

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

In the Matter of the Accusation Against:

Rahul Ramesh Gohil, M.D.

**Physician's & Surgeon's
Certificate No. A 99375**

Respondent.

Case No. 800-2019-062587


DECISION

The attached Stipulated Settlement and Disciplinary 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 November 01, 2023.

IT IS SO ORDERED: October 02, 2023.

MEDICAL BOARD OF CALIFORNIA



**Laurie Rose Lubiano, J.D., Chair
Panel A**

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

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

12 In the Matter of the Accusation Against:

13 **RAHUL RAMESH GOHIL, M.D.**
14 **11806 Mayfield Ave., #101**
15 **Los Angeles, CA 90049-7435**

16 **Physician's and Surgeon's Certificate No.**
17 **A 99375,**

18 Respondent.

Case No. 800-2019-062587

OAH No. 2022120230

19 **STIPULATED SETTLEMENT AND**
20 **DISCIPLINARY ORDER**

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

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 capacity and is represented in this
26 matter by Rob Bonta, Attorney General of the State of California, by Marsha E. Barr-Fernandez,
27 Deputy Attorney General.

28 2. Respondent Rahul Ramesh Gohil, M.D. (Respondent) is represented in this
proceeding by attorney Derek F. O'Reilly-Jones, whose address is: 355 South Grand Ave., Suite.
1750, Los Angeles, CA 90071-1562.

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3. On or about March 21, 2007, the Board issued Physician's and Surgeon's Certificate No. A 99375 to Rahul Ramesh Gohil, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2019-062587, and will expire on December 31, 2024, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-062587 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 November 18, 2022. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2019-062587 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-062587. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary 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 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.

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2019-062587, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

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9. Respondent agrees that, at a hearing, Complainant could establish a prima facie case or factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

11. Respondent agrees that if the Board ever takes action against Respondent pursuant to a failure to abide by a term and condition in the Disciplinary Order below, all of the charges and allegations contained in Accusation No. 800-2019-062587 shall be deemed true, correct, and fully admitted by Respondent for purposes of that proceeding or any other licensing proceeding involving Respondent in the State of California.

CONTINGENCY

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

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

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

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 99375 issued
3 to Respondent RAHUL RAMESH GOHIL, M.D. is publicly reprimanded pursuant to California
4 Business and Professions Code section 2227, subdivision (a)(4), with the following attendant
5 terms and conditions:

6 1. **PUBLIC REPRIMAND**

7 This Public Reprimand, which is issued in connection with Respondent's behavior and
8 conduct as set forth in Accusation No. 800-2019-062587, is as follows:

9 In November 2017, you engaged in unprofessional conduct in violation of Business
10 and Professions Code section 2234, subdivisions (a) and (b), in that you arrived late
11 to surgery and engaged in disruptive behavior and conduct towards operating room
12 staff, breaching the ethical rules of conduct that apply to the medical profession and
13 thereby posing a potential risk to patient safety.

14 2. **EDUCATION COURSE.** Within sixty (60) calendar days of the effective date of
15 this Decision, Respondent shall submit to the Board or its designee for its prior approval
16 educational program(s) or course(s) which shall not be less than forty (40) hours. The
17 educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or
18 knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at
19 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)
20 requirements for renewal of licensure. Following the completion of each course, the Board or its
21 designee may administer an examination to test Respondent's knowledge of the course.
22 Respondent shall provide proof of attendance for forty (40) hours of CME in satisfaction of this
23 condition.

24 3. **PACE MANAGING HIGH IMPACT EMOTIONS 3-DAY COURSE (ANGER**
25 **MANAGEMENT COURSE).** Within sixty (60) calendar days of the effective date of this
26 Decision, Respondent shall enroll in the PACE Managing High Impact Emotions 3-Day course.
27 Respondent shall participate in and successfully complete that program. Respondent shall
28 provide any information and documents that the program may deem pertinent. Respondent shall

1 successfully complete the program not later than six (6) months after Respondent's initial
2 enrollment. The anger management course shall be at Respondent's expense and shall be in
3 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

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

22 5. **INVESTIGATION/ENFORCEMENT COST RECOVERY.** Respondent is
23 hereby ordered to reimburse the Board its costs of investigation and enforcement, including, but
24 not limited to, expert review, legal reviews, investigation(s), accusation, and subpoena
25 enforcement, as applicable, in the amount of \$ 22,350.00. Costs shall be payable to the Medical
26 Board of California. Failure to pay such costs shall be considered a violation of this disciplinary
27 order.

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

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

7 6. **FAILURE TO COMPLY WITH ORDER.** Failure by Respondent to fully comply
8 with any provision of this order shall constitute unprofessional conduct and shall be grounds for
9 further disciplinary action by the Board. In such circumstances, the Complainant may reinstate
10 Accusation No. 800-2019-062587 or file a supplemental accusation alleging any failure to
11 comply with any provision of this order by Respondent as unprofessional conduct.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
14 discussed it with my attorney, Derek F. O'Reilly-Jones. I understand the stipulation and the effect
15 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
16 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
17 Decision and Order of the Medical Board of California.

