

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

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

Kiomi Nicole Cornejo-Moreno, PTCN

**Polysomnographic Technician
Registration No. PTCN 826**

Respondent.

Case No.: 800-2018-048823


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 24, 2024.

IT IS SO ORDERED: March 25, 2024.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 COLLEEN M. MCGURRIN
Deputy Attorney General
4 State Bar Number 147250
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6546
Facsimile: (916) 731-2117
7 E-mail: Colleen.McGurrin@doj.ca.gov
Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

Case No. 800-2018-048823

14 **KIOMI NICOLE CORNEJO-MORENO**
15 **PTCN**
16 **301 Standiford Ave., Apt. 220**
17 **Modesto, CA 95350-1169**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 **Polysomnographic Technician Registration**
19 **Number PTCN 826,**

Respondent.

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). His predecessor brought this action solely in his official capacity and the
25 Complainant is represented in this matter by Rob Bonta, Attorney General of the State of
26 California, by Colleen M. McGurrin, Deputy Attorney General.

27 2. Kiomi Nicole Cornejo-Moreno PTCN (Respondent) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

10. Respondent does not contest that, at an administrative hearing, Complainant could establish a prima facie factual basis with respect to the charges and allegations in Accusation No. 800-2018-048823, a true and correct copy of which is attached hereto as Exhibit A, and that she has thereby subjected her Polysomnographic Technician Registration Number PTCN 826 to disciplinary action.

11. Respondent agrees that her Polysomnographic Technician Registration Number is subject to discipline and she agrees to be bound by the Board's probationary terms and conditions as set forth in the Disciplinary Order below.

CONTINGENCY

12. 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. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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.

13. Respondent agrees that if she ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against her before the Board, all of the charges and allegations contained in Accusation No. 800-2018-048823 shall be deemed true, correct and fully admitted by her for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

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

//

15. 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 Polysomnographic Technician Registration Number PTCN 826 issued to Respondent, KIOMI NICOLE CORNEJO-MORENO, PTCN is revoked. However, the revocation is stayed and Respondent is placed on probation for thirty-five (35) months on the following terms and conditions:

1. COMMUNITY SERVICE - FREE SERVICES. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval a community service plan in which Respondent shall provide 50 hours each year of probation free services in the areas of victim(s) of cyberbullying and women's homeless shelters to a community or non-profit organization. Within the first 2 years of probation, Respondent shall provide 100 hours of community services as specified above.

Prior to engaging in any community service, Respondent shall provide a true copy of the Decision(s) to the Chief of Staff, director, office manager, program manager, officer, or the Chief Executive Officer at every community or non-profit organization where Respondent provides community service and shall submit proof of compliance to the Board or its designee within 15 calendar days. This condition shall also apply to any change(s) in community service.

Community service performed prior to the effective date of the Decision shall not be accepted in fulfillment of this condition.

2. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program no later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the

1 time specified by the program, but no later than one (1) year after attending the classroom
2 component. The professionalism program shall be at Respondent's expense and shall be in
3 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

4 A professionalism program taken after the acts that gave rise to the charges in the
5 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
6 or its designee, be accepted towards the fulfillment of this condition if the program would have
7 been approved by the Board or its designee had the program been taken after the effective date of
8 this Decision.

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

12 3. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
13 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff, the
14 Chief Executive Officer, the director, office manager, program manager, or officer or her
15 employer, or at any facility where Respondent engages in the practice as a polysomnographic
16 technician, and to the Chief Executive Officer at every insurance carrier which extends
17 malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to
18 the Board or its designee within 15 calendar days.

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

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

23 5. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
24 ordered to reimburse the Board its costs of investigation and enforcement in the amount of
25 \$11,650.25 (eleven thousand six hundred fifty dollars and twenty-five cents). Costs shall be
26 payable to the Medical Board of California. Failure to pay such costs shall be considered a
27 violation of probation.

28 Payment must be made in full within 30 calendar days of the effective date of the Order, or

1 by a payment plan approved by the Medical Board of California. Any and all requests for a
2 payment plan shall be submitted in writing by respondent to the Board. Failure to comply with
3 the payment plan shall be considered a violation of probation.

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

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

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

11 7. GENERAL PROBATION REQUIREMENTS.

12 Compliance with Probation Unit

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

14 Address Changes

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

20 Place of Practice

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

24 License Renewal

25 Respondent shall maintain a current and renewed California polysomnographic technician
26 registration number.

27 Travel or Residence Outside California

28 Respondent shall immediately inform the Board or its designee, in writing, of travel to any

1 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
2 (30) calendar days.

