

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

In the Matter of the Accusation
Against:

Michelle Denise Ward, M.D.

Case No. 800-2022-093768

Physician's and Surgeon's
Certificate No. G 61462

Respondent.

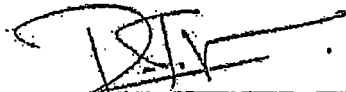
DECISION

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 May 28, 2024.

IT IS SO ORDERED May 20, 2024.

MEDICAL BOARD OF CALIFORNIA



Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 800-2022-093768

12 **MICHELLE DENISE WARD, M.D.**
13 **2776 North Garey Avenue**
Pomona, CA 91767

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Physician's and Surgeon's Certificate**
15 **No. G 61462,**

16 Respondent.
17

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

20 **PARTIES**

21 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
22 California (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Rob Bonta, Attorney General of the State of California, by Rebecca L. Smith, Deputy
24 Attorney General.

25 2. Michelle Denise Ward, M.D. (Respondent) is represented in this proceeding by
26 attorney Raymond Blessey, whose address is 1230 Rosecrans Avenue, Suite 450, Manhattan
27 Beach, CA 90266-2436.

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3. On or about September 28, 1987, the Board issued Physician's and Surgeon's Certificate No. G 61462 to Respondent. That license expired on April 30, 2021, and has not been renewed.

JURISDICTION

4. Accusation No. 800-2022-093768 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. A copy of Accusation No. 800-2022-093768 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2022-093768. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her 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 her; the right to present evidence and to testify on her 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.

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

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2022-093768, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline.

1 Respondent hereby gives up her right to contest that cause for discipline exists based on those
2 charges.

3 10. Respondent understands that by signing this stipulation he enables the Board to issue
4 an order accepting the surrender of her Physician's and Surgeon's Certificate without further
5 process.

6 CONTINGENCY

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

10 12. Respondent understands that, by signing this stipulation, he enables the Executive
11 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of her
12 Physician's and Surgeon's Certificate No. G 61462 without further notice to, or opportunity to be
13 heard by, Respondent.

14 13. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
15 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
16 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his
17 consideration in the above-entitled matter and, further, that the Executive Director shall have a
18 reasonable period of time in which to consider and act on this Stipulated Surrender of License and
19 Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands
20 and agrees that she may not withdraw her agreement or seek to rescind this stipulation prior to the
21 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

22 14. The parties agree that this Stipulated Surrender of License and Disciplinary Order
23 shall be null and void and not binding upon the parties unless approved and adopted by the
24 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
25 force and effect. Respondent fully understands and agrees that in deciding whether or not to
26 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
27 Director and/or the Board may receive oral and written communications from its staff and/or the
28 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the

1 Executive Director, the Board, any member thereof, and/or any other person from future
2 participation in this or any other matter affecting or involving respondent. In the event that the
3 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
4 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
5 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
6 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
7 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
8 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
9 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
10 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
11 of any matter or matters related hereto.

12 ADDITIONAL PROVISIONS

13 15. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
14 herein to be an integrated writing representing the complete, final and exclusive embodiment of
15 the agreements of the parties in the above-entitled matter.

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

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

22 ORDER

23 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 61462, issued
24 to Respondent Michelle Denise Ward, M.D., is surrendered and accepted by the Board.

25 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
26 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
27 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
28 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 her pocket license and, if one was issued, her 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. 800-2022-093768 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

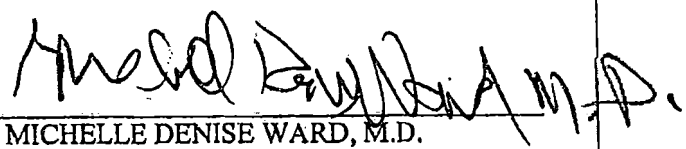
5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of Four Thousand Nine Hundred Sixty Dollars and Fifty Cents (\$4,960.50) prior to issuance of a new or reinstated license.

6. 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. 800-2022-093768 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

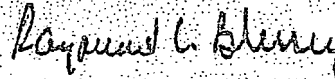
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Raymond Blessey. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily,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

DATED: May 3, 2024


MICHELLE DENISE WARD, M.D.
Respondent

1 I have read and fully discussed with Respondent Michelle Denise Ward, M.D. the terms
2 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: 5/13/24



RAYMOND BLESSEY
Attorney for Respondent

6
7 ENDORSEMENT

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

10 DATED: May 16, 2024

Respectfully submitted,

11 ROB BONTA
12 Attorney General of California
13 JUDITH T. ALVARADO
14 Supervising Deputy Attorney General



15 REBECCA L. SMITH
16 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2022-093768

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
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11 In the Matter of the Accusation Against:

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12 **MICHELLE DENISE WARD, M.D.**
13 **2776 North Garey Avenue**
Pomona, CA 91767

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. G 61462,**

16 Respondent.

17
18 **PARTIES**

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

22 2. On or about September 28, 1987, the Board issued Physician's and Surgeon's
23 Certificate Number G 61462 to Michelle Denise Ward, M.D. (Respondent). That license expired
24 on April 30, 2021, and has not been renewed.

