

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

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

**GEORGE RANDOLPH KUNHARDT, M.D.**

**Physician's and Surgeon's  
Certificate No. C 40625**

**Respondent.**

**Case No. 800-2020-063582**

**DECISION**

**The attached Decision 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 6, 2023.**

**IT IS SO ORDERED October 30, 2023.**

**MEDICAL BOARD OF CALIFORNIA**



**Reji Varghese,  
Executive Director**

1 ROB BONTA  
Attorney General of California  
2 EDWARD KIM  
Supervising Deputy Attorney General  
3 CHRISTINE FRIAR WALTON  
Deputy Attorney General  
4 State Bar No. 228421  
Department of Justice  
5 300 South Spring Street, Suite 1702  
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Facsimile: (916) 731-2117  
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 Accusation Against:

Case No. 800-2020-063582

13 **GEORGE RANDOLPH KUNHARDT, M.D.**  
14 **3262 Aster Avenue**  
**San Luis Obispo, CA 93401-7856**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **Physician's and Surgeon's Certificate**  
16 **No. C 40625,**

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 Christine Friar Walton,  
25 Deputy Attorney General.

26 2. Respondent George Randolph Kunhardt, M.D. (Respondent) is represented in this  
27 proceeding by attorneys Peter R. Osinoff and Derek F. O'Reilly-Jones, of Bonne Bridges Mueller  
28 O'Keefe & Nichols, located at 355 South Grand Ave., Suite 1750, Los Angeles, CA 90071-1562.

1           3.     On August 9, 1982, the Board issued Physician's and Surgeon's Certificate No. C  
2 40625 to Respondent. That Physician's and Surgeon's Certificate was in full force and effect at  
3 all times relevant to the charges brought in Accusation No. 800-2020-063582 and will expire on  
4 November 30, 2023, unless renewed.

5                                   **JURISDICTION**

6           4.     Accusation No. 800-2020-063582 was filed before the Board on January 9, 2023, and  
7 is currently pending against Respondent. The Accusation and all other statutorily required  
8 documents were properly served on Respondent. Respondent timely filed his Notice of Defense  
9 contesting the Accusation. A copy of Accusation No. 800-2020-063582 is attached as Exhibit A  
10 and incorporated by reference.

11                                   **ADVISEMENT AND WAIVERS**

12           5.     Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in Accusation No. 800-2020-063582. Respondent also has carefully read,  
14 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License  
15 and Order.

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

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

24                                   **CULPABILITY**

25           8.     Respondent understands that the charges and allegations in Accusation No. 800-2020-  
26 063582, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and  
27 Surgeon's Certificate.

28     ///

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

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

## CONTINGENCY

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

12. Respondent understands that, by signing this stipulation, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. C 40625 without further notice to, or opportunity to be heard by, Respondent.

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

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

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

#### 15 **ADDITIONAL PROVISIONS**

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

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

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

#### 25 **ORDER**

26 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 40625, issued  
27 to Respondent George Randolph Kunhardt, M.D., is surrendered and accepted by the Board.

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

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

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

9           4.     If Respondent ever files an application for licensure or a petition for reinstatement in  
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
11 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
12 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
13 contained in Accusation No. 800-2020-063582 shall be deemed to be true, correct and admitted  
14 by Respondent when the Board determines whether to grant or deny the petition.

15          5.     Respondent shall pay the agency its costs of investigation and enforcement in the  
16 amount of \$22,473.50 prior to issuance of a new or reinstated license.

17          6.     If Respondent should ever apply or reapply for a new license or certification, or  
18 petition for reinstatement of a license, by any other health care licensing agency in the State of  
19 California, all of the charges and allegations contained in Accusation No. 800-2020-063582 shall  
20 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
21 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 attorneys, Peter R. Osinoff and Derek F. O'Reilly-Jones. I understand the  
4 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this  
5 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
6 be bound by the Decision and Order of the Medical Board of California.

7  
8 DATED: 10/10/2023

  
9 GEORGE RANDOLPH KUNHARDT, M.D.  
Respondent

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

14 DATED: 10/16/2023

  
15 PETER R. OSINOFF, ESQ.  
DEREK F. O'REILLY-JONES, ESQ.  
16 Attorneys for Respondent

17 ENDORSEMENT

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

20  
21 DATED: October 16, 2023

Respectfully submitted,

22 ROB BONTA  
23 Attorney General of California  
24 EDWARD KIM  
Supervising Deputy Attorney General

25 *Christine Friar Walton*

26 CHRISTINE FRIAR WALTON  
27 Deputy Attorney General  
28 Attorneys for Complainant

**Exhibit A**

**Accusation No. 800-2020-063582**



1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 State Bar No. 155307  
300 South Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 269-6453  
5 Facsimile: (916) 731-2117  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2020-063582

12 **George Randolph Kunhardt, M.D.**  
13 **3262 Aster Avenue**  
**San Luis Obispo, CA 93401-7856**

**A C C U S A T I O N**

14 **Physician's and Surgeon's Certificate**  
15 **No. C 40625,**

Respondent.

16  
17 **PARTIES**

18 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as  
19 the Deputy Director of the Medical Board of California, Department of Consumer Affairs  
20 (Board).

