

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

In the Matter of the Accusation
Against:

Zhi Zeng, M.D.

Physician's and Surgeon's
Certificate No. A 70119

Respondent.

Case No.: 800-2018-050768

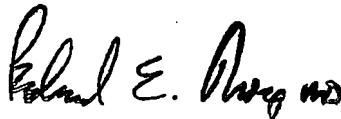
DECISION

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

This Decision shall become effective at 5:00 p.m. on May 24, 2023.

IT IS SO ORDERED: April 24, 2023.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, Chair
Panel B

1 ROB BONTA
Attorney General of California
2 EDWARD KIM
Supervising Deputy Attorney General
3 CHRISTINA SEIN GOOT
Deputy Attorney General
4 State Bar No. 229094
California Department of Justice
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **ZHI ZENG, M.D.**
13 **316 East Las Tunas Drive, Suite 102**
San Gabriel, CA 91776

14 **Physician's and Surgeon's Certificate**
15 **No. A 70119,**

16 Respondent.

Case No. 800-2018-050768

OAH No. 2021041020

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

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

25 2. Respondent Zhi Zeng, M.D. (Respondent) is represented in this proceeding by
26 attorneys Kent Thomas Brandmeyer and Jeannette Van Horst, whose address is: 385 E. Colorado
27 Blvd., Suite 200, Pasadena, CA 91101.

28 ///

1 charges and allegations.

2 10. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
4 No. 800-2018-050768 and that he has thereby subjected his license to disciplinary action.

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

8 **CONTINGENCY**

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

19 13. Respondent agrees that if he ever petitions for early termination or modification of
20 probation, or if an accusation and/or petition to revoke probation is filed against him before the
21 Board, all of the charges and allegations contained in Accusation No. 800-2018-050768 shall be
22 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
23 other licensing proceeding involving Respondent in the State of California.

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

27 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
28 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile

1 signatures thereto, shall have the same force and effect as the originals.

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

5 **DISCIPLINARY ORDER**

6 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 70119 issued
7 to Respondent Zhi Zeng, M.D. is revoked. However, the revocation is stayed and Respondent is
8 placed on probation for three (3) years on the following terms and conditions:

9 1. **EDUCATION COURSE.** Within 60 calendar days of the effective date of this
10 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
11 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
12 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
13 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
14 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
15 the 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 65
18 hours of CME of which 40 hours were in satisfaction of this condition.

19 2. **MEDICAL RECORD KEEPING COURSE.** Within 60 calendar days of the effective
20 date of this Decision, Respondent shall enroll in a course in medical record keeping 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 medical
26 record keeping 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 A medical record keeping course taken after the acts that gave rise to the charges in the

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

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

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

17 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
18 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
19 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
20 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
21 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
22 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
23 signed statement for approval by the Board or its designee.

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

28 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective

1 date of this Decision, Respondent shall receive a notification from the Board or its designee to
2 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
3 shall cease the practice of medicine until a monitor is approved to provide monitoring
4 responsibility.

5 The monitor(s) shall submit a quarterly written report to the Board or its designee which
6 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
7 are within the standards of practice of medicine and whether Respondent is practicing medicine
8 safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the
9 quarterly written reports to the Board or its designee within 10 calendar days after the end of the
10 preceding quarter.

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

19 In lieu of a monitor, Respondent may participate in a professional enhancement program
20 approved in advance by the Board or its designee that includes, at minimum, quarterly chart
21 review, semi-annual practice assessment, and semi-annual review of professional growth and
22 education. Respondent shall participate in the professional enhancement program at Respondent's
23 expense during the term of probation.

24 4. PROHIBITED PRACTICE. During probation, Respondent is prohibited from
25 performing liposuction procedures. After the effective date of this Decision, all patients being
26 treated with any cosmetic or aesthetic procedures/treatments, including surgical and nonsurgical
27 procedures (e.g., Botox injections, fat deposit removal (either with injectable deoxycholic acid or
28 by freezing fat cells with a device), filler injections, including soft tissue fillers, laser hair

1 removal, laser resurfacing to improve acne scars, sclerotherapy injections for small varicose veins
2 and spider veins) by Respondent (or whose treatment is supervised by Respondent) shall be
3 notified that the Respondent is prohibited from performing liposuctions. Any of such patient
4 must be provided this written notification at the time of their first appointment with Respondent
5 following the effective date of this Decision.