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

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

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

22 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
23 months, Respondent shall successfully complete, at the Board's discretion, a clinical competence
24 assessment program that meets the criteria of Condition 18 of the current version of the Board's
25 "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the
26 practice of a Polysomnographic Technician.

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

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

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

6 10. COMPLETION OF PROBATION. Respondent shall comply with all financial
7 obligations (e.g., restitution, probation costs) no later than 120 calendar days prior to the
8 completion of probation. This term does not include cost recovery, which is due within 30
9 calendar days of the effective date of the Order, or by a payment plan approved by the Medical
10 Board and timely satisfied. Upon successful completion of probation, Respondent's registration
11 number shall be fully restored.

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

19 12. LICENSE SURRENDER. Following the effective date of this Decision, if
20 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
21 the terms and conditions of probation, Respondent may request to surrender her license. The
22 Board reserves the right to evaluate Respondent's request and to exercise its discretion in
23 determining whether or not to grant the request, or to take any other action deemed appropriate
24 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
25 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
26 designee and Respondent shall no longer practice as a Polysomnographic Technician.
27 Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-
28 applies for a polysomnographic technician registration number, the application shall be treated as

1 a petition for reinstatement of a revoked certificate.

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

7 14. FUTURE ADMISSIONS CLAUSE. If Respondent should ever petition for early
8 termination or modification of probation with the Board, or apply or reapply for a new
9 registration, license or certification, or petition for reinstatement of a license from any other
10 health care licensing action agency in the State of California, all of the charges and allegations
11 contained in Accusation No. 800-2018-048823 shall be deemed to be true, correct, and admitted
12 by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to
13 petition to terminate or modify probation, or to deny or restrict any license, registration or
14 certification.

15 ACCEPTANCE.

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
17 stipulation and the effect it will have on my Polysomnographic Technician Registration Number
18 PTCN 826. I enter into this Stipulated Settlement and Disciplinary Order freely, voluntarily,
19 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical
20 Board of California.

21
22 DATED: 11/15/23



23 KIOMI NICOLE CORNEJO-MORENO, PTCN
24 Respondent.

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: November 16, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

Colleen M. McGurrin

COLLEEN M. MCGURRIN
Deputy Attorney General
Attorneys for Complainant

LA2022602584
66352289.docx

1 ROB BONTA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 COLLEEN M. MCGURRIN
Deputy Attorney General
4 State Bar Number 147250
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6546
Facsimile: (916) 731-2117
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. 800-2018-048823

13 **KIOMI NICOLE CORNEJO-MORENO,**
14 **PTCN**

A C C U S A T I O N

15 **301 Standiford Avenue, Apt. 220**
16 **Modesto, California 95350**

17 **Polysomnographic Technician Registration**
18 **Number PTCN 826,**

Respondent.

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 June 3, 2016, the Medical Board issued Polysomnographic Technician
25 Registration Number PTCN 826 to Kiomi Nicole Cornejo-Moreno (Respondent). That license is
26 current and is set to expire on January 31, 2024, if not renewed.

27 3. On April 29, 2019, after a hearing in the Los Angeles Superior Court, Complainant
28 obtained a Penal Code 23 Order Restricting Respondent's practice as a polysomnographic

1 technician. The order was issued by the criminal Court in the action titled *The People of the State*
2 *of California v. Kiomi Nicole Corenjo-Moreno, et al.*, Case number BA472840, ordering
3 Respondent to cease and desist from the practice of medicine as a polysomnographic technician
4 as a condition of bail or release on her own recognizance during the pendency of the criminal
5 action until its final conclusion and sentence.

6 JURISDICTION AND STATUTORY PROVISIONS

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

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

11 "Board" as used in any provisions of this code, refers to the board in which the
12 administration of the provision is vested, and unless otherwise expressly provided,
13 shall include . . . "department," "division," . . . and "agency."

14 6. Section 118 of the Code states, in pertinent part:

15 (a)

16 (b) The suspension, expiration, . . . of a license issued by a board in the
17 department, or its suspension, . . . shall not, during any period in which it may be
18 renewed, restored, reissued, or reinstated, deprive the board of its authority to institute
19 or continue a disciplinary proceeding against the licensee upon any ground provided
20 by law or to enter an order suspending or revoking the license or otherwise taking
21 disciplinary action against the licensee on any such ground.

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

25 7. Section 3576 of the Code states, in pertinent part:

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

28 (1) . . . (2).

