

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

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

CHRISTOPHER HOLDEN, M.D.

**Physician's and Surgeon's
Certificate No. G 75635**

Respondent.

Case No. 800-2023-103526

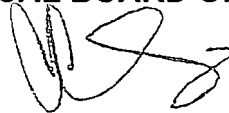
DECISION

**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 21,
2024.**

IT IS SO ORDERED February 14, 2024.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9465
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

12
13 In the Matter of the Petition to Revoke
Probation Against:

14 **CHRISTOPHER HOLDEN, M.D.**
15 **438 East Katella Avenue, Suite B**
Orange, CA 92867

16 **Physician's and Surgeon's Certificate No.**
17 **G 75635**

18 Respondent.

Case No. 800-2023-103526

**STIPULATED SURRENDER OF
LICENSE 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 Carolyn M. Westfall,
26 Deputy Attorney General.

27 2. Christopher Holden, M.D. (Respondent) is representing himself in this proceeding
28 and has chosen not to exercise his right to be represented by counsel.

3. On or about December 2, 1992, the Board issued Physician's and Surgeon's Certificate No. G 75635 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 800-2023-103526 and will expire on July 31, 2024, unless renewed.

JURISDICTION

4. Petition to Revoke Probation No. 800-2023-103526 was filed before the Board, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on December 14, 2023. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 800-2023-103526 is attached hereto as Exhibit A and is incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and fully understands the charges and allegations in Petition to Revoke Probation No. 800-2023-103526. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Disciplinary 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 Petition to Revoke Probation; the right to be represented by counsel, at his own expense; 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 Petition to Revoke Probation No. 800-2023-103526, agrees that cause exists for discipline and hereby

///

1 surrenders his Physician's and Surgeon's Certificate No. G 75635 for the Board's formal
2 acceptance.

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

6 CONTINGENCY

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

10 11. Respondent understands that, by signing this stipulation, he enables the Executive
11 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
12 Physician's and Surgeon's Certificate No. G 75635 without further notice to, or opportunity to be
13 heard by, Respondent.

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

22 13. The parties agree that this Stipulated Surrender of License and Disciplinary Order
23 shall be null and void and not binding upon the parties unless approved and adopted by the
24 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
25 force and effect. Respondent fully understands and agrees that in deciding whether or not to
26 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
27 Director and/or the Board may receive oral and written communications from its staff and/or the
28 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the

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

12 **ADDITIONAL PROVISIONS**

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

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

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

22 **ORDER**

23 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 75635, issued
24 to Respondent Christopher Holden, M.D., is surrendered and accepted by the Board.

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

2. Respondent shall lose all rights and privileges as a physician and surgeon in 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 Petition to Revoke Probation No. 800-2023-103526 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. 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 Petition to Revoke Probation No. 800-2023-103526 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 Stipulated Surrender of License and Disciplinary Order. 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 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 2-12-2024


CHRISTOPHER HOLDEN, M.D.
Respondent

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

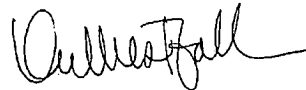
ENDORSEMENT

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

DATED: 2/12/24 _____

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

SD2023803703
84373400.docx

Exhibit A

Petition to Revoke Probation No. 800-2023-103526

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9465
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Petition to Revoke
14 Probation Against:

Case No. 800-2023-103526

PETITION TO REVOKE PROBATION

15 **CHRISTOPHER HOLDEN, M.D.**
438 East Katella Avenue, Suite B
16 Orange, CA 92867

17 **Physician's and Surgeon's Certificate No.**
G 75635

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about December 2, 1992, the Medical Board of California (Board) issued
26 Physician's and Surgeon's Certificate No. G 75635 to Christopher Holden, M.D. (Respondent).
27 The Physician's and Surgeon's Certificate was in effect at all times relevant to the charges
28 brought herein and will expire on July 31, 2024, unless renewed.

1 3. On or about November 6, 2023, the Board issued a Cease Practice Order (CPO)
2 against Respondent, prohibiting him from practicing medicine in the State of California. As a
3 result, Respondent remains suspended from the practice of medicine pending the issuance of a
4 final decision after an administrative hearing on the Petition to Revoke Probation.

5 **PRIOR DISCIPLINARY HISTORY**

6 4. In a prior disciplinary action titled *In the Matter of Accusation Against Christopher*
7 *Holden, M.D.*, Case No. 800-2019-057703, the Board issued a decision, effective March 16,
8 2023, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the
9 revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on
10 probation for a period of five (5) years subject to terms and conditions of the Order. A copy of
11 that Decision and Order is attached hereto as Exhibit A and is incorporated by reference.

