

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

In the Matter of the Accusation
Against:

Joseph Andrew Mollick, M.D.

Case No. 800-2021-080838

Physician's and Surgeon's
Certificate No. A 76134

Respondent.

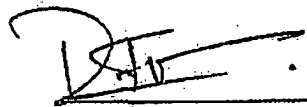
DECISION

The attached DEFAULT DECISION AND 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 July 30, 2023.

IT IS SO ORDERED June 30, 2023.

MEDICAL BOARD OF CALIFORNIA



Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 GREG W. CHAMBERS
Supervising Deputy Attorney General
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7 **BEFORE THE**
8 **MEDICAL BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against,

12 **JOSEPH ANDREW MOLLICK, M.D.**
13 **1280 Sharon Park Drive, Apt. 37**
Menlo Park, CA 94025-7035

14 **Physician's and Surgeon's Certificate No. A**
76134

15 Respondent.

Case No. 800-2021-080838

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

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18 **FINDINGS OF FACT**

19 1. On or about March 30, 2023, Complainant Reji Varghese, in his then official capacity
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs,
21 filed Accusation No. 800-2021-080838 against JOSEPH ANDREW MOLLICK, M.D.
22 (Respondent) before the Medical Board of California.

23 2. On or about August 8, 2001, the Medical Board of California (Board) issued
24 Physician's and Surgeon's Certificate No. A 76134 to Respondent. The Physician's and Surgeon's
25 Certificate expired on September 30, 2022, and has not been renewed. (Exhibit Package¹, Exhibit
26 1, Certificate of Licensure.)

27
28 ¹ The evidence in support of this Default Decision and Order is submitted herewith as the
"Exhibit Package."

1 3. On or about January 9, 2023, in *United States v. Joseph Andrew Mollick*, United
2 States District Court – Northern District of California, Case No. 3:21-CR-00452-VC, Respondent
3 pleaded guilty to one count of Possession of Child Pornography in violation of 18 U.S.C. §§2252
4 (a)(4)(B) and (b)(2). (Exhibit Package, Exhibit 2, Conviction – ECF 54 and ECF 55.)

5 4. Respondent admitted that he knowingly possessed materials that he knew contained
6 depictions of prepubescent minors engaged in sexually explicit conduct; that he knew each visual
7 depiction showed a minor engaged in sexually explicit conduct; that production of such visual
8 depictions involved use of a minor engaged in sexually explicit conduct; and the visual depiction
9 had been transported using any means or facility of interstate commerce or that each visual
10 depiction had been produced using material that had been mailed, shipped or transported using
11 any means or facility of interstate commerce or in or affecting interstate commerce by any means
12 including by computer.

13 5. Respondent admitted to knowingly possessing at least 2,000 images and videos
14 depicting minors engaged in sexually explicit conduct.

15 6. On or about March 30, 2023, Samuel Guardado, an employee of the Department of
16 Consumer Affairs, served by U.S. Certified Mail a copy of the Accusation No. 800-2021-080838,
17 Statement to Respondent, Request for Discovery, Government Code sections 11507.5, 11507.6,
18 and 11507.7, and Notice of Defense (2 copies) to Respondent's address of record with the Board,
19 which was and is 1280 Sharon Park Drive, Apt. 37, Menlo Park, CA 94025-7035. (Exhibit
20 Package, Exhibit 3, a copy of the Accusation, the related documents, and Declaration of Service.)

21 7. Service of the Accusation was effective as a matter of law under the provisions of
22 Government Code section 11505, subdivision (c).

23 8. On or about April 1, 2023, Respondent signed the green certified receipt for the
24 mailed Accusation. (Exhibit Package, Exhibit 4, a copy of the green signed return receipt for the
25 mailed Accusation, the related documents, and Declaration of Service.)

26 9. On or about May 15, 2023, an employee of the Attorney General's Office sent a
27 Courtesy Notice of Default upon Respondent at Respondent's address of record by certified mail
28 and E-mail. The address of record was and is 1280 Sharon Park Drive, Apt. 37, Menlo Park, CA

1 94025-7035. The Courtesy Notice of Default advised Respondent of the service of the Accusation
2 and provided Respondent with an opportunity to file a Notice of Defense and request relief from
3 default. The Courtesy Notice of Default provided Respondent with a copy of the Accusation, the
4 Statement to Respondent, a Notice of Defense, Request for Discovery, and discovery statutes, and
5 advised Respondent that he was in default. (Exhibit Package, Exhibit 5, copy of the Courtesy
6 Notice of Default and Declaration of Service.)

