

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

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

Joseph Lochinvar Dinglasan, Sr., M.D.

**Physician's and Surgeon's
Certificate No. A 32988**

Respondent.

Case No.: 800-2019-056706

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 19, 2024.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
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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 First Amended Accusation
Against:

13 **JOSEPH LOCHINVAR DINGLASAN, SR.,**
14 **M.D.**
15 **709 Bowcreek Drive**
Diamond Bar, CA 91765-1885

16 **Physician's and Surgeon's Certificate**
17 **No. A 32988,**

18 Respondent.

Case No. 800-2019-056706

OAH No. 2022080822

**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 Rebecca L. Smith, Deputy
26 Attorney General.

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1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in First Amended
3 Accusation No. 800-2019-056706, if proven at a hearing, constitute cause for imposing discipline
4 upon his Physician's and Surgeon's Certificate.

5 10. Respondent does not contest that, at an administrative hearing, Complainant could
6 establish a prima facie case with respect to the charges and allegations in First Amended
7 Accusation No. 800-2019-056706, a true and correct copy of which is attached hereto as Exhibit
8 A, and that he has thereby subjected his Physician's and Surgeon's Certificate, No. A 32988 to
9 disciplinary action.

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

13 CONTINGENCY

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

24 13. Respondent agrees that if he ever petitions for early termination or modification of
25 probation, or if an accusation and/or petition to revoke probation is filed against him before the
26 Board, all of the charges and allegations contained in First Amended Accusation No. 800-2019-
27 056706 shall be deemed true, correct and fully admitted by Respondent for purposes of any such
28 proceeding or any other licensing proceeding involving Respondent in the State of California.

1 fully document in the patient's chart that the patient or the patient's primary caregiver was so
2 informed. Nothing in this condition prohibits Respondent from providing the patient or the
3 patient's primary caregiver information about the possible medical benefits resulting from the use
4 of marijuana.

5 2. CONTROLLED SUBSTANCES - SURRENDER OF DEA PERMIT. Respondent is
6 prohibited from practicing medicine until Respondent provides documentary proof to the Board
7 or its designee that Respondent's DEA permit has been surrendered to the Drug Enforcement
8 Administration for cancellation, together with any state prescription forms and all controlled
9 substances order forms. Thereafter, Respondent shall not reapply for a new DEA permit without
10 the prior written consent of the Board or its designee.

11 3. EDUCATION COURSE. Within sixty (60) calendar days of the effective date of this
12 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
13 for its prior approval educational program(s) or course(s) which shall not be less than forty (40)
14 hours per year, for each year of probation. The educational program(s) or course(s) shall be
15 aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified.
16 The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition
17 to the Continuing Medical Education (CME) requirements for renewal of licensure. Following
18 the completion of each course, the Board or its designee may administer an examination to test
19 Respondent's knowledge of the course. Respondent shall provide proof of attendance for sixty-
20 five (65) hours of CME of which forty (40) hours were in satisfaction of this condition.

21 4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within sixty (60) calendar
22 days of the effective date of this Decision, Respondent shall enroll in a professionalism program,
23 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
24 Respondent shall participate in and successfully complete that program. Respondent shall
25 provide any information and documents that the program may deem pertinent. Respondent shall
26 successfully complete the classroom component of the program not later than six (6) months after
27 Respondent's initial enrollment, and the longitudinal component of the program not later than the
28 time specified by the program, but no later than one (1) year after attending the classroom

1 component. The professionalism program shall be at Respondent's expense and shall be in
2 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

11 5. MONITORING - PRACTICE. Within thirty (30) calendar days of the effective date
12 of this Decision, Respondent shall submit to the Board or its designee for prior approval as a
13 practice monitor, the name and qualifications of one or more licensed physicians and surgeons
14 whose licenses are valid and in good standing, and who are preferably American Board of
15 Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or
16 personal relationship with Respondent, or other relationship that could reasonably be expected to
17 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
18 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
19 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

20 The Board or its designee shall provide the approved monitor with copies of the Decision
21 and First Amended Accusation, and a proposed monitoring plan. Within fifteen (15) calendar
22 days of receipt of the Decision, First Amended Accusation, and proposed monitoring plan, the
23 monitor shall submit a signed statement that the monitor has read the Decision and First Amended
24 Accusation, fully understands the role of a monitor, and agrees or disagrees with the proposed
25 monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall
26 submit a revised monitoring plan with the signed statement for approval by the Board or its
27 designee.

28 Within sixty (60) calendar days of the effective date of this Decision, and continuing

1 throughout probation, Respondent's practice shall be monitored by the approved monitor.
2 Respondent shall make all records available for immediate inspection and copying on the
3 premises by the monitor at all times during business hours and shall retain the records for the
4 entire term of probation.

5 If Respondent fails to obtain approval of a monitor within sixty (60) calendar days of the
6 effective date of this Decision, Respondent shall receive a notification from the Board or its
7 designee to cease the practice of medicine within three (3) calendar days after being so notified.
8 Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring
9 responsibility.

10 The monitor shall submit a quarterly written report to the Board or its designee which
11 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
12 are within the standards of practice of medicine, and whether Respondent is practicing medicine
13 safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the
14 quarterly written reports to the Board or its designee within ten (10) calendar days after the end of
15 the preceding quarter.

16 If the monitor resigns or is no longer available, Respondent shall, within five (5) calendar
17 days of such resignation or unavailability, submit to the Board or its designee, for prior approval,
18 the name and qualifications of a replacement monitor who will be assuming that responsibility
19 within fifteen (15) calendar days. If Respondent fails to obtain approval of a replacement monitor
20 within sixty (60) calendar days of the resignation or unavailability of the monitor, Respondent
21 shall receive a notification from the Board or its designee to cease the practice of medicine within
22 three (3) calendar days after being so notified. Respondent shall cease the practice of medicine
23 until a replacement monitor is approved and assumes monitoring responsibility.

24 In lieu of a monitor, Respondent may participate in a professional enhancement program
25 approved in advance by the Board or its designee that includes, at minimum, quarterly chart
26 review, semi-annual practice assessment, and semi-annual review of professional growth and
27 education. Respondent shall participate in the professional enhancement program at
28 Respondent's expense during the term of probation.

1 6. PROHIBITED PRACTICE. During probation, Respondent is prohibited from
2 serving as a Medical Director at any medical spas or any medical spa-like facilities not one-
3 hundred percent (100%) owned by Respondent. During probation, Respondent shall limit his
4 practice of medicine to two locations and maintain all necessary licenses and permits. After the
5 effective date of this Decision, all patients being treated by Respondent shall be notified that
6 Respondent is prohibited from serving as a Medical Director at any medical spas or any medical
7 spa-like facilities not one-hundred percent (100%) owned by Respondent. Any new patients must
8 be provided this notification at the time of their initial appointment.