12 **JURISDICTION**

13 5. This Petition to Revoke Probation is brought before the Board under the authority of
14 the following laws, and the Board's Decision and Order in Case No. 800-2019-057703. All
15 section references are to the Business and Professions Code (Code) unless otherwise indicated.

16 6. Section 2227 of the Code states, in pertinent part:

17 (a) A licensee whose matter has been heard by an administrative law judge of
18 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
19 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:

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

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

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

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

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

28 ...

1 7. Section 2285 of the Code states, in pertinent part:

2 The use of any fictitious, false, or assumed name, or any name other than his or
3 her own by a licensee either alone, in conjunction with a partnership or group, or as
4 the name of a professional corporation, in any public communication, advertisement,
5 sign, or announcement of his or her practice without a fictitious-name permit obtained
6 pursuant to Section 2415 constitutes unprofessional conduct. ...

7 8. Section 2415 of the Code states, in pertinent part:

8 (a) Any physician and surgeon ... who as a sole proprietor, or in a partnership,
9 group, or professional corporation, desires to practice under any name that would
10 otherwise be a violation of Section 2285 may practice under that name if the
11 proprietor, partnership, group, or corporation obtains and maintains in current status a
12 fictitious-name permit issued by the Division of Licensing ... under the provisions of
13 this section.

14 ...

15 9. At all times after the effective date of the Decision and Order in Case No. 800-2019-
16 057703, Probation Condition No. 13 stated:

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

25 **FIRST CAUSE TO REVOKE PROBATION**

26 (Failure to Successfully Complete Clinical Competence Assessment Program)

27 10. At all times after the effective date of the Decision and Order in Case No. 800-2019-
28 057703, Probation Condition No. 2 stated:

CLINICAL COMPETENCE ASSESSMENT PROGRAM. Within 60 calendar
days of the effective date of this Decision, Respondent shall enroll in a clinical
competence assessment program approved in advance by the Board or its designee.
Respondent shall successfully complete the program not later than six (6) months
after Respondent's initial enrollment unless the Board or its designee agrees in
writing to an extension of that time.

 The program shall consist of a comprehensive assessment of Respondent's
physical and mental health and the six general domains of clinical competence as
defined by the Accreditation Council on Graduate Medical Education and American
Board of Medical Specialties pertaining to Respondent's current or intended area of
practice. The program shall take into account data obtained from the pre-assessment,
self-report forms and interview, and the Decision(s), Accusation(s), and any other

1 information that the Board or its designee deems relevant. The program shall require
2 Respondent's on-site participation for a minimum of three (3) and no more than five
3 (5) days as determined by the program for the assessment and clinical education
4 evaluation. Respondent shall pay all expenses associated with the clinical
5 competence assessment program.

6 At the end of the evaluation, the program will submit a report to the Board or its
7 designee which unequivocally states whether the Respondent has demonstrated the
8 ability to practice safely and independently. Based on Respondent's performance on
9 the clinical competence assessment, the program will advise the Board or its designee
10 of its recommendation(s) for the scope and length of any additional educational or
11 clinical training, evaluation or treatment for any medical condition or psychological
12 condition, or anything else affecting Respondent's practice of medicine. Respondent
13 shall comply with the program's recommendations.

14 Determination as to whether Respondent successfully completed the clinical
15 competence assessment program is solely within the program's jurisdiction.

16 If Respondent fails to enroll, participate in, or successfully complete the clinical
17 competence assessment program within the designated time period, Respondent shall
18 receive a notification from the Board or its designee to cease the practice of medicine
19 within three (3) calendar days after being so notified. Respondent shall not resume
20 the practice of medicine until enrollment or participation in the outstanding portions
21 of the clinical competence assessment program have been completed. If Respondent
22 did not successfully complete the clinical competence assessment program,
23 Respondent shall not resume the practice of medicine until a final decision has been
24 rendered on the accusation and/or a petition to revoke probation. The cessation of
25 practice shall not apply to the reduction of the probationary time period.

