

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

In the Matter of the Accusation
Against:

Geronimo Giraldo Rodriguez, M.D.

Physician's and Surgeon's
Certificate No. A 36572

Case No.: 800-2021-077755

Respondent.

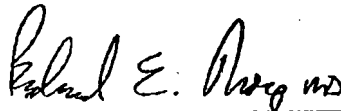
DECISION

The attached Stipulated Settlement and Disciplinary 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 October 20, 2023.

IT IS SO ORDERED: September 20, 2023.

MEDICAL BOARD OF CALIFORNIA



Robert E. Thorp, Chair
Panel B

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
4 State Bar No. 200896
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6249
6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:
12 **GERONIMO GIRALDO RODRIGUEZ, M.D.**
13 **2705 Whittier Boulevard**
Los Angeles, CA 90023-1441
14 **Physician's and Surgeon's Certificate No.**
15 **A 36572,**
16 Respondent.

Case No. 800-2021-077755
OAH No. 2022100131
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

19 **PARTIES**

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

24 2. Respondent Geronimo Giraldo Rodriguez, M.D. (Respondent) is represented in this
25 proceeding by attorney Suzanne M. Crouts, whose address is: 2447 Pacific Coast Hwy, 2nd
26 Floor, Hermosa Beach, CA 90254.

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1 3. On or about April 15, 1981, the Board issued Physician's and Surgeon's Certificate
2 No. A 36572 to Geronimo Giraldo Rodriguez, M.D. (Respondent). The Physician's and
3 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 800-2021-077755, and will expire on December 31, 2024, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2021-077755 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on August 29, 2022. Respondent timely filed his Notice of
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2021-077755 is attached as Exhibit A and
11 incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2021-077755. Respondent has also carefully read,
15 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

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

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 9. Respondent understands that the charges and allegations in Accusation No. 800-2021-
27 077755, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
28 Surgeon's Certificate.

1 10. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation and that those charges constitute cause for discipline.
4 Respondent hereby gives up his right to contest that cause for discipline exists based on those
5 charges.

6 11. Respondent understands that, by signing this stipulation, he agrees to be bound by the
7 Board's probationary terms as set forth in the Disciplinary Order below.

8 CONTINGENCY

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

19 13. Respondent agrees that if he ever petitions for early termination or modification of
20 probation, or if an accusation and/or petition to revoke probation is filed against him before the
21 Board, all of the charges and allegations contained in Accusation No. 800-2021-077755 shall be
22 deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or
23 any other licensing proceeding involving Respondent in the State of California.

24 14. 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.

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1 15. 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 36572 issued
6 to Respondent GERONIMO GIRALDO RODRIGUEZ, M.D. is revoked. However, the
7 revocation is stayed, and Respondent is placed on probation for five (5) years on the following
8 terms and conditions:

9 1. COMMUNITY SERVICE - FREE SERVICES. Within sixty (60) calendar days of
10 the effective date of this Decision, Respondent shall submit to the Board or its designee for prior
11 approval a community service plan in which Respondent shall, within the first two (2) years of
12 probation, provide forty (40) hours of free services (e.g., medical or nonmedical) to a community
13 or non-profit organization. If the term of probation is designated for two (2) years or less, the
14 community service hours must be completed not later than six (6) months prior to the completion
15 of probation.

16 Prior to engaging in any community service, Respondent shall provide a true copy of the
17 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief
18 executive officer at every community or non-profit organization where Respondent provides
19 community service and shall submit proof of compliance to the Board or its designee within
20 fifteen (15) calendar days. This condition shall also apply to any change(s) in community service.

21 Community service performed prior to the effective date of the Decision shall not be
22 accepted in fulfillment of this condition.

23 2. EDUCATION COURSE. Within sixty (60) calendar days of the effective date of this
24 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
25 for its prior approval educational program(s) or course(s), which shall not be less than forty (40)
26 hours per year, for each year of probation. The educational program(s) or course(s) shall be

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1 aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified.
2 The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition
3 to the Continuing Medical Education (CME) requirements for renewal of licensure. Following
4 the completion of each course, the Board or its designee may administer an examination to test
5 Respondent's knowledge of the course. Respondent shall provide proof of attendance for sixty-
6 five (65) hours of CME of which forty (40) hours were in satisfaction of this condition.