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

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

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

22 6. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
23 prohibited from supervising physician assistants.

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

27 8. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
28 ordered to reimburse the Board its costs of investigation and enforcement since 2022, in the

1 amount of \$11,550.00 (eleven thousand five hundred fifty dollars and zero cents). Costs shall be
2 payable to the Medical Board of California. Failure to pay such costs shall be considered a
3 violation of probation.

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

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

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

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

13 10. GENERAL PROBATION REQUIREMENTS.

14 Compliance with Probation Unit

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

16 Address Changes

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

22 Place of Practice

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

26 License Renewal

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

1 Travel or Residence Outside California

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

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

8 11. 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 12. 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 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
10 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
11 completion of probation. Upon successful completion of probation, Respondent’s certificate shall
12 be fully restored.

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

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

1 application shall be treated as a petition for reinstatement of a revoked certificate.

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

7 17. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
8 a new license or certification, or petition for reinstatement of a license, by any other health care
9 licensing action agency in the State of California, all of the charges and allegations contained in
10 Accusation No. 800-2018-050768 shall be deemed to be true, correct, and admitted by
11 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
12 restrict license.

13
14 ACCEPTANCE

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorneys, Kent Thomas Brandmeyer and Jeannette Van Horst. I understand
17 the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
18 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
19 agree to be bound by the Decision and Order of the Medical Board of California.

20
21 DATED: 7/27/2022



ZHI ZENG, M.D.
Respondent

22
23 I have read and fully discussed with Respondent Zhi Zeng, M.D. the terms and conditions
24 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
25 its form and content.

26 DATED: 7-27-22



KENT THOMAS BRANDMEYER, ESQ.
JEANNETTE VAN HORST, 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 28, 2022 _____

Respectfully submitted,

ROB BONTA
Attorney General of California
EDWARD KIM
Supervising Deputy Attorney General


CHRISTINA SEIN GOOT
Deputy Attorney General
Attorneys for Complainant

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65288687.docx

Exhibit A

Accusation No. 800-2018-050768

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 EDWARD KIM
Deputy Attorney General
4 State Bar No. 195729
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5 300 So. Spring Street, Suite 1702
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6 Telephone: (213) 269-6540
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2018-050768

13 **Zhi Zeng, M.D.**
14 **316 East Las Tunas Drive, Suite 102**
15 **San Gabriel, CA 91776**

A C C U S A T I O N

16 **Physician's and Surgeon's**
17 **Certificate No. A 70119,**

Respondent.

18 **PARTIES**

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

21 2. On or about October 22, 1999, the Medical Board issued Physician's and Surgeon's
22 Certificate Number A 70119 to Zhi Zeng, M.D. (Respondent). The Physician's and Surgeon's
23 Certificate was in full force and effect at all times relevant to the charges brought herein and will
24 expire on April 30, 2021, unless renewed.

25 **JURISDICTION**

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

STATUTORY PROVISIONS

1
2 4. Section 2227 of the Code provides that a licensee who is found guilty under the
3 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
4 one year, placed on probation and required to pay the costs of probation monitoring, or such other
5 action taken in relation to discipline as the Board deems proper.

6 5. Section 2234 of the Code, states:

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

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

11 (b) Gross negligence. - - - - -

12 (c) Repeated negligent acts. To be repeated, there must be two or more
13 negligent acts or omissions. An initial negligent act or omission followed by a
separate and distinct departure from the applicable standard of care shall constitute
repeated negligent acts.

14 (1) An initial negligent diagnosis followed by an act or omission medically
15 appropriate for that negligent diagnosis of the patient shall constitute a single
negligent act.

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

19 (d) Incompetence.

