

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

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

Sergio Da Silva Caminha, M.D.

**Physician's and Surgeon's
Certificate No. C 50172**

Respondent.

Case No. 800-2019-055059

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 October 09, 2023.

IT IS SO ORDERED October 02, 2023.

MEDICAL BOARD OF CALIFORNIA



**Reji Varghese
Executive Director**

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 LYNETTE D. HECKER
Deputy Attorney General
4 State Bar No. 182198
California Department of Justice
5 2550 Mariposa Mall, Room 5090
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6 Telephone: (559) 705-2320
Facsimile: (559) 445-5106
7 *Attorneys for Complainant*

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

12 In the Matter of the First Amended Accusation
Against:

13 **SERGIO DA SILVA CAMINHA, M.D.**
14 **505 W. Main St.**
Visalia, CA 93291-6149

15 **Physician's and Surgeon's**
16 **Certificate No. C 50172**

17 Respondent.

Case No. 800-2019-055059

OAH No. 2021060082

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Medical Board of California of the Department of Consumer
21 Affairs, the parties hereby agree to the following Stipulated Surrender and Order which will be
22 submitted to the Board for approval and adoption as the final disposition of the Accusation.

23 **PARTIES**

24 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
25 California (Board). He brought this action solely in his official capacity¹ and is represented in
26 this matter by Rob Bonta, Attorney General of the State of California, by Lynette D. Hecker,
27 Deputy Attorney General.

28
¹ William Prasifka was the Executive Director of the Board when this action was filed.

1 2. Sergio Da Silva Caminha, M.D. (Respondent) is represented in this proceeding by
2 attorney Michael F. Ball, Esq. whose address is: 7647 North Fresno Street, Fresno, CA 93720-
3 8912.

4 3. On or about December 11, 1998, the Board issued Physician's and Surgeon's
5 Certificate No. C 50172 to Sergio Da Silva Caminha, M.D. (Respondent). The Physician's and
6 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
7 Accusation No. 800-2019-055059. On January 11, 2021, a Full Interim Suspension Order issued,
8 prohibiting Respondent from engaging in the practice of medicine. Respondent's Physician's and
9 Surgeon's Certificate No. C 50172 expired on November 30, 2022, and has not been renewed.

10 **JURISDICTION**

11 4. The First Amended Accusation No. 800-2019-055059 was filed before the Board, and
12 is currently pending against Respondent. The initial Accusation and all other statutorily required
13 documents were properly served on Respondent on April 23, 2021. The First Amended
14 Accusation and all other statutorily required documents were properly served on Respondent on
15 January 26, 2022. Respondent timely filed his Notice of Defense contesting the Accusation. A
16 copy of First Amended Accusation No. 800-2019-055059 is attached as "Exhibit A" and
17 incorporated by reference.

18 **ADVISEMENT AND WAIVERS**

19 5. Respondent has carefully read, fully discussed with counsel, and understands the
20 charges and allegations in Accusation No. 800-2019-055059. Respondent also has carefully read,
21 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
22 and Order.

23 6. Respondent is fully aware of his legal rights in this matter, including the right to a
24 hearing on the charges and allegations in the First Amended Accusation; the right to confront and
25 cross-examine the witnesses against him; the right to present evidence and to testify on his own
26 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
27 production of documents; the right to reconsideration and court review of an adverse decision;

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1 and all other rights accorded by the California Administrative Procedure Act and other applicable
2 laws.

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

5 CULPABILITY

6 8. Respondent understands that the charges and allegations in First Amended
7 Accusation No. 800-2019-055059, if proven at a hearing, constitute cause for action to be taken
8 upon his Physician's and Surgeon's Certificate.

9 9. For the purpose of resolving the First Amended Accusation without the expense and
10 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
11 establish a factual basis for the charges in the First Amended Accusation and that those charges
12 constitute cause for action. Respondent hereby gives up his right to contest that cause for action
13 exists based on those charges.

14 10. Respondent understands that by signing this stipulation he enables the Board to issue
15 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
16 process.

17 CONTINGENCY

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

21 12. Respondent understands that, by signing this stipulation, he enables the Executive
22 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
23 Physician's and Surgeon's Certificate No. G 84426 without further notice to, or opportunity to be
24 heard by, Respondent.

