

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

In the Matter of the Accusation Against:

Bharati Ghosh, M.D.

Physician's and Surgeon's
Certificate No. A 34230

Respondent.

Case No. 800-2020-066160

DECISION

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

This Decision shall become effective at 5:00 p.m. on March 2, 2023.

IT IS SO ORDERED February 23, 2023.

MEDICAL BOARD OF CALIFORNIA



Reji Varghese
Interim Executive Director

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROSEMARY F. LUZON
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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 Accusation Against:

Case No. 800-2020-066160

14 **BHARATI GHOSH, M.D.**
15 **9675 Monte Vista Ave., Ste. B1**
Montclair, CA 91763

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate**
17 **No. A 34230,**

18 Respondent.

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 Rosemary F. Luzon, Deputy
26 Attorney General.

27 2. Bharati Ghosh, M.D. (Respondent) is represented in this proceeding by attorney Scott
28 J. Harris, Esq., whose address is: 8383 Wilshire Blvd., Suite 210, Beverly Hills, CA 90211.

1 CULPABILITY

2 9. Respondent hereby gives up her rights to contest the charges and allegations in
3 Accusation No. 800-2020-066160. Respondent further agrees that she has thereby subjected her
4 Physician's and Surgeon's Certificate No. A 34230 to disciplinary action. Respondent hereby
5 surrenders her Physician's and Surgeon's Certificate No. A 34230 for the Board's formal
6 acceptance.

7 10. Respondent agrees that her Physician's and Surgeon's Certificate No. A 34230 is
8 subject to discipline and she agrees to be bound the Board's imposition of discipline as set forth
9 in the Disciplinary Order below.

10 11. Respondent further agrees that if she ever petitions for reinstatement of her
11 Physician's and Surgeon's Certificate No. A 34230, or if an accusation or petition to revoke
12 probation is ever filed against her before the Medical Board of California, all of the charges and
13 allegations contained in Accusation No. 800-2020-066160 shall be deemed true, correct, and fully
14 admitted by Respondent for purposes of any such proceeding or any other licensing proceeding
15 involving Respondent in the State of California or elsewhere.

16 12. Respondent understands that, by signing this stipulation, she enables the Executive
17 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of her
18 Physician's and Surgeon's Certificate No. A 34230 without further notice to, or opportunity to be
19 heard by, Respondent.

20 CONTINGENCY

21 13. This stipulation shall be subject to approval by the Medical Board of California.
22 Respondent understands and agrees that counsel for Complainant and the staff of the Board may
23 communicate directly with the Board regarding this stipulation and surrender, without notice to or
24 participation by Respondent or her counsel. By signing the stipulation, Respondent understands
25 and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the
26 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
27 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or

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1 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
2 and the Board shall not be disqualified from further action by having considered this matter.

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

6 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
7 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
8 thereto, shall have the same force and effect as the originals.

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

12 **DISCIPLINARY ORDER**

13 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 34230, issued
14 to Respondent Bharati Ghosh, M.D., is surrendered and accepted by the Medical Board of
15 California.

16 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. A 34230
17 and the acceptance of the surrendered license by the Medical Board shall constitute the
18 imposition of discipline against Respondent. This stipulation constitutes a record of the discipline
19 and shall become a part of Respondent's license history with the Medical Board of California.

20 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
21 California as of the effective date of the Medical Board's Decision and Order.

22 3. Respondent shall cause to be delivered to the Medical Board her pocket license and,
23 if one was issued, her wall certificate on or before the effective date of the Medical Board's
24 Decision and Order.

25 4. If Respondent ever files an application for licensure or a petition for reinstatement in
26 the State of California, the Medical Board shall treat it as a petition for reinstatement.
27 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
28 revoked or surrendered license in effect at the time the petition is filed, and all of the charges and

1 allegations contained in Accusation No. 800-2020-066160 shall be deemed to be true, correct and
2 admitted by Respondent when the Board determines whether to grant or deny the petition.

3 5. Respondent shall pay the Medical Board a portion of its costs of investigation and
4 enforcement in this matter in the amount of \$14,677.50 (fourteen thousand six hundred seventy-
5 seven dollars and fifty cents) prior to issuance of a new or reinstated license.

6 6. If Respondent should ever apply or reapply for a new license or certification, or
7 petition for reinstatement of a license, by any other health care licensing agency in the State of
8 California, all of the charges and allegations contained in Accusation No. 800-2020-066160 shall
9 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
10 Issues or any other proceeding seeking to deny or restrict licensure.

11 **ACCEPTANCE**

12 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
13 have fully discussed it with my attorney, Scott J. Harris, Esq. I understand the stipulation and the
14 effect it will have on my Physician's and Surgeon's Certificate No. A 34230. I enter into this
15 Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently,
16 and agree to be bound by the Decision and Order of the Medical Board of California.

17
18 DATED: 01/10/2023 Bharati Ghosh, M.D.
19 BHARATI GHOSH, M.D.
20 Respondent

21 I have read and fully discussed with Respondent Bharati Ghosh, M.D., the terms and
22 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
23 Order. I approve its form and content.

