

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

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

**Marsha Funderburk Granese, M.D.**

**Physician's and Surgeon's  
Certificate No. A 83534**

**Respondent.**

**Case No.: 800-2022-085066**

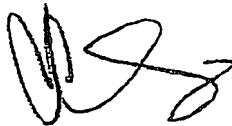
**DECISION**

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

**This Decision shall become effective at 5:00 p.m. on May 23, 2024.**

**IT IS SO ORDERED: April 23, 2024.**

**MEDICAL BOARD OF CALIFORNIA**



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

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

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

13 In the Matter of the Accusation Against:

14 **MARSHA FUNDERBURK GRANESE,**  
15 **M.D.**  
26800 Crown Valley Pkwy, Ste 545  
16 Mission Viejo, CA 92691-6384

17 **Physician's and Surgeon's Certificate No.**  
**A 83534**

18 Respondent.

Case No. 800-2022-085066

OAH No. 2023070895

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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 Robert W. Lincoln, Deputy  
26 Attorney General.

27 ///

28 ///



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 in Accusation No. 800-  
4 2022-085066, and that he has thereby subjected her Physician's and Surgeon's Certificate No. A  
5 83534 to disciplinary action.

6 10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to  
7 discipline and she agrees to be bound by the Board's probationary terms as set forth in the  
8 Disciplinary Order below.

9 **CONTINGENCY**

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

20 12. Respondent agrees that if she ever petitions for early termination or modification of  
21 probation, or if an accusation and/or petition to revoke probation is filed against her before the  
22 Board, all of the charges and allegations contained in Accusation No. 800-2022-085066 shall be  
23 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any  
24 other licensing proceeding involving Respondent in the State of California.

25 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
26 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
27 signatures thereto, shall have the same force and effect as the originals.  
28

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

4                                   **DISCIPLINARY ORDER**

5           IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 83534 issued  
6 to Respondent Marsha Funderburk Granese, M.D., is revoked. However, the revocation is stayed  
7 and Respondent is placed on probation for thirty-five (35) months on the following terms and  
8 conditions:

9           1. **EDUCATION COURSE.** Within 60 calendar days of the effective date of this  
10 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee  
11 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours  
12 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at  
13 correcting any areas of deficient practice or knowledge and shall be Category I certified. The  
14 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to  
15 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the  
16 completion of each course, the Board or its designee may administer an examination to test  
17 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65  
18 hours of CME of which 40 hours were in satisfaction of this condition.

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

28           A medical record keeping course taken after the acts that gave rise to the charges in the

1 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
2 or its designee, be accepted towards the fulfillment of this condition if the course would have  
3 been approved by the Board or its designee had the course been taken after the effective date of  
4 this Decision.

5 Respondent shall submit a certification of successful completion to the Board or its  
6 designee not later than 15 calendar days after successfully completing the course, or not later than  
7 15 calendar days after the effective date of the Decision, whichever is later.

8 3. CLINICAL COMPETENCE ASSESSMENT PROGRAM. Within 60 calendar days  
9 of the effective date of this Decision, Respondent shall enroll in a clinical competence assessment  
10 program approved in advance by the Board or its designee. Respondent shall successfully  
11 complete the program not later than six (6) months after Respondent's initial enrollment unless  
12 the Board or its designee agrees in writing to an extension of that time.

13 The program shall consist of a comprehensive assessment of Respondent's physical and  
14 mental health and the six general domains of clinical competence as defined by the Accreditation  
15 Council on Graduate Medical Education and American Board of Medical Specialties pertaining to  
16 Respondent's current or intended area of practice. The program shall take into account data  
17 obtained from the pre-assessment, self-report forms and interview, and the Decision(s),  
18 Accusation(s), and any other information that the Board or its designee deems relevant. The  
19 program shall require Respondent's on-site participation as determined by the program for the  
20 assessment and clinical education and evaluation. Respondent shall pay all expenses associated  
21 with the clinical competence assessment program.

