

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

**In the Matter of the Accusation
Against:**

Gregory O. Colburn, M.D.

**Physician's and Surgeon's
Certificate No. G 57384**

Respondent.

Case No. 800-2019-053566

DECISION

**The attached Stipulated Surrender of License 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 September 28, 2023.

IT IS SO ORDERED September 21, 2023.

MEDICAL BOARD OF CALIFORNIA



**Reji Varghese
Executive Director**

1 ROB BONTA
Attorney General of California
2 GREG W. CHAMBERS
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Supervising Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3869
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 800-2019-053566

12 **GREGORY O. COLBURN, M.D.**
13 **PO Box 60094**
Palo Alto CA 94306-0094

OAH No. 2022090656

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14
15 **Physician's and Surgeon's Certificate No. G**
57384

16 Respondent.
17

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

20 **PARTIES**

21 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
22 California (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Rob Bonta, Attorney General of the State of California, by Machaela M. Mingardi,
24 Supervising Deputy Attorney General.

25 2. GREGORY O. COLBURN, M.D. (Respondent) is represented in this proceeding by
26 attorney Patric Hooper, whose address is: 1875 Century Park East, Suite 1600
27 Los Angeles, CA 90067-2799.
28

3. On or about June 9, 1986, the Board issued Physician's and Surgeon's Certificate No. G 57384 to Respondent. That license was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 800-2019-053566 and will expire on March 31, 2024, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2019-053566 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 10, 2022. Respondent timely filed his Notice of Defense contesting the Accusation. A First Amended Accusation was filed and served on Respondent on September 1, 2022. A copy of the First Amended Accusation No. 800-2019-053566 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2019-053566. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

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1 CULPABILITY

2 8. Respondent admits the truth of the allegations in the First Amended Accusation No.
3 800-2019-053566, agrees that cause exists for discipline and hereby surrenders his Physician's
4 and Surgeon's Certificate No. G 57384 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
7 process.

8 CONTINGENCY

9 10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
10 part, that the Medical Board "shall delegate to its executive director the authority to adopt a ...
11 stipulation for surrender of a license."

12 11. Respondent understands that, by signing this stipulation, he enables the Executive
13 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
14 Physician's and Surgeon's Certificate No. G 57384 without further notice to, or opportunity to be
15 heard by, Respondent.

16 12. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
17 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
18 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his
19 consideration in the above-entitled matter and, further, that the Executive Director shall have a
20 reasonable period of time in which to consider and act on this Stipulated Surrender of License and
21 Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands
22 and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the
23 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

24 13. The parties agree that this Stipulated Surrender of License and Disciplinary Order
25 shall be null and void and not binding upon the parties unless approved and adopted by the
26 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
27 force and effect. Respondent fully understands and agrees that in deciding whether or not to
28 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive

1 Director and/or the Board may receive oral and written communications from its staff and/or the
2 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
3 Executive Director, the Board, any member thereof, and/or any other person from future
4 participation in this or any other matter affecting or involving respondent. In the event that the
5 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
6 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
7 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
8 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
9 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
10 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
11 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
12 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
13 of any matter or matters related hereto.

14 **ADDITIONAL PROVISIONS**

15 14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
16 herein to be an integrated writing representing the complete, final and exclusive embodiment of
17 the agreements of the parties in the above-entitled matter.

18 15. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
19 Order, including copies of the signatures of the parties, may be used in lieu of original documents
20 and signatures and, further, that such copies shall have the same force and effect as originals.

21 16. The parties understand and agree that Portable Document Format (PDF) and facsimile
22 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
23 thereto, shall have the same force and effect as the originals.

24 17. In consideration of the foregoing admissions and stipulations, the parties agree the
25 Executive Director of the Board may, without further notice to or opportunity to be heard by
26 Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

27 //

28 //

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 57384, issued to Respondent GREGORY O. COLBURN, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in First Amended Accusation No. 800-2019-053566 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation No. 800-2019-053566 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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1 **ACCEPTANCE**


2 I have carefully read the above Stipulated Surrender of License and Order and have fully
3 discussed it with my attorney, Patric Hooper. I understand the stipulation and the effect it will
4 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
5 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: 9/13/23


9 GREGORY O. COLBURN, M.D.
Respondent

10
11 I have read and fully discussed with Respondent GREGORY O. COLBURN, M.D. the
12 terms and conditions and other matters contained in this Stipulated Surrender of License and
13 Order. I approve its form and content.

