

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

In the Matter of the Accusation Against:

Justin G. English, II, M.D.

Physician's and Surgeon's
Certificate No. C 30497

Respondent.

Case No. 800-2021-082101

DECISION

The attached Stipulated Surrender of License 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 13, 2024.

IT IS SO ORDERED February 6, 2024.

MEDICAL BOARD OF CALIFORNIA

JEVNA JONSE HOR

Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 MICHAEL C. BRUMMEL
Supervising Deputy Attorney General
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Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:
14 **JUSTIN G. ENGLISH II, M.D.**
44108 Greenview Dr.
15 El Macero, CA 95618-1077
16 **Physician's and Surgeon's Certificate**
No. C 30497
17
18 Respondent.

Case No. 800-2021-082101
OAH No. 2023110158
**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
25 California (Board). He brought this action solely in his official capacity and is represented in this
26 matter by Rob Bonta, Attorney General of the State of California, by Kalev Kaseoru, Deputy
27 Attorney General.
28

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2021-082101, if proven at hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate and hereby surrenders his Physician's and Surgeon's
5 Certificate No. C 30497.

6 10. For the purposes of resolving the Accusation without the expense and uncertainty of
7 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
8 basis for the charges in the Accusation, and that those charges constitute cause for discipline.
9 Respondent believes that he could present evidence disputing the factual basis for the charges in
10 the Accusation, but he hereby gives up his right to contest that cause for discipline exists based on
11 those charges as he has retired from the practice of medicine.

12 11. Respondent further agrees that if he ever petitions for reinstatement of his Physician's
13 and Surgeon's Certificate No. C 30497, all of the charges and allegations contained in Accusation
14 No. 800-2021-082101, shall be deemed true, correct, and fully admitted by Respondent for
15 purposes of any such proceedings or any other licensing proceeding involving Respondent in the
16 State of California or elsewhere.

17 12. Respondent understands that by signing this stipulation he enables the Executive
18 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
19 Physician's and Surgeon's Certificate No. C 30497 without further process.

20 CONTINGENCY

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

24 14. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
25 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
26 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his
27 consideration in the above-entitled matter and, further, that the Executive Director shall have a
28 reasonable period of time in which to consider and act on this Stipulated Surrender of License and

1 Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands
2 and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the
3 time the Executive Director, on behalf of the Board, considers and acts upon it.

4 15. The parties agree that this Stipulated Surrender of License and Disciplinary Order
5 shall be null and void and not binding upon the parties unless approved and adopted by the
6 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
7 force and effect. Respondent fully understands and agrees that in deciding whether or not to
8 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
9 Director and/or the Board may receive oral and written communication from its staff and/or the
10 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
11 Executive Director, the Board, any member thereof, and/or any other person from future
12 participation in this or any other matter affecting or involving Respondent. In the event that the
13 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
14 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
15 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
16 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
17 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
18 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
19 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
20 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
21 of any matter or matters related hereto.

22 **RESERVATION**

23 16. The admissions made by Respondent herein are only for the purposes of this
24 proceeding, or any other proceedings in which the Medical Board of California or other
25 professional licensing agency is involved, and shall not be admissible in any other criminal or
26 civil proceeding.

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1 **ADDITIONAL PROVISIONS**

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

5 18. The parties understand and agree that Portable Document Format (PDF) and facsimile
6 copies of this Stipulated Surrender of License and Disciplinary Order, including PDF and
7 facsimile signatures thereto, shall have the same force and effect as the originals.

8 19. In consideration of the foregoing admissions and stipulations, the parties agree that
9 the Board may, without further notice or formal proceeding, issue and enter the following Order:

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 30497 issued
12 to Respondent Justin G. English II, M.D. is surrendered and accepted by the Board.

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

17 2. Respondent shall lose all rights and privileges as a Physician in California as of the
18 effective date of the Board's Decision and Order.

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

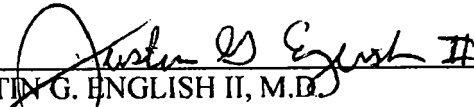
21 4. If Respondent ever files an application for licensure or a petition for reinstatement in
22 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
23 comply with all the laws, regulations and procedures for reinstatement of a revoked or
24 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
25 contained in Accusation No. 800-2021-082101 shall be deemed to be true, correct and admitted
26 by Respondent when the Board determines whether to grant or deny the petition.