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

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

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

25 4. PROFESSIONAL BOUNDARIES PROGRAM. Within sixty (60) calendar days
26 from the effective date of this Decision, Respondent shall enroll in a professional boundaries
27 program approved in advance by the Board or its designee. Respondent, at the program's
28 discretion, shall undergo and complete the program's assessment of Respondent's competency,

1 mental health, and/or neuropsychological performance, and at minimum, a twenty-four (24) hour
2 program of interactive education and training in the area of boundaries, which takes into account
3 data obtained from the assessment and from the Decision(s), Accusation(s) and any other
4 information that the Board or its designee deems relevant. The program shall evaluate
5 Respondent at the end of the training and the program shall provide any data from the assessment
6 and training as well as the results of the evaluation to the Board or its designee.

7 Failure to complete the entire program not later than six (6) months after Respondent's
8 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees
9 in writing to a later time for completion. Based on Respondent's performance in and evaluations
10 from the assessment, education, and training, the program shall advise the Board or its designee
11 of its recommendation(s) for additional education, training, psychotherapy and other measures
12 necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with
13 program recommendations. At the completion of the program, Respondent shall submit to a final
14 evaluation. The program shall provide the results of the evaluation to the Board or its designee.
15 The professional boundaries program shall be at Respondent's expense and shall be in addition to
16 the Continuing Medical Education (CME) requirements for renewal of licensure.

17 The program has the authority to determine whether Respondent successfully completed the
18 program.

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

24 If Respondent fails to complete the program within the designated time period, Respondent
25 shall cease the practice of medicine within three (3) calendar days after being notified by the
26 Board or its designee that Respondent failed to complete the program.

27 5. PSYCHIATRIC EVALUATION. Within thirty (30) calendar days of the effective
28 date of this Decision, and on whatever periodic basis thereafter may be required by the Board or

1 its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
2 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
3 consider any information provided by the Board or designee and any other information the
4 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
5 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
6 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
7 psychiatric evaluations and psychological testing.

8 Respondent shall comply with all restrictions or conditions recommended by the evaluating
9 psychiatrist within fifteen (15) calendar days after being notified by the Board or its designee.

10 6. THIRD PARTY CHAPERONE. During probation, Respondent shall have a third
11 party chaperone present while consulting, examining, or treating female patients. Respondent
12 shall, within thirty (30) calendar days of the effective date of the Decision, submit to the Board or
13 its designee for prior approval name(s) of persons who will act as the third party chaperone.

14 If Respondent fails to obtain approval of a third party chaperone within sixty (60) calendar
15 days of the effective date of this Decision, Respondent shall receive a notification from the Board
16 or its designee to cease the practice of medicine within three (3) calendar days after being so
17 notified. Respondent shall cease the practice of medicine until a chaperone is approved to
18 provide monitoring responsibility.

19 Each third party chaperone shall sign (in ink or electronically) and date each patient
20 medical record at the time the chaperone's services are provided. Each third party chaperone
21 shall read the Decision(s) and the Accusation(s), and fully understand the role of the third party
22 chaperone.

23 Respondent shall maintain a log of all patients seen for whom a third party chaperone is
24 required. The log shall contain the: 1) patient initials, address and telephone number; 2) medical
25 record number; and 3) date of service. Respondent shall keep this log in a separate file or ledger,
26 in chronological order, shall make the log available for immediate inspection and copying on the
27 premises at all times during business hours by the Board or its designee, and shall retain the log
28 for the entire term of probation.

1 Respondent is prohibited from terminating employment of a Board-approved third party
2 chaperone solely because that person provided information as required to the Board or its
3 designee.

4 If the third party chaperone resigns or is no longer available, Respondent shall, within five
5 (5) calendar days of such resignation or unavailability, submit to the Board or its designee, for
6 prior approval, the name of the person(s) who will act as the third party chaperone. If Respondent
7 fails to obtain approval of a replacement chaperone within thirty (30) calendar days of the
8 resignation or unavailability of the chaperone, Respondent shall receive a notification from the
9 Board or its designee to cease the practice of medicine within three (3) calendar days after being
10 so notified. Respondent shall cease the practice of medicine until a replacement chaperone is
11 approved and assumes monitoring responsibility.