7 10. On May 15, 2023, Respondent sent correspondence to the Attorney General's Office
8 after receiving email correspondence containing the Courtesy Notice of Default. (Exhibit
9 Package, Exhibit 6, copy of May 15, 2023 email from Respondent.)

10 11. Respondent failed to file a Notice of Defense within 15 days after service upon him
11 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
12 800-2021-080838.

13 12. On June 20, 2023, an employee of the Attorney General's Office received a document
14 entitled "Cost of Suit Summary," and a document entitled "Default Costs," which showed that the
15 Department of Justice has billed the Medical Board of California \$5,446.25 for the time spent
16 working in the above entitled case through June 20, 2023. (Exhibit Package, Exhibit 7,
17 Certification of Prosecution Costs: Declaration of Greg W. Chambers.)

18 13. Cost incurred by the Board investigating the matter amounted to \$170.00. (Exhibit
19 Package, Exhibit 8, Declaration of Investigative Activity, signed on May 11, 2023, by Jaimee
20 Tassio, Supervising Investigator I.

21 **STATUTORY AUTHORITY**

22 14. California Government Code section 11506 states, in pertinent part:

23 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files
24 a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
25 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
26 right to a hearing, but the agency in its discretion may nevertheless grant a hearing."
27
28

1 a. On or about November 9, 2022, in *United States v. Joseph Andrew Mollick*,
2 United States District Court – Northern District of California, Case No. 3:21-CR-00452-VC,
3 Respondent pleaded guilty to one count of Possession of Child Pornography in violation of 18
4 U.S.C. §§2252 (a)(4)(B) and (b)(2). (Exhibit Package, Exhibit 2, Conviction – ECF 54 and ECF
5 55.)

6 b. Respondent committed unprofessional conduct under Business and Professions
7 Code sections 2234(f) and 2236, and California Code of Regulations, title 16, section 1360.

8 **ORDER**

9 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 76134, heretofore
10 issued to Respondent JOSEPH ANDREW MOLLICK, M.D., is revoked. Respondent JOSEPH
11 ANDREW MOLLICK, M.D. is ordered to pay the Board the costs of investigation and
12 enforcement of this case in the amount of \$5,616.25.

13 **Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a**
14 **written motion requesting that the Decision be vacated and stating the grounds relied on**
15 **within seven (7) days after service of the Decision on Respondent.** The agency in its
16 discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in
17 the statute.

18 This Decision shall become effect at 5:00 p.m. on July 30,2023.

19 It is so ORDERED June 30, 2023.

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21 _____
22 Reji Varghese, Executive Director
23 FOR THE MEDICAL BOARD OF CALIFORNIA
24 DEPARTMENT OF CONSUMER AFFAIRS
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1 ROB BONTA
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7 **BEFORE THE**
8 **MEDICAL BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2021-080838

12 **JOSEPH ANDREW MOLLICK, M.D.**
13 **1280 Sharon Park Drive, Apt 37**
Menlo Park, CA 94025-7035

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. A 76134,**

Respondent.

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18 **PARTIES**

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

22 2. On or about August 8, 2001, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 76134 to Joseph Andrew Mollick, M.D. (Respondent). The Physician's
24 and Surgeon's Certificate expired on September 30, 2022, and has not been 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 2221 of the Code states:

2 (a) The board may deny a physician's and surgeon's certificate to an applicant guilty of
3 unprofessional conduct or of any cause that would subject a licensee to revocation or suspension
4 of their license. The board, in its sole discretion, may issue a probationary physician's and
5 surgeon's certificate to an applicant subject to terms and conditions, including, but not limited to,
6 any of the following conditions of probation:

7 (1) Practice limited to a supervised, structured environment where the
8 licensee's activities shall be supervised by another physician and surgeon.

9 (2) Total or partial restrictions on drug prescribing privileges for controlled
10 substances.

11 (3) Continuing medical or psychiatric treatment.

12 (4) Ongoing participation in a specified rehabilitation program.

13 (5) Enrollment and successful completion of a clinical training program.

14 (6) Abstention from the use of alcohol or drugs.

15 (7) Restrictions against engaging in certain types of medical practice.

16 (8) Compliance with all provisions of this chapter.

17 (9) Payment of the cost of probation monitoring.

18 (b) The board may modify or terminate the terms and conditions imposed on the
19 probationary certificate upon receipt of a petition from the licensee. The board may assign the
20 petition to an administrative law judge designated in Section 11371 of the Government Code.
21 After a hearing on the petition, the administrative law judge shall provide a proposed decision to
22 the board.