18
19 DATED: 8/3/23


20 RAHUL RAMESH GOHIL, M.D.
21 Respondent

22 I have read and fully discussed with Respondent Rahul Ramesh Gohil, M.D. the terms and
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

24 I approve its form and content.

25 DATED: 8/3/2023


26 DEREK F. O'REILLY-JONES
27 Attorney for Respondent
28

ENDORSEMENT

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

DATED: August 3, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

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

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Exhibit A

Accusation No. 800-2019-062587

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 MARSHA BARR-FERNANDEZ
Deputy Attorney General
4 State Bar No. 200896
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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. 800-2019-062587

13 **RAHUL RAMESH GOHIL, M.D.**
8770 Washington Blvd., #223
Culver City, CA 90232

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. A 99375,**

16 Respondent.

17
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 or about March 21, 2007, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 99375 to Rahul Ramesh Gohil, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on December 31, 2022, unless renewed.

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28 ///

JURISDICTION

3. This 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 2220 of the Code states:

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

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

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

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

5. Section 2227 of the Code states:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government 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:

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

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

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

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

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

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

9 6. Section 2228 of the Code states:

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

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

17 (b) Requiring the licensee to submit to a complete diagnostic examination by
18 one or more physicians and surgeons appointed by the board. If an examination is
19 ordered, the board shall receive and consider any other report of a complete
20 diagnostic examination given by one or more physicians and surgeons of the
21 licensee's choice.

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

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

27 STATUTORY PROVISIONS

28 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.

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

6 (d) Incompetence.

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

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

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

14 COST RECOVERY

15 8. Section 125.3 of the Code states:

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

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

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

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

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

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

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

2 (2) Notwithstanding paragraph (1), the board may, in its discretion,
3 conditionally renew or reinstate for a maximum of one year the license of any
licensee who demonstrates financial hardship and who enters into a formal agreement
4 with the board to reimburse the board within that one-year period for the unpaid
costs.

5 (h) All costs recovered under this section shall be considered a reimbursement
6 for costs incurred and shall be deposited in the fund of the board recovering the costs
to be available upon appropriation by the Legislature.

7 (i) Nothing in this section shall preclude a board from including the recovery of
8 the costs of investigation and enforcement of a case in any stipulated settlement.

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

11 FACTUAL ALLEGATIONS

12 9. Respondent is a board-certified general surgeon. In September 2017, Respondent
13 joined the Medical Staff at Sharp Grossmont Hospital ("Sharp") in La Mesa, California, and was
14 granted general surgery privileges. Respondent was reappointed to the Medical Staff at Sharp in
15 September 2019.

16 10. On November 14, 2019, Respondent was scheduled to perform surgery on a patient at
17 Sharp. Respondent arrived late to the surgery. Respondent did not arrive in the operating room,
18 or respond to text messages and/or phone calls from the operating room staff, until after the
19 patient had already been under general anesthesia for thirty minutes.

20 11. After making the incision, Respondent discovered that a piece of equipment, the
21 insufflator,¹ was not functioning properly. Respondent asked the circulating nurse to troubleshoot
22 the machine. As the nurse was troubleshooting the insufflator, Respondent became enraged and
23 belligerent. Respondent began yelling profanities at the nurse, referring to him as a
24 "motherfucker" and a "retard," and demanding that he "get the fuck out of my [operating] room."
25 The nurse refused to leave the room and abandon the patient until another nurse could take his

26
27 ¹ An insufflator is a machine used in laparoscopic surgeries to create space for the surgeon
to work by inflating the patient's body using pressurized gas.

1 place. In response, Respondent angrily told the anesthesiologist to wake the patient up because
2 the surgery was being cancelled.² Respondent then ripped off his scrubs, and proceeded to walk
3 aggressively toward the nurse, causing the operating room staff to fear that Respondent was going
4 to strike the nurse. Respondent changed course abruptly and exited the operating room.

5 12. While Respondent was yelling at the nurse, the charge nurse was contacted and asked
6 to come to the operating room. When the charge nurse arrived, she noticed the discarded scrubs
7 on the floor and asked the operating room staff about what had transpired. When informed that
8 Respondent had "cancelled" the case, the charge nurse went looking for Respondent to advise that
9 he could not cancel the case because Respondent had already made the initial incision.

10 13. When the charge nurse located Respondent, Respondent was still being belligerent.
11 As he walked toward the charge nurse, Respondent said: "cancel the fucking case," "you guys are
12 a bunch of idiots," "everyone here is retarded," "the nurse in the room is a fucking idiot," or
13 words to that effect. The charge nurse asked Respondent if he was able to finish the case.
14 Respondent replied, "cancel the fucking case! Would you want someone operating on you this
15 mad?" The charge nurse asked another nurse to take over for the circulating nurse, and
16 Respondent eventually agreed to complete the procedure.

