

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

**In the Matter of the Petition to Revoke
Probation Against:**

Maria Alexandra Sandoval, M.D.

**Physician's and Surgeon's
Certificate No. A 167341**

Respondent.

Case No. 800-2023-094489

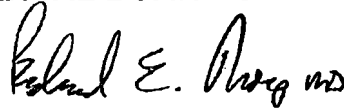
DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 16, 2024.

IT IS SO ORDERED January 19, 2024.

MEDICAL BOARD OF CALIFORNIA



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

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

In the Matter of the Petition to Revoke Probation Against:

MARIA ALEXANDRA SANDOVAL, M.D.,

Physician's and Surgeon's Certificate No. A 167341,

Respondent

Case No. 800-2023-094489

OAH No. 2023100666

PROPOSED DECISION

Adam L. Berg, Presiding Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on November 21, 2023.

Tessa Heunis, Deputy Attorney General, Department of Justice, State of California, represented complainant, Reji Varghese, Executive Director, Medical Board of California (board), Department of Consumer Affairs, State of California.

There was no appearance by or on behalf of respondent, Maria Alexandra Sandoval. Documentary evidence was received, and the matter was submitted for decision on November 21, 2023.

On November 22, 2023, complainant filed a motion to reopen the record with attached declarations by the Deputy Attorney General and probation monitor Christopher King. Complainant sought to offer Mr. King's declaration to correct a typographical error in a report and to "clarify the evidence and fill in any evidentiary gaps."

Complainant's request to reopen the record was denied. While Mr. King's declaration provided a summary of the evidence, the declaration could have been provided before the record was closed, and good cause was not established to reopen the record. Moreover, the evidence in the record is sufficiently clear such that a summary of the evidence, including the correction of a typographical error in a report, is not required.

FACTUAL FINDINGS

Background

1. On March 25, 2019, the board received respondent's application for a medical license.
2. In a Stipulation for a Probationary Medical License (Stipulation), in Case No. 800-2019-059420, adopted by the board effective December 26, 2019, respondent waived the right to request a Statement of Issues and hearing on the board's denial of her application. Instead, the board issued respondent Physician's and Surgeon's Certificate No. A 167341 but placed the license on probation for a period of three years.

3. As specified in the Stipulation, respondent failed to disclose in her license application that she had been subject to special requirements imposed during her training relating to her clinical performance. Specifically, respondent was issued two Letters of Concern regarding deficiencies in interpersonal and communication skills and professionalism. Additionally, in 2019, she was required to undergo a structured learning plan based on concerns regarding her patient care. Finally, the board determined she had an unspecified condition impacting her ability to practice medicine safely.

4. Relevant to these proceedings, the Stipulation imposed the following terms and conditions:

12) Non-practice While on Probation

Applicant shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of applicant's return to practice. Non-practice is defined as any period of time applicant is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If applicant resides in California and is considered to be in non-practice, applicant shall comply with all terms and conditions of probation. . . .

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

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

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

14) Violation of Probation

Failure to fully comply with any term or condition of probation is a violation of probation. If applicant violates probation in any respect, the Board, after giving applicant notice and the opportunity to be heard, may petition to revoke probation and take appropriate action. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against applicant during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

5. On August 29, 2023, complainant filed a Petition to Revoke Probation (petition) alleging respondent violated Probation Condition No. 12, when she exceeded two years of non-practice. As a factual basis, the petition alleges that on March 31, 2021, complainant informed her probation monitor that she had ceased practicing on January 1, 2021, and respondent had not resumed the practice of medicine as of the time the petition was filed.

6. Respondent timely filed a Notice of Defense.

7. On October 30, 2023, complainant sent respondent a Notice of Hearing by regular and certified mail at the address provided by respondent in the Notice of Defense. The Notice of Hearing, which complied with Government Code section 11509, advised respondent that the hearing would be held on November 21-22, 2023, beginning at 9:00 a.m., to be conducted by Zoom telephone/videoconference as outlined in a Notice of Assigned Hearing Dates served by OAH on the same date.

8. On November 7, 2023, OAH emailed respondent information on how to join the Zoom hearing by computer or telephone. Respondent replied by email stating that she was "unavailable" and still had not hired an attorney. OAH replied to the email and provided respondent a link to the OAH website regarding how to request a continuance. In subsequent email communications, OAH also provided respondent a link to a section on the OAH website providing information for self-represented litigants. On November 13, 2023, respondent emailed OAH stating she did not wish to receive or submit filings electronically and requested a mailing address for OAH, which OAH provided. No continuance request was ever received.