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

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

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

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

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1 10. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
2 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
3 limited to, expert review, legal reviews, and investigation(s), as applicable, in the amount of
4 \$11,000.00 (eleven thousand dollars and zero cents). Costs shall be payable to the Medical Board
5 of California. Failure to pay such costs shall be considered a violation of probation.

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

10 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
11 to repay investigation and enforcement costs, including expert review costs.

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

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

17 12. GENERAL PROBATION REQUIREMENTS.

18 Compliance with Probation Unit

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

20 Address Changes

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

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Place of Practice

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

License Renewal

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

Travel or Residence Outside California

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

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

13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

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

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

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

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

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

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

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

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

1 17. LICENSE SURRENDER. Following the effective date of this Decision, if
2 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
3 the terms and conditions of probation, Respondent may request to surrender his or her license.
4 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
5 determining whether to grant the request, or to take any other action deemed appropriate and
6 reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall
7 within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the Board or
8 its designee and Respondent shall no longer practice medicine. Respondent will no longer be
9 subject to the terms and conditions of probation. If Respondent re-applies for a medical license,
10 the application shall be treated as a petition for reinstatement of a revoked certificate.

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

16 19. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
17 a new license or certification, or petition for reinstatement of a license, by any other health care
18 licensing action agency in the State of California, all of the charges and allegations contained in
19 Accusation No. 800-2021-077755 shall be deemed to be true, correct, and admitted by
20 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
21 restrict license.

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ACCEPTANCE

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

DATED: 6/14/2023 *Geronimo G. Rodriguez, M.D.*
ID eHWcfYvgBLAIBTPITVQkytS
GERONIMO GIRALDO RODRIGUEZ, M.D.
Respondent

I have read and fully discussed with Respondent Geronimo Giraldo Rodriguez, 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: 06-15-2023 *Suzanne M. Crouts*
SUZANNE M. CROUTS
Attorney for Respondent

ENDORSEMENT

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

DATED: 06-16-2023 Respectfully submitted,
ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

Marsha E. Barr-Fernandez
MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
Attorneys for Complainant

LA2022601043

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Attorney General of California
2 JUDITH T. ALVARADO
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 800-2021-077755

12 **GERONIMO GIRALDO RODRIGUEZ, M.D.**
2705 Whittier Boulevard
13 Los Angeles, CA 90023-1441

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
No. A 36572,

15 Respondent.

16
17 **PARTIES**

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

21 2. On or about April 15, 1981, the Medical Board issued Physician's and Surgeon's
22 Certificate Number A 36572 to Geronimo Giraldo Rodriguez, M.D. (Respondent). The
23 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
24 charges brought herein and will expire on December 31, 2022, unless renewed.

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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 4. Section 2004 of the Code states:

6 The board shall have the responsibility for the following:

7 (a) The enforcement of the disciplinary and criminal provisions of the Medical
8 Practice Act.

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

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

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

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

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

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

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

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

21 5. Section 2220 of the Code states:

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

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

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

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

6. Section 2227 of the Code states:

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

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

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

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

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

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

22 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
23 medical review or advisory conferences, professional competency examinations,
24 continuing education activities, and cost reimbursement associated therewith that are
25 agreed to with the board and successfully completed by the licensee, or other matters
26 made confidential or privileged by existing law, is deemed public, and shall be made
27 available to the public by the board pursuant to Section 803.1.

28 7. Section 2228 of the Code states:

The authority of the board or the California Board of Podiatric Medicine to
discipline a licensee by placing him or her on probation includes, but is not limited to,
the following:

(a) Requiring the licensee to obtain additional professional training and to pass
an examination upon the completion of the training. The examination may be written
or oral, or both, and may be a practical or clinical examination, or both, at the option
of the board or the administrative law judge.

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1 (b) Requiring the licensee to submit to a complete diagnostic examination by
2 one or more physicians and surgeons appointed by the board. If an examination is
3 ordered, the board shall receive and consider any other report of a complete
4 diagnostic examination given by one or more physicians and surgeons of the
5 licensee's choice.

6 (c) Restricting or limiting the extent, scope, or type of practice of the licensee,
7 including requiring notice to applicable patients that the licensee is unable to perform
8 the indicated treatment, where appropriate.

9 (d) Providing the option of alternative community service in cases other than
10 violations relating to quality of care.