9 Respondent shall maintain a log of all patients to whom the required oral notification was
10 made. The log shall contain the: 1) patient's name, address and phone number; 2) patient's
11 medical record number, if available; 3) the full name of the person making the notification; 4) the
12 date the notification was made; and 5) a description of the notification given. Respondent shall
13 keep this log in a separate file or ledger, in chronological order, shall make the log available for
14 immediate inspection and copying on the premises at all times during business hours by the Board
15 or its designee, and shall retain the log for the entire term of probation.

16 7. NOTIFICATION. Within seven (7) days of the effective date of this Decision,
17 Respondent shall provide a true copy of this Decision and First Amended Accusation to the Chief
18 of Staff or the Chief Executive Officer at every hospital where privileges or membership are
19 extended to Respondent, at any other facility where Respondent engages in the practice of
20 medicine, including all physician and locum tenens registries or other similar agencies, and to the
21 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage
22 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within
23 15 calendar days.

24 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

25 8. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
26 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
27 advanced practice nurses.

28 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules

1 governing the practice of medicine in California and remain in full compliance with any court
2 ordered criminal probation, payments, and other orders.

3 10. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
4 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
5 limited to, expert review, amended accusations, legal reviews, and investigations, as applicable,
6 in the amount of \$73,379.00 (seventy-three thousand three hundred seventy-nine dollars and no
7 cents). Costs shall be payable to the Medical Board of California. Failure to pay such costs shall
8 be considered a violation of probation.

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

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

15 11. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
16 under penalty of perjury on forms provided by the Board, stating whether there has been
17 compliance with all the conditions of probation.

18 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
19 the end of the preceding quarter.

20 12. GENERAL PROBATION REQUIREMENTS.

21 Compliance with Probation Unit

22 Respondent shall comply with the Board's probation unit.

23 Address Changes

24 Respondent shall, at all times, keep the Board informed of Respondent's business and
25 residence addresses, email address (if available), and telephone number. Changes of such
26 addresses shall be immediately communicated in writing to the Board or its designee. Under no
27 circumstances shall a post office box serve as an address of record, except as allowed by Business
28 and Professions Code section 2021, subdivision (b).

1 Place of Practice

2 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
3 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
4 facility.

5 License Renewal

6 Respondent shall maintain a current and renewed California physician's and surgeon's
7 license.

8 Travel or Residence Outside California

9 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
10 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
11 (30) calendar days.

12 In the event Respondent should leave the State of California to reside or to practice
13 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the
14 dates of departure and return.

15 13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
16 available in person upon request for interviews either at Respondent's place of business or at the
17 probation unit office, with or without prior notice throughout the term of probation.

18 14. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
19 its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting
20 more than thirty (30) calendar days and within fifteen (15) calendar days of Respondent's return
21 to practice. Non-practice is defined as any period of time Respondent is not practicing medicine
22 as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours
23 in a calendar month in direct patient care, clinical activity or teaching, or other activity as
24 approved by the Board. If Respondent resides in California and is considered to be in non-
25 practice, Respondent shall comply with all terms and conditions of probation. All time spent in
26 an intensive training program which has been approved by the Board or its designee shall not be
27 considered non-practice and does not relieve Respondent from complying with all the terms and
28 conditions of probation. Practicing medicine in another state of the United States or Federal

1 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction
2 shall not be considered non-practice. A Board-ordered suspension of practice shall not be
3 considered as a period of non-practice.

4 In the event Respondent's period of non-practice while on probation exceeds eighteen (18)
5 calendar months, Respondent shall successfully complete the Federation of State Medical Boards'
6 Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment
7 program that meets the criteria of Condition 18 of the current version of the Board's "Manual of
8 Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of
9 medicine.

10 Respondent's period of non-practice while on probation shall not exceed two (2) years.

11 Periods of non-practice will not apply to the reduction of the probationary term.

12 Periods of non-practice for a Respondent residing outside of California will relieve
13 Respondent of the responsibility to comply with the probationary terms and conditions with the
14 exception of this condition and the following terms and conditions of probation: Obey All Laws;
15 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
16 Controlled Substances; and Biological Fluid Testing.

17 15. COMPLETION OF PROBATION. Respondent shall comply with all financial
18 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar
19 days prior to the completion of probation. This term does not include cost recovery, which is due
20 within 30 calendar days of the effective date of the Order, or by a payment plan approved by the
21 Medical Board and timely satisfied. Upon successful completion of probation, Respondent's
22 certificate shall be fully restored.

23 16. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
24 of probation is a violation of probation. If Respondent violates probation in any respect, the
25 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
26 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
27 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
28 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall

1 be extended until the matter is final.

2 17. LICENSE SURRENDER. Following the effective date of this Decision, if
3 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
4 the terms and conditions of probation, Respondent may request to surrender his or her license.
5 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
6 determining whether or not to grant the request, or to take any other action deemed appropriate
7 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
8 shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the
9 Board or its designee and Respondent shall no longer practice medicine. Respondent will no
10 longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical
11 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

12 18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
13 with probation monitoring each and every year of probation, as designated by the Board, which
14 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
15 California and delivered to the Board or its designee no later than January 31 of each calendar
16 year.

17 19. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
18 a new license or certification, or petition for reinstatement of a license, by any other health care
19 licensing action agency in the State of California, all of the charges and allegations contained in
20 First Amended Accusation No. 800-2019-056706 shall be deemed to be true, correct, and
21 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding
22 seeking to deny or restrict license.

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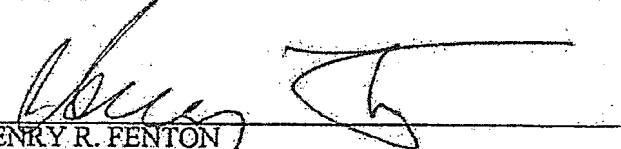
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Henry R. Fenton. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 11/09/23 
JOSEPH LOCHINVAR DINGLASAN, SR., M.D.
Respondent

I have read and fully discussed with Respondent Joseph Lochinvar Dinglasan, Sr., M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

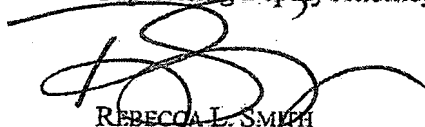
DATED: 11/09/23 
HENRY R. FENTON
Attorney for Respondent

ENDORSEMENT

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

DATED: 11/9/2023

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


REBECCA L. SMITH
Deputy Attorney General
Attorneys for Complainant

LA2022601549

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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the First Amended Accusation	Case No. 800-2019-056706
12 Against:	FIRST AMENDED ACCUSATION
13 Joseph Lochinvar Dinglasan, Sr., M.D.	
14 709 Bowcreek Drive	
14 Diamond Bar, CA 91765-1885	
15 Physician's and Surgeon's Certificate	
15 No. A 32988,	
16	
16 Respondent.	

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19 **PARTIES**

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

23 2. On or about March 17, 2018, the Board issued Physician's and Surgeon's Certificate
24 Number A 32988 to Joseph Lochinvar Dinglasan, Sr., M.D. (Respondent). That license was in
25 full force and effect at all times relevant to the charges brought herein and will expire on July 31,
26 2023, unless renewed.