26 11. Respondent's probation is subject to revocation because he failed to successfully
27 complete the clinical competence assessment program, in violation of Probation Condition No. 2
28 referenced above. The facts and circumstances regarding this violation are as follows:

12. On or about August 30, 2023, and on or about September 20, 2023, Respondent
completed his virtual and in-person assessments with the UCSD PACE Program. Upon
completion of the intensive testing and evaluation by the UCSD PACE Program, Respondent's
performance was found to be "unsatisfactory." The program rated Respondent's overall
performance as, "FAIL – Category 4," signifying a poor performance that is not compatible with
overall physician competency and safe practice.

///

///

///

///

1 calendar days after being so notified. Respondent shall cease the practice of medicine
2 until a replacement monitor is approved and assumes monitoring responsibility.

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

8 14. Respondent's probation is subject to revocation because he failed to obtain approval
9 of a practice monitor and/or enroll in a professional enhancement program (PEP) within 60
10 calendar days of the effective date of the Decision, in violation of Probation Condition No. 3
11 referenced above. The facts and circumstances regarding this violation are as follows:

12 15. On or about March 22, 2023, Respondent's probation monitor mailed him an intake
13 follow-up letter that reminded him that he was instructed to submit for prior approval by April 16,
14 2023, the name of a qualified practice monitor, or in lieu of a monitor, to participate in a PEP.

15 16. On or about April 10, 2023, Respondent informed his probation monitor that he
16 would try to nominate two doctors for monitoring and if they do not enroll in time, he will
17 participate in a PEP.

18 17. On or about May 12, 2023, Respondent's probation monitor mailed him a follow-up
19 letter that reminded him that he was instructed to enroll in a PEP no later than May 16, 2023.

20 18. On or about May 17, 2023, Respondent's probation monitor mailed him a non-
21 compliance letter reminding him that he was required to have a practice monitor approved by
22 April 16, 2023. The letter further stated that Respondent had informed his probation monitor that
23 he intended to enroll in a PEP, but as of the date of the letter, Respondent had still not submitted
24 proof of enrollment.

25 19. On or about May 23, 2023, as a result of his failure to comply with Condition No. 3, a
26 CPO was issued prohibiting Respondent from practicing medicine in the State of California.

27 20. On or about May 24, 2023, Respondent successfully enrolled in a PEP.

28 21. On or about May 25, 2023, the CPO was terminated.

///

///

1 **THIRD CAUSE TO REVOKE PROBATION**

2 **(Failure to Pay Cost Recovery)**

3 22. At all times after the effective date of the Decision and Order in Case No. 800-2019-
4 057703, Probation Condition No. 7 stated:

5 INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is
6 hereby ordered to reimburse the Board its costs of investigation and enforcement, in
7 the amount of \$11,015.00 (eleven thousand fifteen dollars). Costs shall be payable to
8 the Medical Board of California. Failure to pay such costs shall be considered a
9 violation of probation.

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

15 The filing of bankruptcy by respondent shall not relieve respondent of the
16 responsibility to repay investigation and enforcement costs.

17 23. Respondent's probation is subject to revocation because he failed to pay cost
18 recovery in violation of Probation Condition No. 7 referenced above. The facts and
19 circumstances regarding this violation are as follows:

20 24. On or about March 9, 2023, Respondent met with his probation monitor for an intake
21 interview. During that interview, Respondent was advised that he was ordered to reimburse the
22 Board for its costs of investigation and enforcement, in the amount of \$11,015.00. On that date,
23 Respondent requested a payment plan and agreed, in writing, to provide twelve (12) monthly
24 payments in the amount of \$918.00, beginning on March 31, 2023.

25 25. On or about June 30, 2023, Respondent's monthly payment was not received by the
26 Board.

27 26. On or about July 5, 2023, Respondent's probation monitor mailed him a non-
28 compliance letter reminding him that his June payment was due by June 30, 2023, and that the
Board had not yet received his payment.

29 27. On or about July 10, 2023, the Board received Respondent's June monthly payment.

30 ///

31 ///

1 **FOURTH CAUSE TO REVOKE PROBATION**

2 **(Failure to Obtain Fictitious Name Permit)**

3 28. At all times after the effective date of the Decision and Order in Case No. 800-2019-
4 057703, Probation Condition No. 6 stated:

5 OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all
6 rules governing the practice of medicine in California and remain in full compliance
7 with any court ordered criminal probation, payments, and other orders.