27 5. Respondent shall pay the agency its cost of investigation and enforcement in the
28 amount of \$19,277.75 (nineteen thousand two hundred and seventy seven dollars and seventy-

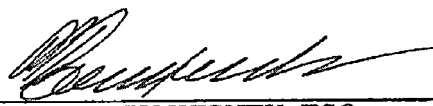
1 five cents) prior to the issuance of a new or reinstated license.

2 ACCEPTANCE

3 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
4 discussed it with my attorney, M. Bradley Wishek, Esq.. I understand the stipulation and the
5 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
6 Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
7 to be bound by the Decision and Order of the Medical Board of California.

8
9 DATED: 1-11-2024  Justin G. English II M.D.
10 JUSTIN G. ENGLISH II, M.D.
Respondent

11 I have read and fully discussed with Respondent Justin G. English II, M.D. the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14 DATED: 1/12/2024 
15 M. BRADLEY WISHEK, ESQ.
Attorney for Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
19 respectfully submitted for consideration by the Medical Board of California.


20 DATED: January 12, 2024
21 Respectfully submitted,
22 ROB BONTA
Attorney General of California
23 MICHAEL C. BRUMMEL
Supervising Deputy Attorney General
24 
25 KALEV KASEORU
26 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2021-082101

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Supervising Deputy Attorney General
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9 **BEFORE THE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2021-082101

14 **Justin G. English II, M.D.**
15 **44108 Greenview Dr.**
El Macero, CA 95618-1077

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. C 30497,**

Respondent.

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19
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21 **PARTIES**

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

25 2. On or about September 5, 1968, the Medical Board issued Physician's and Surgeon's
26 Certificate Number C 30497 to Justin G. English II, M.D. (Respondent). The Physician's and
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
28 herein and will expire on September 30, 2023, unless renewed.

JURISDICTION

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

5 4. Section 2227 of the Code provides that a licensee who is found guilty under the
6 Medical Practice Act may have his license revoked or suspended for a period not to exceed one
7 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 2234 of the Code states:

10 “The board shall take action against any licensee who is charged with unprofessional
11 conduct¹. In addition to other provisions of this article, unprofessional conduct includes, but is
12 not limited to, the following:

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

15 “(b) Gross negligence.

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

19 “...”

20 “(f) Any action or conduct which would have warranted the denial of a certificate.

21 “...”

22 6. Section 726 of the Code states:

23 “(a) The commission of any act of sexual abuse, misconduct, or relations with a patient,
24 client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any
25 person licensed under this or under any initiative act referred to in this division.

26 ¹ Unprofessional conduct under California Business and Professions Code section 2234 is
27 conduct which breaches the rules or ethical code of the medical profession, or conduct which is
28 unbecoming a member in good standing of the medical profession, and which demonstrates an
unfitness to practice medicine. (Shea v. Board of Medical Examiners (1978) 81 Cal.App.3d 564,
575.)

1 " . . . "

2 7. Section 729 of the Code states:

3 "(a) Any physician and surgeon . . who engages in an act of sexual contact with a patient or
4 client, or with a former patient or client. . is guilty of sexual exploitation by a physician and
5 surgeon. . ."

6 8. Section 2228.1 of the Code provides that all licensees must provide a separate
7 disclosure to all patients which includes probation status, the length of probation, the probation
8 end date, all practice restrictions placed on the licensee by the Board, the Board's telephone
9 number, and an explanation of how the patient can find further information if the licensee is
10 placed on probation after final adjudication by the Board for the commission of any act of sexual
11 abuse, misconduct or relations with a patient pursuant to section 726 and 729 of the Code.

12 **COST RECOVERY**

13 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licensee found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
17 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
18 included in a stipulated settlement.

19 **FACTUAL ALLEGATIONS**

20 10. On or about September 30, 2021, the Board received a complaint from the Davis
21 Police Department relaying that a patient had alleged an inappropriate touching during an exam
22 with Respondent.

23 11. Patient A², a 58-year old female, alleged that on or about September 5, 2021, she had
24 seen Respondent at an Urgent Care facility in Davis, CA, for a suspected urinary tract infection.
25 Patient A alleged that during the exam, Respondent unbuttoned her pants while she was laying on
26 the exam table and slipped his ungloved hand on her pubic area underneath her underwear.