22 At the end of the evaluation, the program will submit a report to the Board or its designee  
23 which unequivocally states whether the Respondent has demonstrated the ability to practice  
24 safely and independently. Based on Respondent's performance on the clinical competence  
25 assessment, the program will advise the Board or its designee of its recommendation(s) for the  
26 scope and length of any additional educational or clinical training, evaluation or treatment for any  
27 medical condition or psychological condition, or anything else affecting Respondent's practice of  
28 medicine. Respondent shall comply with the program's recommendations.

1 Determination as to whether Respondent successfully completed the clinical competence  
2 assessment program is solely within the program's jurisdiction.

3 If Respondent fails to enroll, participate in, or successfully complete the clinical  
4 competence assessment program within the designated time period, Respondent shall receive a  
5 notification from the Board or its designee to cease the practice of medicine within three (3)  
6 calendar days after being so notified. The Respondent shall not resume the practice of medicine  
7 until enrollment or participation in the outstanding portions of the clinical competence assessment  
8 program have been completed. If the Respondent did not successfully complete the clinical  
9 competence assessment program, the Respondent shall not resume the practice of medicine until a  
10 final decision has been rendered on the accusation and/or a petition to revoke probation. The  
11 cessation of practice shall not apply to the reduction of the probationary time period.

12 Within 60 days after Respondent has successfully completed the clinical competence  
13 assessment program, Respondent shall participate in a professional enhancement program  
14 approved in advance by the Board or its designee, which shall include quarterly chart review,  
15 semi-annual practice assessment, and semi-annual review of professional growth and education.  
16 Respondent shall participate in the professional enhancement program at Respondent's expense  
17 during the term of probation, or until the Board or its designee determines that further  
18 participation is no longer necessary.

19 4. 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           5.    SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
2 NURSES. During probation, Respondent is not prohibited from supervising physician assistants  
3 and advanced practice nurses.

4           6.    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           7.    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 \$25,241.50 (twenty-five thousand two hundred  
11 forty-one dollars and fifty cents). Costs shall be payable to the Medical Board of California.  
12 Failure to pay 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 to  
18 repay investigation and enforcement costs, including expert review costs (if applicable).

19           8.    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           9.    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 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. 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. 800-2022-085066 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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28 ///

1 ACCEPTANCE


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

7  
8 DATED: 3/15/24

  
9 MARSHA FUNDERBURK GRANESE, M.D.  
10 Respondent

11 I have read and fully discussed with Respondent Marsha Funderburk Granese, M.D., the  
12 terms and conditions and other matters contained in the above Stipulated Settlement and  
13 Disciplinary Order. I approve its form and content.

14  
15 DATED: March 15, 2024

  
16 RAYMOND J. MCMAHON, ESQ.  
17 Attorney for Respondent

18 ENDORSEMENT

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

21  
22 DATED: 3/15/2023

Respectfully submitted,

23 ROB BONTA  
24 Attorney General of California  
25 ALEXANDRA M. ALVAREZ  
26 Supervising Deputy Attorney General

27 /s. Robert W. Lincoln  
28 ROBERT W. LINCOLN  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 800-2022-085066**

1 ROB BONTA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 ROBERT W. LINCOLN  
Deputy Attorney General  
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Facsimile: (619) 645-2012  
8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2022-085066

14 **Marsha Funderburk Granese, M.D.**  
15 **26800 Crown Valley Pkwy, Ste 545**  
**Mission Viejo, CA 92691**

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

16 **Physician's and Surgeon's Certificate**  
17 **No. A 83534,**

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 June 11, 2003, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. A 83534 to Marsha Funderburk Granese, M.D. (Respondent). The Physician's  
26 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on August 31, 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:

(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.