25 13. This Stipulated Surrender of License and Order shall be subject to the approval of the
26 Executive Director on behalf of the Board. The parties agree that this Stipulated Surrender of
27 License and Order shall be submitted to the Executive Director for his consideration in the above-
28 entitled matter and, further, that the Executive Director shall have a reasonable period of time in

1 which to consider and act on this Stipulated Surrender of License and Order after receiving it. By
2 signing this stipulation, Respondent fully understands and agrees that he may not withdraw his
3 agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of
4 the Medical Board, considers and acts upon it.

5 14. The parties agree that this Stipulated Surrender of License and Order shall be null and
6 void and not binding upon the parties unless approved and adopted by the Executive Director on
7 behalf of the Board, except for this paragraph, which shall remain in full force and effect.

8 Respondent fully understands and agrees that in deciding whether or not to approve and adopt this
9 Stipulated Surrender of License and Order, the Executive Director and/or the Board may receive
10 oral and written communications from its staff and/or the Attorney General's Office.

11 Communications pursuant to this paragraph shall not disqualify the Executive Director, the
12 Board, any member thereof, and/or any other person from future participation in this or any other
13 matter affecting or involving Respondent. In the event that the Executive Director on behalf of
14 the Board does not, in his discretion, approve and adopt this Stipulated Surrender of License and
15 Order, with the exception of this paragraph, it shall not become effective, shall be of no
16 evidentiary value whatsoever, and shall not be relied upon or introduced in any action by either
17 party hereto. Respondent further agrees that should this Stipulated Surrender of License and
18 Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent
19 will assert no claim that the Executive Director, the Board, or any member thereof, was
20 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of
21 License and Order or of any matter or matters related hereto.

22 **ADDITIONAL PROVISIONS**

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

26 16. The parties agree that copies of this Stipulated Surrender of License and Order,
27 including copies of the signatures of the parties, may be used in lieu of original documents and
28 signatures and, further, that such copies shall have the same force and effect as originals.

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

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 50172, issued to Respondent Sergio Da Silva Caminha, M.D., is surrendered and accepted by the Board.

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

2. 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 Board's Decision and Order.

3. 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. 800-2019-055059 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

4. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$26,550.00 (Twenty-six thousand, five hundred and fifty dollars) prior to issuance of a new or reinstated license.

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. 800-2019-055059 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 Michael F. Ball. 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: August 1st
9 2023

Sergio Da Silva Caminha
SERGIO DA SILVA CAMINHA, M.D.
Respondent

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

13 DATED: 08/01/2023

Michael F. Ball
MICHAEL F. BALL, ESQ.
Attorney for Respondent

15 ENDORSEMENT

16
17 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
18 for consideration by the Medical Board of California of the Department of Consumer Affairs.

19 DATED: 8/3/2023

Respectfully submitted,

20 ROB BONTA
21 Attorney General of California
22 STEVE DIEHL
23 Supervising Deputy Attorney General

Lynette D. Hecker
24 LYNETTE D. HECKER
25 Deputy Attorney General
26 Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2019-055059

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 LYNETTE D. HECKER
Deputy Attorney General
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11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
13 Against:

14 **Sergio Da Silva Caminha, M.D.**
15 **505 W. Main St.**
Visalia, CA 93291-6149

16 **Physician's and Surgeon's Certificate**
17 **No. C 50172,**

18 **Respondent.**

Case No. 800-2019-055059

OAH No. 2021060082

FIRST AMENDED ACCUSATION

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 or about December 11, 1998, the Medical Board issued Physician's and Surgeon's
25 Certificate Number C 50172 to Sergio Da Silva Caminha, M.D. (Respondent). The Physician's
26 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on November 30, 2022, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 2227 of the Code states:

6 (a) A licensee whose matter has been heard by an administrative law judge of
7 the 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 entered
into a stipulation for disciplinary action with the board, may, in accordance with the
provisions of this chapter:

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

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

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

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

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

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

20 **STATUTORY PROVISIONS**

21 5. Section 820 of the Code states:

22 Whenever it appears that any person holding a license, certificate or permit
23 under this division or under any initiative act referred to in this division may be
unable to practice his or her profession safely because the licentiate's ability to
24 practice is impaired due to mental illness, or physical illness affecting competency,
the licensing agency may order the licentiate to be examined by one or more
25 physicians and surgeons or psychologists designated by the agency. The report of the
examiners shall be made available to the licentiate and may be received as direct
26 evidence in proceedings conducted pursuant to Section 822.

