

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

In the Matter of the Accusation
Against:

AMIT MISRA, M.D.

Physician's and Surgeon's
Certificate No. A 152306

Respondent.

Case No. 800-2023-095464

DECISION

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

This Decision shall become effective at 5:00 p.m. on April 25, 2024.

IT IS SO ORDERED April 18, 2024.

MEDICAL BOARD OF CALIFORNIA

JENNA JONES FOR
Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
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8 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:
14 **AMIT MISRA, M.D.**
15 **9850 Genesee Ave**
San Diego, CA 92037-1224
16 **Physician's and Surgeon's Certificate**
17 **No. A 152306,**
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Respondent.

Case No. 800-2023-095464
**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

PARTIES

1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Christine A. Rhee, Deputy Attorney General.
2. Amit Misra, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

1 CULPABILITY

2 9. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a prima facie case with respect to the charges and allegations contained in Accusation
4 No. 800-2023-095464, agrees that he has thereby subjected his license to disciplinary action, and
5 hereby surrenders his Physician's and Surgeon's Certificate No. A 152306 for the Board's formal
6 acceptance.

7 10. Respondent further agrees that if he ever petitions for reinstatement of his Physician's
8 and Surgeon's Certificate No. A 152306, all of the charges and allegations contained in
9 Accusation No. 800-2023-095464 shall be deemed true, correct and fully admitted by Respondent
10 for purposes of that reinstatement proceeding or any other licensing proceeding involving
11 Respondent in the State of California.

12 11. Respondent understands that by signing this stipulation he enables the Board to issue
13 an Order accepting the surrender of his Physician's and Surgeon's Certificate without further
14 process.

15 CONTINGENCY

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

19 13. Respondent understands that, by signing this stipulation, he enables the Executive
20 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
21 Physician's and Surgeon's Certificate No. A 152306 without further notice to, or opportunity to be
22 heard by, Respondent.

23 14. This Stipulated Surrender of License and Order shall be subject to the approval of the
24 Executive Director on behalf of the Board. The parties agree that this Stipulated Surrender of
25 License and Order shall be submitted to the Executive Director for his consideration in the above-
26 entitled matter and, further, that the Executive Director shall have a reasonable period of time in
27 which to consider and act on this Stipulated Surrender of License and Order after receiving it. By
28 signing this stipulation, Respondent fully understands and agrees that he may not withdraw his

1 agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of
2 the Medical Board, considers and acts upon it.

3 15. The parties agree that this Stipulated Surrender of License and Order shall be null and
4 void and not binding upon the parties unless approved and adopted by the Executive Director on
5 behalf of the Board, except for this paragraph, which shall remain in full force and
6 effect. Respondent fully understands and agrees that in deciding whether or not to approve and
7 adopt this Stipulated Surrender of License and Order, the Executive Director and/or the Board
8 may receive oral and written communications from its staff and/or the Attorney General's
9 Office. Communications pursuant to this paragraph shall not disqualify the Executive Director,
10 the Board, any member thereof, and/or any other person from future participation in this or any
11 other matter affecting or involving Respondent. In the event that the Executive Director on
12 behalf of the Board does not, in his discretion, approve and adopt this Stipulated Surrender of
13 License and Order, with the exception of this paragraph, it shall not become effective, shall be of
14 no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary
15 action by either party hereto. Respondent further agrees that should this Stipulated Surrender of
16 License and Order be rejected for any reason by the Executive Director on behalf of the Board,
17 Respondent will assert no claim that the Executive Director, the Board, or any member thereof,
18 was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender
19 of License and Order or of any matter or matters related hereto.

20 **ADDITIONAL PROVISIONS**

21 16. This Stipulated Surrender of License and Order is intended by the parties herein to be
22 an integrated writing representing the complete, final and exclusive embodiment of the
23 agreements of the parties in the above-entitled matter.

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

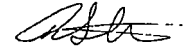
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this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 04 / 08 / 2024



AMIT MISRA, M.D.
Respondent

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

CHRISTINE A. RHEE
Deputy Attorney General
Attorneys for Complainant

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this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: _____
AMIT MISRA, M.D.
Respondent

ENDORSEMENT

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

DATED: April 8, 2024 _____ Respectfully submitted,
ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General


CHRISTINE A. RHEE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2023-095464

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8 *Attorneys for Complainant*

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. 800-2023-095464

14 **AMIT MISRA, M.D.**
15 **9850 Genesee Ave.**
La Jolla, CA 92037-1224

ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. A 152306,**

18 Respondent.

19
20 **PARTIES**

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

24 2. On or about October 24, 2017, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A.152306 to Amit Misra, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on November 30, 2024, unless 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 states, in pertinent part:

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

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

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

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

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

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

19 ...

20 5. Section 820 of the Code states:

21 Whenever it appears that any person holding a license, certificate or permit
22 under this division or under any initiative act referred to in this division may be
23 unable to practice his or her profession safely because the licentiate's ability to
24 practice is impaired due to mental illness, or physical illness affecting competency,
25 the licensing agency may order the licentiate to be examined by one or more
26 physicians and surgeons or psychologists designated by the agency. The report of the
27 examiners shall be made available to the licentiate and may be received as direct
28 evidence in proceedings conducted pursuant to Section 822.