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1 JURISDICTION

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

5 4. Section 2004 of the Code states:

6 The board shall have the responsibility for the following:

7 (a) The enforcement of the disciplinary and criminal provisions of the Medical
8 Practice Act.

9 (b) The administration and hearing of disciplinary actions.

10 (c) Carrying out disciplinary actions appropriate to findings made by a panel or
an administrative law judge.

11 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion
12 of disciplinary actions.

13 (e) Reviewing the quality of medical practice carried out by physician and
surgeon certificate holders under the jurisdiction of the board.

14 (f) Approving undergraduate and graduate medical education programs.

15 (g) Approving clinical clerkship and special programs and hospitals for the
16 programs in subdivision (f).

17 (h) Issuing licenses and certificates under the board's jurisdiction.

18 (i) Administering the board's continuing medical education program.

19 5. Section 2220 of the Code states:

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

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

27 (b) Investigating the circumstances of practice of any physician and surgeon
28 where there have been any judgments, settlements, or arbitration awards requiring the
physician and surgeon or his or her professional liability insurer to pay an amount in

1 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with
2 respect to any claim that injury or damage was proximately caused by the physician's
3 and surgeon's error, negligence, or omission.

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

7 6. Section 2227 of the Code states:

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

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

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

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

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

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

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

STATUTORY PROVISIONS

7. Section 2234 of the Code states:

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

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

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more
negligent acts or omissions. An initial negligent act or omission followed by a
separate and distinct departure from the applicable standard of care shall constitute
repeated negligent acts.

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1 (1) An initial negligent diagnosis followed by an act or omission medically
2 appropriate for that negligent diagnosis of the patient shall constitute a single
3 negligent act.

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

9 (d) Incompetence.

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

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

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

17 8. Section 2051 of the Code states:

18 The physician's and surgeon's certificate authorizes the holder to use drugs or
19 devices in or upon human beings and to sever or penetrate the tissues of human
20 beings and to use any and all other methods in the treatment of diseases, injuries,
21 deformities, and other physical and mental conditions.

22 9. Section 2052 of the Code states:

23 (a) Notwithstanding Section 146, any person who practices or attempts to
24 practice, or who advertises or holds himself or herself out as practicing, any system or
25 mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates
26 for, or prescribes for any ailment, blemish, deformity, disease, disfigurement,
27 disorder, injury, or other physical or mental condition of any person, without having
28 at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in
this chapter or without being authorized to perform the act pursuant to a certificate
obtained in accordance with some other provision of law is guilty of a public offense,
punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment
pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a
county jail not exceeding one year, or by both the fine and either imprisonment.

(b) Any person who conspires with or aids or abets another to commit any act
described in subdivision (a) is guilty of a public offense, subject to the punishment
described in that subdivision.

(c) The remedy provided in this section shall not preclude any other remedy
provided by law.

10. Section 2264 of the Code states:

The employing, directly or indirectly, the aiding, or the abetting of any
unlicensed person or any suspended, revoked, or unlicensed practitioner to engage in
the practice of medicine or any other mode of treating the sick or afflicted which
requires a license to practice constitutes unprofessional conduct.

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11. Section 2286 of the Code states:

It shall constitute unprofessional conduct for any licensee to violate, to attempt to violate, directly or indirectly, to assist in or abet the violation of, or to conspire to violate any provision or term of Article 18 (commencing with Section 2400), of the Moscone-Knox Professional Corporation Act (Part 4 commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or of any rules and regulations duly adopted under those laws.

12. Section 2400 of the Code states:

Corporations and other artificial legal entities shall have no professional rights, privileges, or powers. However, the Division of Licensing may in its discretion, after such investigation and review of such documentary evidence as it may require, and under regulations adopted by it, grant approval of the employment of licensees on a salary basis by licensed charitable institutions, foundations, or clinics, if no charge for professional services rendered patients is made by any such institution, foundation, or clinic.

13. Section 2407 of the Code states:

A medical or podiatry corporation shall be subject to the provisions of Sections 2285 and 2415.

14. Section 2408 of the Code states:

Except as provided in Sections 13401.5 and 13403 of the Corporations Code, each shareholder, director and officer of a medical or podiatry corporation, except an assistant secretary or an assistant treasurer, shall be a licensed person as defined in Section 13401 of the Corporations Code.

Notwithstanding the provisions of this section or Sections 13401.5, 13403, 13406, and 13407 of the Corporations Code, a shareholder of a medical corporation which renders professional services may be a medical corporation which has only one shareholder who shall be a licensed person as defined in Section 13401 of the Corporations Code. The shareholder of the latter corporation may be an officer or director of the former corporation.

Nothing in this section shall be construed as prohibiting a nonlicensed person from using the business titles of executive vice president, chief executive officer, executive secretary, or any other title denoting an administrative function within the professional corporation.

15. Section 2410 of the Code, states:

A medical or podiatry corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes and regulations to the same extent as a licensee under this chapter.

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1 16. Section 2415 of the Code states:

2 (a) Any physician and surgeon or any doctor of podiatric medicine, as the case
3 may be, who as a sole proprietor, or in a partnership, group, or professional
4 corporation, desires to practice under any name that would otherwise be a violation of
5 Section 2285 may practice under that name if the proprietor, partnership, group, or
6 corporation obtains and maintains in current status a fictitious-name permit issued by
7 the Division of Licensing, or, in the case of doctors of podiatric medicine, the
8 California Board of Podiatric Medicine, under the provisions of this section.

9 (b) The division or the board shall issue a fictitious-name permit authorizing the
10 holder thereof to use the name specified in the permit in connection with his, her, or
11 its practice if the division or the board finds to its satisfaction that:

12 (1) The applicant or applicants or shareholders of the professional corporation
13 hold valid and current licenses as physicians and surgeons or doctors of podiatric
14 medicine, as the case may be.

15 (2) The professional practice of the applicant or applicants is wholly owned and
16 entirely controlled by the applicant or applicants.

17 (3) The name under which the applicant or applicants propose to practice is not
18 deceptive, misleading, or confusing.

19 (c) Each permit shall be accompanied by a notice that shall be displayed in a
20 location readily visible to patients and staff. The notice shall be displayed at each
21 place of business identified in the permit.

22 (d) This section shall not apply to licensees who contract with, are employed
23 by, or are on the staff of, any clinic licensed by the State Department of Health
24 Services under Chapter 1 (commencing with Section 1200) of Division 2 of the
25 Health and Safety Code or any medical school approved by the division or a faculty
26 practice plan connected with that medical school.

27 (e) Fictitious-name permits issued under this section shall be subject to Article
28 19 (commencing with Section 2421) pertaining to renewal of licenses.

