

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

In the Matter of the Accusation Against:

Satnam S. Atwal, M.D.

**Physician's & Surgeon's
Certificate No. A 45196**

Respondent.

Case No. 800-2020-073023

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 April 25, 2024.

IT IS SO ORDERED: March 26, 2024.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 MATTHEW FLEMING
Deputy Attorney General
4 State Bar No. 277992
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7820
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2020-073023

13 **SATNAM S. ATWAL, M.D.**
14 **7055 N Chestnut Ave Ste 101**
Fresno CA 93720-0350

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16 **Physician's and Surgeon's Certificate No. A**
45196

17 Respondent.
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20 In the interest of a prompt and speedy settlement of this matter, consistent with the public
21 interest and the responsibility of the Medical Board of California of the Department of Consumer
22 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
23 which will be submitted to the Board for approval and adoption as the final disposition of the
24 Accusation.

25 **PARTIES**

26 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
27 California (Board). He brought this action solely in his official capacity and is represented in this

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1 matter by Rob Bonta, Attorney General of the State of California, by Matthew Fleming, Deputy
2 Attorney General.

3 2. Respondent Satnam S. Atwal, M.D. (Respondent) is represented in this proceeding by
4 attorney Dennis R. Thelen, Esq., whose address is: Law Offices of LeBeau • Thelen, LLP
5 P.O. Box 12092 Bakersfield, CA 93389-20922.1. On or about August 15, 1988, the Board issued
6 Physician's and Surgeon's Certificate No. A 45196 to Satnam S. Atwal, M.D. (Respondent). The
7 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
8 charges brought in Accusation No. 800-2020-073023, and will expire on November 30, 2025,
9 unless renewed.

10 **JURISDICTION**

11 3. Accusation No. 800-2020-073023 was filed before the Board, and is currently
12 pending against Respondent. The Accusation and all other statutorily required documents were
13 properly served on Respondent on August 28, 2023. Respondent timely filed his Notice of
14 Defense contesting the Accusation.

15 4. A copy of Accusation No. 800-2020-073023 is attached as exhibit A and incorporated
16 herein by reference.

17 **ADVISEMENT AND WAIVERS**

18 5. Respondent has carefully read, fully discussed with counsel, and understands the
19 charges and allegations in Accusation No. 800-2020-073023. Respondent has also carefully read,
20 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
21 Disciplinary Order.

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

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

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2020-073023, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case or factual basis with respect to the charges and allegations in Accusation No. 800-2020-073023, that he has thereby subjected his Physician's and Surgeon's Certificate, No. A 45196 to disciplinary action, and Respondent hereby gives up his right to contest those charges.

10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. Respondent agrees that if an accusation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2020-073023 shall be deemed true,

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1 correct and fully admitted by respondent for purposes of any such proceeding or any other
2 licensing proceeding involving Respondent in the State of California.

3 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
4 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
5 signatures thereto, shall have the same force and effect as the originals.

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

9 **DISCIPLINARY ORDER**

10 1. **PUBLIC REPRIMAND.** IT IS HEREBY ORDERED that Physician's and Surgeon's
11 Certificate No. A 45196 issued to Respondent SATNAM S. ATWAL, M.D. shall be and is
12 hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2227,
13 subdivision (a), subsection (4). This Public Reprimand, which is issued in connection with
14 Respondent's care and treatment of two patients as set forth in Accusation No. 800-2020-073023,
15 is as follows: "In 2020, you failed to document informed consent when prescribing
16 benzodiazepines to two patients."

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

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

1 been approved by the Board or its designee had the course been taken after the effective date of
2 this Decision.

3 Respondent shall submit a certification of successful completion to the Board or its
4 designee not later than 15 calendar days after successfully completing the course, or not later than
5 15 calendar days after the effective date of the Decision, whichever is later.

6 3. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
7 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
8 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
9 enforcement, as applicable, in the amount of \$8,000 (eight thousand). Costs shall be payable to
10 the Medical Board of California. Failure to pay such costs shall be considered unprofessional
11 conduct and grounds for further discipline.

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

16 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
17 repay investigation and enforcement costs, including expert review costs (if applicable).

18 4. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
19 a new license or certification, or petition for reinstatement of a license, by any other health care
20 licensing action agency in the State of California, all of the charges and allegations contained in
21 Accusation No. 800-2020-073023 shall be deemed to be true, correct, and admitted by
22 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
23 restrict license.

24 5. ENFORCEMENT

25 Failure to timely complete the course outlined above shall constitute unprofessional
26 conduct and is grounds for further disciplinary action.