11 **STATUTORY PROVISIONS**

12 8. Section 2234 of the Code states:

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

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

18 (b) Gross negligence.

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

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

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

...

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

...

9. Section 2236 of the Code states:

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

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

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

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

18 10. Section 490 of the Code states:

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

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

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

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

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1 REGULATORY PROVISIONS

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

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

9 COST RECOVERY

10 12. Section 125.3 of the Code states:

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

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

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

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

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

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

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

2 (2) Notwithstanding paragraph (1), the board may, in its discretion,
3 conditionally renew or reinstate for a maximum of one year the license of any
4 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
5 costs.

6 (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
7 to be available upon appropriation by the Legislature.

8 (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.

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

11 **FACTUAL ALLEGATIONS**

12 13. Victim 1¹ became a patient of Respondent on June 16, 2019, when he performed an
13 exploratory laparotomy with removal of right ovary and fallopian tube after she was diagnosed
14 with a 17.5 cm ovarian mass. Victim 1 was instructed to see Respondent at his Pasadena office
15 for post-operative follow-up appointments.

16 14. Victim 1 was seen by Respondent at his office for post-operative follow-up on June
17 24, 2019, for staple removal. During that visit, Respondent removed the staples and asked her if
18 she was still breastfeeding. When Victim 1 responded in the affirmative, Respondent lifted her
19 shirt and exposed her right breast. There was no female chaperone in the room. Victim 1 pulled
20 her shirt down and agreed to have another appointment for follow-up in 1 week.

21 15. Victim 1 returned to Respondent on July 1, 2019, for a second post-operative follow-
22 up visit. Victim 1's mother and sister accompanied Victim 1 on this visit, but they waited in the
23 parking lot. Victim 1 again was seen by Respondent alone in the examination room. Respondent
24 approached Victim 1, held her face with his hands while she was standing, then tapped her
25 buttocks twice and told her to have a seat. Respondent's assistant came in to the room briefly to
26 bring him peroxide so he could clean the surgical wound. He cleaned Victim 1's wound and

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28 ¹ To protect the privacy of the patient involved, the patient's name has not been included
in this pleading. Respondent is aware of the identity of the patient referred to herein.

1 complimented her appearance, specifically commenting how beautiful she was. Victim 1 asked
2 Respondent how she could make her stomach flatter at which time Respondent pulled her
3 sweatpants down exposing her genitals and buttocks partially. Victim 1 pulled her sweatpants
4 back up. Respondent also talked to her about breastfeeding and tapped one of her breasts with his
5 hand. At the conclusion of the appointment, Victim 1 stood up and Respondent held the back of
6 her head and tried to kiss her. Victim 1 pulled away and Respondent was able to kiss her bottom
7 lip.

8 16. Upon exiting the building, Victim 1 told her mother and sister what had occurred.
9 Victim 1's sister subsequently reported the incident to the Pasadena Police Department,
10 ultimately resulting in Respondent's arrest and conviction.

11 **FIRST CAUSE FOR DISCIPLINE**

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

13 17. Respondent Geronimo Giraldo Rodriguez, M.D. is subject to disciplinary action
14 under sections 490 and 2236 of the Code in that he was convicted of a crime substantially related
15 to the qualifications, functions, or duties of a physician. The circumstances are as follows:

16 18. The allegations set forth in paragraphs 13 through 16 are incorporated herein by
17 reference as if fully set forth.

18 19. On or about November 4, 2019, in the case of *The People of the State of California*
19 *vs. Geronimo Giraldo Rodriguez*, Los Angeles Superior Court (Pasadena Judicial District) Case
20 No. 9PD03738, Respondent was charged with violating *Penal Code* section 423.4(E)(1) (sexual
21 battery).

22 20. On or about January 13, 2020, in a Second Amended Criminal Complaint,
23 Respondent was charged with two counts of violating *Penal Code* section 423.4 (sexual battery)
24 and one count of violating *Penal Code* section 242 (battery).

25 21. On or about April 8, 2021, Respondent was convicted, by way of plea of nolo
26 contendere, of the crime of battery, in violation of *Penal Code* section 242, as charged in Count 3
27 (three) of the Second Amended Criminal Complaint.

