

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

In the Matter of the Accusation
Against:

ANDREI NIKOLAI DOKUKIN, M.D.

Physician's and Surgeon's
Certificate No. A 110631

Respondent.

Case No.: 800-2020-072082

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 August 9, 2023.

IT IS SO ORDERED: July 10, 2023.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 JOSEPH F. MCKENNA III
Deputy Attorney General
4 State Bar No. 231195
California Department of Justice
5 600 West Broadway, Suite 1800
San Diego, California 92101
6 P.O. Box 85266
San Diego, California 92186-5266
7 Telephone: (619) 738-9417
Facsimile: (619) 645-2061
8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **ANDREI NIKOLAI DOKUKIN, M.D.**
15 **1439 W. Chapman Avenue, Suite 46**
Orange, California 92868-2738

16 **Physician's and Surgeon's Certificate**
17 **No. A 110631,**

18 Respondent.

Case No. 800-2020-072082

OAH No. 2023020644

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

21 **PARTIES**

22 1. Reji Varghese (Complainant) is the Interim Executive Director of the Medical Board
23 of California (Board). He brought this action solely in his official capacity and is represented in
24 this matter by Rob Bonta, Attorney General of the State of California, and by Joseph F. McKenna
25 III, Deputy Attorney General.

26 2. Respondent Andrei Nikolai Dokukin, M.D. (Respondent) is represented in this
27 proceeding by attorney Raymond J. McMahon, Esq., whose address is: 5440 Trabuco Road,
28 Irvine, California, 92620.

1 3. On or about January 6, 2010, the Board issued Physician's and Surgeon's Certificate
2 No. A 110631 to Respondent. The Physician's and Surgeon's Certificate was in full force and
3 effect at all times relevant to the charges brought in Accusation No. 800-2020-072082, and will
4 expire on September 30, 2023, unless renewed.

5 **JURISDICTION**

6 4. On January 25, 2023, Accusation No. 800-2020-072082 was filed before the Board
7 and is currently pending against Respondent. The Accusation and all other statutorily required
8 documents were properly served on Respondent on January 25, 2023. Respondent timely filed
9 his Notice of Defense contesting the Accusation. A true and correct copy of the Accusation is
10 attached hereto as Exhibit A and hereby incorporated by reference as if fully set forth herein.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, discussed with counsel, and fully understands the
13 charges and allegations contained in Accusation No. 800-2020-072082. Respondent has also
14 carefully read, discussed with his counsel, and fully understands the effects of this Stipulated
15 Settlement and Disciplinary Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations contained in the Accusation; the right to confront and
18 cross-examine the witnesses against him; the right to present evidence and to testify on his own
19 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
20 production of documents; the right to reconsideration and court review of an adverse decision;
21 and all other rights accorded by the California Administrative Procedure Act and other applicable
22 laws, having been fully advised of same by his counsel.

23 7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
24 waives and gives up each and every right set forth above.

25 **CULPABILITY**

26 8. Respondent understands and agrees that the charges and allegations contained in
27 Accusation No. 800-2020-072082, if proven at a hearing, constitute cause for imposing discipline
28 upon his Physician's and Surgeon's Certificate No. A 110631.

1 9. Respondent stipulates that, at a hearing, Complainant could establish a *prima facie*
2 case or factual basis for the charges and allegations contained in the Accusation; that he gives up
3 his right to contest those charges and allegations contained in the Accusation; and that he has
4 thereby subjected his Physician's and Surgeon's Certificate to disciplinary action.

5 **CONTINGENCY**

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

15 11. Respondent agrees that if he ever petitions for early termination or modification of
16 probation, or if an accusation and/or petition to revoke probation is filed against him before the
17 Board, all of the charges and allegations contained in Accusation No. 800-2020-072082 shall be
18 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or
19 any other licensing proceeding involving Respondent in the State of California.

20 **ADDITIONAL PROVISIONS**

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

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

27 ////

28 ////

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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 110631
6 issued to Respondent Andrei Nikolai Dokukin, M.D., is revoked. However, the revocation is
7 stayed and Respondent is placed on probation for 7 years from the effective date of the Decision
8 on the following terms and conditions:

9 1. **CONTROLLED SUBSTANCES – ABSTAIN FROM USE.**

10 Respondent shall abstain completely from the personal use or possession of controlled
11 substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as
12 defined by Business and Professions Code section 4022, and any drugs requiring a prescription.
13 This prohibition does not apply to medications lawfully prescribed to Respondent by another
14 practitioner for a bona fide illness or condition.

