

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

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

**MICHAEL JASON LAMBERTE, P.T.G.L.**

**Case No. 800-2022-087404**

**Physician's and Surgeon's  
Certificate No. PTGL 1217**

**Respondent.**

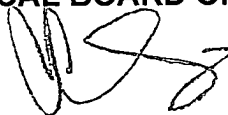
**DECISION**

**The attached 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 20, 2024.**

**IT IS SO ORDERED February 13, 2024.**

**MEDICAL BOARD OF CALIFORNIA**



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

1 ROB BONTA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 JASON J. AHN  
Deputy Attorney General  
4 State Bar No. 253172  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061  
8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:	Case No. 800-2022-087404
14 <b>MICHAEL JASON LAMBERTE, P.T.G.L.</b>	OAH No. 2023080557
15 <b>8907 Felipe Ave</b>	<b>STIPULATED SURRENDER OF</b> <b>LICENSE AND DISCIPLINARY ORDER</b>
16 <b>Montclair, CA 91763</b>	
17 <b>Polysomnographic Technologist</b>	
18 <b>License No. PTGL 1217</b>	
19 Respondent.	

20 **IT IS HEREBY STIPULATED AND AGREED by and between the parties to the**  
21 **above-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 Jason J. Ahn, Deputy  
26 Attorney General.

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1 Director and/or the Board may receive oral and written communications from its staff and/or the  
2 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the  
3 Executive Director, the Board, any member thereof, and/or any other person from future  
4 participation in this or any other matter affecting or involving respondent. In the event that the  
5 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this  
6 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it  
7 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied  
8 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees  
9 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason  
10 by the Executive Director on behalf of the Board, Respondent will assert no claim that the  
11 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,  
12 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or  
13 of any matter or matters related hereto.

14 **ADDITIONAL PROVISIONS**

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

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

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

24 **ORDER**

25 IT IS HEREBY ORDERED that Polysomnographic Technologist License No. PTGL 1217,  
26 issued to Respondent Michael Jason Lamberte, P.T.G.L., is surrendered and accepted by the  
27 Board.

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1           1.    The surrender of Respondent's Polysomnographic Technologist License and the  
2 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
3 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
4 of Respondent's license history with the Board.

5           2.    Respondent shall lose all rights and privileges as a Polysomnographic Technologist in  
6 California as of the effective date of the Board's Decision and Order.

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

9           4.    If Respondent ever files an application for licensure or a petition for reinstatement in  
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
11 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
12 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
13 contained in Accusation No. 800-2022-087404 shall be deemed to be true, correct and admitted  
14 by Respondent when the Board determines whether to grant or deny the petition.

15          5.    Respondent shall pay the agency its costs of investigation and enforcement in the  
16 amount of \$11,724.95 prior to issuance of a new or reinstated license.

17          6.    If Respondent should ever apply or reapply for a new license or certification, or  
18 petition for reinstatement of a license, by any other health care licensing agency in the State of  
19 California, all of the charges and allegations contained in Accusation No. 800-2022-087404 shall  
20 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
21 Issues or any other proceeding seeking to deny or restrict licensure.

22          7.    Respondent shall pay the agency its costs of investigation and enforcement in the  
23 amount of \$11,724.95 prior to issuance of a new or reinstated license.

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**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Melissa J. DuChene, Esq. I understand the stipulation and the effect it will have on my Polysomnographic Technologist License. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and fully agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 1/10/2024

Michael Lamberte

ID: q21rVqUbb66t5ELFTmYJ68c9  
MICHAEL JASON LAMBERTE, P.T.G.L.  
*Respondent*

I have read and fully discussed with Respondent Michael Jason Lamberte, P.T.G.L. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 1/10/2024



MELISSA J. DUCHENE  
*Attorney for Respondent*

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**ENDORSEMENT**

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

DATED: 1/10/2024

Respectfully submitted,

ROB BONTA  
Attorney General of California  
MATTHEW M. DAVIS  
Supervising Deputy Attorney General



JASON J. AHN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2022-087404**

1 ROB BONTA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 JASON J. AHN  
Deputy Attorney General  
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*Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2022-087404

14 **Michael Jason Lamberte, P.T.G.L.**  
15 **8907 FELIPE AVE**  
**MONTCLAIR CA 91763**

**A C C U S A T I O N**

16 **Polysomnographic Technologist License**  
17 **No. PTGL 1217,**

Respondent.

18  
19  
20 **PARTIES**

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

24 2. On or about July 6, 2021, the Medical Board issued Polysomnographic Technologist  
25 License No. PTGL 1217 to Michael Jason Lamberte, P.T.G.L. (Respondent). The  
26 Polysomnographic Technologist License was in full force and effect at all times relevant to the  
27 charges brought herein and will expire on July 31, 2023, unless renewed.

28 *///*

**JURISDICTION**

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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 2001.1 of the Code states:

6             Protection of the public shall be the highest priority for the Medical Board of  
7 California in exercising its licensing, regulatory, and disciplinary functions.  
8 Whenever the protection of the public is inconsistent with other interests sought to be  
9 promoted, the protection of the public shall be paramount.

10       5.     Section 118 of the Code states:

11             ...

12             (b) The suspension, expiration, or forfeiture by operation of law of a license issued  
13 by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
14 board or by order of a court of law, or its surrender without the written consent of the  
15 board, shall not, during any period in which it may be renewed, restored, reissued, or  
16 reinstated, deprive the board of its authority to institute or continue a disciplinary  
17 proceeding against the licensee upon any ground provided by law or to enter an order  
18 suspending or revoking the license or otherwise taking disciplinary action against the  
19 licensee on any such ground.

