

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

In the Matter of the Accusation
Against:

Wayne Hua Tran, M.D.

Physician's and Surgeon's
Certificate No. A 120522

Respondent.

Case No.: 800-2020-064005

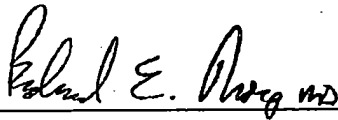
DECISION

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 27, 2023.

IT IS SO ORDERED: September 27, 2023.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 GREG W. CHAMBERS
Supervising Deputy Attorney General
3 HARRIET NEWMAN
Deputy Attorney General
4 State Bar No. 189784
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (628) 230-7205
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 Accusation Against:

Case No. 800-2020-064005

13 **WAYNE HUA TRAN, M.D.**
14 **250 Cherry Lane, Suite 116**
Manteca, CA 95337-4398

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate**
16 **No. A 120522**

17 Respondent.

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

21 **PARTIES**

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

26 2. Respondent Wayne Tran, M.D. (Respondent) is represented in this proceeding by
27 attorney Robert Hahn, whose address is: 2550 9th Street, Suite 101, Emeryville, California. On or
28

1 about March 14, 2012, the Board issued Physician's and Surgeon's Certificate No. A 120522 to
2 Wayne Tran, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and
3 effect at all times relevant to the charges brought in Accusation No. 800-2020-064005, and will
4 expire on September 30, 2023, unless renewed.

5 **JURISDICTION**

6 3. Accusation No. 800-2020-064005 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 November 16, 2022. Respondent timely filed his Notice of
9 Defense contesting the Accusation.

10 4. A copy of Accusation No. 800-2020-064005 is attached as exhibit A and incorporated
11 herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2020-064005. Respondent has also carefully read,
15 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 6. 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 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 8. Respondent understands and agrees that the charges and allegations in
27 Accusation No. 800-2020-064005, if proven at hearing, constitute cause for imposing
28 discipline upon his Physician's and Surgeon's Certificate No. 120522.

1
2 9. Respondent agrees his Physician's and Surgeon's Certificate is subject to discipline
3 and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
4 below.

5 **CONTINGENCY**

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

16 11. Respondent agrees that if he ever petitions for early termination or modification of
17 probation, or if an Accusation and/or Petition to Revoke Probation is filed against him before the
18 Board, all of the charges and allegations contained in Accusation No. 800-2020-064005 shall be
19 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
20 other licensing proceeding involving Respondent in the State of California.

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

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

27 **DISCIPLINARY ORDER**

28 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 120522 issued

1 to Respondent Wayne Tran, M.D. is revoked. However, the revocation is stayed and Respondent
2 is placed on probation for five (5) years on the following terms and conditions:

3 1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain
4 completely from the personal use or possession of controlled substances as defined in the
5 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
6 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
7 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
8 illness or condition.

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

13 If Respondent has a confirmed positive biological fluid test for any substance (whether or
14 not legally prescribed) and has not reported the use to the Board or its designee, Respondent
15 shall receive a notification from the Board or its designee to immediately cease the practice of
16 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
17 Accusation and/or a Petition to Revoke Probation is effective. An Accusation and/or Petition to
18 Revoke Probation shall be filed by the Board within 30 days of the notification to cease practice.
19 If the Respondent requests a hearing on the Accusation and/or Petition to Revoke Probation, the
20 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
21 Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge
22 alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of
23 the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
24 decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the
25 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
26 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
27 non-adoption of the proposed decision, requests for reconsideration, remands and other
28 interlocutory orders issued by the Board. The cessation of practice shall not apply to the reduction

1 of the probationary time period.

2 If the Board does not file an Accusation or Petition to Revoke Probation within 30 days of
3 the issuance of the notification to cease practice or does not provide Respondent with a hearing
4 within 30 days of a such a request, the notification of cease practice shall be dissolved.

5 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
6 use of products or beverages containing alcohol.

7 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall
8 receive a notification from the Board or its designee to immediately cease the practice of
9 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
10 accusation and/or a petition to revoke probation is effective. An Accusation and/or Petition to
11 Revoke Probation shall be filed by the Board within 30 days of the notification to cease practice.
12 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the
13 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
14 Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge
15 alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of
16 the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
17 decision, the Board shall issues its Decision, unless good cause can be shown for the delay. If the
18 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
19 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
20 non-adoption of the proposed decision, requests for reconsideration, remands and other
21 interlocutory orders issued by the Board. The cessation of practice shall not apply to the reduction
22 of the probationary time period.

23 If the Board does not file an Accusation or Petition to Revoke Probation within 30 days of
24 the issuance of the notification to cease practice or does not provide Respondent with a hearing
25 within 30 days of such a request, the notification of cease practice shall be dissolved.

