

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

Case No. 800-2023-095464

Respondent.

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
3 CHRISTINE A. RHEE
Deputy Attorney General
4 State Bar No. 295656
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9455
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:

Case No. 800-2023-095464

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

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

18 Respondent.

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
24 California (Board). He brought this action solely in his official capacity and is represented in this
25 matter by Rob Bonta, Attorney General of the State of California, by Christine A. Rhee, Deputy
26 Attorney General.

27 2. Amit Misra, M.D. (Respondent) is representing himself in this proceeding and has
28 chosen not to exercise his right to be represented by counsel.

1 3. On or about October 24, 2017, the Board issued Physician's and Surgeon's Certificate
2 No. A 152306 to Respondent. That license was in full force and effect at all times relevant to the
3 charges brought in Accusation No. 800-2023-095464 and will expire on November 30, 2024,
4 unless renewed.

5 4. On or about February 14, 2024, an Decision and Order Granting Petition for Noticed
6 Interim Order Imposing license Restrictions was issued by the Office of Administrative Hearings,
7 placing restrictions on Physician's and Surgeon's Certificate No. A 152306. Respondent remains
8 subject to these restrictions pending the issuance of a final decision on the Accusation.

9 **JURISDICTION**

10 5. Accusation No. 800-2023-095464 was filed before the Board, and is currently
11 pending against Respondent. The Accusation and all other statutorily required documents were
12 properly served on Respondent on February 22, 2024. Respondent timely filed his Notice of
13 Defense contesting the Accusation. A true and correct copy of Accusation No. 800-2023-095464
14 is attached as Exhibit A and incorporated by reference.

15 **ADVISEMENT AND WAIVERS**

16 6. Respondent has carefully read, and understands the charges and allegations in
17 Accusation No. 800-2023-095464. Respondent also has carefully read, and understands the
18 effects of this Stipulated Surrender of License and Disciplinary Order.

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

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

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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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18. In consideration of the foregoing admissions and stipulations, the parties agree the Executive Director of the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Order on behalf of the Board:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 152306, issued to Respondent Amit Misra, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2023-095464 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2023-095464 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
///

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

3
4 DATED: 04 / 08 / 2024


AMIT MISRA, M.D.
Respondent

6 **ENDORSEMENT**

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

9 DATED: _____

Respectfully submitted,

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

13
14 CHRISTINE A. RHEE
15 Deputy Attorney General
Attorneys for Complainant

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

3
4 DATED: _____

AMIT MISRA, M.D.
Respondent

6 **ENDORSEMENT**

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

9 DATED: April 8, 2024

Respectfully submitted,

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

13 

14 CHRISTINE A. RHEE
15 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2023-095464

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 CHRISTINE A. RHEE
Deputy Attorney General
4 State Bar No. 295656
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9455
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14 **AMIT MISRA, M.D.**
15 **9850 Genesee Ave.**
La Jolla, CA 92037-1224

A C C U S A T I O N

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.

28 ///

JURISDICTION

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

4. Section 2227 of the Code states, in pertinent part:

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

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

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

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

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

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

...

5. Section 820 of the Code states:

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

1 (c) Placing the licentiate on probation.

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

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

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

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

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

16 ...

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

18 ...

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

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

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

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

///

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
information, with respect to licensees on probation and licensees practicing under
6 probationary licensees, 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
alleged in the operative accusation along with a designation identifying those causes
8 by which the licensee has expressly admitted guilt and a statement that acceptance of
the settlement is not an admission of guilt.

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

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

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

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

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

15
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;

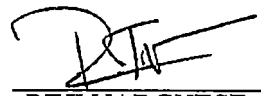
24 3. Ordering Respondent Amit Misra, M.D., to pay the Board the costs of the
25 investigation and enforcement of this case, and if placed on probation, the costs of probation
26 monitoring;

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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