

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

In the Matter of the Accusation Against:

Jorge Antonio Quel, M.D.

**Physician's & Surgeon's
Certificate No. A 24556**

Respondent.

Case No. 800-2020-064689

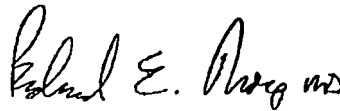
DECISION

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 February 16, 2024.

IT IS SO ORDERED: January 18, 2024.

MEDICAL BOARD OF CALIFORNIA



**Richard E. Thorp, Chair
Panel B**

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **JORGE ANTONIO QUEL, M.D.**
15 **9808 Venice Blvd., Ste 703**
Culver City, CA 90232-6807

16 **Physician's and Surgeon's Certificate**
17 **No. A 24556,**

18 Respondent.

Case No. 800-2020-064689

OAH No. 2023040011

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

22 **PARTIES**

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

27 2. Respondent Jorge Antonio Quel, M.D. (Respondent) is represented in this proceeding
28 by attorneys Daniel H. Willick, Esq., and Peter Osinoff, Esq. Daniel Willick's address is 1816

1 Bridgegate Street, Westlake Village, CA 91361. Peter Osinoff's address is Bonne Bridges, 355 S.
2 Grand Ave. # 1750, Los Angeles, CA 90071.

3 3. On or about December 9, 1971, the Board issued Physician's and Surgeon's
4 Certificate No. A 24556 to Jorge Antonio Quel, M.D. (Respondent). The Physician's and
5 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
6 Accusation No. 800-2020-064689, and will expire on October 31, 2024, unless renewed.

7 **JURISDICTION**

8 4. Accusation No. 800-2020-064689 was filed before the Board, and is currently
9 pending against Respondent. The Accusation and all other statutorily required documents were
10 properly served on Respondent on February 1, 2023. Respondent timely filed his Notice of
11 Defense contesting the Accusation.

12 5. A copy of Accusation No. 800-2020-064689 is attached hereto as Exhibit A and is
13 incorporated herein by reference.

14 **ADVISEMENT AND WAIVERS**

15 6. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in Accusation No. 800-2020-064689. Respondent has also carefully read,
17 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
18 Disciplinary Order.

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

25 8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
26 waives and gives up each and every right set forth above.

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1 CULPABILITY

2 9. Respondent admits that, at an administrative hearing, Complainant could establish a
3 *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-
4 2020-064689, and agrees that he has thereby subjected his Physician's and Surgeon's Certificate
5 No. A 24556 to disciplinary action.

6 10. Respondent further agrees that if an accusation is filed against him in the future
7 before the Medical Board of California, all of the charges and allegations contained in Accusation
8 No. 800-2020-064689, shall be deemed true, correct, and fully admitted by Respondent for
9 purposes of any such proceeding or any other licensing proceeding involving Respondent in the
10 State of California or elsewhere.

11 11. Respondent agrees that his Physician's and Surgeon's Certificate No. A 24556 is
12 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
13 in the Disciplinary Order below.

14 CONTINGENCY

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

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

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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 Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 24556 issued to Respondent Jorge Antonio Quel, M.D., is hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Accusation No. 800-2020-064689, is as follows:

On or about February 14, 2020, during an allergy consultation with a single patient, you failed to appropriately communicate your actions during the examination to the patient, and failed to appropriately document your examination and findings, as more fully described in Accusation No. 800-2020-064689.

1. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 4 hours. The educational program(s) or course(s) shall be aimed at patient-physician communication and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Respondent shall successfully complete the course(s) not later than six (6) months after Respondent's initial enrollment. Following the completion of the course(s), the Board or its designee may administer an examination to test Respondent's knowledge of the course.

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

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

1 Any failure to fully comply with this term and condition of the Decision and Order shall
2 constitute unprofessional conduct and will subject Respondent's Physician's and Surgeon's
3 Certificate to further disciplinary action.