27 _____
28 ² Patient names are omitted to protect privacy. They are known to Respondent and will be
provided in discovery.

1 Patient A alleged that Respondent had not asked for her consent prior to unbuttoning her pants
2 and reaching in with his hand, nor had he explained what he was going to do before examining
3 her. There was no one else in the exam room with Patient A and Respondent during the
4 examination.

5 12. Patient A filed a police report with the Davis Police Department.

6 13. During the course of the Board's investigation into Patient A's allegation, the
7 investigator discovered a prior allegation against Respondent for an alleged inappropriate
8 touching occurring in 2018.

9 14. On or about September 6, 2018, Patient B, a 22-year old female, was seen by
10 Respondent at Davis Urgent Care for a reported sore and swollen throat. Patient B alleged that
11 during the examination Respondent:

12 A. Commented upon and touched piercings in Patient B's ear;

13 B. Commented upon and touched a piercing in Patient B's nose;

14 C. Pulled down Patient B's shirt to expose Patient B's dermal piercings on her
15 sternum/chest, touched the piercings, and exposed the top of her breasts, while commenting upon
16 Patient B's dermal piercing(s).

17 15. Patient B filed a police report with the Davis Police Department.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct: Sexual Misconduct/Sexual Exploitation, Gross Negligence,
20 Repeated Negligent Acts)**

21 16. Respondent Justin G. English, M.D. is subject to disciplinary action under section
22 2234 (unprofessional conduct/gross negligence/repeated negligent acts) and/or section 726
23 (sexual misconduct) and/or section 729 (sexual exploitation) of the Code in that he engaged in
24 Sexual Misconduct and/or Sexual Exploitation of Patient B as described in paragraph 14 above,
25 including, but not limited to, the following:

26 A. Respondent manipulated the piercings in Patient B's ear, nose, and chest (dermal);

27 B. Respondent made inappropriate comments regarding Patient B's piercings;

28 ///

1 C. Respondent pulled down Patient B's shirt partially exposing her breasts and
2 manipulated her dermal piercing(s).

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct: Sexual Misconduct/Sexual Exploitation, Repeated Negligent**
5 **Acts)**

6 17. Respondent Justin G. English, M.D. is subject to disciplinary action under section
7 2234 (unprofessional conduct//repeated negligent acts) and/or section 726 (sexual misconduct)
8 and/or section 729 (sexual exploitation) of the Code in that he engaged in Sexual Misconduct
9 and/or Sexual Exploitation of Patient A as described in paragraph 11 above, including, but not
10 limited to, the following:

11 A. Respondent failed to explain his intended examination of Patient A's pubic region
12 before unbuttoning her pants and examining her;

13 B. Respondent touched her pubic area without consent.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct)**

16 18. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
17 defined by section 2234, of the Code, in that he has engaged in conduct which breaches the rules
18 or ethical code of the medical profession, or conduct which is unbecoming a member in good
19 standing of the medical profession, and which demonstrates an unfitness to practice medicine, as
20 more particularly alleged in paragraphs 11 through 17, above, which are hereby incorporated by
21 reference and realleged as if fully set forth herein.

22 19. Respondent failed to provide sufficient informed consent to Patient A prior to
23 conducting a physical exam of her pubic area:

24 A. Respondent failed to communicate to and inform Patient A he was going to examine
25 her pubic area;

26 B. Respondent failed to communicate to and inform Patient A that he was going to
27 unbutton her pants.

28 ///

1 C. Respondent failed to obtain consent from Patient A to unbutton her pants and to
2 examine her pubic area.

3 PRAYER

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

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 30497,
7 issued to Justin G. English II, M.D.;
- 8 2. Revoking, suspending or denying approval of Justin G. English II, M.D.'s authority to
9 supervise physician assistants and advanced practice nurses;
- 10 3. Ordering Justin G. English II, M.D., to pay the Board the costs of the investigation and
11 enforcement of this case, and if placed on probation, the costs of probation monitoring;
- 12 4. Ordering Respondent Justin G. English II, M.D., if placed on probation, to provide
13 patient notification in accordance with Business and Professions Code section 2228.1; and
- 14 5. Taking such other and further action as deemed necessary and proper.

15
16 DATED: JUN 23 2023

Jenna Jona For
REJI VARGHESE
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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