21 2. On or about August 9, 1982, the Medical Board issued Physician's and Surgeon's  
22 Certificate Number C 40625 to George Randolph Kunhardt, M.D. (Respondent). The Physician's  
23 and Surgeon's Certificate will expire on November 30, 2023, unless renewed.

24 **JURISDICTION**

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

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appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

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

(d) Incompetence.

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

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

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

### COST RECOVERY

7. Section 125.3 of the Code provides:

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

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

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of 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.

1 (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.

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

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

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

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

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

### 13 FACTUAL ALLEGATIONS

14 8. Respondent is currently retired. He previously practiced as a board certified  
15 obstetrician and gynecologist at Sierra Vista Regional Medical Center and Community Health  
16 Centers.

17 9. On or about March 28, 2017, Respondent entered into a three-year behavior  
18 agreement with the Medical Executive Committee (MEC) of Sierra Vista Regional Medical  
19 Center wherein he agreed to also take the Physician Assessment and Clinical Education (PACE)  
20 Boundaries Program at the University of California, San Diego-School of Medicine. The  
21 behavior agreement was prompted because some of the nurses in the Labor and Delivery  
22 department complained that Respondent touched them on their back or hugged them (the  
23 touching was unwanted and uninvited and made the nurses feel uncomfortable) or made  
24 inappropriate and unwelcomed comments. Respondent admitted that he had issues with  
25 boundaries.

26 10. Terms of the three-year behavior agreement included that an initial violation of the  
27 agreement would result in a one week suspension of Respondent's staff privileges and a second  
28 violation would result in a two week suspension of his staff privileges. A third and final violation

1 would result in suspension of Respondent's staff privileges. If Respondent's conduct was found  
2 to sustain the final violation, his staff membership would be terminated. The three-year behavior  
3 agreement was considered rehabilitative by the hospital and not punitive action.

4 **First Violation**

5 11. On or about February 8, 2018, Respondent interrupted a conversation between Nurse  
6 S. and a physician, Dr. K.<sup>1</sup> Respondent told Dr. K., "you know Nurse S. is my wife?" Nurse S.,  
7 who has the same first name as Respondent's wife, stated, "I told you to stop saying that. If  
8 anything, Dr. K. is my work-husband." Respondent replied, "Oh, a menage a trois?" Nurse S.  
9 was offended by the remark and reported Respondent to her chain-of-command, which made its  
10 way to the MEC. Although Respondent apologized, he was suspended for one week.

11 **Second Violation**

12 12. On or about January 1, 2019, Respondent encountered Lactation Consultant S. sitting  
13 at a desk with her back to the door. To get Lactation Consultant S.'s attention, Respondent,  
14 stroked her back, from the mid-back, up and down. Lactation Consultant S. was offended, told  
15 Respondent that his unwanted touching was inappropriate, and he apologized. Lactation  
16 Consultant S. filed an online complaint with Human Resources. The MEC suspended  
17 Respondent for two weeks.

18 **Third Violation**

19 13. On or about December 20, 2019, Respondent allegedly touched the back of a nurse  
20 and stated that he wanted to be reported for sexual harassment and fired. In response to the  
21 MEC's request to meet and discuss the incident, Respondent resigned his staff privileges effective  
22 January 1, 2020.

23 **CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 14. Respondent George Randolph Kunhardt, M.D. is subject to disciplinary action under  
26 sections 2227, 2234, and 2234, subdivision (a), of the Code, in that Respondent engaged in  
27 disruptive behavior and conduct that breached the rules or ethical code of the medical profession

28 <sup>1</sup> The individuals in this Accusation are identified by first initial to protect their privacy.

1 and/or which was unbecoming of a member in good standing of the medical profession, and  
2 which demonstrates an unfitness to practice medicine. The circumstances are as follows:

3 15. The facts and allegations set forth in Paragraphs 8 through 13 are incorporated by  
4 reference as if fully set forth.

5 ***Disruptive Behavior and Language***

6 16. Disruptive behavior is a patient safety issue. The physician is the captain of the ship  
7 in the Labor and Delivery Department of the hospital and is expected to set the tone for the team  
8 and lead the group in professionalism, regardless of the challenges faced in the Department.  
9 When a physician's disruptive behavior and language cause staff to feel sexually harassed or feel  
10 constantly demeaned by the physician, staff may be reluctant to work with the physician and  
11 errors can occur as the staff will not speak up when an imminent problem is recognized. The  
12 disruptive behavior and language demonstrated by Respondent is conduct unbecoming of a  
13 physician and an extreme departure from the standards of behavior expected from a physician.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Gross Negligence)**

16 17. Respondent George Randolph Kunhardt, M.D. is subject to disciplinary action under  
17 section 2234, subdivision (b), of the Code, in that Respondent's disruptive behavior and sexual  
18 harassment of staff, as set forth above, was grossly negligent. The circumstances are as follows:

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

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

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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 40625,  
5 issued to George Randolph Kunhardt, M.D.;

6 2. Revoking, suspending or denying approval of George Randolph Kunhardt, M.D.'s  
7 authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering George Randolph Kunhardt, M.D., to pay the Board the costs of the  
9 investigation and enforcement of this case, and if placed on probation, the costs of probation  
10 monitoring; and

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

12  
13 DATED: 1/9/2023 \_\_\_\_\_

*Judith T. Alvarado* for  
REJI VARGHESE  
Deputy Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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