

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

In the Matter of the Accusation Against:

Gary Steven Toig, M.D.

**Physician's and Surgeon's
Certificate No. G 46719**

Respondent.

Case No. 800-2023-099747

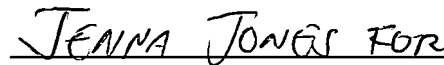
DECISION

The attached Stipulated Surrender of License and 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 8, 2024.

IT IS SO ORDERED February 1, 2024.

MEDICAL BOARD OF CALIFORNIA



**Reji Varghese
Executive Director**

1 ROB BONTA
Attorney General of California
2 MACHAELA M. MINGARDI
Supervising Deputy Attorney General
3 State Bar No. 194400
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3469
5 Facsimile: (415) 703-5480
6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2023-099747

12 **GARY STEVEN TOIG, M.D.**
13 **801 BREWSTER AVE**
14 **REDWOOD CITY, CA 94063-1557**

15 **Physician's and Surgeon's Certificate No. G**
16 **46719**

STIPULATED SURRENDER OF
LICENSE AND ORDER

Respondent.

17 **IT IS HEREBY STIPULATED AND AGREED by and between the parties to the**
18 **above-entitled proceedings that the following matters are true:**

19 **PARTIES**

20 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
21 California (Board). He brought this action solely in his official capacity and is represented in this
22 matter by Rob Bonta, Attorney General of the State of California, by Machaela M. Mingardi,
23 Supervising Deputy Attorney General.

24 2. GARY STEVEN TOIG, M.D. (Respondent) is represented in this proceeding by
25 attorney Warren R. Webster, whose address is: Hassard Bonnington LLP, 111 Pine Street, Suite
26 1530, San Francisco, CA 94111.

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3. On or about December 21, 1981, the Board issued Physician's and Surgeon's Certificate No. G 46719 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2023-099747 and will expire on June 30, 2025, unless renewed.

JURISDICTION

4. Accusation No. 800-2023-099747 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 1, 2024. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2023-099747 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2023-099747. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2023-099747, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. G 46719 for the Board's formal acceptance.

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

CONTINGENCY

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

11. Respondent understands that, by signing this stipulation, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. G 46719 without further notice to, or opportunity to be heard by, Respondent.

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

13. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the

1 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
2 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
3 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
4 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
5 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
6 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
7 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
8 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
9 of any matter or matters related hereto.

10 ADDITIONAL PROVISIONS

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

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

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

20 ORDER

21 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 46719, issued
22 to Respondent GARY STEVEN TOIG, M.D., is surrendered and accepted by the Board.

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

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

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2023-099747 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$8500 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2023-099747 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

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

DATED: 1/30/2024

Gary Steven Toig, M.D.
GARY STEVEN TOIG, M.D.
Respondent


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1 I have read and fully discussed with Respondent GARY STEVEN TOIG, M.D. the terms
2 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4
5 DATED: 1/31/2024


6 WARREN R. WEBSTER
7 Attorney for Respondent

8 **ENDORSEMENT**

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

11 DATED: _____

Respectfully submitted,

12 ROB BONTA
13 Attorney General of California

14
15 MACHAELA M. MINGARDI
16 Supervising Deputy Attorney General
17 Attorneys for Complainant

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19 44040323.docx

1 I have read and fully discussed with Respondent GARY STEVEN TOIG, M.D. the terms
2 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4
5 DATED: _____
6 WARREN R. WEBSTER
7 Attorney for Respondent

8 **ENDORSEMENT**

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

11 DATED: 1/31/2024 _____ Respectfully submitted,
12 ROB BONTA
13 Attorney General of California

14 
15 MACHAELA M. MINGARDI
16 Supervising Deputy Attorney General
17 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2023-099747

1 ROB BONTA
2 Attorney General of California
3 MACHAELA M. MINGARDI
4 Supervising Deputy Attorney General
5 State Bar No. 194400
6 455 Golden Gate Avenue, Suite 11000
7 San Francisco, CA 94102-7004
8 Telephone: (415) 510-3469
9 Facsimile: (415) 703-5480
10 *Attorneys for Complainant*

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12 **BEFORE THE**
13 **MEDICAL BOARD OF CALIFORNIA**
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15 **STATE OF CALIFORNIA**

16 In the Matter of the Accusation Against:

Case No. 800-2023-099747

17 **GARY STEVEN TOIG, M.D.**
18 **801 BREWSTER AVE**
19 **REDWOOD CITY, CA 94063-1557**

A C C U S A T I O N

20 **Physician's and Surgeon's Certificate**
21 **No. G 46719,**

22 Respondent.

23 **PARTIES**

24 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as
25 the Executive Director of the Medical Board of California, Department of Consumer Affairs
26 (Board).

27 2. On or about December 21, 1981, the Medical Board issued Physician's and Surgeon's
28 Certificate Number G 46719 to Gary Steven Toig, M.D. (Respondent). The Physician's and
Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
herein and will expire on June 30, 2025, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 2227 of the Code provides that a licensee who is found guilty under the
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
7 one year, placed on probation and required to pay the costs of probation monitoring, or such other
8 action taken in relation to discipline as the Board deems proper.

9 5. Section 822 of the Code states:

10 If a licensing agency determines that its licentiate's ability to practice his or her
11 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
12 competency, the licensing agency may take action by any one of the following methods:

13 (a) Revoking the licentiate's certificate or license.

14 (b) Suspending the licentiate's right to practice.

15 (c) Placing the licentiate on probation.

16 (d) Taking such other action in relation to the licentiate as the licensing agency in its
17 discretion deems proper.

18 The licensing section shall not reinstate a revoked or suspended certificate or license
19 until it has received competent evidence of the absence or control of the condition which caused
20 its action and until it is satisfied that with due regard for the public health and safety the person's
21 right to practice his or her profession may be safely reinstated.

22 **COST RECOVERY**

23 6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licensee found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
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1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3
4 **FACTUAL ALLEGATIONS**

5 7. Respondent was an obstetrician and gynecologist in Redwood City, California.

6 8. In June and July 2023, Respondent engaged in acts of a wrongful nature in public that
7 were reported to the police.

8 9. Respondent is currently suffering from a mental health condition that makes him
9 unsafe to practice medicine safely at this time.

10
11 **CAUSE FOR DISCIPLINE**

12 **(Impaired Ability to Practice Medicine Safely)**

13 10. The allegations contained in paragraphs 7 through 9 are incorporated by reference.

14 11. Respondent Gary Steven Toig, M.D., is subject to disciplinary action under sections
15 822 and 2227 of the Code.

16
17 **PRAYER**

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

20 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 46719,
21 issued to Respondent Gary Steven Toig, M.D.;

22 2. Revoking, suspending or denying approval of Respondent Gary Steven Toig, M.D.'s
23 authority to supervise physician assistants and advanced practice nurses;

24 3. Ordering Respondent Gary Steven Toig, M.D., to pay the Board the costs of the
25 investigation and enforcement of this case, and if placed on probation, the costs of probation
26 monitoring;

27 4. Ordering Respondent Gary Steven Toig, M.D., if placed on probation, to provide
28 patient notification in accordance with Business and Professions Code section 2228.1; and

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

DATED: FEB 01 2024

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

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