14
15 DATED: 9/13/23


16 PATRIC HOOPER
Attorney for Respondent

17
18 **ENDORSEMENT**

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
20 for consideration by the Medical Board of California of the Department of Consumer Affairs.

21
22 DATED: _____

Respectfully submitted,

23 ROB BONTA
Attorney General of California
24 GREG W. CHAMBERS
Supervising Deputy Attorney General

25
26
27 MACHAELA M. MINGARDI
Supervising Deputy Attorney General
28 Attorneys for Complainant

SF2022400405

1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order and have fully
3 discussed it with my attorney, Patric Hooper. I understand the stipulation and the effect it will
4 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
5 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: _____

GREGORY O. COLBURN, M.D.
Respondent

10 I have read and fully discussed with Respondent GREGORY O. COLBURN, M.D. the
11 terms and conditions and other matters contained in this Stipulated Surrender of License and
12 Order. I approve its form and content.

13
14
15 DATED: _____

PATRIC HOOPER
Attorney for Respondent

16
17
18 ENDORSEMENT

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
20 for consideration by the Medical Board of California of the Department of Consumer Affairs.

21
22 DATED: 9/13/2013

Respectfully submitted,

23 ROB BONTA
24 Attorney General of California
25 GREG W. CHAMBERS
Supervising Deputy Attorney General

26 
27 MICHAELA M. MINGARDI
28 Supervising Deputy Attorney General
Attorneys for Complainant

Exhibit A

First Amended Accusation No. 800-2019-053566

1 ROB BONTA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy General
3 ANA GONZALEZ
Deputy Attorney General
4 State Bar No. 190263
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3608
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

12 In the Matter of the First Amended Accusation
Against:

Case No. 800-2019-053566

13 **GREGORY O. COLBURN, M.D.**
14 **PO Box 60094**
15 **Palo Alto CA 94306-0094**

FIRST AMENDED ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. G 57384,**

Respondent.

18
19
20 **PARTIES**

21 1. William Prasifka (Complainant) brings this First Amended Accusation solely in his
22 official capacity as the Executive Director of the Medical Board of California, Department of
23 Consumer Affairs (Board).

24 2. On June 9, 1986, the Medical Board issued Physician's and Surgeon's Certificate
25 Number G 57384 to Gregory O. Colburn, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on March 31, 2024, unless renewed.
28

JURISDICTION

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

4. Section 2001.1 of the Code provides that the Board's highest priority shall be public protection.

5. Section 2004 of the Code states:

"The board shall have the responsibility for the following:

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

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

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

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

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

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

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

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

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

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

7. Section 2234 of the Code, states:

The board shall take action against any licensee who is charged with

unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

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

(b) Gross negligence.

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

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

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

(d) Incompetence.

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

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

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

8. Section 2236 of the Code states:

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

....

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

9. Section 2236.1 of the Code states:

(a) A physician and surgeon's certificate shall be suspended automatically during any time that the holder of the certificate is incarcerated after conviction of a

1 felony, regardless of whether the conviction has been appealed. The Medical Board
2 shall, immediately upon receipt of the certified copy of the record of conviction,
3 determine whether the certificate of the physician and surgeon has been automatically
4 suspended by virtue of his or her incarceration, and if so, the duration of that
5 suspension. The division shall notify the physician and surgeon of the license
6 suspension and of his or her right to elect to have the issue of penalty heard as
7 provided in this section.

8 (b) Upon receipt of the certified copy of the record of conviction, if after a
9 hearing it is determined therefrom that the felony of which the licensee was convicted
10 was substantially related to the qualifications, functions, or duties of a physician and
11 surgeon, the Medical Board shall suspend the license until the time for appeal has
12 elapsed, if no appeal has been taken, or until the judgment of conviction has been
13 affirmed on appeal or has otherwise become final, and until further order of the
14 division. The issue of substantial relationship shall be heard by and administrative
15 law judge from the Medical Quality Hearing Panel sitting alone or with a panel of the
16 division, in the discretion of the division.

17 (c) Notwithstanding subdivision (b), a conviction of any crime referred to in
18 Section 2237, or a conviction of Section 187, 261, 262 or 288 of the Penal Code, shall
19 be conclusively presumed to be substantially related to the qualifications, functions,
20 or duties of a physician and surgeon and no hearing shall be held on this issue. Upon
21 its own motion or for good cause shown, the board may decline to impose or may set
22 aside the suspension when it appears to be in the interest of justice to do so, with due
23 regard to maintaining the integrity of and confidence in the medical profession.