8 29. Respondent's probation is subject to revocation because he failed to obey all laws in
9 violation of Probation Condition No. 6 referenced above. The facts and circumstances regarding
10 this violation are as follows:

11 30. On or about March 9, 2023, Respondent met with his probation monitor for an intake
12 interview. During that interview, Respondent informed his probation monitor that he was self-
13 employed in solo practice entitled, "Holden Medical Group, Inc.," but admitted that he did not
14 have a fictitious name permit (FNP) on file with the Board.

15 31. On or about March 16, 2023, Respondent submitted an application for an FNP with
16 the Board.

17 32. On or about April 4, 2023, the Board informed Respondent that there was a
18 deficiency with his FNP application.

19 33. On or about April 7, 2023, Respondent submitted his quarterly declaration to his
20 practice monitor as required. On this document, Respondent indicated that his primary place of
21 practice was Holden Medical Group, Inc., where he worked approximately eighty (80) hours per
22 month that quarter.

23 34. On or about June 15, 2023, Respondent's probation monitor requested a copy of his
24 FNP and reminded him that no practice is allowed without an FNP.

25 35. On or about July 10, 2023, Respondent submitted his quarterly declaration to his
26 practice monitor as required. On this document, Respondent indicated that his primary place of
27 practice was Holden Medical Group, Inc., where he worked approximately eighty (80) hours per
28 month that quarter.

///

1 36. On or about September 25, 2023, Respondent's probation monitor mailed him a non-
2 compliance letter reminding him that he is required to maintain a current and renewed FNP, and
3 that he did not have an FNP on file with the Board to practice under Holden Medical Group, Inc.

4 37. On or about October 4, 2023, Respondent obtained an FNP from the Board for
5 Holden Medical Group, Inc.

6 **DISCIPLINE CONSIDERATIONS**

7 38. To determine the degree of discipline, if any, to be imposed on Respondent,
8 Complainant alleges that on or about February 22, 2017, the Board issued a Decision and Order
9 that became effective on or about March 24, 2017, in an action entitled, *In the Matter of the*
10 *Accusation Against Christopher Holden, M.D.*, Medical Board of California Case No. 800-2014-
11 002494. In that matter, and as a result of Respondent's negligent care and treatment of a single
12 patient between in or around 2008, through in or around 2012, Respondent's Physician's and
13 Surgeon's Certificate No. G 75635 was placed on probation for three years, subject to various
14 terms and conditions of probation. That decision is now final and is incorporated by reference as
15 if fully set forth herein.

16 39. Complainant further alleges that on or about October 5, 2018, the Board issued a
17 Decision and Order that became effective on or about November 2, 2018, in an action entitled, *In*
18 *the Matter of the Accusation Against Christopher Holden, M.D.*, Medical Board of California
19 Case No. 800-2015-011300. In that matter, and as a result of Respondent's negligent care and
20 treatment of a single patient in or around 2013, Respondent's Physician's and Surgeon's
21 Certificate No. G 75635 was placed on probation for one additional year added to his
22 probationary term in Case No. 800-2014-002494. That decision is now final and is incorporated
23 by reference as if fully set forth herein. Respondent successfully completed probation on or about
24 March 24, 2021.

25 ///

26 ///

27 ///

28 ///

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 the probation that was granted by the Medical Board of California in Case No. 800-2019-057703, and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. G 75635 issued to Respondent Christopher Holden, M.D.;

2. Revoking or suspending Physician's and Surgeon's Certificate No. G 75635, issued to Respondent, Christopher Holden, M.D.;

3. Ordering Respondent, Christopher Holden, M.D., if granted additional probation, to pay the Board the costs of probation monitoring; and

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

DATED: DEC 14 2023


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

SD2023803703
84275671.docx

Exhibit A

Decision and Order

Medical Board of California Case No. 800-2019-057703

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

In the Matter of the Accusation
Against:

Christopher Holden, M.D.

Physician's and Surgeon's
Certificate No. G 75635

Case No.: 800-2019-057703

Respondent.

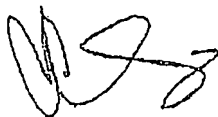
DECISION

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 March 16, 2023.

IT IS SO ORDERED: February 14, 2023.

MEDICAL BOARD OF CALIFORNIA



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

MEDICAL BOARD OF CALIFORNIA

I do hereby certify that this document is a true
and correct copy of the original on file in this
office.

S. Woods
Signature
For Custodian of Records
Title

11/2/23
Date

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9465
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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:

14 **CHRISTOPHER HOLDEN, M.D.**
438 East Katella Avenue, Suite B
15 Orange, CA 92867

16 Physician's and Surgeon's Certificate
17 No. G 75635,

18 Respondent.

Case No. 800-2019-057703

OAH No. 2022050861

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Karolyn M. Westfall,
25 Deputy Attorney General.