29 (f) The division or the board may revoke or suspend any permit issued if it finds
30 that the holder or holders of the permit are not in compliance with the provisions of
31 this section or any regulations adopted pursuant to this section. A proceeding to
32 revoke or suspend a fictitious-name permit shall be conducted in accordance with
33 Section 2230.

34 (g) A fictitious-name permit issued to any licensee in a sole practice is
35 automatically revoked in the event the licensee's certificate to practice medicine or
36 podiatric medicine is revoked.

37 (h) The division or the board may delegate to the executive director, or to
38 another official of the board, its authority to review and approve applications for
39 fictitious-name permits and to issue those permits.

40 (i) The California Board of Podiatric Medicine shall administer and enforce this
41 section as to doctors of podiatric medicine and shall adopt and administer regulations
42 specifying appropriate podiatric medical name designations.

1 17. Section 4021 of the Code states:

2 "Controlled substance" means any substance listed in Chapter 2 (commencing with
3 Section 11053) of Division 10 of the Health and Safety Code.

4 18. Section 4022 of the Code provides:

5 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
6 self-use in humans or animals, and includes the following:

7 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
8 without prescription," "Rx only," or words of similar import.

9 (b) Any device that bears the statement: "Caution: federal law restricts this
10 device to sale by or on the order of a _____," "Rx only," or words of similar
11 import, the blank to be filled in with the designation of the practitioner licensed to use
12 or order use of the device.

13 (c) Any other drug or device that by federal or state law can be lawfully
14 dispensed only on prescription or furnished pursuant to Section 4006.

15 19. Section 13400 of the Corporations Code states, in pertinent part:

16 This part shall be known and may be cited as the "Moscone-Knox Professional
17 Corporations Act."

18 20. Section 13401 of the Corporations Code states, in pertinent part:

19 (a) "Professional services" means any type of professional services that may be
20 lawfully rendered only pursuant to a license, certification, or registration authorized
21 by the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act.

22 (b) "Professional Corporation" means a corporation organized under the
23 General Corporation Law or pursuant to subdivision (b) of Section 13406 that is
24 engaged in rendering professional services in a single profession, except as otherwise
25 authorized in Section 13401.5...

26 REGULATORY PROVISIONS

27 21. California Code of Regulations, Title 16, section 1343 states as follows:

28 A professional corporation shall comply with the following provisions:

(a) The corporation is organized and exists pursuant to the general corporation
law and is a professional corporation within the meaning of the Moscone-Knox
Professional Corporations Act (Corporations Code Section 13400 et seq.).

(b) Each shareholder, director or officer (except as provided in Section 13403
of the Corporations Code and Section 2408 of the code) holds a valid physician's and
surgeon's certificate or certificate to practice podiatric medicine, as the case may be,
provided that, a licensed podiatrist, psychologist, optometrist, physician's assistant,

1 clinical social worker, marriage, family and child counselor, chiropractor or
2 registered nurse may be a shareholder, director or officer of a medical corporation so
3 long as such licensed persons own no more than 49% of the total shares issued by the
4 medical corporation and the number of licensed persons owning shares in the medical
5 corporation does not exceed the number of physicians owning shares in such a
6 corporation, and a licensed physician may be a shareholder, director or officer of a
7 podiatry corporation so long as such physician owns no more than 49% of the total
8 shares issued by the podiatry corporation and the number of licensed physicians
9 owning shares in the podiatry corporation does not exceed the number of podiatrists
10 owning shares in such a corporation. A physician, psychologist, optometrist and
11 registered nurse may also be a shareholder, director or officer in a podiatry
12 corporation subject to the same numerical restrictions.

13 (c) Each professional employee of the corporation who will practice medicine,
14 podiatry, psychology, optometry, clinical social work, marriage, family and child
15 counselling, chiropractic or nursing, whether or not a director, officer or shareholder,
16 holds a valid license.

17 (d) A physician and surgeon or podiatrist may be a shareholder, officer or
18 director in more than one professional corporation.

19 22. California Code of Regulations, Title 16, section 1344 states as follows:

20 (a) Unless a fictitious name permit is obtained pursuant to Section 2415 of the
21 code, the name of a professional corporation shall be restricted to the name or
22 surname of one or more of the present prospective or former shareholders who are
23 physicians or podiatrists, as the case may be, for a medical or podiatry corporation.

24 (b) When the applicant uses any fictitious, false or assumed name or any name
25 other than the name or surname of one or more of the present, prospective or former
26 shareholders, or any other words or names in addition to those of the shareholders, it
27 shall obtain a permit pursuant to Section 2415 of the code. The fee required in
28 Section 1352 shall accompany the fictitious name permit application.

(c) A professional corporation with a majority of physicians and surgeons as
shareholders, officers and directors shall not use the designations "Podiatry
Corporation" or "Podiatry Corp." A corporation with a majority of podiatrists as
shareholders, officers and directors shall not use the designation "Medical
Corporation" or "Medical Corp."

21 23. California Code of Regulations, Title 16, section 1347 states as follows:

22 (a) A professional corporation may perform any act authorized in its articles
23 of incorporation or bylaws so long as that act is not in conflict with or prohibited by
24 the Medical Practice Act, and where applicable the Psychology Licensing Law, the
25 Optometry law, Physician Assistants Practice Act, the social worker licensing law
26 and the marriage, family and child counselor licensing law or the Nursing Practice
27 Act in the case of a corporation which has a licensed psychologist, optometrist or
28 registered nurse as a shareholder, director or officer, or the regulations adopted
pursuant thereto.

(b) A professional medical or podiatry corporation may enter into partnership
agreements with other physicians and surgeons or podiatrists, as the case may be,
practicing individually or in a group or with other medical or podiatry corporations.

1 24. California Code of Regulations, Title 16, section 1350.2 states in pertinent part:

2 ...

3 (c) No licensed person shall render professional services using a fictitious,
4 false or assumed name or any name other than his or her own unless and until a
5 fictitious name permit has been issued by the division.

6 25. California Code of Regulations, Title 16, section 1360, states:

7 For the purposes of denial, suspension or revocation of a license, certificate or
8 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
9 or act shall be considered to be substantially related to the qualifications, functions or
10 duties of a person holding a license, certificate or permit under the Medical Practice
11 Act if to a substantial degree it evidences present or potential unfitness of a person
12 holding a license, certificate or permit to perform the functions authorized by the
13 license, certificate or permit in a manner consistent with the public health, safety or
14 welfare. Such crimes or acts shall include but not be limited to the following:
15 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
16 violation of, or conspiring to violate any provision of the Medical Practice Act.

17 **PRECEDENTIAL DECISION**

18 26. The Decision *In the Matter of the Accusation against Joseph Basile, M.D.*, issued by
19 the Medical Board of California, and designated "Precedential Decision" pursuant to Government
20 Code section 11425.60 holds that Intense Pulse Light (IPL) and Laser Treatment fall within the
21 ambit of Code sections 2051 and 2052.

