

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

In the Matter of the Accusation  
Against:

Bipin Dayalji Patel, M.D.

Physician's and Surgeon's  
Certificate No. C 50311

Respondent.

Case No.: 800-2020-066056

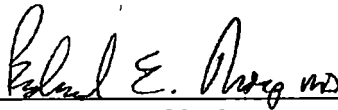
DECISION

The attached Stipulated Settlement and Disciplinary 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 26, 2024.

IT IS SO ORDERED: March 28, 2024.

MEDICAL BOARD OF CALIFORNIA



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Richard E. Thorp, Chair  
Panel B

1 ROB BONTA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 TRINA L. SAUNDERS  
Deputy Attorney General  
4 State Bar No. 207764  
300 South Spring Street, Suite 1702  
5 Los Angeles, California 90013  
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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:

13 BIPIN DAYALJI PATEL, M.D.

14 9100 McInnes Boulevard  
15 Bakersfield, California 93311

16 Physician's and Surgeon's Certificate No. C  
17 50311,

18 Respondent.

Case No. 800-2020-066056

OAH No. 2023070511

**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. Reji Varghese (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 Trina L. Saunders, Deputy  
25 Attorney General.

26 2. Respondent Bipin Dayalji Patel, M.D. is represented in this proceeding by attorney  
27 Michael L. Fell, whose address is 900 Roosevelt, Irvine, California 92620-3664.  
28

1 3. On October 1, 1999, the Board issued Physician's and Surgeon's Certificate No. C  
2 50311 to Bipin Dayalji Patel, M.D. (Respondent). That license was in full force and effect at all  
3 times relevant to the charges brought in Accusation No. 800-2020-066056, and will expire on  
4 November 30, 2024, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2020-066056 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 February 24, 2023. Respondent timely filed a Notice of  
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2020-066056 is attached 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. 800-2020-066056. 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. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24 every right set forth above.

25 **CULPABILITY**

26 9. Respondent understands and agrees that the charges and allegations in Accusation  
27 No. 800-2020-066056, if proven at a hearing, constitute cause for imposing discipline upon his  
28 Physician's and Surgeon's Certificate.

1 10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case  
2 or factual basis for the charges in the Accusation, and that Respondent hereby gives up his right  
3 to contest those charges.

4 11. Respondent does not contest that, at an administrative hearing, Complainant could  
5 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-  
6 2020-066056, a true and correct copy of which is attached hereto as Exhibit A, and that he has  
7 thereby subjected his Physician's and Surgeon's Certificate, No. C 50311 to disciplinary action.

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

11 **CONTINGENCY**

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

22 14. Respondent agrees that if he ever petitions for early termination or modification of  
23 probation, or if an accusation and/or petition to revoke probation is filed against him before the  
24 Board, all of the charges and allegations contained in Accusation No. 800-2020-066056 shall be  
25 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or  
26 any other licensing proceeding involving Respondent in the State of California.

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

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

7  
8 **DISCIPLINARY ORDER**

9 **IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. C 50311  
10 issued to Respondent Bipin Dayalji Patel, M.D. is revoked. However, the revocation is stayed  
11 and Respondent is placed on probation for two (2) years on the following terms and conditions:

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

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

26 Respondent shall submit a certification of successful completion to the Board or its  
27 designee not later than 15 calendar days after successfully completing the course, or not later than  
28 15 calendar days after the effective date of the Decision, whichever is later.

1           2.    PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of  
2 the effective date of this Decision, Respondent shall enroll in a professionalism program, that  
3 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
4 Respondent shall participate in and successfully complete that program. Respondent shall  
5 provide any information and documents that the program may deem pertinent. Respondent shall  
6 successfully complete the classroom component of the program not later than six (6) months after  
7 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
8 time specified by the program, but no later than one (1) year after attending the classroom  
9 component. The professionalism program shall be at Respondent's expense and shall be in  
10 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

19           3.    NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
20 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
21 Chief Executive Officer at every hospital where privileges or membership are extended to  
22 Respondent, at any other facility where Respondent engages in the practice of medicine,  
23 including all physician and locum tenens registries or other similar agencies, and to the Chief  
24 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
25 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
26 calendar days.

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

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1           4.    SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
2 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
3 advanced practice nurses.