26 3. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
27 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
28 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair

1 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
2 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
3 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
4 testing. The contract shall require results of the tests to be transmitted by the laboratory or service
5 directly to the Board or its designee within four hours of the results becoming available.

6 Respondent shall maintain this laboratory or service contract during the period of probation.

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

9 If Respondent fails to cooperate in a random biological fluid testing program within the
10 specified time frame, Respondent shall receive a notification from the Board or its designee to
11 immediately cease the practice of medicine. The Respondent shall not resume the practice of
12 medicine until the final decision on an Accusation and/or a Petition to Revoke Probation is
13 effective. An Accusation and/or Petition to Revoke Probation shall be filed by the Board within
14 30 days of the notification to cease practice. If the Respondent requests a hearing on the
15 accusation and/or petition to revoke probation, the Board shall provide the Respondent with a
16 hearing within 30 days of the request, unless the Respondent stipulates to a later hearing. If the
17 case is heard by an Administrative Law Judge alone, he or she shall forward a Proposed Decision
18 to the Board within 15 days of submission of the matter. Within 15 days of receipt by the Board
19 of the Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless
20 good cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
21 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
22 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
23 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
24 practice shall not apply to the reduction of the probationary time period.

25 If the Board does not file an Accusation or Petition to Revoke Probation within 15 days of
26 the issuance of the notification to cease practice or does not provide Respondent with a hearing
27 within 30 days of such a request, the notification of cease practice shall be dissolved.

28 4. EDUCATION COURSE. Within 60 calendar days of the effective date of this

1 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
2 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
3 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
4 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
5 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
6 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the
7 completion of each course, the Board or its designee may administer an examination to test
8 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
9 hours of CME of which 40 hours were in satisfaction of this condition.

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

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

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

28 6. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of

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

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

11 7. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
12 and subject to the recommendation based on the Psychiatric Evaluation, Respondent shall submit
13 to the Board or its designee for prior approval the name and qualifications of a California-licensed
14 board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology
15 and at least five years of postgraduate experience in the diagnosis and treatment of emotional and
16 mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy
17 treatment, including any modifications to the frequency of psychotherapy, until the Board or its
18 designee deems that no further psychotherapy is necessary.

19 The psychotherapist shall consider any information provided by the Board or its designee
20 and any other information the psychotherapist deems relevant and shall furnish a written
21 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
22 psychotherapist with any information and documents that the psychotherapist may deem
23 pertinent.

24 Respondent shall have the treating psychotherapist submit quarterly status reports to the
25 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
26 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
27 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
28 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the

1 period of probation shall be extended until the Board determines that Respondent is mentally fit
2 to resume the practice of medicine without restrictions.

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

4 8. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar days of the
5 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board
6 or its designee, Respondent shall undergo a medical evaluation by a Board-appointed physician
7 who shall consider any information provided by the Board or designee and any other information
8 the evaluating physician deems relevant and shall furnish a medical report to the Board or its
9 designee. Respondent shall provide the evaluating physician with any information and
10 documentation that the evaluating physician may deem pertinent.

11 Following the evaluation, Respondent shall comply with all restrictions or conditions
12 recommended by the evaluating physician within 15 calendar days after being notified by the
13 Board or its designee. If Respondent is required by the Board or its designee to undergo medical
14 treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the
15 Board or its designee for prior approval the name and qualifications of a California licensed
16 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent
17 shall within 15 calendar days undertake medical treatment and shall continue such treatment until
18 further notice from the Board or its designee.

19 The treating physician shall consider any information provided by the Board or its designee
20 or any other information the treating physician may deem pertinent prior to commencement of
21 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
22 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
23 Respondent shall provide the Board or its designee with any and all medical records pertaining to
24 treatment that the Board or its designee deems necessary.

25 If, prior to the completion of probation, Respondent is found to be physically incapable of
26 resuming the practice of medicine without restrictions, the Board shall retain continuing
27 jurisdiction over Respondent's license and the period of probation shall be extended until the
28 Board determines that Respondent is physically capable of resuming the practice of medicine

1 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment

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

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

11 10. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
12 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
13 advanced practice nurses.

14 11. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
15 governing the practice of medicine in California and remain in full compliance with any court
16 ordered criminal probation, payments, and other orders.

17 12. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
18 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
19 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
20 enforcement, as applicable, in the amount of \$6,000 (six thousand dollars). Costs shall be payable
21 to the Medical Board of California. Failure to pay such costs shall be considered a violation of
22 probation.

23 Payment must be made in full within 30 calendar days of the effective date of the Order, or
24 by a payment plan approved by the Medical Board of California. Any and all requests for a
25 payment plan shall be submitted in writing by respondent to the Board. Failure to comply with the
26 payment plan shall be considered a violation of probation.

