above, which are hereby incorporated by
7 reference and realleged as if fully set forth herein.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Failure to Maintain Adequate and Accurate Records)**

10 31. Respondent has further subjected his Physician's and Surgeon's Certificate
11 No. A 121153 to disciplinary action under sections 2234 and 2266 of the Code in that he failed to
12 maintain adequate and accurate records relating to his provision of services to Patient A or
13 Patient B, or both, as more particularly alleged in paragraphs 8 through 30, above, which are
14 hereby incorporated by reference and realleged as if fully set forth herein.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Violation of the Medical Practice Act)**

17 32. Respondent has further subjected his Physician's and Surgeon's Certificate
18 No. A 121153 to disciplinary action under section 2234, subdivision (a) of the Code in that he
19 violated or attempted to violate one or more provisions of the Medical Practice Act as more
20 particularly alleged in paragraphs 8 through 31, above, which are hereby incorporated by
21 reference and realleged as if fully set forth herein.

22 **DISCIPLINARY CONSIDERATIONS**

23 33. To determine the degree of discipline, if any, to be imposed on Respondent,
24 Complainant alleges that effective February 25, 2022, in a disciplinary action entitled *In the*
25 *Matter of the Accusation Against Seth Camhi, M.D.* before the Board, in case No. 800-2017-
26 038544, Respondent's Physician's and Surgeon's Certificate was revoked. The revocation was
27 stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a
28 period of five years for repeated negligent acts, repeated acts of clearly excessive prescribing, and

1 failure to maintain adequate and accurate records. That decision is incorporated by reference as if
2 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:

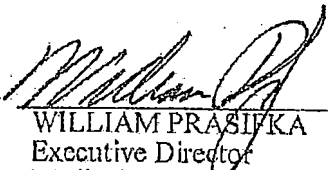
6 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 121153, issued
7 to Respondent Seth Camhi, M.D.;

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

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

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

14
15 DATED: FEB 25 2022


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

22 SD2021306288
23 83287814.docx
24
25
26
27
28