22 **COST RECOVERY**

23 27. Section 125.3 of the Code states:

24 (a) Except as otherwise provided by law, in any order issued in resolution of a
25 disciplinary proceeding before any board within the department or before the
26 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
27 administrative law judge may direct a licensee found to have committed a violation or
28 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

1 may reduce or eliminate the cost award, or remand to the administrative law judge if
2 the proposed decision fails to make a finding on costs requested pursuant to
3 subdivision (a).

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

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

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

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

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

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

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

26 DEFINITIONS

27 28. As used herein, the terms below will have the following meanings:

28 "CURES" means the Department of Justice, Bureau of Narcotics
Enforcement's California Utilization, Review and Evaluation System (CURES) for
the electronic monitoring of the prescribing and dispensing of Schedule II, III, IV
and V controlled substances dispensed to patients in California pursuant to Health
and Safety Code section 11165. The CURES database captures data from
controlled substance prescriptions filled as submitted by pharmacies, hospitals, and
dispensing physicians. Law enforcement and regulatory agencies use the data to
assist in their efforts to control the diversion and resultant abuse of controlled
substances. Prescribers and pharmacists may request a patient's history of
controlled substances dispensed in accordance with guidelines developed by the
Department of Justice.

"Carisoprodol" (also known by the brand name "Soma") is a muscle-
relaxant and sedative. It is a Schedule IV controlled substance pursuant to the
Federal Controlled Substances Act, and a dangerous drug pursuant to Code section
4022.

"Diazepam" (also known by the brand name "Valium") is a psychotropic
drug used for the management of anxiety disorders or for the short-term relief of the

1 symptoms of anxiety. It is a Schedule IV controlled substance as designated by
2 Health and Safety Code section 11057(d)(1), and is a dangerous drug as defined in
3 Code section 4022.

4 "Oxycodone" is an opioid analgesic medication that has a high potential for
5 abuse. Oxycodone is commonly prescribed for moderate to severe chronic pain. It
6 is a Schedule II controlled substance pursuant to Health and Safety Code section
7 11055, subdivision (b)(1)(M), and a dangerous drug as defined in Code section
8 4022.

9 "Promethazine with codeine" is a cough syrup containing an antihistamine
10 and opioid. It is a Schedule V controlled substance as designated by Health and
11 Safety Code section 11058, subdivision (c)(1), and is a dangerous drug as defined in
12 Code section 4022.

13 FIRST CAUSE FOR DISCIPLINE

14 (Aiding and Abetting Unlicensed Practice of Medicine)

15 29. Respondent is subject to disciplinary action pursuant to section 2264, subdivision (a),
16 as defined by section 2052, subdivision (b) of the Code, and California Code of Regulations, Title
17 16, section 1360, in that he aided and abetted the unlicensed practice of medicine. The
18 circumstances are as follows:

19 30. During all times relevant to this First Amended Accusation, Respondent was the
20 Medical Director of Eben Ezer Medical Clinic, a medical spa-like facility located at 21026
21 Golden Spring Drive in Diamond Bar, California 91789. K.S. (also known as M.K.) was the
22 owner of Eben Ezer Medical Clinic. K.S. paid Respondent one thousand dollars (\$1,000) per
23 month to serve as Medical Director of Eben Ezer Medical Clinic.

24 31. On or about August 13, 2021, J.L. and V.M., investigators with the Department of
25 Consumer Affairs, Division of Investigations, Health Quality Investigation Unit (HQIU)
26 performed an undercover operation (U.C.) wherein they visited Eben Ezer Medical Clinic to
27 inquire about laser tattoo removal for V.M. The receptionist, who spoke little English, called
28 K.S. on the phone and gave the phone to V.M. for a discussion. On the phone, V.M. stated to
K.S. that she wanted to have a tattoo removed. K.S. asked V.M. to return for a consultation.

32. On or about August 26, 2021, J.L. and V.M. returned to Eben Ezer Medical Clinic.
The receptionist told J.L. and V.M. that K.S. was not in the office. The receptionist called K.S.
K.S. then spoke on the phone with V.M. K.S. told V.M. that she had not removed color tattoos

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1 before but would be willing to try. An appointment was scheduled for September 16, 2021 at
2 9:00 a.m. for consultation and treatment.

3 33. On or about September 16, 2021, V.M. called Eben Ezer Medical Clinic and
4 rescheduled her appointment for September 30, 2021 at 11:00 a.m.

5 34. On or about September 30, 2021, J.L. and V.M. presented to Eben Ezer Medical
6 Clinic for V.M.'s scheduled appointment with K.S. V.M. was provided with a patient
7 information sheet to complete. Thereafter, K.S. took J.L. and V.M. into the consultation office to
8 discuss the desired treatment, the price, and V.M.'s medical history. K.S. stated that the laser
9 tattoo procedure would take approximately five treatments and cost \$150.00 per treatment. K.S.
10 gave V.M. several documents to sign, including a Payment Policy form, a Physician-Patient
11 Arbitration Agreement form, a Consent for Laser/Light Based Treatment form and Q-ny laser
12 Care Instructions. K.S. explained the laser procedure to V.M. and J.L. K.S. stated that she would
13 take a picture of the tattoo, apply a topical lidocaine on the targeted area, and proceed with the
14 treatment. Following the consultation regarding the procedure, K.S. took V.M. and J.L. to "Laser
15 Room 1." V.M. was not seen by Respondent or any physician or health care provider.

16 35. Once in "Laser Room 1," K.S. turned the machine on and prepared the laser
17 attachments. She had topical lidocaine cream ready to apply on V.M. V.M. then asked K.S. to
18 show her how the machine operated. K.S. explained that the laser would target the ink on V.M.'s
19 skin and demonstrated it on herself. As K.S. was about to apply the topical lidocaine cream to
20 V.M, J.L. instructed K.S. to stop and identified himself and V.M. as peace officers of the State of
21 California. V.M. signaled to investigators waiting outside the building to come inside and assist.
22 J.L. asked K.S. if she had a medical license in the state of California. K.S. responded that she did
23 not have a medical license. In addition, J.L. then confirmed with K.S. that she was not licensed
24 as a nurse practitioner, registered nurse or physician assistant. J.L. then placed K.S. under arrest
25 for the unlicensed practice of medicine in violation of Business and Professions Code section
26 2052, subdivision (a).

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36. The investigators confiscated the following items from "Laser Room 1:"

- Respondent's Prescription No. 100965 of Lidocaine 23% / Tetracaine 7% Cream, Lot No. 112320@21, with an expiration date of May 23, 2021;
- Two keys to LaserOptek Machine with two paper attachments;
- Three LaserOptek attachments; and
- Medical records of V.M.

37. At the time of transport to the Los Angeles County Sheriff's Department, Walnut Station, K.S. stated to J.L. and V.M. that Respondent trained her on the use of the laser and that he authorized her to use the laser for treatment.

38. Respondent aided and abetted the unlicensed practice of medicine by permitting K.S. to evaluate, recommend, and render treatment to V.M.