24 (d) (1) Discipline may be ordered in accordance with Section 2227, or the
25 Medical Board may order the denial of the license when the time for appeal has
26 elapsed, the judgment of conviction has been affirmed on appeal, or an order granting
27 probation is made suspending the imposition of sentence, irrespective of a subsequent
28 order under Section 1203.4 of the Penal Code allowing the person to withdraw his or
her plea of guilty and to enter a plea of not guilty, setting aside the verdict of guilty,
or dismissing the accusation, complaint, information, or indictment.

(2) The issue of penalty shall be heard by an administrative law judge from the
Medical Quality Hearing Panel sitting alone or with a panel of the board, in the
discretion of the board. The hearing shall not be had until the judgment of conviction
has become final or, irrespective of a subsequent order under Section 1203.4 of the
Penal Code, an order granting probation has been made suspending the imposition of
sentence; except that a licensee may, at his or her option, elect to have the issue of
penalty decided before those time periods have elapsed. Where the licensee so elects,
the issue of penalty shall be heard in the manner described in this section at the
hearing to determine whether the conviction was substantially related to the
qualifications, functions, or duties of a physician and surgeon. If the conviction of a
licensee who has made this election is overturned on appeal, any discipline ordered
pursuant to this section shall automatically cease. Nothing in this subdivision shall
prohibit the division from pursuing disciplinary action based on any cause other than
the overturned conviction.

(e) The record of the proceedings resulting in the conviction, including a
transcript of the testimony therein, may be received in evidence.

(f) The other provisions of this article setting forth a procedure for the
suspension or revocation of a physician and surgeon's certificate shall not apply to
proceedings conducted pursuant to this section.

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

For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the 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.

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

12. During the fall of 2017, Respondent entered into an agreement to pay \$25,000 to other individuals in order to have a person pose as a proctor for his son's SAT exam and to secretly correct his answers. Respondent initiated a stock transfer and one or more checks to pay for the cheating scheme, and falsely wrote "charitable contribution" on the memo line of a check. Respondent participated in the scheme to provide the falsely obtained SAT score to colleges on his son's behalf.

13. On January 14, 2020, Respondent was indicted in the United States District Court, the District of Massachusetts, on a criminal matter, *United States of America v. David Sidoo, Gregory Colburn et al*, Case No. 19-10080-NMG. (Exhibit 1) Respondent was charged by the United States of America with federal crimes involving fraud and dishonesty in connection with his participation in the scheme to obtain a false SAT score and to present it to colleges on his son's behalf.

1 14. On December 7, 2021, Respondent pleaded guilty to charges that he committed
2 Conspiracy to Commit Mail Fraud, Wire Fraud, Honest Services Mail Fraud, and Honest Services
3 Wire Fraud, in violation of Title 18, United States Code, Section 1349, as set forth in Count one
4 of the Fourth Superseding Indictment. Respondent admitted that he committed the crime
5 specified in Count One of the indictment and that he was guilty.

6 15. On April 21, 2022, judgment was imposed on Respondent. The judgment included a
7 term of imprisonment to be followed by a period of supervised release. (Exhibit 2)

8
9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct/Ethical Violations/Dishonest or Corrupt Acts)**

11 16. The allegations of Paragraph 12-15 are incorporated by reference as if set out in full.

12 17. Respondent Gregory O. Colburn, M.D. is subject to disciplinary action under section
13 2234 and/or 2234(e) when he participated in a dishonest scheme to obtain false SAT scores to
14 supply to colleges on his son's behalf. Respondent acted unethically and with dishonesty when
15 he made cash payments in furtherance of that scheme.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Conviction)**

18 18. The allegations of paragraphs 14-15 are incorporated by reference as if set out in full.
19 Respondent Gregory O. Colburn, M.D. is subject to disciplinary action under section 2236 in that
20 he has entered a guilty plea to federal crimes involving dishonesty and corruption.

21 **PRAYER**

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

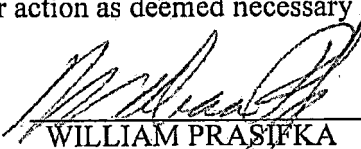
24 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 57384,
25 issued to Gregory O. Colburn, M.D.;

26 2. Revoking, suspending or denying approval of Gregory O. Colburn, M.D.'s authority
27 to supervise physician assistants and advanced practice nurses;
28

1 3. Ordering Gregory O. Colburn, M.D., to pay the Board the costs of the investigation
2 and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

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

4 DATED: SEP 01 2022


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

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9 43120067