

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
Deputy Attorney General
4 State Bar No. 285973
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6198
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 **SALLY SUN, M.D.**
14 **799 Arcadia Avenue, Apt. B**
Arcadia, CA 91007-7202

15 **Physician's and Surgeon's Certificate**
16 **No. A 31180,**

17 Respondent.
18

Case No. 800-2021-079604

OAH No. 2023030958

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

19
20 **FINDINGS OF FACT**

21 1. On or about February 24, 2023, Complainant Reji Varghese, in his official capacity as
22 the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed
23 Accusation No. 800-2021-079604 against SALLY SUN, M.D. (Respondent) before the Medical
24 Board of California.

25 2. On or about June 13, 1977, the Medical Board of California (Board) issued
26 Physician's and Surgeon's Certificate No. A 31180 to Respondent. The Physician's and Surgeon's
27 Certificate was in full force and effect at all times relevant to the charges brought herein and
28 expired on October 31, 2022. A copy of the Certificate of Licensure is attached as **Exhibit A**.

1 3. On or about February 24, 2023, Sharee Woods, an employee of the Complainant
2 Agency, served by Certified Mail a copy of the Accusation No. 800-2021-079604, Statement to
3 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,
4 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 799
5 Arcadia Avenue, Apt. B, Arcadia, CA 91007-7202. A copy of the Accusation, the related
6 documents, and Declaration of Service are attached as **Exhibit B**, and are incorporated herein by
7 reference.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c).

10 5. On or about February 28, 2023, Respondent signed and, through her counsel Robert
11 K. Weinberg, returned a Notice of Defense, requesting a hearing in this matter. A Notice of
12 Hearing was served by mail on Respondent's counsel, Robert K. Weinberg, and it informed them
13 that an administrative hearing in this matter was scheduled for September 25, 2023. Respondent
14 failed to appear at that hearing. A copy of Respondent's Notice of Defense, the Notice of
15 Hearing, and Declaration of Service are attached hereto as **Exhibit C**, and are incorporated herein
16 by reference.

17 6. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts
20 of the accusation not expressly admitted. Failure to file a notice of defense shall
21 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
22 may nevertheless grant a hearing.

23 7. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 8. **Exhibit D** contains an Affidavit from Cynthia Chavira, M.D., declaring that she
conducted a mental examination of Respondent and found that Respondent meets the DSM-5
criteria for Major Neurocognitive Disorder, which renders Respondent incapable of safely
practicing medicine without any restrictions or conditions.

9. **Exhibit E** contains an Affidavit from John Erickson, M.D., declaring that he performed a physical examination of Respondent and found that Respondent suffers from hypertension, diabetes, and mild hearing loss, among other things. Dr. Erickson opined that Respondent has medical needs that need to be immediately addressed before she can safely practice medicine. Dr. Erickson believes that Respondent should not practice medicine at this time.

10. **Exhibit F** is a declaration stating that an Affidavit was requested from Cynthia Chavira, M.D. and John Erickson, M.D. regarding their examinations of the Respondent.

11. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A through E, finds that the allegations in Accusation No. 800-2021-079604 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent SALLY SUN, M.D. has subjected her Physician's and Surgeon's Certificate No. A 31180 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached here as Exhibit B.

3. The Board has jurisdiction to adjudicate this case by default.

4. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violation alleged in the Accusation:

a. Inability to practice medicine safely, pursuant to Business and Professions Code section 822. (See Exhibits D and E.)

///

///

///

///

///

///

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 31180, heretofore issued to Respondent SALLY SUN, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The Board in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on **NOV 27 2023**.

It is so ORDERED **OCT 27 2023**



Reji Varghese, Executive Director
FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

LA2022603091
66265466.docx

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
Deputy Attorney General
4 State Bar No. 285973
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6198
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:

Case No. 800-2021-079604

13 **SALLY SUN, M.D.**
14 **799 Arcadia Avenue, Unit B**
Arcadia, CA 91007

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A 31180,**

Respondent.

17
18
19 **PARTIES**

20 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as
21 the Interim Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about June 13, 1977, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 31180 to Sally Sun, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and
26 expired on October 31, 2022.

