

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

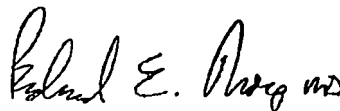
DECISION

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  
4 State Bar No. 234540  
600 West Broadway, Suite 1800  
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9

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

14 In the Matter of the Accusation Against:

15 **JORGE ANTONIO QUEL, M.D.**  
16 **9808 Venice Blvd., Ste 703**  
17 **Culver City, CA 90232-6807**

18 **Physician's and Surgeon's Certificate**  
19 **No. A 24556,**

20 Respondent.

Case No. 800-2020-064689

OAH No. 2023040011

**STIPULATED SETTLEMENT AND  
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 Karolyn M. Westfall,  
27 Deputy Attorney General.

28 2. Respondent Jorge Antonio Quel, M.D. (Respondent) is represented in this proceeding  
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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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  
17 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]  
23 DANIEL H. WILLYCK, ESQ.  
PETER OSINOFF, ESQ.  
Attorneys for Respondent

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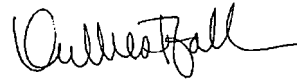
**ENDORSEMENT**

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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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:	Case No. 800-2020-064689
14 <b>JORGE ANTONIO QUEL, M.D.</b>	<b>A C C U S A T I O N</b>
15 9808 Venice Blvd., Ste 703	
16 Culver City, CA 90232-6807	
17 <b>Physician's and Surgeon's Certificate</b>	
18 <b>No. A 24556,</b>	
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

1  
2       3. This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5       4. Section 2227 of the Code states, in pertinent part:

6           (a) A licensee whose matter has been heard by an administrative law judge of  
7 the Medical Quality Hearing Panel as designated in Section 11371 of the Government  
8 Code, or whose default has been entered, and who is found guilty, or who has entered  
9 into a stipulation for disciplinary action with the board, may, in accordance with the  
10 provisions of this chapter:

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

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

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

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

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

21           ...

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

23           The board shall take action against any licensee who is charged with  
24 unprofessional conduct. In addition to other provisions of this article, unprofessional  
25 conduct includes, but is not limited to, the following:

26           (a) Violating or attempting to violate, directly or indirectly, assisting in or  
27 abetting the violation of, or conspiring to violate any provision of this chapter.

28           ...

          (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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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 ...

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

### 10 COST RECOVERY

11 7. Section 125.3 of the Code states:

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

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

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

26 (d) The administrative law judge shall make a proposed finding of the amount  
27 of reasonable costs of investigation and prosecution of the case when requested  
28 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,<sup>1</sup> 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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<sup>1</sup> 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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