26 2. Respondent Christopher Holden, M.D. (Respondent) is represented in this proceeding
27 by attorneys Dennis K. Ames, Esq., and Poge Henderson, Esq., whose address is: 2677 North
28 Main Street, Suite 901, Santa Ana, CA 92705-6632.

1 3. On or about December 2, 1992, the Board issued Physician's and Surgeon's
2 Certificate No. G 75635 to Christopher Holden, M.D. (Respondent). The Physician's and
3 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 800-2019-057703, and will expire on July 31, 2024, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2019-057703 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on April 5, 2022. Respondent timely filed his Notice of Defense
9 contesting the Accusation.

10 5. A copy of Accusation No. 800-2019-057703 is attached hereto as Exhibit A and is
11 incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read; fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2019-057703. Respondent has also carefully read,
15 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

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

23 8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
24 waives and gives up each and every right set forth above.

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

2
3
4
5

6
7
8
9
10
11

12
13
14

19

10
17
18
19
20
2
2
2
2
2

2
2
2

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 75635 issued to Respondent Christopher Holden, M.D., is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years from the effective date of the Decision and Order on the following terms and conditions:

1. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

2. CLINICAL COMPETENCE ASSESSMENT PROGRAM. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a clinical competence assessment program approved in advance by the Board or its designee. Respondent shall successfully

1 complete the program not later than six (6) months after Respondent's initial enrollment unless
2 the Board or its designee agrees in writing to an extension of that time.

3 The program shall consist of a comprehensive assessment of Respondent's physical and
4 mental health and the six general domains of clinical competence as defined by the Accreditation
5 Council on Graduate Medical Education and American Board of Medical Specialties pertaining to
6 Respondent's current or intended area of practice. The program shall take into account data
7 obtained from the pre-assessment, self-report forms and interview, and the Decision(s),
8 Accusation(s), and any other information that the Board or its designee deems relevant. The
9 program shall require Respondent's on-site participation for a minimum of three (3) and no more
10 than five (5) days as determined by the program for the assessment and clinical education
11 evaluation. Respondent shall pay all expenses associated with the clinical competence
12 assessment program.

13 At the end of the evaluation, the program will submit a report to the Board or its designee
14 which unequivocally states whether the Respondent has demonstrated the ability to practice
15 safely and independently. Based on Respondent's performance on the clinical competence
16 assessment, the program will advise the Board or its designee of its recommendation(s) for the
17 scope and length of any additional educational or clinical training, evaluation or treatment for any
18 medical condition or psychological condition, or anything else affecting Respondent's practice of
19 medicine. Respondent shall comply with the program's recommendations.

20 Determination as to whether Respondent successfully completed the clinical competence
21 assessment program is solely within the program's jurisdiction.

22 3. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
23 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
24 monitor, the name and qualifications of one or more licensed physicians and surgeons whose
25 licenses are valid and in good standing, and who are preferably American Board of Medical
26 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
27 relationship with Respondent, or other relationship that could reasonably be expected to
28 compromise the ability of the monitor to render fair and unbiased reports to the Board, including

1 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
2 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

3 The Board or its designee shall provide the approved monitor with copies of the Decision
4 and Accusation, and a proposed monitoring plan. Within 15 calendar days of receipt of the
5 Decision, Accusation, and proposed monitoring plan, the monitor shall submit a signed statement
6 that the monitor has read the Decision and Accusation, fully understands the role of a monitor,
7 and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the
8 proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed
9 statement for approval by the Board or its designee.

10 Within 60 calendar days of the effective date of this Decision, and continuing throughout
11 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
12 make all records available for immediate inspection and copying on the premises by the monitor
13 at all times during business hours and shall retain the records for the entire term of probation.

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

19 The monitor shall submit a quarterly written report to the Board or its designee which
20 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
21 are within the standards of practice of medicine and whether Respondent is practicing medicine
22 safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the
23 quarterly written reports to the Board or its designee within 10 calendar days after the end of the
24 preceding quarter.

25 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
26 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
27 name and qualifications of a replacement monitor who will be assuming that responsibility within
28 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60

1 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
2 notification from the Board or its designee to cease the practice of medicine within three (3)
3 calendar days after being so notified. Respondent shall cease the practice of medicine until a
4 replacement monitor is approved and assumes monitoring responsibility.