39. Respondent's acts and/or omissions set forth in paragraphs 30 through 38 above, whether proven individually, jointly, or in any combination thereof, constitute aiding and/or abetting of any unlicensed person to engage in the practice of medicine in violation of section 2264, as defined by section 2052, subdivision (b), of the Code, and California Code of Regulations, Title 16, section 1360. Therefore, cause for discipline exists.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

40. By reason of the facts set forth in paragraph 30 through 39 above, Respondent is subject to disciplinary action under Section 2234, subdivision (a), of the Code in that Respondent has engaged in unprofessional conduct by aiding and/or abetting unlicensed persons to engage in the practice of medicine or any other mode of treating the sick or afflicted, which requires a license to practice.

41. Respondent's acts and/or omissions as set forth in paragraphs 30 through 40 above, whether proven individually, jointly, or in any combination thereof, constitute Respondent's unprofessional conduct based upon his aiding and/or abetting unlicensed persons to engage in the practice of medicine or any other mode of treating the sick or afflicted, which requires a license to practice, pursuant to Section 2234, subdivision (a), of the Code.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Participation and/or Affiliation with Medical Corporations Founded, Structured,
3 Controlled, and/or Operated in Violation of the Moscone-Knox Professional Corporation Act)

4 42. Respondent is subject to disciplinary action under California Business and
5 Professions Code section 2286; California Corporations Code section 13401; and California Code
6 of Regulations, Title 16, sections 1344, subdivision (a), and 1347, subdivision (a), in that he
7 participated and/or affiliated with medical corporations that were founded, structured, controlled,
8 and/or operated in violation of rules and regulations related to the corporate practice of medicine
9 by acting as medical director and facilitating the control and operation of medical spas by non-
10 physicians and unlicensed persons. The circumstances are as follows:

11 **SUPREME BEAUTY LIFE AND SUPREME MEDICAL SPA:**

12 43. On or about July 14, 2022, the Board received a complaint that Respondent was
13 renting his medical license to Supreme Beauty Life / Orient Retreat Spa and being paid three
14 thousand dollars (\$3,000) per month for use of his medical license. The complaint also stated that
15 an unlicensed individual was performing laser procedures.

16 Corporation and Licensing Information for Supreme Beauty Life:

17 44. Supreme Beauty Life is a California Corporation that performs spa services. The
18 Statement of Information for Supreme Beauty Life filed with the California Secretary of State on
19 March 18, 2022, reflects a principal address of 4970 Irvine Boulevard, Suite 101, Irvine,
20 California 92620. Lina Tang was designated as chief executive officer, chief financial officer,
21 and Director. Qingchuan Fei was designated as the secretary.¹ Lina Tang and Qingchuan Fei are
22 not licensed health care providers.

23 45. The Board of Barbering and Cosmetology issued a license to Supreme Beauty Life on
24 November 10, 2022. Lina Tang was noted to be the chief executive officer and chief financial
25 officer. Qingchuan Fei was noted to be the secretary.

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27 ¹ The previous Statement of Information filed with the California Secretary of State on November 16, 2021,
28 had the principal address for the corporation as 4980 Barranca Parkway, Suite 170, Irvine, California 92604. The
remainder of the corporate information was the same as that filed on March 18, 2022.

1 Business Information for Orient Retreat Spa Irvine:

2 46. Orient Retreat Spa Irvine, a facial and body treatment spa, is a limited liability
3 company registered with the California Secretary of State. The registration documents reflect the
4 same principal address as Supreme Beauty Life and Lina Tang is named as manager and chief
5 executive officer.

6 Business and Corporate Information for Supreme Medical Spa:

7 47. On February 2, 2022, Supreme Medical Spa, located at 4970 Irvine Boulevard, Suite
8 101, Irvine, California 92620, was issued a business license by the City of Irvine. Respondent
9 was noted to be the contact person and the business description was “medical spa procedures
10 performed by doctors and physicians.”²

11 48. Supreme Medical Spa, a medical spa, was a California Corporation.³ On May 6,
12 2022, the Statement of Information for Supreme Medical Spa filed with the California Secretary
13 of State, reflects a principal address of 4970 Irvine Boulevard, Suite 101, Irvine, California
14 92620, the same address as Supreme Beauty Life and Orient Retreat Spa Irvine. Respondent was
15 designated as the chief executive officer and a director. Jiing T. Wang was designated as the
16 secretary, chief financial officer, and a director.⁴

17 Management Services Organization Agreement between Supreme Beauty Life and
18 Supreme Medical Spa:

19 49. On or about April 4, 2022, Respondent executed a Management Services
20 Organization Agreement on behalf of Supreme Medical Spa whereby Supreme Beauty Life was
21 to manage the medical practices and provide administrative and management services to Supreme
22 Medical Spa. The agreement set forth that Supreme Medical Spa was to be solely responsible for
23 the medical diagnostic, therapeutic, and related professionals services delivered and for the

24 _____
25 ² The previous City of Irvine business license for Supreme Medical Spa was for the 4980 Barranca
Parkway, Suite 170, Irvine, California 92604 location.

26 ³ Respondent dissolved Supreme Medical Spa Corporation on December 10, 2022.

27 ⁴ The previous Statement of Information filed with the California Secretary of State on June 30, 2021, had
28 the principal address for the corporation as 4980 Barranca Parkway, Suite 170, Irvine, California 92604. The
remainder of the corporate information was the same as that filed on May 6, 2022.

1 training, professional direction, and supervision of all physicians and members of the professional
2 staff. The agreement further set forth that in consideration of Supreme Beauty Life providing the
3 premises, the supplies, the administrative and management services, the services of the staff, and
4 licensing of equipment and furnishings, Supreme Medical Spa was to pay Supreme Beauty Life
5 management fees. Medical records were deemed property of Supreme Medical Spa and all
6 business records and information relating to the business and activities of Supreme Beauty Life
7 and Supreme Medical Spa were agreed to be the property of Supreme Beauty Life.

8 Fictitious Name Permits:

9 50. No fictitious name permits were issued by the Board for Supreme Beauty Life, Orient
10 Retreat Spa, or Supreme Medical Spa.

11 Respondent's Involvement at Supreme Beauty Life and Supreme Medical Spa:

12 51. On or about April 4, 2023, Respondent was interviewed by the Board regarding his
13 involvement at Supreme Beauty Life and Supreme Medical Spa. Respondent stated that he was
14 the medical director at Supreme Medical Spa for approximately three to six months in 2022. He
15 stated that it was a high class med spa owned by a Chinese man and woman. The lady owner
16 made his schedule. Respondent stated that while he was medical director, he would go to the
17 facility once a week on Mondays. Respondent was paid by check and cash in the approximate
18 amount of two thousand dollars (\$2,000) per month to be the medical director. Respondent did
19 not invest in the business. Respondent did not have access to the bank accounts and he did not
20 pay any employees or sign any checks. He did not have keys to the location. The owners made
21 the decisions regarding equipment purchases and supplies. There was no delegation of services in
22 place. Medical records were kept in a locked room by the owners. With respect to medications,
23 Respondent's National Provider Identification (NPI) was used for ordering Botox. There were
24 approximately 3 or 4 nurses that were hired by the owners. Supreme Medical Spa was managed
25 by a nurse practitioner, whom Respondent did not know. Respondent did not perform
26 consultations for new patients at Supreme Medical Spa. While Respondent worked at Supreme
27 Medical Spa, injections were performed, including Botox, Juvederm, and Kybella. He stated that
28 he did not perform any laser procedures and did not supervise any laser procedures, but believes

1 that laser procedures were being performed there.