27 6. Section 822 of the Code states:

28 If a licensing agency determines that its licentiate's ability to practice his or her
profession safely is impaired because the licentiate is mentally ill, or physically ill

1 affecting competency, the licensing agency may take action by any one of the
2 following methods:

3 (a) Revoking the licentiate's certificate or license.

4 (b) Suspending the licentiate's right to practice.

5 (c) Placing the licentiate on probation.

6 (d) Taking such other action in relation to the licentiate as the licensing agency
7 in its discretion deems proper.

8 The licensing section shall not reinstate a revoked or suspended certificate or
9 license until it has received competent evidence of the absence or control of the
10 condition which caused its action and until it is satisfied that with due regard for the
11 public health and safety the person's right to practice his or her profession may be
12 safely reinstated.

13 COST RECOVERY

14 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licensee found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case¹, with failure of the licensee to comply subjecting the license to not being
18 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
19 included in a stipulated settlement.

20 CAUSE FOR ACTION

21 (Impairment)

22 8. Respondent's Physician's and Surgeon's Certificate Number C 50172 is subject to
23 action under section 822 in that he suffers from mental illness and/or physical illness affecting
24 competency. The circumstances are as follows:

25 9. On or about September 28, 2020, Respondent submitted to a neuropsychological
26 evaluation by a Board-appointed clinical neuropsychologist. The neuropsychologist noted a
27 pattern of deficits including "variable attention and sustained concentration; limited sound-
28 symbol association; limited visual cognitive closure; significantly slowed somatosensory
processing bilaterally in the upper extremities; topographical disorientation/route-finding deficit;

¹ As of November 18, 2021, Section 125.3 of the Code has been amended to remove subsection (k), which precluded the Board from collecting costs. The Board may collect investigation, prosecution, and other costs incurred for a disciplinary proceeding against a licensee beginning January 1, 2022.

1 limited strength, speed and coordination in the upper extremities bilaterally; upper extremity
2 intention tremor; slowed visual-motor integration speed; impaired graphomotor integration (eye-
3 hand coordination); constructional dyspraxia; impaired visual recognition; limited verbal
4 spontaneity; word retrieval deficit; and impaired executive functioning." Respondent was further
5 found to have "limited awareness/insight into his deficits." The neuropsychologist explained that
6 the pattern of deficits is "indicative of diffuse bilateral white matter disease, likely secondary to
7 hypertension."

8 10. The neuropsychologist concluded that the "deficits are likely progressive in nature,
9 and will require further neurologic/neuroradiologic assessment in order to more fully articulate
10 the etiology of these deficits." The neuropsychologist opined that Respondent would benefit
11 from further neurological evaluation including brain imaging, neurophysiological testing,
12 EMG/NCS or EEG to assist in the plan and care of Respondent and that "radiologic study of
13 cortical and subcortical structures will be important to better explain the pattern of defects noted."

14 11. Respondent's pattern of deficits would directly impair his ability to practice medicine
15 safely. Respondent's continued practice of medicine will endanger the public's health, safety,
16 and welfare.

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1 **PRAYER**

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

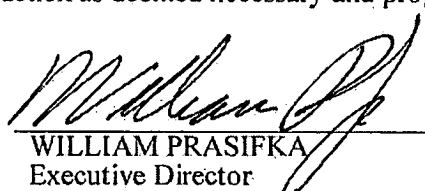
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 50172,
5 issued to Respondent, Sergio Da Silva Caminha, M.D.;

6 2. Revoking, suspending or denying approval of Respondent, Sergio Da Silva Caminha,
7 M.D.'s authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Respondent Sergio Da Silva Caminha, M.D., to pay the Board the costs of
9 the investigation and enforcement of this case incurred beginning on January 1, 2022, and if
10 placed on probation, the costs of probation monitoring; and

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

12
13 DATED: JAN 26 2022

14 
15 WILLIAM PRASIFKA
16 Executive Director
17 Medical Board of California
18 Department of Consumer Affairs
19 State of California
20 Complainant

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