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

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

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

19 5. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
20 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
21 advanced practice nurses.

22 6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
23 governing the practice of medicine in California and remain in full compliance with any court
24 ordered criminal probation, payments, and other orders.

25 7. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
26 ordered to reimburse the Board its costs of investigation and enforcement, in the amount of
27 \$11,015.00 (eleven thousand fifteen dollars). Costs shall be payable to the Medical Board of
28 California. Failure to pay such costs shall be considered a violation of probation.

1 Payment must be made in full within 30 calendar days of the effective date of the Order, or
2 by a payment plan approved by the Medical Board of California. Any and all requests for a
3 payment plan shall be submitted in writing by respondent to the Board. Failure to comply with
4 the payment plan shall be considered a violation of probation.

5 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
6 repay investigation and enforcement costs.

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

10 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
11 of the preceding quarter.

12 9. GENERAL PROBATION REQUIREMENTS.

13 Compliance with Probation Unit

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

15 Address Changes

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

21 Place of Practice

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

25 License Renewal

26 Respondent shall maintain a current and renewed California physician's and surgeon's
27 license.

28 ///

1 Travel or Residence Outside California

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

5 In the event Respondent should leave the State of California to reside or to practice
6 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
7 departure and return.

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

11 11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
12 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
14 defined as any period of time Respondent is not practicing medicine as defined in Business and
15 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
16 patient care, clinical activity or teaching, or other activity as approved by the Board. If
17 Respondent resides in California and is considered to be in non-practice, Respondent shall
18 comply with all terms and conditions of probation. All time spent in an intensive training
19 program which has been approved by the Board or its designee shall not be considered non-
20 practice and does not relieve Respondent from complying with all the terms and conditions of
21 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
22 on probation with the medical licensing authority of that state or jurisdiction shall not be
23 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
24 period of non-practice.

25 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
26 months, Respondent shall successfully complete the Federation of State Medical Boards' Special
27 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
28 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

1 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

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

9 12. COMPLETION OF PROBATION. Respondent shall comply with all financial
10 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
11 completion of probation. This term does not include cost recovery, which is due within 30
12 calendar days of the effective date of the Order, or by a payment plan approved by the Medical
13 Board and timely satisfied. Upon successful completion of probation, Respondent's certificate
14 shall be fully restored.

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

22 14. LICENSE SURRENDER. Following the effective date of this Decision, if
23 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
24 the terms and conditions of probation, Respondent may request to surrender his or her license.
25 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
26 determining whether or not to grant the request, or to take any other action deemed appropriate
27 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
28 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its


1 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
2 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
3 application shall be treated as a petition for reinstatement of a revoked certificate.

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

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorneys, Dennis K. Ames, Esq., and Poge Henderson, Esq. I understand
12 the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
13 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
14 agree to be bound by the Decision and Order of the Medical Board of California.

15
16 DATED: 11-8-2022


CHRISTOPHER HOLDEN, M.D.
Respondent

17
18 I have read and fully discussed with Respondent Christopher Holden, M.D., the terms and
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
20 I approve its form and content.

21
22 DATED: 11/8/22


DENNIS K. AMES, ESQ.
POGEY HENDERSON, ESQ.
Attorneys for Respondent

23
24
25 ///

26 ///

27 ///

28 ///

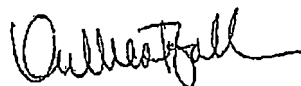
ENDORSEMENT

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

DATED: 11/8/22

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

SD2022800728
83679011.docx

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9465
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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. 800-2019-057703

14 **CHRISTOPHER HOLDEN, M.D.**
15 438 East Katella Avenue, Suite B
Orange, CA 92867

A C C U S A T I O N

16 Physician's and Surgeon's Certificate
No. G 75635,

17 Respondent.
18

19
20 **PARTIES**

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

24 2. On or about December 2, 1992, the Medical Board issued Physician's and Surgeon's
25 Certificate No. G 75635 to Christopher Holden, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on July 31, 2022, unless renewed.

28 ///

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 states, in pertinent part:

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

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

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

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

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

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

21 ...

22 5. Section 2234 of the Code, states, in pertinent part:

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

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

28 (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.