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

19 2. **ALCOHOL – ABSTAIN FROM USE.**

20 Respondent shall abstain completely from the use of products or beverages containing
21 alcohol.

22 3. **PROFESSIONALISM PROGRAM (ETHICS COURSE).**

23 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
24 professionalism program, that meets the requirements of Title 16, California Code of Regulations
25 (CCR) section 1358.1. Respondent shall participate in and successfully complete that program.
26 Respondent shall provide any information and documents that the program may deem pertinent.
27 Respondent shall successfully complete the classroom component of the program not later than 6
28 months after Respondent's initial enrollment, and the longitudinal component of the program not

1 later than the time specified by the program, but no later than 1 year after attending the classroom
2 component. The professionalism program shall be at Respondent's expense and shall be in
3 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

4 A professionalism program taken after the acts that gave rise to the charges and allegations
5 contained in Accusation No. 800-2020-072082, but prior to the effective date of the Decision
6 may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this
7 condition if the program would have been approved by the Board or its designee had the program
8 been taken after the effective date of this Decision.

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

12 4. PSYCHIATRIC EVALUATION.

13 Within 30 calendar days of the effective date of this Decision, and on whatever periodic
14 basis thereafter may be required by the Board or its designee, Respondent shall undergo and
15 complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-
16 appointed board certified psychiatrist, who shall consider any information provided by the Board
17 or designee and any other information the psychiatrist deems relevant, and shall furnish a written
18 evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the
19 effective date of the Decision shall not be accepted towards the fulfillment of this requirement.
20 Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

21 Respondent shall comply with all restrictions or conditions recommended by the evaluating
22 psychiatrist within 15 calendar days after being notified by the Board or its designee.

23 5. PSYCHOTHERAPY.

24 Within 60 calendar days of the effective date of this Decision, Respondent shall submit to
25 the Board or its designee for prior approval the name and qualifications of a California-licensed
26 board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology
27 and at least 5 years of postgraduate experience in the diagnosis and treatment of emotional and
28 mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy

1 treatment, including any modifications to the frequency of psychotherapy, until the Board or its
2 designee deems that no further psychotherapy is necessary.

3 The psychotherapist shall consider any information provided by the Board or its designee
4 and any other information the psychotherapist deems relevant and shall furnish a written
5 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
6 psychotherapist with any information and documents that the psychotherapist may deem
7 pertinent.

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

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

16 6. MEDICAL EVALUATION AND TREATMENT.

17 Within 30 calendar days of the effective date of this Decision, and on a periodic basis
18 thereafter as may be required by the Board or its designee, Respondent shall undergo a medical
19 evaluation by a Board-appointed physician who shall consider any information provided by the
20 Board or designee and any other information the evaluating physician deems relevant and shall
21 furnish a medical report to the Board or its designee. Respondent shall provide the evaluating
22 physician with any information and documentation that the evaluating physician may deem
23 pertinent.

24 Following the evaluation, Respondent shall comply with all restrictions or conditions
25 recommended by the evaluating physician within 15 calendar days after being notified by the
26 Board or its designee. If Respondent is required by the Board or its designee to undergo medical
27 treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the
28 Board or its designee for prior approval the name and qualifications of a California licensed

1 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent
2 shall within 15 calendar days undertake medical treatment and shall continue such treatment until
3 further notice from the Board or its designee.

4 The treating physician shall consider any information provided by the Board or its designee
5 or any other information the treating physician may deem pertinent prior to commencement of
6 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
7 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
8 Respondent shall provide the Board or its designee with any and all medical records pertaining to
9 treatment that the Board or its designee deems necessary.

10 If, prior to the completion of probation, Respondent is found to be physically incapable of
11 resuming the practice of medicine without restrictions, the Board shall retain continuing
12 jurisdiction over Respondent's license and the period of probation shall be extended until the
13 Board determines that Respondent is physically capable of resuming the practice of medicine
14 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

15 7. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS.

16 Within 30 calendar days of the effective date of this Decision, and on whatever periodic
17 basis thereafter as may be required by the Board or its designee, Respondent shall undergo and
18 complete a clinical diagnostic evaluation, including any and all testing deemed necessary, by a
19 Board-appointed board certified physician and surgeon. The examiner shall consider any
20 information provided by the Board or its designee and any other information he or she deems
21 relevant, and shall furnish a written evaluation report to the Board or its designee.

22 The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon
23 who holds a valid, unrestricted license, has 3 years' experience in providing evaluations of
24 physicians and surgeons with substance abuse disorders, and is approved by the Board or its
25 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable
26 professional standards for conducting substance abuse clinical diagnostic evaluations. The
27 evaluator shall not have a current or former financial, personal, or business relationship with
28 Respondent within the last 5 years. The evaluator shall provide an objective, unbiased, and

1 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the
2 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a
3 threat to himself or others, and recommendations for substance abuse treatment, practice
4 restrictions, or other recommendations related to Respondent's rehabilitation and ability to
5 practice safely. If the evaluator determines during the evaluation process that Respondent is a
6 threat to himself or others, the evaluator shall notify the Board within 24 hours of such a
7 determination.