4 2. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
5 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
6 advance by the Board or its designee. Respondent shall provide the approved course provider
7 with any information and documents that the approved course provider may deem pertinent.
8 Respondent shall participate in and successfully complete the classroom component of the course
9 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
10 complete any other component of the course within one (1) year of the effective date of this
11 Decision. The medical record keeping course shall be at Respondent's expense and shall be in
12 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

21 Any failure to fully comply with this term and condition of the Decision and Order shall
22 constitute unprofessional conduct and will subject Respondent's Physician's and Surgeon's
23 Certificate to further disciplinary action.

24 3. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the
25 effective date of this Decision, Respondent shall enroll in a professional boundaries program
26 approved in advance by the Board or its designee. Respondent, at the program's discretion, shall
27 undergo and complete the program's assessment of Respondent's competency, mental health
28 and/or neuropsychological performance, and at minimum, a 24 hour program of interactive

1 education and training in the area of boundaries, which takes into account data obtained from the
2 assessment and from the Decision(s), Accusation(s) and any other information that the Board or
3 its designee deems relevant. The program shall evaluate Respondent at the end of the training
4 and the program shall provide any data from the assessment and training as well as the results of
5 the evaluation to the Board or its designee.

6 Failure to complete the entire program not later than six (6) months after Respondent's
7 initial enrollment shall constitute a violation of this condition unless the Board or its designee
8 agrees in writing to a later time for completion. Based on Respondent's performance in and
9 evaluations from the assessment, education, and training, the program shall advise the Board or
10 its designee of its recommendation(s) for additional education, training, psychotherapy and other
11 measures necessary to ensure that Respondent can practice medicine safely. Respondent shall
12 comply with program recommendations. At the completion of the program, Respondent shall
13 submit to a final evaluation. The program shall provide the results of the evaluation to the Board
14 or its designee. The professional boundaries program shall be at Respondent's expense and shall
15 be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

16 The program has the authority to determine whether or not Respondent successfully
17 completed the program.

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

23 If Respondent fails to complete the program within the designated time period, Respondent
24 shall cease the practice of medicine within three (3) calendar days after being notified by the
25 Board or its designee that Respondent failed to complete the program.

26 Any failure to fully comply with this term and condition of the Decision and Order shall
27 constitute unprofessional conduct and will subject Respondent's Physician's and Surgeon's
28 Certificate to further disciplinary action.

1 4. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
2 ordered to reimburse the Board its costs of investigation and enforcement, in the amount of
3 \$17,129.60 (seventeen thousand one hundred twenty-nine dollars and sixty cents). Costs shall be
4 payable to the Medical Board of California. Failure to pay such costs shall be considered a
5 violation of this condition.

6 Payment must be made in full within 30 calendar days of the effective date of the Order, or
7 by a payment plan approved by the Medical Board of California. Any and all requests for a
8 payment plan shall be submitted in writing by respondent to the Board. All costs shall be paid in
9 full within one (1) year of the effective date of this Decision.

10 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
11 to repay investigation and enforcement costs.

12 Any failure to fully comply with this term and condition of the Decision and Order shall
13 constitute unprofessional conduct and will subject Respondent's Physician's and Surgeon's
14 Certificate to further disciplinary action.

15
16 DATED: Nov. 8, 2023

Jorge Antonio Quel
JORGE ANTONIO QUEL, M.D.
Respondent

18 I have read and fully discussed with Respondent Jorge Antonio Quel, M.D., the terms and
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
20 I approve its form and content.

21
22 DATED: 11/9/2023

[Signature]
DANIEL H. WILICK, ESQ.
PETER OSINOFF, ESQ.
Attorneys for Respondent

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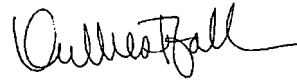
ENDORSEMENT

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

DATED: 11/13/23

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

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13 In the Matter of the Accusation Against:

Case No. 800-2020-064689

14 **JORGE ANTONIO QUEL, M.D.**
15 **9808 Venice Blvd., Ste 703**
Culver City, CA 90232-6807

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 24556,**

18 Respondent.

19
20 **PARTIES**

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

24 2. On or about December 9, 1971, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 24556 to Jorge Antonio Quel, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on October 31, 2024, unless renewed.