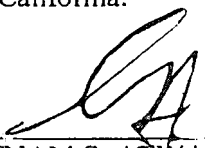
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1 ACCEPTANCE

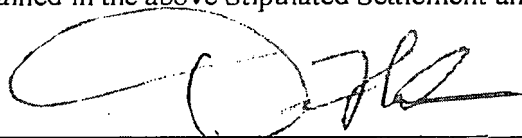
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Dennis R. Thelen, Esq.. I understand the stipulation and the effect
4 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
5 and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

7
8 DATED: 3/6/24


9 SATNAM S. ATWAL, M.D.
Respondent

10 I have read and fully discussed with Respondent Satnam S. Atwal, M.D. the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: 3-5-24


14 DENN R. THELEN, ESQ.
Attorney for Respondent

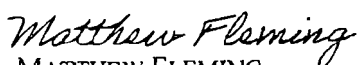
15
16 ENDORSEMENT

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

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20 DATED: 03/06/2024

Respectfully submitted,

21 ROB BONTA
Attorney General of California
22 STEVE DIEHL
Supervising Deputy Attorney General

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24 
MATTHEW FLEMING
25 Deputy Attorney General
Attorneys for Complainant
26

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1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 State Bar No. 235250
California Department of Justice
4 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
5 Telephone: (559) 705-2313
Facsimile: (559) 445-5106
6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2020-073023

12 **Satnam S. Atwal, M.D.**
13 **7055 N Chestnut Avenue, Ste. 101**
14 **Fresno, CA 93720**

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A 45196,**

Respondent.

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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 August 15, 1988, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 45196 to Satnam S. Atwal, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on November 30, 2023, unless renewed.

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JURISDICTION

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

4. Section 2227 of the Code states:

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

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

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

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

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

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

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

5. Section 2234 of the Code, states:

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

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

(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.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

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

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

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. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

8. Respondent Satnam S. Atwal, M.D. is subject to disciplinary action under section 2234, subdivision (c), of the Code, in that he committed repeated acts of negligence in his care and treatment of Patients 1 and 2.¹ The circumstances are as follows:

9. Between July 16, 2019, and November 24, 2020, Respondent appropriately prescribed benzodiazepines to Patient 1 to treat the patient's anxiety. Respondent continued

¹ Patient names are redacted to protect their privacy.

1 Patient 1's clonazepam prescription that had been started by another provider. On or about
2 October 21, 2020, Respondent started Patient 1 on temazepam, 30 mg at bedtime. Respondent
3 failed to document an informed consent discussion, including a review with Patient 1 of the
4 relevant risks, benefits, and alternatives, prior to prescribing benzodiazepines, which are
5 controlled substances. Respondent's failure to document informed consent constitutes
6 negligence.

7 10. On or about November 12, 2018, Patient 2 first presented to Respondent and was
8 diagnosed with bipolar disorder and depression. On or about April 30, 2020, Respondent started
9 Patient 2 on the benzodiazepine alprazolam, 0.5 mg three times per day as needed, to treat panic
10 attacks. Respondent failed to document an informed consent discussion, including a review with
11 Patient 2 of the relevant risks, benefits, and alternatives, prior to prescribing a benzodiazepine.
12 Respondent's failure to document informed consent constitutes negligence.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Inadequate and Inaccurate Recordkeeping)**

15 11. Respondent is further subject to disciplinary action under section 2266 of the Code in
16 that he failed to maintain adequate and accurate medical records in his care and treatment of
17 Patients 1 and 2. The circumstances are set forth in paragraphs 9 and 10, above, which are
18 incorporated here by reference as if fully set forth.

19 **DISCIPLINARY CONSIDERATIONS**

20 12. To determine the degree of discipline, if any, to be imposed on Respondent Satnam S.
21 Atwal, M.D., Complainant alleges that on or about February 28, 2018, in a prior disciplinary
22 action titled Public Letter of Reprimand against Satnam S. Atwal, M.D. before the Medical Board
23 of California, in Case Number 800-2015-018264, Respondent's license was reprimanded for
24 failure to order or obtain baseline laboratory tests of a patient, failure to justify in writing
25 continuation of a maintenance medicine at a dose above the manufacturer's recommended dose,
26 and failure to include important written documentation in the medical records. That decision is
27 now final and is incorporated by reference as if fully set forth herein.

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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 45196, issued to Satnam S. Atwal, M.D.;
2. Revoking, suspending or denying approval of Satnam S. Atwal, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Satnam S. Atwal, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: AUG 25 2023

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

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