8 In formulating his or her opinion as to whether Respondent is safe to return to either part-
9 time or full-time practice and what restrictions or recommendations should be imposed, including
10 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
11 following factors: Respondent's license type; Respondent's history; Respondent's documented
12 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);
13 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical
14 history and current medical condition; the nature, duration and severity of Respondent's substance
15 abuse problem or problems; and whether Respondent is a threat to himself or the public.

16 For all clinical diagnostic evaluations, a final written report shall be provided to the Board
17 no later than 10 days from the date the evaluator is assigned the matter. If the evaluator requests
18 additional information or time to complete the evaluation and report, an extension may be
19 granted, but shall not exceed 30 days from the date the evaluator was originally assigned the
20 matter.

21 The Board shall review the clinical diagnostic evaluation report within 5 business days of
22 receipt to determine whether Respondent is safe to return to either part-time or full-time practice
23 and what restrictions or recommendations shall be imposed on Respondent based on
24 the recommendations made by the evaluator. Respondent shall not be returned to practice until
25 he has at least 30 days of negative biological fluid tests or biological fluid tests indicating that he
26 has not used, consumed, ingested, or administered to himself a prohibited substance, as defined in
27 section 1361.51, subdivision (e), of Title 16 of the California Code of Regulations.

28 ////

1 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall
2 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic
3 evaluation, including any and all testing deemed necessary by the examiner, the Board or its
4 designee, shall be borne by the licensee.

5 Respondent shall not engage in the practice of medicine until notified by the Board or its
6 designee that he is fit to practice medicine safely. The period of time that Respondent is not
7 practicing medicine shall not be counted toward completion of the term of probation. Respondent
8 shall undergo biological fluid testing as required in this Decision at least 2 times per week while
9 awaiting the notification from the Board if he is fit to practice medicine safely.

10 Respondent shall comply with all restrictions or conditions recommended by the examiner
11 conducting the clinical diagnostic evaluation within 15 calendar days after being notified by the
12 Board or its designee.

13 8. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION.

14 Within 7 days of the effective date of this Decision, Respondent shall provide to the Board
15 the names, physical addresses, mailing addresses, and telephone numbers of any and all
16 employers and supervisors. Respondent shall also provide specific, written consent for the Board,
17 Respondent's worksite monitor, and Respondent's employers and supervisors to communicate
18 regarding Respondent's work status, performance, and monitoring.

19 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
20 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
21 privileges.

22 9. BIOLOGICAL FLUID TESTING.

23 Respondent shall immediately submit to biological fluid testing, at Respondent's expense,
24 upon request of the Board or its designee. "Biological fluid testing" may include, but is not
25 limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by
26 the Board or its designee. Respondent shall make daily contact with the Board or its designee to
27 determine whether biological fluid testing is required. Respondent shall be tested on the date of
28 the notification as directed by the Board or its designee. The Board may order a Respondent to

1 undergo a biological fluid test on any day, at any time, including weekends and holidays. Except
2 when testing on a specific date as ordered by the Board or its designee, the scheduling of
3 biological fluid testing shall be done on a random basis. The cost of biological fluid testing shall
4 be borne by the Respondent.

5 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
6 During the second year of probation and for the duration of the probationary term, up to 5 years,
7 Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no positive
8 biological fluid tests in the previous 5 consecutive years of probation, may testing be reduced to
9 1 time per month. Nothing precludes the Board from increasing the number of random tests to
10 the first-year level of frequency for any reason.

11 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
12 approved in advance by the Board or its designee, that will conduct random, unannounced,
13 observed, biological fluid testing and meets all of the following standards:

14 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
15 Association or have completed the training required to serve as a collector for the United
16 States Department of Transportation.

17 (b) Its specimen collectors conform to the current United States Department of
18 Transportation Specimen Collection Guidelines.

19 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
20 by the United States Department of Transportation without regard to the type of test
21 administered.

22 (d) Its specimen collectors observe the collection of testing specimens.

23 (e) Its laboratories are certified and accredited by the United States Department of Health
24 and Human Services.

25 (f) Its testing locations shall submit a specimen to a laboratory within 1 business day of
26 receipt and all specimens collected shall be handled pursuant to chain of custody
27 procedures. The laboratory shall process and analyze the specimens and provide legally
28 defensible test results to the Board within 7 business days of receipt of the specimen. The

1 Board will be notified of non-negative results within 1 business day and will be notified of
2 negative test results within 7 business days.

3 (g) Its testing locations possess all the materials, equipment, and technical expertise
4 necessary in order to test Respondent on any day of the week.

5 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
6 for the detection of alcohol and illegal and controlled substances.

7 (i) It maintains testing sites located throughout California.