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

7           6.    INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby  
8 ordered to reimburse the Board its costs of investigation and enforcement, including, but not  
9 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena  
10 enforcement, as applicable, in the amount of \$17,871.00 (seventeen thousand eight hundred  
11 seventy-one dollars). Costs shall be payable to the Medical Board of California. Failure to pay  
12 such costs shall be considered a violation of probation.

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

17           The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility  
18 to repay investigation and enforcement costs.

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

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

24           8.    GENERAL PROBATION REQUIREMENTS.

25           Compliance with Probation Unit

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

27           Address Changes

28           Respondent shall, at all times, keep the Board informed of Respondent's business and

1 residence addresses, email address (if available), and telephone number. Changes of such  
2 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
3 circumstances shall a post office box serve as an address of record, except as allowed by Business  
4 and Professions Code section 2021, subdivision (b).

5 Place of Practice

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

9 License Renewal

10 Respondent shall maintain a current and renewed California physician's and surgeon's  
11 license.

12 Travel or Residence Outside California

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

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

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

22 10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
23 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
24 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
25 defined as any period of time Respondent is not practicing medicine as defined in Business and  
26 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
27 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
28 Respondent resides in California and is considered to be in non-practice, Respondent shall



1 comply with all terms and conditions of probation. All time spent in an intensive training  
2 program which has been approved by the Board or its designee shall not be considered non-  
3 practice and does not relieve Respondent from complying with all the terms and conditions of  
4 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
5 on probation with the medical licensing authority of that state or jurisdiction shall not be  
6 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
7 period of non-practice.

8 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
9 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
10 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
11 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
12 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

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

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

26 12. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
27 of probation is a violation of probation. If Respondent violates probation in any respect, the  
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and

1 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
2 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
4 the matter is final.

5 13. LICENSE SURRENDER. Following the effective date of this Decision, if  
6 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
7 the terms and conditions of probation, Respondent may request to surrender his or her license.  
8 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
9 determining whether or not to grant the request, or to take any other action deemed appropriate  
10 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
11 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
12 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
13 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
14 application shall be treated as a petition for reinstatement of a revoked certificate.

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

20 15. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for  
21 a new license or certification, or petition for reinstatement of a license, by any other health care  
22 licensing action agency in the State of California, all of the charges and allegations contained in  
23 Accusation No. 800-2020-066056 shall be deemed to be true, correct, and admitted by  
24 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or  
25 restrict license.

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**ACCEPTANCE**

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

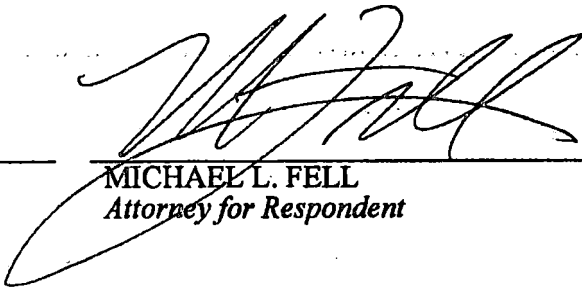
DATED: 12-11-23



BIPIN DAYALJI PATEL, M.D.  
*Respondent*

I have read and fully discussed with Respondent Bipin Dayalji Patel, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 12/19/23



MICHAEL L. FELL  
*Attorney for Respondent*

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**ENDORSEMENT**

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

DATED: December 8, 2023

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General

  
TRINA L. SAUNDERS  
Deputy Attorney General  
*Attorneys for Complainant*

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Stipulation Bipin Dayalji Patel M.D. - SDAG Reviewed.docx

1 ROB BONTA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 TRINA L. SAUNDERS  
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12 In the Matter of the Accusation Against:  
13 BIPIN DAYALJI PATEL, M.D.  
14 9100 McInnes Boulevard  
Bakersfield, California 93311  
15 Physician's and Surgeon's Certificate C 50311,  
16 Respondent.  
17

Case No. 800-2020-066056

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

18  
19 **PARTIES**

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

22 2. On October 1, 1999, the Board issued Physician's and Surgeon's Certificate Number  
23 C 50311 to Bipin Dayalji Patel, M.D. (Respondent). That license was in full force and effect at  
24 all times relevant to the charges brought herein and will expire on November 30, 2024, unless  
25 renewed.

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

9 5. Section 2234 of the Code, states:

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

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

14 (b) Gross negligence.

15 (c) Repeated negligent acts. To be repeated, there must be two or more  
16 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.