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

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

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

6 14. GENERAL PROBATION REQUIREMENTS.

7 Compliance with Probation Unit

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

9 Address Changes

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

15 Place of Practice

16 Respondent shall not see or treat patients in Respondent's or patient's place of residence
17 unless the patient resides in a skilled nursing facility or other similarly licensed facility.

18 License Renewal

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

21 Travel or Residence Outside California

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

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

28 //

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

4 16. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
5 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
6 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
7 defined as any period of time Respondent is not practicing medicine as defined in Business and
8 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
9 patient care, clinical activity or teaching, or other activity as approved by the Board. If
10 Respondent resides in California and is considered to be in non-practice, Respondent shall
11 comply with all terms and conditions of probation. All time spent in an intensive training program
12 which has been approved by the Board or its designee shall not be considered non-practice and
13 does not relieve Respondent from complying with all the terms and conditions of probation.
14 Practicing medicine in another state of the United States or Federal jurisdiction while on
15 probation with the medical licensing authority of that state or jurisdiction shall not be considered
16 non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-
17 practice.

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

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

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

25 Periods of non-practice for a Respondent residing outside of California will relieve
26 Respondent of the responsibility to comply with the probationary terms and conditions with the
27 exception of this condition and the following terms and conditions of probation: Obey All Laws;
28 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or

1 Controlled Substances; and Biological Fluid Testing..

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

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

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

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

1 year.

2 21. FUTURE ADMISSIONS CLAUSE. Respondent should ever apply or reapply for a
3 new license or certification, or petition for reinstatement of a license, by any other health care
4 licensing action agency in the State of California, all of the charges and allegations contained in
5 Accusation No. 800-2020-064005 shall be deemed to be true, correct, and admitted by
6 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
7 restrict license.

8 **ACCEPTANCE**

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

14
15
16 DATED: 7/25/23


17 WAYNE HUA TRAN, M.D.
18 Respondent

19 I have read and fully discussed with Respondent Wayne Hua Tran, M.D. the terms and
20 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
21 I approve its form and content.

22 DATED: 7/25/23


23 ROBERT HAHN
24 Attorney for Respondent

ENDORSEMENT

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

DATED: 7/19/23

Respectfully submitted,

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

Harriet Newman

HARRIET NEWMAN
Deputy Attorney General
Attorneys for Complainant

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12 In the Matter of the Accusation Against:

Case No. 800-2020-064005

13 **WAYNE HUA TRAN, M.D.**
14 **250 Cherry Lane, Suite 116**
Manteca, CA 95337-4398

ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. A 120522**

17 Respondent.

18 **PARTIES**

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

22 2. On March 14, 2012, the Medical Board issued Physician's and Surgeon's Certificate
23 No. A 120522 to Wayne Hua Tran, M.D. (Respondent). The Physician's and Surgeon's
24 Certificate was in full force and effect at all times relevant to the charges brought herein and will
25 expire on September 30, 2023, unless renewed.

26 //

27 //

28 //

JURISDICTION

1
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 2227 of the Code states, in pertinent part:

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

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

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

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

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

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

21 5. Section 2234 of the Code states:

22 The board shall take action against any licensee who is charged with unprofessional
23 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
24 limited to the following;

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

27 6. Unprofessional conduct under Business and Professions Code section 2234 is conduct
28 which breaches the rules or ethical code of the medical profession, or conduct which is

1 unbecoming of a member in good standing of the medical profession, and which demonstrates an
2 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
3 575.)

4 7. Section 2236 of the Code states;

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

9 ...

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

13 8. Section 2239 of the Code states:

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

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

23 For the purposes of denial, suspension or revocation of a license, certificate or permit
24 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
25 considered to be substantially related to the qualifications, functions or duties of a person holding
26 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
27 evidences present or potential unfitness of a person holding a license, certificate or permit to
28 perform the functions authorized by the license, certificate or permit in a manner consistent with

1 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
2 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
3 violation of, or conspiring to violate any provision of the Medical Practice Act.

4 **COST RECOVERY**

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

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Conviction of an Offense Substantially Related to the Qualifications, Functions or**
13 **Duties of a Physician and Surgeon)**

14 11. Respondent has subject his Physician's and Surgeon's Certificate No. A 120522 to
15 disciplinary action under sections 2227 and 2234, as defined by section 2236 of the Code, and
16 California Code of Regulations, title 16, section 1360, in that he was convicted of an offense
17 substantially related to the qualifications, functions, or duties of a physician and surgeon, as more
18 particularly alleged hereinafter:

19 12. On or about December 25, 2019, a California Highway Patrol (CHP) Officer¹
20 responded to a report of a vehicle traffic collision involving Respondent. The CHP officer found
21 Respondent at a gas station near the scene, standing outside his car which was parked in the
22 middle of the gas station parking lot and not in a designated parking spot. The car's airbags were
23 deployed and there was damage all around including broken rear taillight, dents to the rear
24 bumper, dents and scrapes along the both sides, and a broken side mirror. When the CHP officer
25 approached Respondent, he noted a smell of alcohol emitting from Respondent's breath and
26

27 _____
28 ¹ Identity of officer is withheld at this time for privacy concerns. The name(s) will be
provided to Respondent upon written request for discovery.