8 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
9 computer database that allows the Respondent to check in daily for testing.

10 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
11 access to drug test results and compliance reporting information that is available 24 hours a
12 day.

13 (l) It employs or contracts with toxicologists that are licensed physicians and have
14 knowledge of substance abuse disorders and the appropriate medical training to interpret
15 and evaluate laboratory biological fluid test results, medical histories, and any other
16 information relevant to biomedical information.

17 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
18 while practicing, even if the Respondent holds a valid prescription for the substance.

19 Prior to changing testing locations for any reason, including during vacation or other travel,
20 alternative testing locations must be approved by the Board and meet the requirements above.

21 The contract shall require that the laboratory directly notify the Board or its designee of
22 non-negative results within 1 business day and negative test results within 7 business days of the
23 results becoming available. Respondent shall maintain this laboratory or service contract during
24 the period of probation.

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

27 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
28 administered to himself a prohibited substance, the Board shall order Respondent to cease

1 practice and instruct Respondent to leave any place of work where Respondent is practicing
2 medicine or providing medical services. The Board shall immediately notify all of Respondent's
3 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
4 provide medical services while the cease-practice order is in effect.

5 A biological fluid test will not be considered negative if a positive result is obtained while
6 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
7 substance use exists, the Board shall lift the cease-practice order within 1 business day.

8 After the issuance of a cease-practice order, the Board shall determine whether the positive
9 biological fluid test is in fact evidence of prohibited substance use by consulting with the
10 specimen collector and the laboratory, communicating with the licensee, his or her treating
11 physician(s), other health care provider, or group facilitator, as applicable.

12 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
13 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

14 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
15 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
16 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
17 instructed by the Board not to use, consume, ingest, or administer to himself.

18 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
19 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
20 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
21 any other terms or conditions the Board determines are necessary for public protection or to
22 enhance Respondent's rehabilitation.

23 10. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS.

24 Within 30 days of the effective date of this Decision, Respondent shall submit to the Board
25 or its designee, for its prior approval, the name of a substance abuse support group which he shall
26 attend for the duration of probation. Respondent shall attend substance abuse support group
27 meetings at least once per week, or as ordered by the Board or its designee. Respondent shall pay
28 all substance abuse support group meeting costs.

1 The facilitator of the substance abuse support group meeting shall have a minimum of
2 3 years' experience in the treatment and rehabilitation of substance abuse, and shall be licensed or
3 certified by the state or nationally certified organizations. The facilitator shall not have a current
4 or former financial, personal, or business relationship with Respondent within the last 5 years.
5 Respondent's previous participation in a substance abuse group support meeting led by the same
6 facilitator does not constitute a prohibited current or former financial, personal, or business
7 relationship.

8 The facilitator shall provide a signed document to the Board or its designee showing
9 Respondent's name, the group name, the date and location of the meeting, Respondent's
10 attendance, and Respondent's level of participation and progress. The facilitator shall report any
11 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
12 or its designee, within 24 hours of the unexcused absence.

13 11. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE.

14 Within 30 calendar days of the effective date of this Decision, Respondent shall submit to
15 the Board or its designee for prior approval as a worksite monitor, the name and qualifications of
16 one or more licensed physicians and surgeons, other licensed health care professional if no
17 physician and surgeon is available, or, as approved by the Board or its designee, a person in a
18 position of authority who is capable of monitoring the Respondent at work.

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

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

1 Respondent shall pay all worksite monitoring costs.

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

6 The worksite monitor shall verbally report any suspected substance abuse to the Board and
7 Respondent's employer or supervisor within 1 business day of occurrence. If the suspected
8 substance abuse does not occur during the Board's normal business hours, the verbal report shall
9 be made to the Board or its designee within 1 hour of the next business day. A written report that
10 includes the date, time, and location of the suspected abuse; Respondent's actions; and any other
11 information deemed important by the worksite monitor shall be submitted to the Board or its
12 designee within 48 hours of the occurrence.

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

23 If the worksite monitor resigns or is no longer available, Respondent shall, within 5
24 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
25 approval, the name and qualifications of a replacement monitor who will be assuming that
26 responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement
27 monitor within 60 calendar days of the resignation or unavailability of the monitor, Respondent
28 shall receive a notification from the Board or its designee to cease the practice of medicine within

1 3 calendar days after being so notified. Respondent shall cease the practice of medicine until a
2 replacement monitor is approved and assumes monitoring responsibility.

3 12. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
4 LICENSEES.