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1 22. On April 8, 2021, Respondent was placed on summary probation for a period of one
 2 (1) year under the following terms and conditions: (1) pay a fine totaling \$762.00; (2) relinquish
 3 all firearms owned, possessed, or under the custody or control of Respondent; (3) submit to
 4 booking procedure, including a fingerprint record, at Pasadena Police Department; and (4) not
 5 own, use or possess any dangerous or deadly weapons, including any firearms, knives or other
 6 concealable weapons for a period of ten (10) years. In addition, Respondent was ordered to stay
 7 away from the victim and her place of employment and/or residence, to obey the protective order
 8 issued in the case, and to obey all laws and orders of the court. Respondent was also ordered to
 9 attend fifty-two (52) sexual compulsive meetings at a rate of two (2) per week, to complete eighty
 10 (80) hours of community service, and to self-report the conviction and the fact that the victim was
 11 a patient to the California Medical Board and any other appropriate licensing authorities.

12 **SECOND CAUSE FOR DISCIPLINE**

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

14 23. Respondent Geronimo Giraldo Rodriguez, M.D. is subject to disciplinary action
 15 under section 2234, subdivision (e) of the Code in that he engaged in dishonest and corrupt acts.
 16 The circumstances are as follows:

17 24. The allegations set forth in paragraphs 13 through 22 are incorporated herein by
 18 reference as if fully set forth.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Gross Negligence/Repeated Negligent Acts)**

21 25. Respondent Geronimo Giraldo Rodriguez, M.D. is subject to disciplinary action
 22 under Code section 2234, subdivisions (b) and (c), in that he engaged in gross negligence and
 23 repeated negligent acts during his care and treatment of Victim 1. The circumstances are as
 24 follows:

25 26. The allegations set forth in paragraphs 13 through 16 are incorporated herein by
 26 reference as if fully set forth.

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1 27. The standard of care in performing a breast exam is to touch the breast of a female
2 patient only for good medical reason for diagnosis and treatment and after obtaining permission
3 from the patient to proceed with such examination. The exam should be explained, and draping
4 should be used to minimize patients' exposure during examinations. It is recommended that a
5 chaperone be present for all breast, genital, and rectal examinations irrespective of sex or gender
6 of the person performing the examination.

7 28. The American Medical Association recommends efforts be made "to provide a
8 comfortable and considerate atmosphere for the patient ... are part of respecting patients'
9 dignity." These efforts may include providing appropriate gowns, private facilities for
10 undressing, sensitive use of draping, and clearly explaining various components of the physical
11 examination. They also include having chaperones available.

12 29. It is unethical for an OB/GYN to misuse the trust, knowledge, or influence from a
13 professional relationship in pursuing a sexual or romantic relationship with a former patient.

14 30. Sexual or romantic behavior by a physician toward a current patient constitutes
15 misconduct regardless of whether a patient appears to initiate or consent to such behavior.
16 Physicians' professional codes of ethics have historically precluded the initiation of romantic or
17 sexual contact with a patient because such a relationship is likely to compromise the physician's
18 objectivity regarding treatment decision-making and may exploit a power differential for personal
19 gain. The inherent imbalance of power in the patient-physician relationship makes coercion or its
20 appearance more likely.

21 31. Respondent's conduct in connection with his care and treatment of Victim 1 is an
22 extreme departure from the standard of care. Respondent did not have a chaperone present while
23 performing a breast examination on Victim 1. He did not have the patient appropriately draped to
24 protect her modesty and did not explain the reason or need for a breast examination. Respondent
25 did not obtain consent to perform a breast exam. He did not explain the need for a breast exam
26 and there is no documentation in Victim 1's chart of the need for a breast exam or that a breast
27 exam was performed.

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32. Respondent's conduct in connection with his care and treatment of Victim I is an extreme departure from the standard of care. A romantic relationship cannot be established with a patient, and unwanted touching and kissing are inappropriate in all situations.

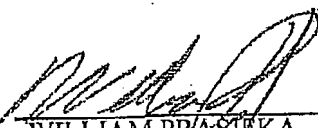
33. Each act of gross negligence is also a negligent act.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 36572, issued to Geronimo Giraldo Rodriguez, M.D.;
2. Revoking, suspending or denying approval of Geronimo Giraldo Rodriguez, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Geronimo Giraldo Rodriguez, 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: AUG 29 2022


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

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