1 person and observed his eyes to be red and watery. Respondent told the CHP officer he may have
2 had one glass of wine, and then told the CHP officer he may have had one and a half glasses.

3 13. Respondent told the CHP officer he was driving on the freeway and tried to change
4 lanes when his car spun out of control and he was hit by another car. After the collision,
5 Respondent drove away from the scene, failed to exchange information with the other driver and
6 failed to notify emergency personnel. Respondent drove off the freeway and into the gas station.

7 14. The CHP officer asked Respondent again what he had to drink and he stated he may
8 have had two glasses of wine. When the CHP officer asked Respondent how he would rate
9 himself on a scale of 1 to 10 with 1 being completely sober and 10 being the drunkest he had ever
10 been, Respondent stated "0." When the CHP officer asked Respondent why he didn't call 911, he
11 said he was not sure. Respondent was unable to perform a series of Field Sobriety Tests.
12 Respondent's breath test resulted in a .13% blood alcohol concentration.

13 15. On or about February 4, 2020, the Santa Clara County District Attorney's Office filed
14 a criminal complaint against Respondent in the matter of *The People of the State of California vs.*
15 *Wayne Hua Tran*, Santa Clara Superior Court Case No. C2002908. Respondent was charged with
16 three misdemeanor counts including: violation of Vehicle Code section 23152(a), driving a
17 vehicle while under the influence of alcohol; violation of Vehicle Code section 23152(b), driving
18 a vehicle while having a blood alcohol level of .08% or higher; and violation of Vehicle Code
19 section 2002(a), as the driver of a vehicle involved in an accident resulting only in damage to
20 property, failing to stay within the immediate vicinity of the accident and failing to comply with
21 the requirements of Vehicle Code sections 2002(a)(1) and 2002(a)(2).

22 16. On or about June 22, 2021, Respondent's charges were amended to add Count 4,
23 violation of Vehicle Code section 16025(a), failure to exchange information after an accident, an
24 infraction. Respondent was convicted upon his plea of nolo contendere, to one misdemeanor
25 count of violating Vehicle Code section 23152(b), driving a vehicle while having .08 percent or
26 more of alcohol in his blood, and one count of violating Vehicle Code section 16025(a), failure to
27 exchange information after an accident, an infraction. Respondent was sentenced to three (3)
28

1 years' probation, and 22 days in jail, and ordered to enroll in and complete a three (3) month first
2 offender DUI program and pay fines and fees.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Use of Alcoholic Beverages to the Extent or in Such a Manner as to be Dangerous or**
5 **Injurious to Himself, Another Person, or the Public)**

6 17. Respondent has further subjected his Physician's and Surgeon's Certificate No. A
7 120522 to disciplinary action under sections 2227 and 2234 of the Code, as defined by section
8 2239, subdivision (a) of the Code, in that he has used alcoholic beverages to the extent, or in such
9 a manner, as to be dangerous or injurious to himself, another person, or the public, as more
10 particularly alleged in paragraphs 11 through 16 above, which are hereby incorporated by
11 reference and re-alleged as if fully set forth herein.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(General Unprofessional Conduct)**

14 18. Respondent has further subjected his Physician's and Surgeon's Certificate No. A
15 120522 to disciplinary action under sections 2227 and 2234 of the Code, in that he engaged in
16 conduct which breaches the rules or ethical code of the medical profession, which is unbecoming
17 to a member in good standing of the medical profession, and which demonstrates an unfitness to
18 practice medicine, as more particularly alleged in paragraphs 11 through 17, above, which are
19 hereby incorporated by reference and re-alleged as if fully set forth herein.

20 **PRAAYER**

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

- 23 1. Revoking or suspending Physician's and Surgeon's Certificate No. A. 120522, issued
24 to Wayne Hua Tran, M.D.;
- 25 2. Revoking, suspending or denying approval of Wayne Hua Tran, M.D.'s authority to
26 supervise physician assistants and advanced practice nurses;
- 27 3. Ordering Wayne Hua Tran, M.D., to pay the Board the costs of the investigation and
28 enforcement of this case, and if placed on probation, the costs of probation monitoring; and

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

DATED: NOV 16 2022



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