5 Failure to fully comply with any term or condition of probation is a violation of probation.

6 A. If Respondent commits a major violation of probation as defined by section 1361.52,
7 subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take one or
8 more of the following actions:

9 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
10 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
11 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
12 order issued by the Board or its designee shall state that Respondent must test negative for at least
13 a month of continuous biological fluid testing before being allowed to resume practice. For
14 purposes of determining the length of time a Respondent must test negative while undergoing
15 continuous biological fluid testing following issuance of a cease-practice order, a month is
16 defined as 30 calendar days. Respondent may not resume the practice of medicine until notified
17 in writing by the Board or its designee that he may do so.

18 (2) Increase the frequency of biological fluid testing.

19 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
20 other action as determined by the Board or its designee.

21 B. If Respondent commits a minor violation of probation as defined by section 1361.52,
22 subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take one or
23 more of the following actions:

24 (1) Issue a cease-practice order;

25 (2) Order practice limitations;

26 (3) Order or increase supervision of Respondent;

27 (4) Order increased documentation;

28 (5) Issue a citation and fine, or a warning letter;

1 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
2 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
3 Regulations, at Respondent's expense;

4 (7) Take any other action as determined by the Board or its designee.

5 C. Nothing in this Decision shall be considered a limitation on the Board's authority to
6 revoke Respondent's probation if he has violated any term or condition of probation. If
7 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
8 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
9 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
10 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
11 is final, and the period of probation shall be extended until the matter is final.

12 13. NOTIFICATION.

13 Within 7 days of the effective date of this Decision, the Respondent shall provide a true
14 copy of this Decision and Accusation No. 800-2020-072082 to the Chief of Staff or the Chief
15 Executive Officer at every hospital where privileges or membership are extended to Respondent,
16 at any other facility where Respondent engages in the practice of medicine, including all physician
17 and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every
18 insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall
19 submit proof of compliance to the Board or its designee within 15 calendar days.

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

21 14. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
22 NURSES.

23 During probation, Respondent is prohibited from supervising physician assistants and
24 advanced practice nurses.

25 15. OBEY ALL LAWS.

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

1 16. INVESTIGATION/ENFORCEMENT COST RECOVERY.

2 Respondent is hereby ordered to reimburse the Board its costs of investigation and
3 enforcement, including, but not limited to, investigation, expert review, legal review, amended
4 accusations, and subpoena enforcement, as applicable, in the amount of \$13,000.00 (thirteen
5 thousand dollars.). 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 30 calendar days of the effective date of the Order, or
8 by a payment plan approved by the Medical Board of California. Any and all requests for a
9 payment plan shall be submitted in writing by Respondent to the Board. Failure to comply with
10 the payment plan shall be considered a violation of probation.

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

13 17. QUARTERLY DECLARATIONS.

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

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

18 18. 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).

27 Place of Practice

28 Respondent shall not engage in the practice of medicine in Respondent's or patient's place

1 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
2 facility.

3 License Renewal

4 Respondent shall maintain a current and renewed California physician's and surgeon's
5 license.

6 Travel or Residence Outside California

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

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

12 19. INTERVIEW WITH THE BOARD OR ITS DESIGNEE.

13 Respondent shall be available in person upon request for interviews either at his place of
14 business or at the probation unit office, with or without prior notice during the term of probation.

15 20. NON-PRACTICE WHILE ON PROBATION.

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

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

6 Respondent's period of non-practice while on probation shall not exceed 2 years.

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

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

13 21. COMPLETION OF PROBATION.

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

19 22. VIOLATION OF PROBATION.

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

26 23. LICENSE SURRENDER.

27 Following the effective date of this Decision, if Respondent ceases practicing due to
28 retirement or health reasons or is otherwise unable to satisfy the terms and conditions of

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

9 24. PROBATION MONITORING COSTS.

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


14 25. FUTURE ADMISSIONS CLAUSE.

15 If Respondent should ever apply or reapply for a new license or certification, or petition for
16 reinstatement of a license, by any other health care licensing action agency in the State of
17 California, all of the charges and allegations contained in Accusation No. 800-2020-072082 shall
18 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict license.

20 ACCEPTANCE

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

26
27 DATED: 5/26/2023




ANDREI NIKOLAI DOKUKIN, M.D.
Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I have read and fully discussed with Respondent Andrei Nikolai Dokukin, 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: May 26, 2023


RAYMOND J. MCMAHON, ESQ.
Attorney for Respondent

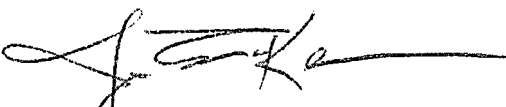
ENDORSEMENT

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

DATED: June 2, 2023

Respectfully submitted,

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


JOSEPH F. MCKENNA III
Deputy Attorney General
Attorneys for Complainant

SD2022304606
83890360.docx

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 JOSEPH F. MCKENNA III
Deputy Attorney General
4 State Bar No. 231195
California Department of Justice
5 600 West Broadway, Suite 1800
San Diego, California 92101
6 P.O. Box 85266
San Diego, California 92186-5266
7 Telephone: (619) 738-9417
Facsimile: (619) 645-2061
8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

Case No. 800-2020-072082

15 **ANDREI NIKOLAI DOKUKIN, M.D.**
16 **1439 W. Chapman Avenue, Suite 46**
Orange, California 92868-2738

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
18 **No. A 110631,**

Respondent.