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

19 (2) When the standard of care requires a change in the diagnosis, act, or  
20 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  
21 licensee's conduct departs from the applicable standard of care, each departure  
constitutes a separate and distinct breach of the standard of care.

22 (d) Incompetence.

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

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

26 (g) The failure by a certificate holder, in the absence of good cause, to attend  
27 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.

1           6.    Section 2400 of the Code states:

2                   Corporations and other artificial legal entities shall have no professional rights,  
3                   privileges, or powers. However, the Division of Licensing may in its discretion, after  
4                   such investigation and review of such documentary evidence as it may require, and  
5                   under regulations adopted by it, grant approval of the employment of licensees on a  
6                   salary basis by licensed charitable institutions, foundations, or clinics, if no charge for  
7                   professional services rendered patients is made by any such institution, foundation, or  
8                   clinic.

9           7.    Section 2402 of the Code states:

10                   The provisions of Section 2400 do not apply to a medical or podiatry corporation  
11                   practicing pursuant to the Moscone-Knox Professional Corporation Act (Part 4  
12                   (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code) and  
13                   this article, when such corporation is in compliance with the requirements of these statutes  
14                   and all other statutes and regulations now or hereafter enacted or adopted pertaining to such  
15                   corporations and the conduct of their affairs.

16           8.    Section 2406 of the Code states:

17                   A medical or podiatry corporation is a corporation which is authorized to render  
18                   professional services, as defined in Section 13401 of the Corporations Code, so long  
19                   as that corporation and its shareholders, officers, directors and employees rendering  
20                   professional services who are physicians and surgeons, psychologists, registered  
21                   nurses, optometrists, podiatrists, chiropractors, acupuncturists, naturopathic doctors,  
22                   physical therapists, occupational therapists, or, in the case of a medical corporation  
23                   only, physician assistants, marriage and family therapists, clinical counselors, or  
24                   clinical social workers, are in compliance with the Moscone-Knox Professional  
25                   Corporation Act [Corporations Code section 13400 et seq.], the provisions of this  
26                   article and all other statutes and regulations now or hereafter enacted or adopted  
27                   pertaining to the corporation and the conduct of its affairs.

28                   With respect to a medical corporation or podiatry corporation, the governmental  
29                   agency referred to in the Moscone-Knox Professional Corporation Act is the board.

30           9.    Section 2407 of the Code states: A medical or podiatry corporation shall be subject  
31           to the provisions of Sections 2285 and 2415.

32           10.   Section 2408 of the Code states:

33                   Except as provided in Sections 13401.5 and 13403 of the Corporations Code, each  
34                   shareholder, director and officer of a medical or podiatry corporation, except an assistant  
35                   secretary or an assistant treasurer, shall be a licensed person as defined in Section 13401 of  
36                   the Corporations Code. Notwithstanding the provisions of this section or Sections 13401.5,  
37                   13403, 13406, and 13407 of the Corporations Code, a shareholder of a medical corporation  
38                   which renders professional services may be a medical corporation which has only one  
39                   shareholder who shall be a licensed person as defined in Section 13401 of the Corporations  
40                   Code. The shareholder of the latter corporation may be an officer or director of the former  
41                   corporation. Nothing in this section shall be construed as prohibiting a no licensed person

1 from using the business titles of executive vice president, chief executive officer, executive  
2 secretary, or any other title denoting an administrative function within the professional  
3 corporation.

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11. Section 2410 of the Code states:

A medical or podiatry corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes and regulations to the same extent as a licensee under this chapter [Chapter 5, the Medical Practice Act].

12. Section 2411 of the Code states:

Notwithstanding any other provision of law, the offering and operation by a medical corporation of a health care service plan licensed pursuant to the provisions of Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code is hereby authorized. For such purpose a medical corporation may employ, or enter into contracts or other arrangements with, any person or persons authorized to practice any of the healing arts, but no such employment, contract, or arrangement shall provide for the rendering, supervision, or control of professional services other than as authorized by law.

13. Section 2412 of the Code states:

The Division of Licensing may adopt and enforce regulations to carry out the purposes and objectives of this article and the Moscone-Knox Professional Corporation Act including regulations requiring (a) that the bylaws of a medical or podiatry corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in Section 13401 of the Corporations Code), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such regulations may provide, and (b) that a medical or podiatry corporation shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

14. Section 2416 of the Code states:

Physicians and surgeons and doctors of podiatric medicine may conduct their professional practices in a partnership or group of physicians and surgeons or a partnership or group of doctors of podiatric medicine, respectively. Physicians and surgeons and doctors of podiatric medicine may establish a professional partnership that includes both physicians and surgeons and doctors of podiatric medicine, if both of the following conditions are satisfied:

(a) A majority of the partners and partnership interests in the professional partnership are physicians and surgeons or osteopathic physicians and surgeons.