20             (c) As used in this section, "board" includes an individual who is authorized by  
21 any provision of this code to issue, suspend, or revoke a license, and "license" includes  
22 "certificate," "registration," and "permit."

23       6.     Section 3575 of the Code states:

24             (a) For the purposes of this chapter, the following definitions shall apply:

25             (1) "Board" means the Medical Board of California

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7. Section 2227 of the Code states:

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

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

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

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

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

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

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

8. Section 2228 of the Code states:

The authority of the board or the California Board of Podiatric Medicine to discipline a licensee by placing him or her on probation includes, but is not limited to, the following:

"(a) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or the administrative law judge.

"(b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If an examination is ordered, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee's choice.

"(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including requiring notice to applicable patients that the licensee is unable to perform the indicated treatment, where appropriate.

"(d) Providing the option of alternative community service in cases other than violations relating to quality of care."



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11. Section 3576 of the Code states:

(a) A registration under this chapter may be denied, suspended, revoked, placed on probation or otherwise subjected to discipline for any of the following by the holder:

...

(3) Committing any act or being convicted of a crime constituting grounds for denial of licensure or registration under Section 480.

(4) Violating or attempting to violate this chapter or any regulation adopted under this chapter.

(b) Proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all powers granted therein.

12. Section 3576.2 of the Code states:

(a) Except as provided in subdivision (b) and (c), the board shall revoke the registration of any person who has been required to register as a sex offender pursuant to Section 290 of the Penal Code for conduct that occurred on or after January 1, 2017.

“...”

13. Section 3576.3 of the Code states:

(a) The board may suspend or revoke the registration of a polysomnographic technologist, polysomnographic technician, or polysomnographic trainee for unprofessional conduct as described in this section.

(b) The use of any controlled substance or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the registrant, or to any other person or to the public, or to the extent that this use impairs the ability of the registrant to practice safely or more than one misdemeanor or any felony conviction involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of this unprofessional conduct.

(c) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order discipline of the registrant in accordance with Section 2227 or may order the denial of the registration when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing this person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

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1 REGULATORY PROVISIONS

2 14. California Code of Regulations, title 16, section 1379.68, subdivision (a), states:

3 For the purpose of denial, suspension, or revocation of the registration of a  
4 polysomnography registrant pursuant to Division 1.5 (commencing with Section 475)  
5 of the Code, a crime or act shall be considered substantially related to the  
6 qualifications, functions, and duties of a polysomnographic registrant if to a  
7 substantial degree it evidences present or potential unfitness of a polysomnographic  
8 registrant to perform the functions authorized by his or her registration in a manner  
9 consistent with the public health, safety, or welfare. Such crimes or acts shall  
10 include, but not be limited to, those involving the following:

11 (a) Violating or attempting to violate, directly or indirectly, or assisting or  
12 abetting the violation of or conspiring to violate any provision or term of Chapter 7.8  
13 of Division 2 of the Code [concerning Polysomnographic Technologists].”

14 “...”

15 GENERAL UNPROFESSIONAL CONDUCT

16 15. “Unprofessional conduct is that conduct which breaches rules or ethical code  
17 of profession, or conduct which is unbecoming a member in good standing of a profession.”

18 (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3rd 564, 575.)

19 COST RECOVERY

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

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime Substantially Related to the Qualifications, Functions or**  
3 **Duties of a Polysomnographic Technologist)**

4 17. Respondent is subject to disciplinary action under sections 480, 490, 3576,  
5 subdivisions (3) and (4), 3576.3, subdivision (c), of the Code, and California Code of Regulations  
6 title 16, section 1379.68, subdivision (a), in that he was convicted of a crime substantially related  
7 to the qualifications, functions or duties of a polysomnographic technologist, as more particularly  
8 alleged herein:

9 18. On or about April 29, 2022, in the case entitled *The People of the State of California*  
10 *v. Michael Jasongrajo Lamberte (a.k.a. Michael Jason Lamberte)*, San Bernardino County  
11 Superior Court, Case No. FWV22001466, a felony complaint was filed charging Respondent with  
12 five (5) felony crimes: (1) Possession of Over 600 Images of Child or Youth Pornography in  
13 violation of Penal Code Section 311.11(c)(1) – date of offense March 28, 2022; (2) Possession of  
14 Sadomasochistic Child or Youth Pornography in violation of Penal Code Section 311.11(c)(2) –  
15 date of offense March 28, 2022; (3) Exhibiting, Publishing Material Depicting Child Sexual  
16 Content in violation of Penal Code Section 311.1(a) – date of offense March 7, 2022; (4)  
17 Exhibiting, Publishing Material Depicting Child Sexual Content in violation of Penal Code  
18 Section 311.1(a) – date of offense March 21, 2022; (5) Exhibiting, Publishing Material Depicting  
19 Child Sexual Content in violation of Penal Code Section 311.1(a) – date of offense March 22,  
20 2022.

21 19. On or about December 14, 2022, in the case entitled *The People of the State of*  
22 *California v. Michael Jasongrajo Lamberte (a.k.a. Michael Jason Lamberte)*, San Bernardino  
23 County Superior Court, Case No. FWV22001466, Respondent entered a plea of no contest to  
24 count 1 of the felony complaint: Possession of Over 600 Images of Child or Youth Pornography  
25 in violation of Penal Code Section 311.11(c)(1), a felony.

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**PRAYER**

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

1. Revoking or suspending Polysomnographic Technologist License No. PTGL 1217, issued to Michael Jason Lamberte, P.T.G.L.;
2. Revoking, suspending or denying approval of Michael Jason Lamberte, P.T.G.L.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Michael Jason Lamberte, P.T.G.L., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: JUL 24 2023

  
\_\_\_\_\_  
REJI VARGHESE  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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