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25 DATED: January 11, 2023 
26 SCOTT J. HARRIS, ESQ.
27 Attorney for Respondent

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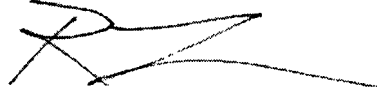
ENDORSEMENT

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

DATED: 1/12/23

Respectfully submitted,

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



ROSEMARY F. LUZON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2020-066160

1 ROB BONTA
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12 **STATE OF CALIFORNIA**

13
14 In the Matter of the Accusation Against:

Case No. 800-2020-066160

15 **Bharati Ghosh, M.D.**
16 **9675 Monte Vista Ave., Ste. B1**
Montclair, CA 91763

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
18 **No. A 34230,**

19 Respondent.

20 **PARTIES**

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

24 2. On or about August 3, 1979, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 34230 to Bharati Ghosh, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on July 31, 2023, unless renewed. The Physician's and Surgeon's Certificate is currently
28 in disabled status, prohibiting Respondent from engaging in the practice of medicine.

JURISDICTION

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3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2220 of the Code states:

Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. . .

5. Section 2227 of the Code states:

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

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

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

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

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

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

...

6. Section 2234 of the Code states:

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

...

(b) Gross negligence.

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1 7. Section 2266 of the Code states:

2 The failure of a physician and surgeon to maintain adequate and accurate
3 records relating to the provision of services to their patients constitutes unprofessional
4 conduct.

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

9 9. Section 822 of the Code states:

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

13 (a) Revoking the licentiate's certificate or license.

14 (b) Suspending the licentiate's right to practice.

15 (c) Placing the licentiate on probation.

16 (d) Taking such other action in relation to the licentiate as the licensing agency
17 in its discretion deems proper.

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

20 COST RECOVERY

21 10. Section 125.3 of the Code states:

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

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

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

7 (d) The administrative law judge shall make a proposed finding of the amount
8 of reasonable costs of investigation and prosecution of the case when requested
9 pursuant to subdivision (a). The finding of the administrative law judge with regard
10 to costs shall not be reviewable by the board to increase the cost award. The board
11 may reduce or eliminate the cost award, or remand to the administrative law judge if
12 the proposed decision fails to make a finding on costs requested pursuant to
13 subdivision (a).

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

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

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

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

28 (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.

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

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 11. Respondent has subjected her Physician's and Surgeon's Certificate No. A 34230 to
4 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
5 the Code, in that she committed gross negligence in her care and treatment of Patient A,¹ as more
6 particularly alleged hereinafter:

7 12. On or about January 9, 2020, Patient A, who was 13 years old at the time, had a visit
8 with Respondent. Patient A's mother was also present. Patient A complained of difficulty
9 breathing, yellow appearance, loss of weight and appetite, and coughing. According to the
10 progress notes for this visit, however, Patient A's chief complaints were cough, constant nasal
11 congestion, and difficulty sleeping. In addition, the progress notes included the mother's request
12 that labs be performed. The progress notes documented a normal physical exam, except for a
13 clear nasal drip. The progress notes did not include any notation regarding Patient A's
14 complaints of difficulty breathing, yellow appearance, and loss of weight and appetite. No blood
15 test or other follow-up was ordered. Respondent's assessment was post nasal drip and anemia,
16 and her plan included over-the-counter chloraseptic spray and completion of Patient A's ongoing
17 iron therapy.

18 13. On or about February 11, 2020, Patient A presented to Respondent with the same
19 complaints that she reported during the prior visit on January 9, 2020. Patient A also complained
20 of coughing blood, high fever, and constant sweating. During this visit, Patient A's father and
21 sister were also present. Patient A's sister reported to Respondent that Patient A was extremely
22 fatigued, underweight, unable to perform physical activities, had a yellowish tone, was coughing,
23 could not breath consistently without having to blow her nose, and lacked an appetite. The
24 progress notes for this visit, however, only noted Patient A's complaint that her cough was not
25 going away, multiple instances of diarrhea, and her father's request for labs. A normal physical
26 exam was noted, except for a clear nasal drip. The progress notes did not include any notation
27 regarding Patient A's other complaints, including difficulty breathing, yellow appearance, loss of

28 ¹ References to "Patient A" herein are used to protect patient privacy. .

1 weight and appetite, coughing blood, high fever, and constant sweating. The sister's description
2 of Patient A's symptoms also were not included. No blood test or other follow-up was ordered.

3 14. On or about February 23, 2020, Patient A presented to the hospital emergency room
4 with a chief complaint of a left-sided neck mass, with a persistent cough for the past three
5 months. Patient A was subsequently diagnosed with Stage IV Hodgkin lymphoma.

6 15. On or about March 16, 2020, Respondent submitted a letter to Patient A's health plan
7 in response to a grievance filed by Patient A's father. According to Patient A's father, when the
8 family raised concerns about Patient A's symptoms during the visits leading up to her Hodgkin
9 lymphoma diagnosis, Respondent was dismissive, defensive, and denied their requests for follow-
10 up testing. Respondent's response mainly asserted various complaints about the father.

