

**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**

Case No.: 800-2020-066056

Respondent.

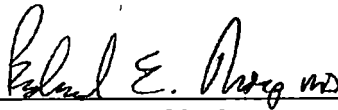
DECISION

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



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

JURISDICTION

4. Accusation No. 800-2020-066056 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 24, 2023. Respondent timely filed a Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2020-066056 is attached as Exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2020-066056. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

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

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

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

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

CONTINGENCY

13. 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.

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

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15. 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.

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

DISCIPLINARY ORDER

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

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

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

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

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

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.

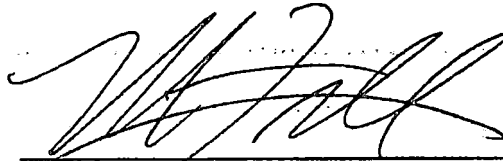
DATED: 12-11-23



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

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

12 In the Matter of the Accusation Against:

Case No. 800-2020-066056

13 BIPIN DAYALJI PATEL, M.D.

A C C U S A T I O N

14 9100 McInnes Boulevard
Bakersfield, California 93311

15 Physician's and Surgeon's Certificate C 50311,
16 Respondent.
17

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

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.

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
agency referred to in the Moscone-Knox Professional Corporation Act is the board.

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

 10. Section 2408 of the Code states:

 Except as provided in Sections 13401.5 and 13403 of the Corporations Code, each
shareholder, director and officer of a medical or podiatry corporation, except an assistant
secretary or an assistant treasurer, shall be a licensed person as defined in Section 13401 of
the Corporations Code. Notwithstanding the provisions of this section or Sections 13401.5,
13403, 13406, and 13407 of the Corporations Code, a shareholder of a medical corporation
which renders professional services may be a medical corporation which has only one
shareholder who shall be a licensed person as defined in Section 13401 of the Corporations
Code. The shareholder of the latter corporation may be an officer or director of the former
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.

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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.

1 26. When presented with the chart of Patient 1 during his interview and questioned about
2 the lack of documentation maintained for Patient 1, as a certification of no records had been
3 produced in response to a request for the patient record, Respondent was unaware of the policy at
4 BDSMS, which called for the purging of some charts after one year.

5 27. Respondent performed no supervision of the medical staff at BDSMS. Unless
6 otherwise indicated in this pleading, Respondent did not observe their work, train them, or assess
7 their previous training.

8 28. Respondent informed Ms. Mendibles that effective June 30, 2020, he would no longer
9 serve as the medical director of BDSMS.

10 29. Respondent committed an extreme departure from the standard of care by failing to
11 provide adequate supervision of the practice he owned and operated, and of which he was the
12 medical director. The respondent was not present at the practice on a frequent, regular basis to
13 assess the medical care provided.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Repeated Negligent Acts)**

16 30. Respondent Bipin Dayalji Patel, M.D. is subject to disciplinary action under section
17 2234 (c), in that he engaged in acts or omissions that constitute repeated negligent acts. The
18 circumstances are as follows:

19 31. Paragraphs 17 through 28 above are fully incorporated herein.

20 32. Respondent failed to establish a proper corporate structure in regard to BDSMS.
21 Respondent purportedly established and operated a medical practice without taking steps to
22 determine the true nature of the practice, the competence of the personnel, and the legality and
23 safety of the practice. This constitutes negligence.

24 33. Respondent is subject to discipline within the meaning of Section 2234 (c) of the
25 Code.

26 **THIRD CAUSE FOR DISCIPLINE**

27 **(Violation of Moscone-Knox Act)**

28 34. Paragraphs 17 through 33 above are fully incorporated herein.

35. Respondent is subject to disciplinary action under Section 2286, in that Respondent has violated the Moscone-Knox Act and the regulations duly adopted under the act in connection with his practice of medicine at SDSMS, by holding a less than 51% interest in a medical corporation that has no other licensed physician shareholder.

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 C 50311, issued to Bipin Dayalji Patel, M.D.;
2. Revoking, suspending, or denying approval of his authority to supervise physician assistants and advanced practice nurses;
3. Ordering him to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;
4. If placed on probation, ordering him to provide patient notification in accordance with Business and Professions Code section 2228.1; and
5. Taking such other and further action as deemed necessary and proper.