

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

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

**Paulalan Earl Genstler, M.D.**

**Physician's and Surgeon's  
Certificate No. G 31346**

**Respondent.**

**Case No. 800-2023-095189**

**DECISION**

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

**This Decision shall become effective at 5:00 p.m. on March 18, 2024.**

**IT IS SO ORDERED March 12, 2024.**

**MEDICAL BOARD OF CALIFORNIA**



**Reji Varghese,  
Executive Director**

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ROB BONTA  
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*Attorneys for Complainant*

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

In the Matter of the Accusation Against:  
  
PAULALAN EARL GENSTLER, M.D.  
555 Aguajito Road  
Carmel, CA 93923  
  
Physician's and Surgeon's Certificate No. G  
31346  
  
Respondent.

Case No. 800-2023-095189

STIPULATED SURRENDER OF  
LICENSE AND ORDER

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

PARTIES

1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by C. Hay-Mie Cho, Deputy Attorney General.

2. Respondent Paulalan Earl Genstler, M.D. (Respondent) is represented in this proceeding by attorney Kirk W. Elliott, whose address is: 1798 Technology Drive, Suite 292, San Jose, California 95110.

1           3.    On or about January 2, 1976, the Board issued Physician's and Surgeon's Certificate  
2 No. G 31346 to Respondent. That license was in full force and effect at all times relevant to the  
3 charges brought in Accusation No. 800-2023-095189 and will expire on February 28, 2025,  
4 unless renewed.

#### JURISDICTION

6           4.    Accusation No. 800-2023-095189 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 October 12, 2023. Respondent timely filed his Notice of  
9 Defense contesting the Accusation. A copy of Accusation No. 800-2023-095189 is attached as  
10 Exhibit A and incorporated by reference.

#### ADVISEMENT AND WAIVERS

12           5.    Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in Accusation No. 800-2023-095189. Respondent also has carefully read,  
14 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License  
15 and Order.

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

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

#### CULPABILITY

25           8.    Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 800-2023-095189, agrees that cause exists for discipline, and hereby surrenders his  
27 Physician's and Surgeon's Certificate No. G 31346 for the Board's formal acceptance.  
28

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

4 CONTINGENCY

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

8 11. Respondent understands that, by signing this stipulation, he enables the Executive  
9 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his  
10 Physician's and Surgeon's Certificate No. G 31346 without further notice to, or opportunity to be  
11 heard by, Respondent.

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

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

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

10 **ADDITIONAL PROVISIONS**

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

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

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

20 **ORDER**

21 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 31346, issued  
22 to Respondent PAULALAN EARL GENSTLER, M.D., is surrendered and accepted by the  
23 Board.

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

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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 Accusation No. 800-2023-095189 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.


5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$13,790 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2023-095189 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

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

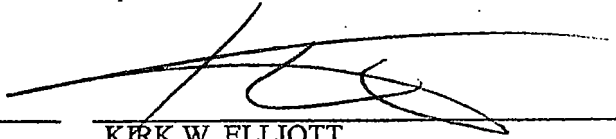
DATED 3/04/2024



PAULALAN EARL GENSTLER, M.D.  
Respondent

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

4 DATED: 3/6/24

  
KIRK W. ELLIOTT  
Attorney for Respondent

7 **ENDORSEMENT**

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

10 DATED: February 5, 2024

Respectfully submitted,

11 ROB BONTA  
12 Attorney General of California  
13 MACHAELA M. MINGARDI  
Supervising Deputy Attorney General

14 

15 C. HAY-MIE CHO  
16 Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation No. 800-2023-095189**



1 ROB BONTA  
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2 GREG W. CHAMBERS  
Supervising Deputy Attorney General  
3 C. HAY-MIE CHO  
Deputy Attorney General  
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*Attorneys for Complainant*  
7

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

12 In the Matter of the Accusation Against:

Case No. 800-2023-095189

13 **Paulalan Earl Genstler, M.D.,**  
14 **555 Aguajito Road**  
**Carmel, CA 93923**

**ACCUSATION**

15 **Physician's and Surgeon's Certificate**  
16 **No. G 31346,**

Respondent.

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18  
19 **PARTIES**

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

23 2. On or about January 2, 1976, the Board issued Physician's and Surgeon's Certificate  
24 Number G 31346 to Paulalan Earl Genstler, M.D. (Respondent). The Physician's and Surgeon's  
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on February 28, 2025, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board, under the authority of the following

1 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
2 indicated.

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

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

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

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

13 6. Section 2236 of the Code states:

14 "(a) The conviction of any offense substantially related to the qualifications, functions, or  
15 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
16 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive  
17 evidence only of the fact that the conviction occurred.