2 Interview of Lina Tang, Chief Executive Officer of Supreme Beauty Life:

3 52. On or about March 7, 2023, HQUI Investigators C.S. and J.L. traveled to 4970 Irvine
4 Boulevard, Irvine, California to interview Lina Tang. Inside the location, the Supreme Beauty
5 Spa was to the right of the reception desk and the Med Spa was to the left of the reception desk.
6 Ms. Tang stated that she was involved with the spa only, where massages and beauty treatments
7 are offered. She stated that injections and medical procedures are not performed at the Supreme
8 Beauty Spa. Ms. Tang stated that she has no knowledge of how the medical spa functions. She
9 denied hiring any doctors or nurses or having any ownership of any medical spa. She suggested
10 that Respondent be contacted to answer any questions regarding the medical spa. She stated that
11 Respondent had limited attendance at the medical spa and Respondent's medical partner
12 consulted with patients in person or by videoconference when Respondent was not available. Ms.
13 Tang stated that she and her husband, Fei Qingchuan, hold the lease⁵ and sublease to the medical
14 spa.

15 SECRET 21 SPA – SECRET 21 CORP.:

16 53. At the time of his interview with the Board, Respondent disclosed that he has been a
17 consultant and medical director at Secret 21 Spa for approximately 2 years. He stated that he
18 does not own the medical spa. He is paid \$1,000 a month by the owner, Linda Kim. Ms. Kim is
19 not a health care provider. Respondent stated that he does not have control over the bank
20 accounts and does not have a key for the location. Respondent stated that Ms. Kim does the
21 hiring and orders all of the medical equipment for the location. There is one registered nurse that
22 works at Secret 21 Spa. Respondent goes to the location once a week to sign and check the
23 medical records. Secret 21 Spa uses Respondent's NPI to order medications.

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27 ⁵ Ms. Tang provided the lease agreement between landlord Bcore Retail Northwood Town Center, LLC,
28 assignor Orient Retreat Spa Irvine, LLC, and assignee Supreme Beauty Life for the premises located at 4970 Irvine
Boulevard, Irvine, Suite 101-104, Irvine, California 92620. The lease agreement does not address Supreme Medical
Spa.

1 Interview with Kate Houng Kim (Linda), Chief Executive Officer of Secret 21 Corp.:

2 54. On or about April 14, 2023, HQIU Investigator C.S. interviewed Kate Houng Kim
3 (Linda) at Secret 21 Corp. Ms. Kim stated that she uses the name Linda. Ms. Kim stated that
4 Respondent has been at Secret 21 for approximately one to two years. She does not have a
5 written contract with Respondent. She stated that she has verbal agreements with Respondent but
6 was unable to provide any specifics regarding the verbal agreements. She stated that she pays
7 Respondent one hundred to six hundred dollars (\$100 to \$600) occasionally and that there is not a
8 set monthly payment.

9 55. Ms. Kim stated she performs facials at Secret 21 and if a customer needs a medical
10 procedure, she notifies Respondent. She stated that Respondent will then set up an appointment
11 for a consultation with the patient. Ms. Kim stated that she sees Respondent once or twice every
12 two or three months. She stated that most patients do not follow through with any procedures by
13 Respondent. She stated that patients have complained to her that Respondent's hands shake and
14 that they feel more comfortable with a younger doctor. She stated that she does not believe that
15 Respondent performs any surgery and that he only performs Botox injections if and when a he
16 has a patient who has agreed to be treated by him. Ms. Kim stated that there is occasionally a
17 nurse at the location but she does not know where the nurse comes from. She believes that
18 Respondent calls the nurse to the location. She does not know who supervises the nurse.

19 Corporation Information for Secret 21 Corp.:

20 56. Secret 21 Corp. is a California Corporation located at 292 North Wilshire Avenue,
21 Suite 1-3, Anaheim, California 92801. The Statement of Information for Secret 21 Corp. filed
22 with the California Secretary of State on May 19, 2022, reflects that the business is a "medi spa
23 service." Kate Hyoung Kim is designated as Secret 21 Corp.'s chief executive officer, chief
24 financial officer, and director.

25 Fictitious Name Permits:

26 57. No fictitious name permits were issued by the Board for Secret 21 Spa or Secret 21
27 Corp.

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1 62. On or about June 7, 2019, Respondent wrote a 30-day prescription for 90 tablets of
2 Oxycodone (30 mg) to Patient 1. The MME was 135 mg per day. The prescription was filled by
3 Patient 1 at Woodland Hills Rx Pharmacy on or about June 10, 2019.

4 63. The standard of care requires that when prescribing controlled substances, the
5 prescribing physician must provide a safe initiation of the medication. Morphine milligram
6 equivalents (MME), developed by the Centers for Disease Control and Prevention (CDC), are
7 values that represent the potency of an opioid dose relative to morphine. MME is intended to
8 help clinicians make safe, appropriate decisions concerning opioid regimens. It is used as a gauge
9 of the overdose potential of the amount of opioid prescribed. Higher dosages of opioids are
10 associated with higher risk of overdose and death. Calculating the total daily dosage of opioids
11 assists in minimizing the potential for prescription drug abuse/misuse and reducing the number of
12 unintentional overdose deaths associated with pain medications. It is recommended that
13 physicians proceed cautiously once the MME reaches 80 mg per day and to generally limit the
14 MME to less than 90 MME per day.

15 64. Respondent committed an extreme departure from the standard of care in failing to
16 safely prescribe controlled substances to Patient 1. The MME per day prescribed by Respondent
17 was greater than 90 without any attempts to lower the MME or prescribe a different controlled
18 substance with a lower MME if a controlled substance was absolutely necessary.

19 **Patient 2:**

20 65. On or about March 7, 2019, Respondent wrote a 30-day prescription for 120 tablets of
21 Oxycodone (30 mg) to Patient 2, a then 59-year-old male. The MME was 180 mg per day. The
22 prescription was filled by Patient 2 at Woodland Hills Rx Pharmacy on or about March 8, 2019.

23 66. On or about April 8, 2019, Respondent wrote a 30-day prescription for 120 tablets of
24 Oxycodone (30 mg) to Patient 2. The MME was 180 mg per day. The prescriptions were filled
25 by Patient 2 at Woodland Hills Rx Pharmacy on or about April 9, 2019.