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

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

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

25 6. Section 2259.8 of the Code, states:

26 (a) Notwithstanding any other provision of law, an elective cosmetic surgery
27 procedure may not be performed on a patient unless the patient has received, within
30 days prior to the elective cosmetic surgery procedure, and confirmed as up-to-date
28 on the day of the procedure, an appropriate physical examination by, and written
clearance for the procedure from, any of the following:

1 (1) The physician and surgeon who will be performing the surgery.

2 (2) Another licensed physician and surgeon.

3 (3) A certified nurse practitioner, in accordance with a certified nurse
4 practitioner's scope of practice, unless limited by protocols or a delegation
5 agreement.

6 (4) A licensed physician assistant, in accordance with a licensed physician
7 assistant's scope of practice, unless limited by protocols or a delegation agreement.

8 (b) The physical examination described in subdivision (a) shall include the
9 taking of an appropriate medical history.

10 (c) An appropriate medical history and physical examination done on the day of
11 the procedure shall be presumed to be in compliance with subdivisions (a) and (b).

12 (d) "Elective cosmetic surgery" means an elective surgery that is performed to
13 alter or reshape normal structures of the body in order to improve the patient's
14 appearance, including, but not limited to, liposuction and elective facial cosmetic
15 surgery.

16 (e) Section 2314 shall not apply to this section.

17 7. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
18 adequate and accurate records relating to the provision of services to their patients constitutes
19 unprofessional conduct.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Gross Negligence)**

22 8. Respondent is subject to disciplinary action under section 2234, subdivision (b), in
23 that he committed gross negligence in his care and treatment of Patient A.¹ The circumstances
24 are as follows:

25 9. On or about July 11, 2016, Respondent saw Patient A, a 33-year-old woman, in
26 connection with an evaluation for cosmetic surgery. She had never undergone cosmetic surgery.
27 She also responded "no" to any past medical history, including allergies.

28 10. On or about July 13, 2016, Respondent performed liposuction of Patient A's
abdomen, inner and outer thighs and fat grafting to her breasts and forehead. Two standardized
forms labeled "Liposuction and/or Fat Graft procedure record," and "Facial Fat Transfer" were

¹ The patient's initials are used to protect their privacy. The identity of the patients is known to the Respondent and will be further provided in response to an appropriate Request for Discovery.

1 utilized, and included some markings apparently indicating reference areas, possibly about where
2 fat was harvested and injected, and also including,² the patient's blood pressure, the amount of
3 tumescent fluid used and the drain volume. However, Respondent failed to prepare a
4 corresponding operative note to document the procedures he performed on Patient A on or about
5 July 13, 2016. His medical records for Patient A also included an undated signed informed
6 consent for liposuction and/or fat grafting.

7 11. On or about July 15, 2016, Respondent saw Patient A at a follow up visit.

8 12. On or about July 21, 2016, Respondent performed liposuction and/or fat graft
9 procedures on Patient A. His record of these procedures, included liposuction of the right and left
10 knee areas. An undated follow up form was also placed in the chart.

11 13. Thereafter, on or about July 22, 2016 and July 25, 2016, Respondent saw Patient A
12 for follow up visits.

13 14. Respondent's records also included undated and unidentified pictures of Patient A.

14 15. Respondent's records also included purported treatments on or about August 26,
15 2016, March 1, 2017, December 6, 2017 and December 13, 2016 for Restylane and Dypport,
16 which are cosmetic fillers that are similar to Botox and used to add volume and fullness to skin
17 and to correct facial wrinkles.

18 16. Respondent did not obtain medical clearance for Patient A before the procedures he
19 performed on her. Respondent failed to adequately examine the patient before the procedures,
20 and failed to adequately document his pre-operative, intraoperative, postoperative interactions
21 with the patient.

22 17. Even though Respondent performed procedures on Patient A, he failed to adequately
23 monitor her during the operations.

24 18. Respondent failed to adequately perform and/or document any post-operative
25 evaluation or monitoring of Patient A, including checking her vital signs and adequately
26 evaluating whether it was safe to discharge Patient A.

27 19. On or about January 17, 2016, and thereafter, Respondent failed to document in his

28 ² As used herein, "including" means, "including, without limitation."