23 (c) The board shall deny a physician's and surgeon's certificate to an applicant who is
24 required to register pursuant to Section 290 of the Penal Code. This subdivision does not apply to
25 an applicant who is required to register as a sex offender pursuant to Section 290 of the Penal
26 Code solely because of a misdemeanor conviction under Section 314 of the Penal Code.

27 (d) An applicant shall not be eligible to reapply for a physician's and surgeon's certificate
28 for a minimum of three years from the effective date of the denial of his or her application, except

1 that the board may, in its discretion and for good cause demonstrated, permit reapplication after
2 not less than one year has elapsed from the effective date of the denial.

3 (e) The board shall disclose a probationary physician's and surgeon's certificate issued
4 pursuant to this section and the operative statement of issues to an inquiring member of the public
5 and shall post the certificate and statement on the board's internet website for 10 years from
6 issuance.

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

11 6. Section 2234 of the Code, states:

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

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

17 (b) Gross negligence.

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

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

25 (2) When the standard of care requires a change in the diagnosis, act, or
26 omission that constitutes the negligent act described in paragraph (1), including, but
27 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
28 licensee's conduct departs from the applicable standard of care, each departure

1 constitutes a separate and distinct breach of the standard of care.

2 (d) Incompetence.

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

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

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

10 7. Section 2236 of the Code states:

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

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

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

27 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
28 be a conviction within the meaning of this section and Section 2236.1. The record of conviction

1 shall be conclusive evidence of the fact that the conviction occurred.

2 8. California Code of Regulations, title 16, section 1360, states:

3 (a) For the purposes of denial, suspension or revocation of a license, certificate or permit
4 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
5 considered to be substantially related to the qualifications, functions or duties of a person holding
6 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
7 evidences present or potential unfitness of a person holding a license, certificate or permit to
8 perform the functions authorized by the license, certificate or permit in a manner consistent with
9 the public health, safety or welfare. Such crimes, misconduct, or acts shall include but not be
10 limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or
11 abetting the violation of, or conspiring to violate any provision of state or federal law governing
12 the applicant's or licensee's professional practice.

13 (b) In making the substantial relationship determination required under subdivision (a) for a
14 crime, the board shall consider the following criteria:

- 15 (1) The nature and gravity of the crime;
16 (2) The number of years elapsed since the date of the crime; and
17 (3) The nature and duties of the profession.

18 **COST RECOVERY**

19 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licensee found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
23 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
24 included in a stipulated settlement.

25 **CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct - Conviction)**

27 10. Respondent Joseph Andrew Mollick, M.D. is subject to disciplinary action under
28 sections 2234 [unprofessional conduct] and 2236 [conviction] of the Code, and California Code

1 of Regulations, title 16, section 1360, [conviction] in that Respondent's conviction is
2 unprofessional conduct under the law. The circumstances are as follows:

3 11. On or about November 9, 2022, Respondent pleaded guilty to one count of
4 Possession of Child Pornography in violation of 18 U.S.C. §§2252 (a)(4)(B) and (b)(2).

5 12. Respondent admitted that he knowingly possessed materials that he knew contained
6 depictions of prepubescent minors engaged in sexually explicit conduct; that he knew each visual
7 depiction showed a minor engaged in sexually explicit conduct; that production of such visual
8 depictions involved use of a minor engaged in sexually explicit conduct; and the visual depiction
9 had been transported using any means or facility of interstate commerce or that each visual
10 depiction had been produced using material that had been mailed, shipped or transported using
11 any means or facility of interstate commerce or in or affecting interstate commerce by any means
12 including by computer.

13 13. Respondent admitted to knowingly possessing at least 2,000 images and videos
14 depicting minors engaged in sexually explicit conduct.

15 **PRAYER**

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

18 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 76134,
19 issued to Joseph Andrew Mollick, M.D.;

20 2. Revoking, suspending or denying approval of Joseph Andrew Mollick, M.D.'s
21 authority to supervise physician assistants and advanced practice nurses;

22 3. Ordering Joseph Andrew Mollick, M.D., to pay the Board the costs of the
23 investigation and enforcement of this case, and if placed on probation, the costs of probation
24 monitoring; and

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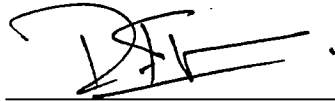
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4. Taking such other and further action as deemed necessary and proper.

DATED: MAK 30 2023



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