

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

In the Matter of the Accusation  
Against:

Jacob Eric Tauber, M.D.

Physician's and Surgeon's  
Certificate No. G 41526

Respondent.

Case No.: 800-2018-046154

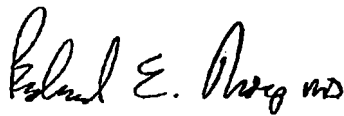
DECISION

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 June 16, 2023.

IT IS SO ORDERED: May 18, 2023.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 MARSHA E. BARR-FERNANDEZ  
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*Attorneys for Complainant*  
7

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:

13 **JACOB ERIC TAUBER, M.D.**  
14 **501 South First Avenue, Suite L**  
15 **Arcadia, CA 91006**

16 **Physician's and Surgeon's Certificate**  
17 **No. G 41526,**

18 Respondent.

Case No. 800-2018-046154

OAH No. 2023020138

19 **STIPULATED SETTLEMENT AND**  
20 **DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Reji Varghese (Complainant) is the Interim Executive Director of the Medical Board  
25 of California (Board). He brought this action solely in his official capacity and is represented in  
26 this matter by Rob Bonta, Attorney General of the State of California, by Marsha E. Barr-  
27 Fernandez, Deputy Attorney General.

28 2. Respondent Jacob Eric Tauber, M.D. (Respondent) is represented in this proceeding  
by attorney Seth Weinstein, Esq., whose address is: 16133 Ventura Blvd., Suite 700, Encino, CA  
91436.

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 41526 issued  
3 to Respondent JACOB ERIC TAUBER, M.D. is revoked. However, the revocation is stayed and  
4 Respondent is placed on probation for five (5) years from the effective date of the Decision and  
5 Order on the following terms and conditions:

6 1. **ACTUAL SUSPENSION.** As part of probation, Respondent is suspended from the  
7 practice of medicine for thirty (30) days, beginning the sixteenth (16th) day after the effective  
8 date of this decision.

9 2. **PROFESSIONALISM PROGRAM (ETHICS COURSE).** Within sixty (60) calendar  
10 days of the effective date of this Decision, Respondent shall enroll in a professionalism program,  
11 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
12 Respondent shall participate in and successfully complete that program. Respondent shall  
13 provide any information and documents that the program may deem pertinent. Respondent shall  
14 successfully complete the classroom component of the program not later than six (6) months after  
15 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
16 time specified by the program, but no later than one (1) year after attending the classroom  
17 component. The professionalism program shall be at Respondent's expense and shall be in  
18 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

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

10           The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
11 and Accusation(s), and a proposed monitoring plan. Within fifteen (15) calendar days of receipt  
12 of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a  
13 signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands  
14 the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor  
15 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan  
16 with the signed statement for approval by the Board or its designee.

17           Within sixty (60) calendar days of the effective date of this Decision, and continuing  
18 throughout probation, Respondent's billing shall be monitored by the approved monitor.  
19 Respondent shall make all records available for immediate inspection and copying on the  
20 premises by the monitor at all times during business hours and shall retain the records for the  
21 entire term of probation.

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

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

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

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

20 4. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the  
21 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
22 where: 1) Respondent merely shares office space with another physician but is not affiliated for  
23 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that  
24 location.

25 If Respondent fails to establish a practice with another physician or secure employment in  
26 an appropriate practice setting within sixty (60) calendar days of the effective date of this

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1 Decision, Respondent shall receive a notification from the Board or its designee to cease the  
2 practice of medicine within three (3) calendar days after being so notified. The Respondent shall  
3 not resume practice until an appropriate practice setting is established.

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

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

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

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

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.

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1           8.    INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby  
2 ordered to reimburse the Board its costs of investigation and enforcement, including, but not  
3 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena  
4 enforcement, as applicable, in the amount of \$5,722.50 (five thousand seven hundred twenty-two  
5 dollars and fifty cents). Costs shall be payable to the Medical Board of California. Failure to pay  
6 such costs shall be considered a violation of probation.

7           Payment must be made in full within thirty (30) calendar days of the effective date of the  
8 Order, or by a payment plan approved by the Medical Board of California. Any and all requests  
9 for a payment plan shall be submitted in writing by Respondent to the Board. Failure to comply  
10 with the payment plan shall be considered a violation of probation.

11           The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility  
12 to repay investigation and enforcement costs, including expert review costs (if applicable).

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

16           Respondent shall submit quarterly declarations not later than ten (10) calendar days after  
17 the end of the preceding quarter.

18           10.   GENERAL PROBATION REQUIREMENTS.

19           Compliance with Probation Unit

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

21           Address Changes

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

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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 thirty (30) calendar days prior to the  
14 dates of departure and return.

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

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

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

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

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

12 Periods of non-practice for a Respondent residing outside of California will relieve  
13 Respondent of the responsibility to comply with the probationary terms and conditions with the  
14 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
15 General Probation Requirements; and Quarterly Declarations.