19
20
21 **PARTIES**

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

25 2. On or about January 6, 2010, the Board issued Physician's and Surgeon's Certificate
26 No. A 110631 to Andrei Nikolai Dokukin, M.D. (Respondent). The Physician's and Surgeon's
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will
28 expire on September 30, 2023, unless renewed.

1 **JURISDICTION**

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

5 **STATUTORY PROVISIONS**

6 4. Section 2227 of the Code provides that a licensee who is found guilty under the
7 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
8 one year, placed on probation and required to pay the costs of probation monitoring, be publicly
9 reprimanded which may include a requirement that the licensee complete relevant educational
10 courses, or have such other action taken in relation to discipline as the Board deems proper.

11 5. Section 2234 of the Code states, in relevant part:

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

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

15 ...

16 6. Unprofessional conduct under Business and Professions Code section 2234 is
17 conduct which breaches the rules or ethical code of the medical profession, or conduct which is
18 unbecoming to a member in good standing of the medical profession, and which demonstrates an
19 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
20 575.)

21 7. Section 2236 of the Code states:

22 (a) The conviction of any offense substantially related to the qualifications,
23 functions, or duties of a physician and surgeon constitutes unprofessional conduct
24 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.

25 (b) The district attorney, city attorney, or other prosecuting agency shall notify
26 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
27 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
28 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.

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

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

10 8. Section 2239 of the Code states:

11 (a) The use or prescribing for or administering to himself or herself, of any
12 controlled substance;¹ or the use of any of the dangerous drugs specified in Section
13 4022, or of alcoholic beverages,² to the extent, or in such a manner as to be dangerous
14 or injurious to the licensee, or to any other person or to the public, or to the extent that
15 such use impairs the ability of the licensee to practice medicine safely or more than one
16 misdemeanor or any felony involving the use, consumption, or self-administration of
17 any of the substances referred to in this section, or any combination thereof, constitutes
18 unprofessional conduct. The record of the conviction is conclusive evidence of such
19 unprofessional conduct.

20 (b) A plea or verdict of guilty or a conviction following a plea of nolo contendere
21 is deemed to be a conviction within the meaning of this section. The Medical Board
22 may order discipline of the licensee in accordance with Section 2227 or the Medical
23 Board may order the denial of the license when the time for appeal has elapsed or the
24 judgment of conviction has been affirmed on appeal or when an order granting
25 probation is made suspending imposition of sentence, irrespective of a subsequent
26 order under the provisions of Section 1203.4 of the Penal Code allowing such person to
27 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the
28 verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

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.

¹ There is a nexus between a physician's use of controlled substances and his or her
fitness to practice medicine, established by the Legislature in section 2239, that "has determined
that conviction of a doctor for a violation of the laws regulating narcotics and dangerous drugs
or a doctor's personal non-prescribed use of such substances evidences a sufficient danger to the
public that sanctions should be imposed regardless of the availability of evidence that such
conduct in fact impaired the doctor's professional skill." (*Weissbuch v. Board of Medical
Examiners* (1974) 41 Cal.App.3d 924, 929.)

² There is a nexus between a physician's use of alcoholic beverages and his or her fitness
to practice medicine, established by the Legislature in section 2239, "in all cases where a licensed
physician used alcoholic beverages to the extent or in such a manner as to pose a danger to
himself or others." (*Watson v. Superior Court* (Medical Board) (2009) 176 Cal.App.4th 1407,
1411.)

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

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

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

22 REGULATORY PROVISIONS

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

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

11. California Code of Regulations, title 16, section 1360.1; states:

(a) When considering the suspension or revocation of a license under Section 490
of the code on the ground that a person holding a license has been convicted of a crime,
the board shall consider whether the licensee made a showing of rehabilitation if the
licensee completed the criminal sentence at issue without a violation of parole or
probation. In making this determination, the board shall consider the following criteria:

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened
or lengthened, and the reason(s) the period was modified.

1 (4) The terms or conditions of parole or probation and the extent to which they
2 bear on the licensee's rehabilitation.

3 (5) The extent to which the terms or conditions of parole or probation were
4 modified, and the reason(s) for the modification.

5 (b) If the licensee has not completed the criminal sentence at issue without a
6 violation of parole or probation, the board determines that the licensee did not make the
7 showing of rehabilitation based on the criteria in subdivision (a), or the suspension or
8 revocation is based on disciplinary action as described in Section 141 of the Code, the
9 board shall apply the following criteria in evaluating the licensee's rehabilitation:

10 (1) The nature and gravity of the act(s), professional misconduct, or crime(s).