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

(2) When the standard of care requires a change in the diagnosis, act, or
omission that constitutes the negligent act described in paragraph (1), including, but

not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

COST RECOVERY

7. (a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board upon request of the entity bringing the proceeding, the administrative law judge may direct a licensee found to have committed a violation or 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 may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

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

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

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

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

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

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

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

8 FIRST CAUSE FOR DISCIPLINE

9 (Gross Negligence)

10 8. Respondent has subjected his Physician's and Surgeon's Certificate No. G 75635 to
11 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
12 the Code, in that he was grossly negligent in his care and treatment of Patient A,¹ as more
13 particularly alleged hereinafter:

14 9. On or about November 8, 2018, Respondent began providing care and treatment to
15 Patient A, a then ninety-one year old male suffering from dementia and hypertension, and a new
16 resident of G.A., a board and care facility. Respondent was the house doctor for G.A. at that
17 time. At that initial visit, Respondent did not notice any signs or symptoms of confusion other
18 than Patient A's wandering behavior. Respondent performed a physical examination of Patient A
19 that revealed abnormal findings of kyphosis² and ecchymosis³ of both hands. At the conclusion
20 of the visit, Respondent refilled Patient A's prescribed medications.

21 10. On or about January 17, 2019, Patient A fell out of bed at night at G.A. The next day,
22 staff from G.A. sent a fax to Respondent informing him about Patient A's fall. The fax further
23 informed Respondent that Patient A was complaining of pain to his foot, shin, back, and left arm,
24 and requested Respondent provide mobile x-rays and pain medication for the patient.

25 ¹ To protect the privacy of the patient involved, the patient's name has not been included
26 in this pleading. Respondent is aware of the identity of the patient referred to herein.

27 ² Kyphosis is an exaggerated, forward rounding of the back.

28 ³ Ecchymosis is a discoloration of the skin resulting from bleeding underneath, typically
caused by bruising.

1 11. During his subject interview on or about May 24, 2021, Respondent claimed to have
2 received the fax from G.A. on or about January 21, 2019. Respondent did not evaluate Patient A
3 on that day, and did not order and/or document that he ordered x-rays on that day or any day
4 thereafter.

5 12. On or about January 30, 2019, Patient A was seen by Respondent at G.A. for the first
6 time since his fall. At that visit, Respondent noted an acute change in the Patient A's mental state
7 compared to his last visit in November, but his documented neurological and physical
8 examinations revealed the same findings from his previous visit, including wandering behavior,
9 kyphosis, and ecchymosis of both hands. The chart notes for that visit indicate that Patient A's
10 wife requested a urinalysis due to a concern of a urinary tract infection. At the conclusion of the
11 visit, Respondent refilled the patient's prescribed medications and ordered a urinalysis. No
12 imaging or lab orders were made at that time.⁴

13 13. On or about February 5, 2019, Patient A's wife brought Patient A to Respondent's
14 medical clinic due to his continued complaints of pain since his fall. At that visit, Respondent
15 performed a neurological examination of Patient A that continued to reveal wandering behavior,
16 and performed a physical examination that revealed tenderness of the dorsal lower extremity and
17 no palpable mass. At the conclusion of the visit, Respondent diagnosed Patient A with left leg
18 pain. Respondent prescribed Patient A ibuprofen and ordered lab work. No imaging orders were
19 made at that time.

20 14. On or about February 11, 2019, Patient A's wife contacted Respondent's office
21 informing him that Patient A continued to have left thigh pain and requested other options. The
22 next day, Respondent ordered massage therapy.

23 15. On or about February 21, 2019, Respondent ordered a non-urgent ultrasound of
24 Patient A's leg.

25 ///

26
27 ⁴ At his subject interview on or about May 24, 2021, Respondent claimed he considered
28 ordering images at that time but claimed Patient A's wife interfered and refused imaging.
Recommendations for imaging or any refusals for imaging were not documented anywhere in the
patient's chart.

1 16. On or about February 22, 2019, Patient A's wife contacted Respondent's office
2 Informing him that Patient A had been anxious and requested medication.

3 17. On or about February 27, 2019, Patient A was seen by Respondent at G.A. At that
4 visit, Patient A complained of weakness and muscle spasms in his trunk and legs. Respondent
5 noted the patient was now in a wheelchair. Patient A's neurological examination revealed no new
6 symptoms, and his physical examination revealed tenderness of posterior thorax and thighs and
7 calves, no skin lesions on left leg but tenderness of dorsal lower extremity. At the conclusion of
8 the visit, Respondent refilled the patient's prescribed medications and noted his plan was to await
9 the ultrasound results to rule out deep vein thrombosis (DVT).⁵

10 18. On or about February 28, 2019, an ultrasound of Patient A's left leg revealed a
11 femoral and popliteal DVT which appeared nonocclusive and acute in nature. Patient A was then
12 transported to the emergency department, where it was noted he was having difficulty standing.
13 An x-ray of Patient A's hip revealed a femoral neck fracture in the subcapital area, and he was
14 admitted to the hospital for treatment.