9. On November 14, 2023, OAH served notice on the parties that a settlement conference would be held prior to the start of the hearing on November

21, 2023, at 9:00 a.m. The notice indicated that the hearing would commence at 9:30 a.m., unless otherwise directed.

10. On November 21, 2023, at the start of the scheduled settlement conference at 9:00 a.m., there was no appearance by or on behalf of respondent. At 9:35 a.m., the hearing was commenced, respondent was found to have been provided proper notice of the hearing, and the matter proceeded as a default in accordance with Government Code section 11520.

Complainant's Evidence

11. The documentary evidence submitted by complainant established the following:

12. Respondent's three-year probation commenced on December 26, 2019. On January 3, 2020, respondent met with her probation monitor Mr. King, at which time she signed an acknowledgement that she had reviewed the terms and conditions of her probation.

13. On December 16, 2020, Mr. King conducted a quarterly interview with respondent by phone. During the interview, respondent said her final day of residency would be December 31, 2020. Mr. King informed her that after this time, under Condition No. 12, she will be in "non-practice while on probation status" until she begins practicing medicine for at least 40 hours in a calendar month in direct care, clinical activity, teaching, or other activity approved by the board. Respondent did not have any questions or concerns at this time.

14. During each interview with Mr. King, he informed respondent of the practice requirement, and that she would exceed 18 months of non-practice on July 3,

2022, since she had not practiced medicine since her residency ended on January 1, 2021. He reminded her that per the terms of her probation, she would be required to complete the Special Purpose Examination (SPEX), or a clinical competence assessment program, prior to resuming practice.

15. On July 3, 2022, respondent's period of non-practice exceeded 18 months. On July 11, 2022, Mr. King informed respondent that due to her extended period of non-practice, she would be required to complete the SPEX prior to resuming practice. Respondent provided Mr. King with documentation establishing she had passed the SPEX on November 10, 2022.

16. During interviews with Mr. King on December 22, 2022, and August 22, 2023, respondent confirmed that she had not worked practicing medicine since January 2021.

17. There was no evidence to establish that respondent has engaged in the practice of medicine since January 1, 2021.

LEGAL CONCLUSIONS

1. Complainant bears the burden of proof of establishing that the charges in the Petition are true. (Evid. Code § 115.) In a petition to revoke probation, the standard of proof is preponderance of the evidence. (*Sandarg v. Dental Bd. of California* (2010) 184 Cal.App.4th 1434, 1441-1442.)

Cause Exists to Revoke Respondent's Probation

2. Condition No. 12 of respondent's probation requires that she engage in the practice of medicine for at least 40 hours in a calendar month in direct patient

care, clinical activity or teaching, or other activity as approved by the board. The condition further prohibits periods of non-practice from exceeding two years. Condition No. 14 provides that complainant may petition the board to revoke probation for any violation of the probation.

3. The evidence established that respondent has not engaged in the practice of medicine, as defined in Business and Professions Code sections 2051 and 2052, since January 1, 2021, which exceeds two years of non-practice. Accordingly, she has violated Condition No. 12, and under Condition No. 14, cause exists to revoke respondent's probation.

4. Respondent did not appear at hearing or otherwise challenge the petition or revocation of her license. Furthermore, the record contains no information that respondent intends to engage in the practice of medicine. Accordingly, the only appropriate disposition is for her license to be revoked.

Recovery of Enforcement Costs


5. Complainant submitted a certification by the Deputy Attorney General containing information related to services provided by the Office of the Attorney General and included costs of prosecution in the amount of \$15,845.75. The petition neither referenced, nor requested, recovery of investigation or enforcement costs. Moreover, there is no statutory authority to recover enforcement costs in a petition to revoke probation where the underlying matter involved issuance of a probationary license in lieu of issuance of a statement of issues. Accordingly, no costs are awarded.

ORDER

The petition to revoke probation in Case No. 800-2019-059420 is GRANTED.

Physician's and Surgeon's Certificate No. A 167341 issued to Maria Alexandra Sandoval is REVOKED.

DATE: December 7, 2023


Adam Berg (Dec 7, 2023 12:24 PST)

ADAM L. BERG

Presiding Administrative Law Judge

Office of Administrative Hearings