27 ///

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 118 of the Code states:

(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

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.

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

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations,

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.

STATUTORY PROVISIONS

6. Section 820 of the Code states:

Whenever it appears that any person holding a license, certificate or permit 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 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 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 evidence in proceedings conducted pursuant to Section 822.

7. Section 822 of the Code states:

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

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

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

(c) Placing the licentiate on probation.

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

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

8. Section 824 of the Code states:

The licensing agency may proceed against a licentiate under either Section 820, or 822, or under both sections.

FACTUAL ALLEGATIONS

9. Respondent is an eighty-nine-year-old internal medicine physician.

10. On or about July 12, 2021, the Board's Central Complaint Unit (CCU) received an online complaint regarding Respondent's expired Fictitious Name Permit and billing practices.

///

1 11. On or about March 9, 2022, the Board began its investigation into Respondent and the
2 online complaint.

3 12. On or about June 1, 2022, Respondent's attorney made contact with a Board
4 representative regarding the Board's investigation. Respondent's attorney indicated that he was
5 aware of concerns regarding Respondent and that Respondent's memory is fading.

6 13. On or about June 24, 2022, the Board requested that Respondent submit to a
7 voluntary mental and physical evaluation to determine if she could safely practice medicine.

8 14. On or about July 18, 2022, Respondent agreed to the Board's request that she submit
9 to a mental and physical evaluation.

10 15. Following her mental evaluation, performed on August 16, 2022, it was determined
11 that Respondent meets the DSM-5-TR¹ criteria for Major Neurocognitive Disorder, which
12 impacts her ability to safely engage in the practice of medicine. The psychiatrist who performed
13 the mental evaluation found that Respondent's cognitive decline is of sufficient severity and has
14 interfered with her independence, insight, and language skills.

15 16. The psychiatrist stated that the etiology of Respondent's disorder is unknown. As
16 such, the psychiatrist recommended that Respondent undergo a full medical work-up and
17 magnetic resonance imaging (MRI) of the brain. The psychiatrist also recommended that
18 Respondent be evaluated by a neurologist.

19 17. Following her physical evaluation, performed on July 27, 2022, Respondent was
20 found to suffer from the following: Hypertension, moderately severe, untreated; Diabetes
21 mellitus, untreated; Weight loss, multifactorial; Mild hearing loss; Social isolation; Height loss,
22 kyphosis,² high risk for falls and fractures; and Advanced age.

23 18. The physician who performed the physical evaluation stated that Respondent needed
24 to immediately address her own medical needs before she could safely practice medicine. The
25 physician recommended that Respondent not drive or perform any hazardous activities alone.

26 ¹ DSM-5-TR is the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition,
27 Text Revision, is the taxonomic and diagnostic tool published by the American Psychiatric
Association (APA). The DSM serves as the principal authority for psychiatric diagnoses.

28 ² Kyphosis is an exaggerated, forward rounding of the upper back. In older individuals,
kyphosis is often due to weakness in the spinal bones that causes them to compress or crack.

1 The physician also recommended that Respondent immediately restart the medications for her
2 blood pressure, and the physician prescribed medication to address Respondent's diabetes
3 diagnosis.

4 **CAUSE FOR DISCIPLINE**

5 **(Inability to Practice Medicine Safely)**

6 19. Respondent Sally Sun, M.D. is subject to disciplinary action under section 822 of the
7 Code in that Respondent cannot safely practice medicine at this time. The circumstances are as
8 follows:

9 20. Complainant refers to and, by this reference, incorporates paragraphs 9 through 18,
10 above, as though set forth fully herein.

11 **PRAYER**

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

14 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 31180,
15 issued to Sally Sun, M.D.;

16 2. Revoking, suspending or denying approval of Sally Sun, M.D.'s authority to supervise
17 physician assistants and advanced practice nurses;

18 3. Ordering Sally Sun, M.D., if placed on probation, to pay the costs of probation
19 monitoring; and

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

21
22 DATED: FEB 24 2023

23 
24 REJI VARGHESE
25 Interim Executive Director
26 Medical Board of California
27 Department of Consumer Affairs
28 State of California
Complainant

27 LA2022603091
28 65714303.docx