(b) Notwithstanding Chapter 2 (commencing with Section 15001) of Title 1 of the Corporations Code, a partner who is not a physician and surgeon shall not practice in the partnership or vote on partnership matters related to the practice of medicine that are outside his or her scope of practice. All partners may vote on general administrative, management, and business matters.



1 **COST RECOVERY**

2 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Gross Negligence)

10 16. Respondent Bipin Dayalji Patel, M.D. is subject to disciplinary action under section  
11 2234, subdivision (b) of the Code in that as the Medical Director of Body Del Sol Medical Spa  
12 (BDSMS) he failed to provide appropriate supervision of staff. The circumstances are as follows:

13 17. Ayde Mendibles opened BDSMS in April 2010. At the time, she was a licensed  
14 aesthetician and was offering facials and massages.

15 18. Sometime thereafter, Ms. Mendibles became a licensed vocational nurse (LVN). The  
16 corporate structure of BDSMS was changed to reflect a 49% ownership by Ms. Mendibles and a  
17 51% ownership by her then-physician partner. Ultimately, the physician owner issued a 90-day  
18 notice letter resigning as medical director/owner of Body Del Sol on January 4, 2019.

19 19. On February 27, 2020, a search warrant was executed at Body Del Sol Medical Spa.  
20 While serving the search warrant, information was obtained that demonstrated that the Respondent  
21 was the then-current medical director and owner of BDSMS.

22 20. On March 3, 2020, the Respondent was interviewed by an investigator on behalf of  
23 the Medical Board of California. During that investigation, Respondent related that in April/May  
24 of 2019, he became a 51% owner of BDSMS, as well as the corporation's medical director, and  
25 received shares in the corporation when he entered into such an agreement. There is no written  
26 documentation to support such a claim. Respondent represented that Ms. Mendibles owned 49%  
27 of the business. He further reported that Ms. Mendibles and her attorneys handled the contract they  
28 entered into, the issuance of company stock/shares, and in obtaining Fictitious Name Permits (FNP).

1 Respondent did not purchase the shares of Body Del Sol that he received. In addition, the fictitious  
2 name permit for BDSMS did not list Respondent as an owner of the business.

3 21. Respondent received a \$2,000 per month flat fee for managing the medical spa.  
4 Respondent did not receive a share of the BDMS's profits and was unaware of the amount of  
5 profits BDMS was generating. The agreement Respondent entered into with Ms. Mendibles  
6 permitted Respondent to resign from his position as medical director of BDSMS pursuant to a 30-  
7 day notice.

8 22. Between April/May 2019 and March 3, 2020, Respondent visited BDSMS on  
9 approximately two to three occasions. Respondent was aware that all staff members of BDMS  
10 were practicing under his professional license. Respondent purports that he conducted his own  
11 background research of BDSMS employees. However, he was not involved in the hiring of  
12 BDSMS employees. During his subject interview, Respondent demonstrated that he was  
13 unfamiliar with the staff and was unaware that two registered nurses were providing laser services  
14 at BDSMS.

15 23. Respondent permitted Ms. Mendibles to provide injectable services on her own. Ms.  
16 Mendibles was the person responsible for consulting with patients for Botox, fillers, and  
17 Coolsculpting, and providing injectable treatments for such patients. Respondent reported that  
18 after observing her perform injections on several patients, he determined that he was comfortable  
19 with her providing such services without his supervision and admitted that he was comfortable  
20 with Ms. Mendibles injecting a maximum of 50 units of neurotoxin in women and 60-70 units in  
21 men per appointment.

22 24. Respondent reported that he entered into delegation of services agreements with each  
23 of the staff of BDSMS and had protocols in place with respect to services each staff member  
24 could provide without supervision. No such agreements or protocols exist.

25 25. During his two or three visits to BDSMS, Respondent reviewed a random sampling of  
26 patient charts at BDSMS, as well as those specifically set aside for his review. The respondent  
27 signed charts while visiting the medical spa.

28