15 19. On or about March 5, 2019, Patient A underwent a left hip hemiarthroplasty.

16 20. On or about March 11, 2019, Patient A was discharged from the hospital. Over the
17 course of the next few weeks, Patient A's health significantly declined and after contracting
18 pneumonia and sepsis, he died on or about March 30, 2019.

19 21. Respondent committed gross negligence in his care and treatment of Patient A, which
20 included, but was not limited to, the following:

21 A. Failing to appropriately evaluate a patient who suffered a fall and complained of
22 pain;

23 B. Failing to appropriately evaluate a patient with dementia experiencing a rapid
24 decline; and

25 C. Failing to appropriately care for a patient suspected of DVT.

26 ///

27

28 ⁵ Deep vein thrombosis (DVT) is a serious condition that occurs when a blood clot forms
in a vein located deep inside your body, usually in your thigh or lower leg.

1 SECOND CAUSE FOR DISCIPLINE

2 (Repeated Negligent Acts)

3 22. Respondent has further subjected his Physician's and Surgeon's Certificate No.
4 G 75635 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
5 subdivision (c), of the Code, in that he committed repeated negligent acts in his care and
6 treatment of Patient A, as more particularly alleged in paragraphs 8 through 21(C), above, which
7 are hereby incorporated by reference and realleged as if fully set forth herein.

8 THIRD CAUSE FOR DISCIPLINE

9 (Failure to Maintain Adequate and Accurate Records)

10 23. Respondent has further subjected his Physician's and Surgeon's Certificate No.
11 G 75635 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the
12 Code, in that Respondent failed to maintain adequate and accurate records regarding his care and
13 treatment of Patient A, as more particularly alleged in paragraphs 8 through 21(C), above, which
14 are hereby incorporated by reference and realleged as if fully set forth herein.

15 DISCIPLINARY CONSIDERATIONS

16 24 To determine the degree of discipline, if any, to be imposed on Respondent,
17 Complainant alleges that on or about February 22, 2017, the Board issued a Decision and Order
18 that became effective on or about March 24, 2017, in an action entitled, *In the Matter of the*
19 *Accusation Against Christopher Holden, M.D.*, Medical Board of California Case No. 800-2014-
20 002494. In that matter, and as a result of Respondent's negligent care and treatment of a single
21 patient between in or around 2008, through in or around 2012, Respondent's Physician's and
22 Surgeon's Certificate No. G 75635 was placed on probation for three years, subject to various
23 terms and conditions of probation. That decision is now final and is incorporated by reference as
24 if fully set forth herein.

25 25. Complainant further alleges that on or about October 5, 2018, the Board issued a
26 Decision and Order that became effective on or about November 2, 2018, in an action entitled, *In*
27 *the Matter of the Accusation Against Christopher Holden, M.D.*, Medical Board of California
28 Case No. 800-2015-011300. In that matter, and as a result of Respondent's negligent care and

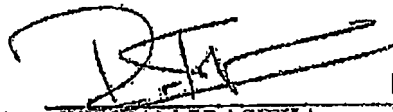
1 treatment of a single patient in or around 2013, Respondent's Physician's and Surgeon's
2 Certificate No. G 75635 was placed on probation for one additional year added to his
3 probationary term in Case No. 800-2014-002494. That decision is now final and is incorporated
4 by reference as if fully set forth herein. Respondent successfully completed probation on or about
5 March 24, 2021.

6 PRAYER

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

- 9 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 75635, issued
10 to Respondent, Christopher Holden, M.D.;
- 11 2. Revoking, suspending, or denying approval of Respondent, Christopher Holden,
12 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 13 3. Ordering Respondent, Christopher Holden, M.D., to pay the Board the costs of the
14 investigation and enforcement of this case, and if placed on probation, the costs of probation
15 monitoring; and
- 16 4. Taking such other and further action as deemed necessary and proper.

17 DATED: APR 05 2022

18 
19 WILLIAM PRASITKA
20 Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant
25
26
27
28

Reji Varghese
Deputy Director

SD2022800728
83342156.docx