11 (2) The total criminal record, or record of professional misconduct.

12 (3) The time that has elapsed since commission of the act(s), professional
13 misconduct, or crime(s).

14 (4) Whether the licensee has complied with any terms of parole, probation,
15 restitution or any other sanctions lawfully imposed against such person.

16 (5) The criteria in subdivisions (a)(1)-(5), as applicable.

17 (6) If applicable, evidence of dismissal proceedings pursuant to Section 1203.4
18 of the Penal Code.

19 (7) Evidence, if any, of rehabilitation submitted by the licensee.

20 12. California Code of Regulations, title 16, section 1361 states, in relevant part:

21 ...

22 (b) Notwithstanding subsection (a), the Board shall use the Uniform Standards
23 for Substance-Abusing Licensees as provided in section 1361.5, without deviation,
24 for each individual determined to be a substance-abusing licensee.

25 ...

26 13. California Code of Regulations, title 16, section 1361.5 states, in relevant part:

27 (a) If the licensee is to be disciplined for unprofessional conduct involving the
28 use of illegal drugs, the abuse of drugs and/or alcohol, or the use of another
prohibited substance as defined herein, the licensee shall be presumed to be a
substance-abusing licensee for purposes of section 315 of the [Business and
Professions] Code.

...

COST RECOVERY

14. Section 125.3 of the Code states:

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

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

(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.

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

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

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

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

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

(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.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime Substantially Related to the Qualifications,**
3 **Functions, or Duties of a Physician and Surgeon)**

4 15. Respondent has subjected his Physician's and Surgeon's Certificate No. A 110631 to
5 disciplinary action under sections 2227 and 2234, as defined by section 2236, subdivision (a), of
6 the Code, in that he has been convicted of a crime substantially related to the qualifications,
7 functions, or duties of a physician and surgeon, as more particularly alleged hereinafter:

8 16. The June 28, 2022 DUI Conviction

9 (a) On October 24, 2020, at approximately 1341 hours, Huntington Beach
10 Police Officers A.J. and E.E. were on patrol in a marked vehicle and in full
11 uniform, when they responded to a dispatched radio call of a swerving blue Toyota
12 Mirai (Respondent's vehicle) running into a parking gate while entering the
13 driveway of an apartment complex, in the city of Huntington Beach, California.

14 (b) Shortly thereafter, Officers A.J. and E.E. arrived at the apartment
15 complex and met with the reporting party (L.L.) who had witnessed Respondent's
16 erratic driving. L.L. told officers that he saw Respondent's vehicle swerving and
17 making slow turns while he followed the vehicle on surface streets from Costa
18 Mesa to Huntington Beach. L.L. stated that he saw the vehicle almost hit the curb
19 "multiple times" and that Respondent drove into oncoming traffic "four times."
20 L.L. also stated that Respondent made one stop at a liquor store before hitting the
21 parking gate at the apartment complex.

22 (c) After speaking with L.L., Officer A.J. observed an adult male in the
23 apartment parking lot (later identified as Respondent) getting out of the driver's
24 seat of a vehicle matching the description and license number previously provided
25 by L.L. Respondent was the sole occupant of the vehicle. Officer A.J. noted that
26 the vehicle had sustained significant front end damage. Officer A.J. observed that
27 Respondent had an unsteady gait and also appeared not to recognize the presence
28 of police officers in the apartment parking lot.

1 (d) Officer A.J. contacted Respondent and observed several objective
2 symptoms of intoxication, including, but not limited to, strong odor of alcohol on
3 his breath and person, and bloodshot and watery eyes. Officer A.J. noted that
4 Respondent was carrying a grocery bag containing bottles of wine when he
5 contacted Respondent.

6 (e) Respondent failed to comply with Officer A.J.'s directives to walk in
7 the officer's direction and hand over his car keys. Respondent could not
8 remember how the damage to his vehicle occurred. Respondent was unclear on
9 where he was and where he had been driving when being questioned by Officer
10 A.J. Respondent admitted to buying wine at the liquor store earlier and consuming
11 a bottle in the store parking lot. Respondent stated that he took temazepam
12 (benzodiazepine) the night before and was still feeling the effects of the
13 medication. Respondent admitted he was "probably" too impaired to drive and
14 declined to participate in performing any Field Sobriety Tests (FST).

15 (f) Based upon the totality of facts and circumstances including, but not
16 limited to, Respondent's admission to recent drinking of wine and driving, his
17 statements demonstrating confusion and impairment, objective signs of
18 impairment, evidence of erratic and dangerous driving, and the front end damage
19 to his vehicle consistent with hitting the parking gate, Officer A.J. arrested
20 Respondent for driving under the influence (DUI) of alcohol, in violation of
21 Vehicle Code section 23152, subdivision (a).