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1 67. On or about May 7, 2019, Respondent wrote a 22-day prescription for 90 tablets of
2 Oxycodone (30 mg) and a 30-day prescription for 60 tablets of Carisoprodol (350 mg) to Patient
3 2. The MME for the Oxycodone was 135 mg per day. The prescriptions were filled by Patient 2
4 at Woodland Hills Rx Pharmacy on or about May 8, 2019.

5 68. On or about June 7, 2019, Respondent wrote a 30-day prescription for 90 tablets of
6 Oxycodone (30 mg) and a 30-day prescription for 60 tablets of Carisoprodol (350 mg) to Patient
7 2. The MME for the Oxycodone was 135 mg per day. The prescriptions were filled by Patient 2
8 at Woodland Hills Rx Pharmacy on or about June 10, 2019.

9 69. On or about July 7, 2019, Respondent wrote a 30-day prescription for 90 tablets of
10 Oxycodone (30 mg) and a 45-day prescription for 90 tablets of Carisoprodol (350 mg) to Patient
11 2. The MME for the Oxycodone was 135 mg per day. The prescriptions were filled by Patient 2
12 at Woodland Hills Rx Pharmacy on or about July 10, 2019.

13 70. Respondent committed an extreme departure from the standard of care in failing to
14 safely prescribe controlled substances to Patient 2. The MME per day prescribed by Respondent
15 was greater than 90 without any attempts to lower the MME or prescribe a different controlled
16 substance with a lower MME if a controlled substance was absolutely necessary.

17 **Patient 3:**

18 71. On or about March 25, 2019, Respondent wrote a 30-day prescription for 120 tablets
19 of Oxycodone (30 mg) and a 30-day prescription for 60 tablets of Carisoprodol (350 mg) to
20 Patient 3, a then 58-year-old male. The MME for the Oxycodone was 180 mg per day. The
21 prescriptions were filled by Patient 3 that same day at Woodland Hills Rx Pharmacy.

22 72. On or about April 22, 2019, Respondent wrote a 30-day prescription for 120 tablets of
23 Oxycodone (30 mg) to Patient 3. The MME was 180 mg per day. The prescription was filled by
24 Patient 3 at Woodland Hills Rx Pharmacy on or about April 29, 2019.

25 73. On or about May 29, 2019, Respondent wrote a 30-day prescription for 90 tablets of
26 Oxycodone (30 mg) and a 60-day prescription for 60 tablets of Valium (10 mg) to Patient 3. The
27 MME for the Oxycodone was 135 mg per day. The prescriptions were filled that same day by
28 Patient 3 at Woodland Hills Rx Pharmacy.

1 74. On or about September 23, 2019, Respondent wrote a 30-day prescription for 90
2 tablets of Oxycodone (30 mg) to Patient 3. The MME was 135 mg per day. The prescription was
3 filled by Patient 3 at Woodland Hills Rx Pharmacy on or about September 24, 2019.

4 75. On or about October 28, 2019, Respondent wrote a 30-day prescription for 90 tablets
5 of Oxycodone (30 mg) to Patient 3. The MME was 135 mg per day. The prescription was filled
6 by Patient 3 at Woodland Hills Rx Pharmacy on or about November 1, 2019.

7 76. On or about November 25, 2019, Respondent wrote a 30-day prescription for 90
8 tablets of Oxycodone (30 mg) to Patient 3. The MME was 135 mg per day. The prescription was
9 filled by Patient 3 at Woodland Hills Rx Pharmacy on or about December 2, 2019.

10 77. Respondent committed an extreme departure from the standard of care in failing to
11 safely prescribe controlled substances to Patient 3. The MME per day prescribed by Respondent
12 was greater than 90 without any attempts to lower the MME or prescribe a different controlled
13 substance with a lower MME if a controlled substance was absolutely necessary.

14 **Patient 4:**

15 78. On or about March 8, 2022, Respondent surrendered his Drug Enforcement
16 Administration (DEA) Certificate of Registration.

17 79. On or about April 12, 2022, Respondent wrote an electronic prescription for a 30-day
18 supply of Promethazine-Codeine (6.25-10 mg/5 ml) oral solution to Patient 4, a then 29-year-old
19 male. The prescription was filled by Patient 4 that same day at Wilshire La Jolla Pharmacy, Inc.

20 80. On or about May 26, 2022, Respondent wrote a prescription for a 12-day supply of
21 Promethazine-Codeine (6.25-10 mg/5 ml) oral solution with 1 refill to Patient 4. The prescription
22 was filled by Patient 4 that same day at Wilshire La Jolla Pharmacy, Inc.

23 81. On or about June 9, 2022, Respondent wrote a prescription for a 12-day supply of
24 Promethazine-Codeine (6.25-10 mg/5 ml) oral solution with no refill to Patient 4. The
25 prescription was filled by Patient 4 that same day at Wilshire La Jolla Pharmacy, Inc.

26 82. On or about July 8, 2022, Respondent wrote a prescription for a 12-day supply of
27 Promethazine-Codeine (6.25-10 mg/5 ml) oral solution with 1 refill to Patient 4. The prescription
28 was filled by Patient 4 that same day at Wilshire La Jolla Pharmacy, Inc.

1 83. The standard of care requires that when prescribing controlled substances, the
2 prescribing physician have a valid and current DEA Certificate of Registration.

3 84. Respondent committed an extreme departure from the standard of care in prescribing
4 Promethazine-Codeine to Patient 4 after he surrendered his DEA Certificate of Registration.

5 85. Respondent's acts and/or omissions set forth in paragraphs 62 through 84 above,
6 whether proven individually, jointly, or in any combination thereof, constitute gross negligence in
7 violation of section 2234, subdivision (b), of the Code. Therefore, cause for discipline exists.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Repeated Negligent Acts)**

10 86. Respondent is subject to disciplinary action under section 2234, subdivision (c), of
11 the Code, in that he engaged in repeated acts of negligence in the prescribing of controlled
12 substances to Patients 1, 2, 3, and 4. The circumstances are as follows:

13 87. The allegations of the Fifth Cause for Discipline are incorporated herein by reference
14 as if fully set forth.

15 88. Each of the alleged acts of gross negligence set forth above in the Fifth Cause for
16 Discipline is also a negligent act.

17 **SEVENTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct – Failure to Cooperate in Board Investigation)**

19 89. Respondent is subject to disciplinary action under section 2234, subdivision (g), of
20 the Code, in that he committed unprofessional conduct by failing to participate in the Board's
21 interview during its investigation. The circumstances are as follows:

22 90. On September 8, 2022, Respondent was contacted by an HQUI investigator to
23 schedule a Board interview relative to his care and treatment of Patients 1, 2, 3, and 4. On
24 September 19, 2022, Respondent's attorney was contacted advising him of the request for an
25 interview of Respondent at the Valencia field office. Respondent and his attorney would not
26 agree to an interview being conducted at the Valencia field office.

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

MAY 23 2023

DATED: _____

JENNA JONES FOR
REJI VARGHESE
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

LA2022601549