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

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

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

1 8. Section 3576.3 of the Code states, in pertinent part:

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

5 (b)

6 (c) A . . . conviction following a plea of nolo contendere is deemed to be a
7 conviction within the meaning of this section. The board may order discipline of the
8 registrant in accordance with Section 2227 . . . when the time for appeal has elapsed .
9 . . . or when an order granting probation is made suspending imposition of sentence,
10 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal
11 Code allowing this person to withdraw . . . her plea . . . and . . . setting aside . . . or
12 dismissing the . . . complaint, information,

13 9. Section 2227 of the Code provides, in pertinent part:

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

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

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

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

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

 10. Section 2234, subdivision (a), of the Code provides that the board shall take action
 against any licensee who is charged with unprofessional conduct for violating or
 attempting to violate, directly or indirectly any provision of this chapter.

 11. Section 2236 of the Code provides, in pertinent part:

 (a) The conviction of any offense substantially related to the qualifications,
 functions, or duties of a physician and surgeon constitutes unprofessional conduct within
 the meaning of this chapter. The record of conviction shall be conclusive evidence only of

the fact that the conviction occurred.

(b) . . . (c).

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

REGULATORY PROVISIONS

12. California Code of Regulations, Title 16, section 1360, states, in pertinent part:

For the purposes of . . . suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, . . . the violation of . . . any provision of the Medical Practice Act.

COST RECOVERY

13. Section 125.3 of the Code states:

(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.

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

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

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

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

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

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

19 PENAL CODE SECTIONS

20 14. Penal Code section 23 states, in pertinent part:

21 In any criminal proceeding against a person who has been issued a license to
22 engage in a business or profession by a state agency pursuant to provisions of the
23 Business and Professions Code . . . , the state agency which issued the license may
24 voluntarily appear to furnish pertinent information, make recommendations regarding
25 specific conditions of probation, or provide any other assistance necessary to promote
26 the interests of justice and protect the interests of the public, . . . , if the crime charged
27 is substantially related to the qualifications, functions, or duties of a licensee.

28 For purposes of this section, the term "license" shall include a permit or a
certificate issued by a state agency.

For purposes of this section, the term "state agency" shall include any state
board, . . . or division created pursuant to the provisions of the Business and
Professions Code, . . . to license and regulate individuals who engage in certain
businesses and professions.

15. Penal Code section 136.1, subdivision (a)(1), provides that: any person who does
any of the following is guilty of a public offense and shall be punished by imprisonment
in a county jail for not more than one year or in the state prison for knowingly and
maliciously prevents or dissuades any witness or victim from attending or giving
testimony at any trial, proceeding, or inquiry authorized by law.

//

//

//

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime Substantially Related to the Respondent's Profession)

16. Respondent Kiomi Nicole Cornejo-Moreno, PTCN is subject to disciplinary action under Code sections 3576.3, and 2236, and California Code of Regulations, Title 16, section 1360, in that she was convicted of a crime substantially related to the qualifications, functions or duties of a polysomnographic technician. The circumstances are as follows:

17. On or about April 18, 2019, a criminal complaint titled *The People of the State of California v Kiomi Cornejo-Moreno, et al.*, was filed in the Los Angeles Superior Court, Case Number BA 472840, alleging that Respondent knowingly and maliciously prevented and dissuaded a witness and victim from attending and giving testimony at a trial, proceeding and inquiry authorized by law in violation of Penal Code section 136.1(a)(1). The facts and circumstances are as follows:

18. On or about February 6, 2018, Respondent's boyfriend at that time was alleged to have human trafficked a female victim, robbed her of her cellphone, and assaulted her by means of force likely to produce great bodily injury.

19. On April 11, 2018, the victim began to testify against Respondent's boyfriend during the preliminary hearing in his criminal case.¹ During the witness/victim's testimony in that matter, between April 11, 2018 and August 26, 2018, another one of Respondent's co-defendants surreptitiously and unlawfully video recorded some of the victim's preliminary hearing testimony that included the victim's name and approximately seven minutes of her testimony. Later, the co-defendant provided the video to Respondent who posted it on "YouTube.com"² using the victim's full name and labeling the victim as a "snitch." Respondent also exchanged Instagram posts with her co-defendant who recorded the victim's testimony that labeled the victim as a "snitch." One

¹ Initially Respondent's boyfriend at the time was the only defendant charged with a crime in his criminal case. Subsequently, Respondent, her boyfriend, and another co-defendant were charged together in the criminal case after attempting to dissuade the victim from testifying as alleged.