18 "... (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is  
19 deemed to be a conviction within the meaning of this section and Section 2236.1. The record of  
20 conviction shall be conclusive evidence of the fact that the conviction occurred."

21 7. Section 2239 of the Code states:

22 "(a) The use or prescribing for or administering to himself or herself, of any controlled  
23 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic  
24 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to  
25 any other person or to the public, or to the extent that such use impairs the ability of the licensee  
26 to practice medicine safely or more than one misdemeanor or any felony involving the use,  
27 consumption, or self-administration of any of the substances referred to in this section, or any  
28 combination thereof, constitutes unprofessional conduct. The record of the conviction is

1 conclusive evidence of such unprofessional conduct.

2 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is  
3 deemed to be a conviction within the meaning of this section. The Medical Board may order  
4 discipline of the licensee in accordance with Section 2227 or the Medical Board may order the  
5 denial of the license when the time for appeal has elapsed or the judgment of conviction has been  
6 affirmed on appeal or when an order granting probation is made suspending imposition of  
7 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal  
8 Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty,  
9 or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or  
10 indictment.”

11 8. California Code of Regulations, title 16, section 1360, states:

12 (a) “For the purposes of denial, suspension or revocation of a license, certificate or  
13 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall  
14 be considered to be substantially related to the qualifications, functions or duties of a person  
15 holding a license if to a substantial degree it evidences present or potential unfitness of a person  
16 holding a license to perform the functions authorized by the license, certificate or permit in a  
17 manner consistent with the public health, safety or welfare. Such crimes, professional  
18 misconduct, or acts shall include but not be limited to the following: Violating or attempting to  
19 violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate  
20 any provision of state or federal law governing the applicant’s or licensee’s professional  
21 practice.”

22 **COST RECOVERY**

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

1 **CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Criminal Conviction/Dangerous Use of Alcohol)**

3 10. Respondent is subject to disciplinary action under section 2234, section 2236, and  
4 section 2239 of the Code, and California Code of Regulations, title 16, section 1360, because on  
5 or about May 19, 2022, in a criminal proceeding entitled *People of the State of California v.*  
6 *Paulalan Earl Genstler, M.D.*, San Benito County Superior Court, Case No. CR-21-01515,  
7 Respondent was convicted after pleading no contest to violating California Vehicle Code section  
8 23152(b), Driving with a .08% Blood Alcohol Content (BAC) with a prior conviction within 10  
9 years. The circumstances are as follows:

10 a. On or about October 17, 2021, at approximately 8:52 p.m., Respondent was arrested  
11 in unincorporated San Benito County for driving under the influence of alcohol after  
12 Respondent's vehicle left its lane, crossed double yellow lines, and collided with another car on  
13 SR-156.

14 b. Upon contact with the police, Respondent exhibited incoherent speech and red and  
15 watery eyes, emitted an odor of alcohol from his breath, and admitted to having two beers. He  
16 submitted to preliminary alcohol screening tests that registered BACs of 0.188% and 0.183% at  
17 8:49 p.m. and 8:52 p.m., respectively. On or about October 17, 2021, he also submitted to a  
18 blood draw at 10:08 p.m. The blood draw indicated a BAC of 0.184%.

19 c. On or about May 19, 2022, Respondent pleaded no contest to violating California  
20 Vehicle Code section 23152(b) and admitted to a prior DUI conviction. The District Attorney  
21 dismissed the charge for Driving Under the Influence in violation of California Vehicle Code  
22 section 23152(a). The San Benito County Superior Court sentenced Respondent to 60 days in  
23 jail, suspended; three years of probation; and a fine of \$2,552.00.

24 11. Respondent engaged in unprofessional conduct under section 2234 of the Code based  
25 on the fact that he operated a vehicle while under the influence of an excessive amount of alcohol  
26 in a manner dangerous to him and others in violation of section 2239 of the Code.

27 12. Respondent's criminal conviction is substantially related to the qualifications,  
28 functions, and duties of a physician and surgeon, and constitutes unprofessional conduct and

1 cause for discipline under sections 2234 and 2236 of the Code, and title 16, section 1360 of the  
2 California Code of Regulations.

3 **PRAYER**

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

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 31346,  
7 issued to Respondent Paulalan Earl Genstler, M.D.;
- 8 2. Revoking, suspending or denying approval of Respondent Paulalan Earl Genstler,  
9 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 10 3. Ordering Respondent Paulalan Earl Genstler, M.D., to pay the Board the costs of the  
11 investigation and enforcement of this case, and if placed on probation, the costs of probation  
12 monitoring;
- 13 4. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: OCT 12 2023

16   
17 REJI VARGHESE  
18 Executive Director  
19 Medical Board of California  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant

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