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 2227 of the Code states, in pertinent part:

(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.

...

5. Section 2234 of the Code, states, in pertinent part:

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.

...

(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.

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(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.

...

6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

COST RECOVERY

7. Section 125.3 of the Code states:

(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 [ALJ] 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.

(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.

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1 (2) Notwithstanding paragraph (1), the board may, in its discretion,
2 conditionally renew or reinstate for a maximum of one year the license of any
3 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
5 costs.

6 (h) All costs recovered under this section shall be considered a reimbursement
7 for costs incurred and shall be deposited in the fund of the board recovering the costs
8 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
13 disciplinary proceeding.

14 FIRST CAUSE FOR DISCIPLINE

15 (Repeated Negligent Acts)

16 8. Respondent has subjected his Physician's and Surgeon's Certificate No. A 24556 to
17 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of
18 the Code, in that he committed repeated negligent acts in his care and treatment of Patient A,¹ as
19 more particularly alleged hereinafter:

20 9. On or about February 14, 2020, Patient A, a then thirty-three-year-old-female
21 presented to Respondent for allergy testing. Patient A had a history of allergies and asthma since
22 childhood, and complained of post-nasal drip, hay fever, stomach pains after eating, swollen
23 glands, and a limited ability to breathe through her nose.

24 10. During the course of the visit, Patient A was instructed to remove her clothing from
25 the waist up and to put on a gown with the opening in the front. Patient A removed her clothing
26 as instructed, but left her bra on underneath the gown.

27 11. During the physical examination, Respondent lifted Patient A's right breast with his
28 hand, placed his stethoscope under her breast, and instructed her to cough. Respondent lifted
Patient A's breast with such force that it caused her breast to fall out of her bra. Respondent did

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¹ To protect the privacy of the patient involved, the patient's names has not been included
in this pleading. Respondent is aware of the identity of the patient referred to herein.

1 not ask permission before touching Patient A's breast, did not explain why he needed to touch her
2 breast, and did not ask Patient A to lift her breast for him.

3 12. During the physical examination, Respondent documented "abnormal sound" on the
4 cardiovascular exam, but did not specify what sound he heard or why it was abnormal.
5 Respondent documented that he recommended an EKG and further cardiovascular work-up, but
6 did not initiate a referral or inform Patient A's primary care physician of this recommendation.

7 13. During the physical examination, Respondent documented an "abnormal" respiratory
8 exam, noting "shortness of breath," but did not include any actual exam findings.

9 14. At the conclusion of the visit, Respondent diagnosed Patient A with allergy-rhinitis,
10 asthma-persistent, and food allergy, and recommended she undergo allergy skin testing and
11 pulmonary function tests.

12 15. Respondent committed repeated negligent acts in his care and treatment of Patient A,
13 that included, but was not limited to, the following:

- 14 A. Touching Patient A's breast without obtaining her consent or assistance during
15 the course of his physical examination;
16 B. Obtaining and documenting minimally clinically useful or relevant
17 cardiovascular and pulmonary findings during Patient A's physical
18 examination; and
19 C. Failing to maintain adequate and accurate medical records.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Failure to Maintain Adequate and Accurate Records)**

22 16. Respondent has further subjected his Physician's and Surgeon's Certificate No.
23 A 24556 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the
24 Code, in that Respondent failed to maintain adequate and accurate records regarding his care and
25 treatment of Patient A, as more particularly alleged in paragraphs 8 through 15(C), above, which
26 are hereby incorporated by reference and realleged as if fully set forth herein.

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PRAYER

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


1. Revoking or suspending Physician's and Surgeon's Certificate No. A 24556, issued to Respondent, Jorge Antonio Quel, M.D.;

2. Revoking, suspending or denying approval of Respondent Jorge Antonio Quel, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Jorge Antonio Quel, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;

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

DATED: FEB 01 2023


REJI VARGHESE
Deputy Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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