² YouTube is a video sharing service where users can watch, like, share, comment and upload their own videos. The video service can be accessed on PCs, laptops, tablets and via mobile phones.

1 of the posts contained a photograph of the victim with the words "BEWARE: POLICE
2 INFORMANT." The post further stated, "Beware 304's³ she tellin on the game! If you see her
3 stay the fuck far from her! Google her and you will see #rat #304life #304s_16sweirdos.official
4 @unsexiest she's tellin on everyone and everything in the game #snitch #304modesto #losangeles
5 #palmdale #santaana #modesto #fresno #texas #arizona." Respondent's actions were designed to
6 prevent and dissuade the victim from attending and providing further testimony and evidence
7 against Respondent's boyfriend. Respondent's actions placed the victim at risk of bodily harm
8 and the posting of the photographs of the victim and her status as a "snitch" or "police informant"
9 made the victim a target for assault by prostitutes, pimps and possibly others who were associated
10 with or in the "304 life."

11 20. On or about April 18, 2019, after a preliminary hearing was heard in the criminal case
12 against Respondent and her co-defendants, she was held to answer to the charge of dissuading a
13 witness from testifying as alleged in the criminal complaint. Thereafter, on or about May 2,
14 2019, a criminal information was filed against Respondent for the same charge.

15 21. On or about December 9, 2019, Respondent withdrew her not guilty plea and entered
16 a plea of nolo contendere to Count 4 of the information, a violation of Penal Code section
17 136.1(a)(1), the crime of dissuading a witness from testifying, and was convicted of that crime.
18 Pursuant to the plea agreement, Respondent was to complete 45-days of community labor, was
19 ordered to stay away from the victim in the case, not to obtain any new arrests, and waived her
20 appellate rights. It was further agreed that if she testified against her co-defendants in the case,
21 she would waive her 5th Amendment right against self-incrimination. Respondent's sentencing
22 was postponed until December 9, 2021, to allow her to complete the community labor she was
23 ordered to perform, and to comply with the other terms and conditions of the plea agreement.

24 22. On or about December 9, 2021, Respondent appeared for a probation and sentencing
25 hearing and provided proof of completion of 100 hours of community labor. The sentencing

26 ³ In street parlance, "304" is slang for a prostitute. It arises from the fact that "304" read
27 upside-down looks like the letters "hoe," signifying a whore or prostitute. (*The Online Slang*
28 *Dictionary*, <http://onlineslangdictionary.com/meaning-definition-of/304>, accessed January 11,
2019.)

1 hearing was continued to January 12, 2022, for further proceedings.

2 23. On or about January 12, 2022, Respondent appeared for a probation and sentencing
3 hearing. The Court ordered that the information was deemed to allege Count 4 as a misdemeanor
4 and Respondent was convicted of the misdemeanor charge of Penal Code section 136.1(a)(1),
5 dissuading a witness from testifying. On that date, Respondent's motion to have the conviction
6 set aside and vacated pursuant to Penal Code section 1203.4 was granted, and the criminal case
7 was dismissed with no further action.

8 24. Respondent was convicted of a crime substantially related to the qualifications,
9 functions and duties of a polysomnographic technician.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 25. Respondent Kiomi Nicole Cornejo-Moreno, PTCN is subject to disciplinary action
13 under section 2234, subdivision (a), in that she engaged in unprofessional conduct by dissuading
14 a witness from testifying in violation of Penal Code section 136.1(a)(1). The circumstances are
15 as follows:

16 26. Paragraphs 17 and 24, above, inclusive, are realleged herein as if fully set forth.

17 **PRAYER**

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

20 1. Revoking or suspending Polysomnographic Technician Number PTCN 826, issued to
21 Kiomi Nicole Cornejo-Moreno, PTCN;

22 2. Revoking, suspending or denying approval of Kiomi Nicole Cornejo-Moreno,
23 PTCN's authority to supervise physician assistants and advanced practice nurses;

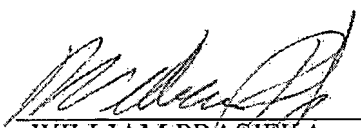
24 3. Ordering Kiomi Nicole Cornejo-Moreno, PTCN, to pay the Board the costs of the
25 investigation and enforcement of this case, and if placed on probation, the costs of probation
26 monitoring; and

27 //

28 //

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

2
3 DATED: **DEC 08 2022**



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

8
9 LA2022602584
65605458.docx