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

## STATUTORY PROVISIONS

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

4 (2) When the standard of care requires a change in the diagnosis, act, or  
5 omission that constitutes the negligent act described in paragraph (1), including, but  
6 not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
7 licensee's conduct departs from the applicable standard of care, each departure  
8 constitutes a separate and distinct breach of the standard of care.

9 ...

10 6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain  
11 adequate and accurate records relating to the provision of services to their patients constitutes  
12 unprofessional conduct.

### 13 COST RECOVERY

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

### 20 FIRST CAUSE FOR DISCIPLINE

#### 21 (Gross Negligence)

22 8. Respondent has subjected her Physician's and Surgeon's Certificate No. A 83534 to  
23 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of  
24 the Code, in that she was grossly negligent in her care and treatment of Patient A,<sup>1</sup> as more  
25 particularly alleged hereafter:

26 9. On or about October 23, 2019, Patient A first presented to respondent related to pain  
27 with intercourse. Respondent diagnosed a hymenal remnant as the cause and recommended  
28 conservative management techniques prior to considering a surgical approach.

<sup>1</sup> To protect the privacy of the patient involved, the patient's name has been withheld in  
this pleading. Respondent is aware of the identity of the patient referred herein.



1           10. On or about July 13, 2020, Patient A returned to Respondent with continued  
2 complaints of pain. Respondent scheduled Patient A for a hymenectomy<sup>2</sup> on August 13, 2020.

3           11. On or about August 13, 2020, Patient A presented to Respondent for a scheduled  
4 hymenectomy. Instead, Respondent performed a bilateral labiaplasty/simple vulvectomy.<sup>3</sup> Soon  
5 after the surgery, Patient A learned that the more invasive surgery was performed. Patient A  
6 sought a second opinion from J.K., M.D. (Dr. J.K.).<sup>4</sup> Dr. J.K. confirmed a bilateral  
7 labiaplasty/simple vulvectomy was performed on Patient A.

8           12. There is no documentation in Respondent's records for the August 13, 2020, surgery  
9 date that includes a signed informed consent for the surgery on Patient A, and there is no  
10 adequate complaint history in Patient A's records. Additionally, there is no documentation of  
11 Respondent using universal protocol procedures before performing the surgery and performing  
12 the incorrect surgery on Patient A. Finally, there are no records for Patient A's surgery detailing  
13 the amount or concentration of topical anesthetic administered during the surgical procedure.

14           13. Respondent was negligent in her treatment of Patient A because she failed to verify  
15 the correct procedure for the correct patient at the correct site. Additionally, Respondent was  
16 negligent in her treatment of Patient A because she violated the standard of care by failing to  
17 provide informed consent materials and signed forms, have a current history and physical of  
18 Patient A, and maintain a medication administration log during the procedure.

19           14. On or about August 18, 2020, Patient A confronted Respondent and informed her  
20 during a post-operative appointment that she performed an incorrect procedure. Respondent  
21 acknowledged she performed the incorrect procedure and apologized.

22           15. Respondent committed gross negligence in the care and treatment of Patient A by  
23 performing the incorrect surgical procedure on Patient A.

24       ///

25 \_\_\_\_\_  
26       <sup>2</sup> Hymenectomy is a procedure that is done to remove extra tissue from the hymen that  
partly or totally covers a female's vagina.

27       <sup>3</sup> Vulvectomy is a gynecological procedure in which the vulva is partly or completely  
removed. The procedure is usually performed as a last resort in certain cases of cancer, vulva  
dysplasia, or as part of female genital mutilation.

28       <sup>4</sup> The name of the health care provider is withheld for privacy reasons.

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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:

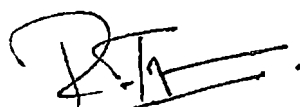
1. Revoking or suspending Physician's and Surgeon's Certificate No. A 83534, issued to Marsha Funderburk Granese, M.D.;

2. Revoking, suspending or denying approval of Marsha Funderburk Granese, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Marsha Funderburk Granese, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

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

DATED: JUL 07 2023



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

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