6. Section 822 of the Code states:

If a licensing agency determines that its licentiate's ability to practice his or her
profession safely is impaired because the licentiate is mentally ill, or physically ill
affecting competency, the licensing agency may take action by any one of the
following methods:

(a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

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(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

7. Section 2228.1 of the Code states, in pertinent part:

(a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board and the Podiatric Medical Board of California shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information internet website, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, in any of the following circumstances:

(1) A final adjudication by the board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:

...

(B) Drug or alcohol abuse directly resulting in harm to patients or to the extent that such use impairs the ability of the licensee to practice safely.

...

(2) An accusation or statement of issues alleged that the licensee committed any of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a stipulated settlement based upon a nolo contendere or other similar compromise that does not include any prima facie showing or admission of guilt or fact but does include an express acknowledgment that the disclosure requirements of this section would serve to protect the public interest.

(b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

(c) A licensee shall not be required to provide a disclosure pursuant to subdivision (a) if any of the following applies:

(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy.

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1 (2) The visit occurs in an emergency room or an urgent care facility or the visit
is unscheduled, including consultations in inpatient facilities.

2 (3) The licensee who will be treating the patient during the visit is not known to
3 the patient until immediately prior to the start of the visit.

4 (4) The licensee does not have a direct treatment relationship with the patient.

5 (d) On and after July 1, 2019, the board shall provide the following
6 information, with respect to licensees on probation and licensees practicing under
probationary licenses, in plain view on the licensee's profile page on the board's
online license information internet website.

7 (1) For probation imposed pursuant to a stipulated settlement, the causes
8 alleged in the operative accusation along with a designation identifying those causes
9 by which the licensee has expressly admitted guilt and a statement that acceptance of
the settlement is not an admission of guilt.

10 (2) For probation imposed by an adjudicated decision of the board, the causes
for probation stated in the final probationary order.

11 (3) For a licensee granted a probationary license, the causes by which the
12 probationary license was imposed.

13 (4) The length of the probation and end date.

14 (5) All practice restrictions placed on the license by the board.

15 (e) Section 2314 shall not apply to this section.

16 **SECTION 822 CAUSE FOR ACTION**

17 **(Mental Illness Affecting Ability to Practice Medicine Safely)**

18 8. Respondent has subjected his Physician's and Surgeon's Certificate No. A 152306 to
19 action under section 822 of the Code, in that his ability to practice medicine safely is impaired
20 due to a mental illness affecting his ability to practice medicine safely, as more particularly
21 alleged hereinafter:

22 9. On or about February 7, 2023, the Board received a complaint from a former
23 colleague of Respondent's. The complainant alleged that Respondent had made a harassing
24 phone call to this colleague and threatened to harm himself. The complainant also alleged that it
25 sounded like Respondent had been drunk.

26 10. Board investigators determined that on or about January 27, 2020, law enforcement
27 was called to Respondent's home in San Diego. During this encounter, witnesses told law
28 enforcement that Respondent had recently gone on an alcoholic binge and had been recently fired

1 from his position at a local hospital. Based on concerns that Respondent may harm himself, law
2 enforcement took Respondent to a hospital under Welfare Code section 5150.

3 11. In or around June 2023, a Board investigator asked Respondent to submit to mental
4 and physical examinations. On or about October 25, 2023, Respondent attended a mental
5 examination with M.N., M.D., a psychiatrist who is board-certified by the American Board of
6 Psychiatry and Neurology.

7 12. During the mental evaluation with M.N., M.D., Respondent reported that he last
8 consumed alcohol on or about June 29, 2023. On or about that date, Respondent was arrested for
9 a DUI in New Jersey. He told M.N., M.D., that his longest period of sobriety was 90 days in
10 2020.

11 13. Based upon his examination of Respondent and his review of the investigation
12 materials, M.N., M.D., assessed that Respondent had mental health disorders. M.N., M.D.,
13 opined that because of one of the mental health disorders, Respondent could not practice
14 medicine safely without certain restrictions being put in place including, but not limited to,
15 random drug testing, treatment and care by an addiction medicine-qualified psychiatrist,
16 mandatory attendance at support group meetings, and the use of a sponsor.

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 Physician's and Surgeon's Certificate No. A 152306, issued
21 to Respondent Amit Misra, M.D.;

22 2. Revoking, suspending or denying approval of Respondent Amit Misra, M.D.'s
23 authority to supervise physician assistants and advanced practice nurses;

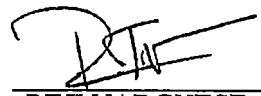
24 3. Ordering Respondent Amit Misra, M.D., to pay the Board the costs of the
25 investigation and enforcement of this case, and if placed on probation, the costs of probation
26 monitoring;

27 4. Ordering Respondent Amit Misra, M.D., if placed on probation, to provide patient
28 notification in accordance with Business and Professions Code section 2228.1; and

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5. . Taking such other and further action as deemed necessary and proper.

DATED: FEB 22 2024



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

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