11 16. On or about June 5, 2020, Respondent submitted a letter to the Board in response to a
12 similar complaint filed by Patient A's father regarding Respondent's handling of Patient A's
13 symptoms during the visits leading up to her Hodgkin lymphoma diagnosis. In her response,
14 Respondent mainly asserted various complaints about Patient A's father and her interactions with
15 him.

16 17. Respondent committed gross negligence in her care and treatment of Patient A, which
17 included, but was not limited to the following:

18 A. Respondent failed to heed and act upon "red flag" symptoms concerning
19 Patient A's medical condition, including by performing and documenting a more
20 detailed history and physical, ordering baseline studies, or, alternatively, referring
21 Patient A for further evaluation and management of her symptoms.

22 SECOND CAUSE FOR DISCIPLINE

23 (Failure to Maintain Adequate and Accurate Medical Records)

24 18. Respondent has subjected her Physician's and Surgeon's Certificate No. A 34230 to
25 disciplinary action under sections 2227 and 2234, as defined by section 2266, of the Code, in that
26 she failed to maintain adequate and accurate records regarding her care and treatment of Patient
27 A, as more particularly alleged in paragraphs 12 to 17, above, which are hereby incorporated by
28 reference and re-alleged as if fully set forth herein.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(General Unprofessional Conduct)**

3 19. Respondent has subjected her Physician's and Surgeon's Certificate No. A 34230 to
4 disciplinary action under sections 2227 and 2234 of the Code, in that she has engaged in conduct
5 which breaches the rules or ethical code of the medical profession, or conduct which is
6 unbecoming to a member in good standing of the medical profession, and which demonstrates an
7 unfitness to practice medicine, as more particularly alleged in paragraphs 15 and 16, above, which
8 are hereby incorporated by reference and realleged as if fully set forth herein.

9 **SECTION 822 CAUSE FOR ACTION**

10 **(Mental Illness and/or Physical Illness Affecting Competency)**

11 20. Respondent has subjected her Physician's and Surgeon's Certificate No. A 34230 to
12 action under section 822 of the Code in that her ability to practice medicine safely is impaired
13 because she is mentally ill and/or physically ill affecting competency, as more particularly alleged
14 hereinafter:

15 21. On or about December 9, 2021, Respondent submitted an application to the Board
16 entitled, "Disabled Physician Application for Exemption from Payment or Renewal Fee." The
17 application provides that "[t]he holder of a disabled license may not engage in the practice of
18 medicine." In support of the application, Respondent's attending physician submitted an
19 attachment under penalty of perjury, setting forth a description of Respondent's disability and an
20 explanation of how the disability prevents Respondent from practicing medicine safely.
21 According to the attending physician, Respondent has a long-term degenerative disorder and she
22 is cognitively unable to safely care for patients. The attending physician further attested that
23 Respondent's disability is permanent and began in or around June 2021.

24 22. Respondent's application was approved by the Board. Respondent's license is
25 currently in disabled status and, as a result, Respondent is not permitted to engage in the practice
26 of medicine.

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1 DISCIPLINARY CONSIDERATIONS

2 23. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges that on or about October 26, 1994, in a prior disciplinary action titled *In the*
4 *Matter of the Accusation Against Bharati Ghosh, M.D.*, before the Medical Board of California,
5 in Case No. 07-1990-004011 (also designated as Case No. D-4011), Respondent's license was
6 revoked, with revocation stayed and five years of probation imposed with certain conditions for
7 repeated acts of negligence in the care and treatment of two patients and an act of dishonesty
8 when applying for a medical staff hospital appointment, in violation of Code section 2234,
9 subdivisions (c) and (e), respectively. That decision is now final and is incorporated by reference
10 as if fully set forth herein.

11 24. Complainant further alleges that on or about February 28, 2007, in a prior disciplinary
12 action titled *In the Matter of the Accusation Against Bharati Ghosh, M.D.*, before the Medical
13 Board of California, in Case No. 09-2004-156433, Respondent's license was revoked, with
14 revocation stayed and seven years of probation imposed with certain conditions for gross
15 negligence, repeated acts of negligence, incompetency, and failure to maintain adequate and
16 accurate records in the care and treatment of six patients, in violation of Code sections 2234,
17 subdivisions (b), (c), and (d), and 2266, respectively. That decision is now final and is
18 incorporated by reference as if fully set forth herein.

19 PRAYER

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

22 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 34230, issued
23 to Respondent Bharati Ghosh, M.D.;

24 2. Revoking, suspending or denying approval of Respondent Bharati Ghosh, M.D.'s
25 authority to supervise physician assistants, pursuant to section 3527 of the Code, and advanced
26 practice nurses;


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1 3. Ordering Respondent Bharati Ghosh, M.D., to pay the Board the costs of the
2 investigation and enforcement of this case, and if placed on probation, the costs of probation
3 monitoring; and

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

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6 DATED: SEP 13 2022



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

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