22 (g) On October 24, 2020, at approximately 1420 hours, a blood sample was
23 taken from Respondent. The blood sample was later tested and measured
24 Respondent's Blood Alcohol Concentration (BAC) level at 0.21 percent.
25 Significantly, a toxicology screen detected multiple controlled substances and
26 metabolites of benzodiazepines in Respondent's blood sample, including, but not
27 limited to, zolpidem, chlordiazepoxide, and nordiazepam.

28 ////

1 (h) On April 22, 2021, the Orange County District Attorney's Office filed
2 a criminal complaint against Respondent in the matter of *The People of the State*
3 *of California v. Andrei Nikolai Dokukin*, Superior Court Case No. 21WM05433.
4 The criminal complaint charged Respondent with committing two (2)
5 misdemeanors:

6 (1) Count 1: Vehicle Code Section 23152, subdivision (a), wherein,
7 Respondent did unlawfully, while under the influence of an alcoholic beverage,
8 drive a vehicle.

9 (2) Count 2: Vehicle Code Section 23152, subdivision (b), wherein,
10 Respondent did unlawfully, while having 0.08 percent and more, by weight, of
11 alcohol in his blood, drive a vehicle.

12 (3) Count 1 and Count 2 also contain special allegations which allege that
13 Respondent, within ten (10) years of committing the alleged DUI offenses, had
14 committed a separate DUI offense for which he had been previously convicted,
15 pursuant to Vehicle Code Section 23540.

16 (4) The criminal complaint also contains a separate allegation which alleges
17 Respondent drove with a BAC of 0.20 percent or more, pursuant to Vehicle Code
18 Section 23538, subdivision (b), subsection (2).

19 (5) The criminal complaint further alleged that Respondent had a prior
20 conviction for DUI on or about January 30, 2018, in Orange County.

21 (i) On June 28, 2022, Respondent was convicted of Count 1 and Count 2.
22 The Orange County Superior Court sentenced Respondent to probation for five (5)
23 years, with the following terms and conditions:

- 24 (1) Serve ninety (90) days of custody in Orange County Jail;
- 25 (2) Complete eighteen (18) month Multiple Offender Alcohol Program;
- 26 (3) Restitution; and
- 27 (4) Standard fines.

28 ////

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Use of Controlled Substances and Alcoholic Beverages to the Extent, or in Such a Manner,**
3 **as to be Dangerous or Injurious to Respondent, Another Person or the Public)**

4 17. Respondent has further subjected his Physician's and Surgeon's Certificate No.
5 A 110631 to disciplinary action under sections 2227 and 2234, as defined by section 2239,
6 subdivision (a), of the Code, in that he used controlled substances and consumed alcoholic
7 beverages, to the extent, or in such a manner as to be dangerous or injurious to Respondent, or to
8 any other person or to the public, as more particularly alleged in paragraph 16, above, which is
9 hereby incorporated by reference and realleged as if fully set forth herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(General Unprofessional Conduct)**

12 18. Respondent has further subjected his Physician's and Surgeon's Certificate No.
13 A 110631 to disciplinary action under sections 2227 and 2234, as defined by section 2234, of
14 the Code, in that he has engaged in conduct which breaches the rules or ethical code of the
15 medical profession, or conduct which is unbecoming a member in good standing of the medical
16 profession, and which demonstrates an unfitness to practice medicine, as more particularly
17 alleged in paragraphs 16 and 17, above, which are hereby incorporated by reference and
18 realleged as if fully set forth herein.

19 **DISCIPLINARY CONSIDERATIONS**

20 19. To determine the degree of discipline, if any, to be imposed on Respondent,
21 Complainant alleges that on or about January 30, 2018, in a prior criminal proceeding titled,
22 *The People of the State of California vs. Andrei Nikolai Dokukin*, Superior Court Case No.
23 17HM10354, Respondent was convicted for violating Vehicle Code section 23152, subsection
24 (a). In Respondent's guilty plea form he wrote, "On July 16, 2017, [in Orange County] I willfully
25 and unlawfully drove a vehicle while under the influence of alcohol and with a blood alcohol
26 concentration of .14." The record of this prior criminal proceeding is incorporated as if fully set
27 forth herein.

28 ////

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. A 110631, issued to Respondent Andrei Nikolai Dokukin, M.D.;
2. Revoking, suspending or denying approval of Respondent Andrei Nikolai Dokukin, M.D.'s authority to supervise physician assistants pursuant to section 3527 of the Business and Professions Code, and advanced practice nurses;
3. Ordering Respondent Andrei Nikolai Dokukin, 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 25 2023



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

SD2022304606
83682137.docx