16 13. COMPLETION OF PROBATION. Respondent shall comply with all financial  
17 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar  
18 days prior to the completion of probation. This term does not include cost recovery, which is due  
19 within thirty (30) calendar days of the effective date of the Order, or by a payment plan approved  
20 by the Medical Board and timely satisfied. Upon successful completion of probation,  
21 Respondent's certificate shall be fully restored.

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

1           15.   LICENSE SURRENDER. Following the effective date of this Decision, if  
2 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
3 the terms and conditions of probation, Respondent may request to surrender his or her license.  
4 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
5 determining whether or not to grant the request, or to take any other action deemed appropriate  
6 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
7 shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the  
8 Board or its designee and Respondent shall no longer practice medicine. Respondent will no  
9 longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical  
10 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

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

16           17.   FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for  
17 a new license or certification, or petition for reinstatement of a license, by any other health care  
18 licensing action agency in the State of California, all of the charges and allegations contained in  
19 Accusation No. 800-2018-046154 shall be deemed to be true, correct, and admitted by  
20 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or  
21 restrict license.

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ACCEPTANCE

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

DATED: 3/31/2023   
JACOB ERIC TAUBER, M.D.  
*Respondent*

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

DATED: 04-02-2023   
SETH WEINSTEIN, ESQ.  
*Attorney for Respondent*

ENDORSEMENT

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

DATED: April 3, 2023

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

  
MARSHA E. BARR-FERNANDEZ  
Deputy Attorney General  
*Attorneys for Complainant*

LA2022601858

**Exhibit A**

**Accusation No. 800-2018-046154**

1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 MARSHA E. BARR-FERNANDEZ  
Deputy Attorney General  
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8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 **JACOB ERIC TAUBER, M.D.**  
501 South First Avenue, Suite L  
13 Arcadia, CA 91006-3882  
14 **Physician's and Surgeon's Certificate**  
No. G 41526,  
15  
16 Respondent.

Case No. 800-2018-046154

**A C C U S A T I O N**

17 **PARTIES**

18 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as  
19 the Deputy Director of the Medical Board of California, Department of Consumer Affairs  
20 (Board).

21 2. On or about February 11, 1980, the Medical Board issued Physician's and Surgeon's  
22 Certificate Number G 41526 to Jacob Eric Tauber, M.D. (Respondent). The Physician's and  
23 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on December 31, 2023, 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.

1 4. Section 2004 of the Code states:

2 The board shall have the responsibility for the following:

3 (a) The enforcement of the disciplinary and criminal provisions of the Medical  
4 Practice Act.

5 (b) The administration and hearing of disciplinary actions.

6 (c) Carrying out disciplinary actions appropriate to findings made by a panel or  
an administrative law judge.

7 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion  
8 of disciplinary actions.

9 (e) Reviewing the quality of medical practice carried out by physician and  
surgeon certificate holders under the jurisdiction of the board.

10 (f) Approving undergraduate and graduate medical education programs.

11 (g) Approving clinical clerkship and special programs and hospitals for the  
12 programs in subdivision (f).

13 (h) Issuing licenses and certificates under the board's jurisdiction.

14 (i) Administering the board's continuing medical education program.

15 5. Section 2220 of the Code states:

16 Except as otherwise provided by law, the board may take action against all  
17 persons guilty of violating this chapter. The board shall enforce and administer this  
18 article as to physician and surgeon certificate holders, including those who hold  
certificates that do not permit them to practice medicine, such as, but not limited to,  
retired, inactive, or disabled status certificate holders, and the board shall have all the  
powers granted in this chapter for these purposes including, but not limited to:

19 (a) Investigating complaints from the public, from other licensees, from health  
20 care facilities, or from the board that a physician and surgeon may be guilty of  
unprofessional conduct. The board shall investigate the circumstances underlying a  
21 report received pursuant to Section 805 or 805.01 within 30 days to determine if an  
interim suspension order or temporary restraining order should be issued. The board  
22 shall otherwise provide timely disposition of the reports received pursuant to Section  
805 and Section 805.01.

23 (b) Investigating the circumstances of practice of any physician and surgeon  
24 where there have been any judgments, settlements, or arbitration awards requiring the  
physician and surgeon or his or her professional liability insurer to pay an amount in  
25 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with  
respect to any claim that injury or damage was proximately caused by the physician's  
26 and surgeon's error, negligence, or omission.

27 (c) Investigating the nature and causes of injuries from cases which shall be reported of a  
28 high number of judgments, settlements, or arbitration awards against a physician and  
surgeon.





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

(d) Incompetence.

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

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

(g) The failure by a certificate holder, in the absence of good cause, to attend 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.

8. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

9. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

1 (c) A conviction within the meaning of this section means a plea or verdict of  
2 guilty or a conviction following a plea of nolo contendere. Any action that a board is  
3 permitted to take following the establishment of a conviction may be taken when the  
4 time for appeal has elapsed, or the judgment of conviction has been affirmed on  
5 appeal, or when an order granting probation is made suspending the imposition of  
6 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of  
7 the Penal Code.

8 (d) The Legislature hereby finds and declares that the application of this section  
9 has been made unclear by the holding in *Petropoulos v. Department of Real Estate*  
10 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant  
11 number of statutes and regulations in question, resulting in potential harm to the  
12 consumers of California from licensees who have been convicted of crimes.  
13 Therefore, the Legislature finds and declares that this section establishes an  
14 independent basis for a board to impose discipline upon a licensee, and that the  
15 amendments to this section made by Chapter 33 of the Statutes of 2008 do not  
16 constitute a change to, but rather are declaratory of, existing law.

### 17 REGULATORY PROVISIONS

18 10. California Code of Regulations, title 16, section 1360, states:

19 For the purposes of denial, suspension or revocation of a license, certificate or  
20 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime  
21 or act shall be considered to be substantially related to the qualifications, functions or  
22 duties of a person holding a license, certificate or permit under the Medical Practice  
23 Act if to a substantial degree it evidences present or potential unfitness of a person  
24 holding a license, certificate or permit to perform the functions authorized by the  
25 license, certificate or permit in a manner consistent with the public health, safety or  
26 welfare. Such crimes or acts shall include but not be limited to the following:  
27 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
28 violation of, or conspiring to violate any provision of the Medical Practice Act.

### 18 COST RECOVERY

19 11. Section 125.3 of the Code states:

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

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

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

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

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

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

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

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

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

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

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Conviction of a Substantially Related Crime)**

12. Respondent Jacob Eric Tauber, M.D. is subject to disciplinary action under sections  
490 and 2236 of the Code, in that he was convicted of a crime substantially related to the  
qualifications, functions, or duties of a physician. The circumstances are as follows:

13. Respondent is an orthopedic surgeon whose practice was based in Beverly Hills  
and Glendale, California. During the relevant time period, Respondent performed primarily non-  
spinal surgeries and generally referred spinal surgeries to other surgeons.

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1 14. From 2008 through 2013, Respondent provided patient referrals to other healthcare  
2 providers in exchange for illegal referral fees known as kickbacks. Respondent profited  
3 approximately \$525,000.00 from the scheme.

4 15. On or about July 12, 2018, in the case of *United States of America v. Jacob E.*  
5 *Tauber*, United States District Court for the Central District of California case number 8:18-cr-  
6 00140-JLS, Respondent was charged with violating Title 18 United States Code section 371,  
7 (conspiracy to commit a criminal offense); Title 18 United States Code sections 1341 and 1346  
8 (mail fraud involving deprivation of honest services); Title 18 United States Code sections 1343  
9 and 1346 (wire fraud involving deprivation of honest services); Title 18 United States Code  
10 section 1952, subdivision (a)(3) (use of an interstate facility in aid of unlawful activity); Title 18  
11 United States Code section 1320a-7b, subdivision (b)(1)(A) (soliciting and receiving illegal  
12 remunerations for health care referrals); Title 18 United States Code section 2 (aiding and  
13 abetting and causing an act to be done); Title 18 United States Code section 982, subdivision  
14 (a)(7), section 981, subdivisions (a)(1)(C), and Title 28 United States Code section 2461,  
15 subdivision (c) (criminal forfeiture).

16 16. On or about November 15, 2018, Respondent was convicted, by way of a plea of  
17 guilty, of the crime of conspiracy to commit a criminal offense, a felony, in violation of Title 18  
18 United States Code section 371, as charged in Count 2 (two) of the Indictment.

19 17. Respondent was sentenced on April 15, 2022, to serve four months house arrest and  
20 three years supervised release (probation) under terms and conditions. Respondent was ordered  
21 to pay a fine in the amount of \$25,000.00, and to comply with standard terms and conditions of  
22 supervised release. The court also entered a money judgment of forfeiture in the amount of  
23 \$525,000.00 against Respondent.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct: Dishonest and Corrupt Acts)**

26 18. Respondent Jacob Eric Tauber, M.D. is subject to disciplinary action under section  
27 2234, subdivision (e), in that he engaged in dishonest and corrupt acts. The circumstances are as  
28 follows:

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19. The facts and allegations set forth in the First Cause for Discipline are incorporated by reference as if fully set forth.


20. Each of the alleged acts set forth in the First Cause for Discipline, above, is also a dishonest and corrupt act.

**PRAYER**

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 41526, issued to Jacob Eric Tauber, M.D.;
2. Revoking, suspending or denying approval of Jacob Eric Tauber, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Jacob Eric Tauber, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: JAN 31 2023

  
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 RISHI VARGHESE  
 Deputy Director  
 Medical Board of California  
 Department of Consumer Affairs  
 State of California  
 Complainant

LA2022601858