1 medical records for the patient, an initial consultation, operative notes, and consent for the
2 surgical procedure on or about July 21, 2016. In addition, his records for Patient A included
3 materials that failed to include a date or patient name, including photos that were not identified by
4 date or name.

5 20. On or about February 20, 2020, an investigator and medical consultant interviewed
6 Respondent on behalf of the Board. At his interview, Respondent stated that he did not prepare
7 "whole" operation reports because he considered liposuction as merely a "procedure," and not an
8 "operation." He also stated that he does not perform a history and physical for procedures on
9 "very young people," i.e., aged "30-35 or less." Thus, he does not perform and/or obtain any
10 "surgical clearance," on these "very young" patients. He also stated that informed consents for
11 liposuction were good for a period of three months, even if done on different days or locations on
12 the body. He also admitted that he failed to always document every patient encounter or
13 interaction.

14 21. On or about January 17, 2016, and thereafter, Respondent was grossly negligent in his
15 treatment and care Patient A, including when he:

16 (a) failed to adequately perform and/or document an adequate pre-operative
17 examination and evaluation;

18 (b) failed to adequately obtain, and/or document obtaining, an informed consent for
19 each surgical procedure he performed;

20 (c) failed to adequately perform and/or document his intra-operative treatment and
21 care of the patient, including in intraoperative records, and/or operative reports, including
22 documentation of any medications administered, monitoring of the patient, listing who was in the
23 operating room, the amount and identification of any fluid injected, the amount of fat removed,
24 fluid shifts, any complications, and/or how the procedure was performed; and/or

25 (d) failed to adequately perform and/or document his post-operative treatment and
26 care of the patient, including any evaluations before discharge and/or post-operative instructions.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 22. Respondent is subject to disciplinary action under section 2234, subdivision (c), in
4 that Respondent committed repeated negligent acts in the care and treatment of Patient A. The
5 circumstances are as follows:

6 23. The allegations of the First Cause for Discipline are incorporated herein by reference
7 as if fully set forth.

8 24. On or about January 17, 2016, and thereafter, Respondent was negligent in his
9 documentation of his treatment and care of Patient A, including when he failed to adequately
10 document the patient's initial consultation, the preoperative visit, intraoperative records and/or
11 postoperative care.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Failure to Maintain Adequate Medical Records)**

14 25. Respondent is subject to disciplinary action under section 2266 of the Code in that
15 Respondent failed to maintain adequate and accurate records related to the provision of medical
16 services to a patient. The circumstances are as follows:

17 26. The allegations of the First and Second Causes for Discipline, inclusive, are
18 incorporated herein by reference as if fully set forth.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(No Appropriate Physical Examination)**

21 27. Respondent is subject to disciplinary action under section 2259.8 of the Code in that
22 he performed an elective cosmetic surgery procedure on a patient without her having received,
23 within 30 days prior to the elective cosmetic surgery procedure, and confirmed as up-to-date on
24 the day of the procedure, an appropriate physical examination. The circumstances are as follows:

25 28. The allegations of the First, Second and Third Causes for Discipline, inclusive, are
26 incorporated herein by reference as if fully set forth.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(General Unprofessional Conduct)**

3 29. Respondent is subject to disciplinary action under section 2234, in that his action
4 and/or actions represent unprofessional conduct, generally. The circumstances are as follows:

5 30. The allegations of the First, Second, Third and Fourth Causes for Discipline,
6 inclusive, are incorporated herein by reference as if fully set forth.

7 **PRAYER**

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

- 10 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 70119,
11 issued to Zhi Zeng, M.D.;
- 12 2. Revoking, suspending or denying approval of Zhi Zeng, M.D.'s authority to supervise
13 physician assistants and advanced practice nurses;
- 14 3. Ordering Zhi Zeng, M.D., if placed on probation, to pay the Board the costs of
15 probation monitoring; and
- 16 4. Taking such other and further action as deemed necessary and proper.

17
18 DATED: FEB 11 2021

19 
20 WILLIAM PRASIFKA
21 Executive Director
22 Medical Board of California
23 Department of Consumer Affairs
24 State of California
25 *Complainant*

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