17 14. On November 16, 2019, Respondent had another surgery scheduled. Some of the
18 operating room staff scheduled to assist Respondent on that day reported feeling unsafe working
19 with Respondent due to Respondent's prior behavior. In an effort to address the staff's concern,
20 it was decided that the administrator on duty would speak with Respondent when he arrived to let
21 him know of the staff's concerns and to get Respondent's input on how best to avoid issues that
22 day. On this day, Respondent arrived forty to forty-five minutes late for the scheduled surgery.

23 15. After Respondent arrived, the administrator, accompanied by another nurse who was
24 to act as a witness to the conversation, asked to speak with him regarding the recent incidents.
25 Respondent attempted to disregard the administrator, telling her that he had an attorney and he
26 did not need to speak with her about it. When the administrator insisted on speaking with him to
27

28 ² The anesthesiologist did not wake the patient because the initial incision had already been made.

1 clear up nursing concerns to ensure a smooth day, Respondent became angry, said the nurses are
2 "fucking retards," and went on to say, "this is a conspiracy," "all of the nurses are ganging up on
3 me," "they all have low IQ's," "nurses are down here, low-lives, and physicians are up here," or
4 words to that effect. During the course of this interaction, Respondent acted aggressively and
5 menacingly towards the administrator and the nurse-witness. As a result of Respondent's
6 behavior, the administrator did not feel it was safe for nurses to be in the same room as
7 Respondent and asked Respondent to either cancel the surgery or find a replacement surgeon to
8 perform the surgery. Respondent eventually agreed to have another surgeon perform the surgery
9 in his place.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 16. Respondent Rahul Ramesh Gohil, M.D. is subject to disciplinary action under
13 sections 2227, 2234, and 2234, subdivision (a), of the Code, in that Respondent engaged in
14 disruptive behavior and conduct that breached the rules or ethical code of the medical profession
15 and/or which was unbecoming of a member in good standing of the medical profession, and
16 which demonstrates an unfitness to practice medicine. The circumstances are as follows:

17 17. The facts and allegations set forth in Paragraphs 9 through 15 are incorporated by
18 reference as if fully set forth.

19 ***Late Arrival to Surgeries***

20 18. Case punctuality is a fundamental tenet in surgical education during medical school
21 rotations and surgery residency. Tardiness demonstrates not only a lack of respect for the
22 operating room space and team, but also a lack of respect towards fellow surgeons and patients
23 who are waiting for the operating room to become available to perform their surgeries. Tardiness
24 also affects patient safety. When the case is delayed, it can cause increased anxiety in the patient,
25 or subject the patient to unnecessarily prolonged anesthesia, which in turn increases the risk of
26 complications, while everyone is waiting for the surgeon to arrive. In the absence of another
27 patient emergency, a thirty-minute delayed arrival while a patient is under anesthesia is an
28 extreme departure from the standard of care, is unprofessional conduct, and conduct unbecoming

1 of a surgeon in good standing with the medical profession, which demonstrates an unfitness to
2 practice medicine.

3 ***Disruptive Behavior and Language***

4 19. Disruptive behavior is a patient safety issue. The surgeon is the captain of the ship in
5 the operating room and is expected to set the tone for the operating room team and lead the group
6 in professionalism, regardless of the challenges faced before or during the case. When a
7 physician's disruptive behavior and language cause staff to fear the surgeon, or staff feel
8 constantly demeaned by the surgeon, and/or staff are reluctant to work with the surgeon, errors
9 can occur as the staff will not speak up when an imminent problem is recognized. The disruptive
10 behavior and language demonstrated by Respondent is conduct unbecoming of a surgeon and an
11 extreme departure from the standards of behavior expected from a physician.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Gross Negligence)**

14 20. Respondent Rahul Ramesh Gohil, M.D. is subject to disciplinary action under section
15 2234, subdivision (b), of the Code, in that Respondent's disruptive behavior and tardiness with
16 respect to his care and treatment of patients as set forth above was grossly negligent. The
17 circumstances are as follows:

18 21. The facts and allegations set forth in the First Cause for Discipline are incorporated
19 by reference as if fully set forth.

20 22. Each of the alleged acts of unprofessional conduct set forth in the First Cause for
21 Discipline, above, is also a grossly negligent act.

22 **PRAYER**

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

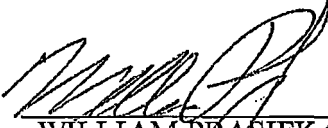
25 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 99375,
26 issued to Rahul Ramesh Gohil, M.D.;

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- 1 2. Revoking, suspending or denying approval of Rahul Ramesh Gohil, M.D.'s authority
2 to supervise physician assistants and advanced practice nurses;
3 3. Ordering Rahul Ramesh Gohil, M.D., to pay the Board the costs of the investigation
4 and enforcement of this case, and if placed on probation, the costs of probation monitoring; and,
5 4. Taking such other and further action as deemed necessary and proper.

6
7 DATED: NOV 18 2022



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

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