25 **JURISDICTION**

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

1 4. Section 118 of the Code states:

2 (a) The withdrawal of an application for a license after it has been filed with a
3 board in the department shall not, unless the board has consented in writing to such
4 withdrawal, deprive the board of its authority to institute or continue a proceeding
 against the applicant for the denial of the license upon any ground provided by law or
 to enter an order denying the license upon any such ground.

5 (b) The suspension, expiration, or forfeiture by operation of law of a license
6 issued by a board in the department, or its suspension, forfeiture, or cancellation by
7 order of the board or by order of a court of law, or its surrender without the written
8 consent of the board, shall not, during any period in which it may be renewed,
9 restored, reissued, or reinstated, deprive the board of its authority to institute or
 continue a disciplinary proceeding against the licensee upon any ground provided by
 law or to enter an order suspending or revoking the license or otherwise taking
 disciplinary action against the licensee on any such ground.

10 (c) As used in this section, "board" includes an individual who is authorized by
11 any provision of this code to issue, suspend, or revoke a license, and "license"
 includes "certificate," "registration," and "permit."

12 5. Section 2227 of the Code states:

13 (a) A licensee whose matter has been heard by an administrative law judge of
14 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
15 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:

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

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

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

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

22 (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.

23 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
24 medical review or advisory conferences, professional competency examinations,
25 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.

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

2 (g) The failure by a certificate holder, in the absence of good cause, to attend
3 and participate in an interview by the board no later than 30 calendar days after being
4 notified by the board. This subdivision shall only apply to a certificate holder who is
5 the subject of an investigation by the board.

6 (h) Any action of the licensee, or another person acting on behalf of the
7 licensee, intended to cause their patient or their patient's authorized representative to
8 rescind consent to release the patient's medical records to the board or the
9 Department of Consumer Affairs, Health Quality Investigation Unit.

10 (i) Dissuading, intimidating, or tampering with a patient, witness, or any person
11 in an attempt to prevent them from reporting or testifying about a licensee.

12 8. Section 2266 of the Code states:

13 The failure of a physician and surgeon to maintain adequate and accurate records
14 relating to the provision of services to their patients constitutes unprofessional conduct.

15 COST RECOVERY

16 9. Section 125.3 of the Code states:

17 (a) Except as otherwise provided by law, in any order issued in resolution of a
18 disciplinary proceeding before any board within the department or before the
19 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
20 administrative law judge may direct a licensee found to have committed a violation or
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
22 investigation and enforcement of the case.

23 (b) In the case of a disciplined licensee that is a corporation or a partnership, the
24 order may be made against the licensed corporate entity or licensed partnership.

25 (c) A certified copy of the actual costs, or a good faith estimate of costs where
26 actual costs are not available, signed by the entity bringing the proceeding or its
27 designated representative shall be prima facie evidence of reasonable costs of
28 investigation and prosecution of the case. The costs shall include the amount of
investigative and enforcement costs up to the date of the hearing, including, but not
limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount
of reasonable costs of investigation and prosecution of the case when requested
pursuant to subdivision (a). The finding of the administrative law judge with regard
to costs shall not be reviewable by the board to increase the cost award. The board
may reduce or eliminate the cost award, or remand to the administrative law judge if
the proposed decision fails to make a finding on costs requested pursuant to
subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as
directed in the board's decision, the board may enforce the order for repayment in any
appropriate court. This right of enforcement shall be in addition to any other rights
the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be

conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

FIRST CAUSE FOR DISCIPLINE

(Inability to Practice)

10. Respondent is subject to disciplinary action under section 822 of the Code, in that she is unable to engage in the practice of medicine due to mental and physical illnesses which impair her ability to safely practice, as indicated by her treating neurologist, Dr. M.P.

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence)

11. Respondent is subject to disciplinary action under section 2234, subdivision (b), of the Code, in that she was grossly negligent in the orthopedic care and treatment of Patient 1.¹ The circumstances are as follows:

12. On or about October 3, 2019, Patient 1, a then 55-year-old female, presented to Respondent, an orthopedic surgeon, with lateral-sided right ankle pain. Patient 1 had the ankle pain for approximately one year and underwent conservative treatment without improvement. Respondent diagnosed Patient 1 with right ankle peroneal tendonitis and recommended surgical exploration of the tendons with possible repair versus resection.

13. On or about January 3, 2020, Respondent performed surgery on Patient 1.

¹ The patient is identified herein by number to protect her privacy.

1 Respondent's operative report reflects that she performed an excision of the right ankle peroneus
2 brevis tendon with anastomosis to the peroneus longus tendon proximally. Respondent noted that
3 there were no complications and the patient was taken to the recovery room in satisfactory
4 condition.

5 14. On or about January 21, 2020, Patient 1 presented to Respondent for a postoperative
6 visit. Patient 1 complained of sharp pains throughout her foot, swelling, and numbness
7 throughout her toes. Respondent noted that the ankle was unremarkable upon inspection with no
8 tenderness to the ankle. Respondent did not identify and document the location and condition of
9 the surgical incision.

10 15. Postoperatively, Patient 1 continued to have lateral-sided ankle pain and pain to the
11 medial side of the ankle. She also noticed that the surgical incision was on the medial side of her
12 ankle and sought a second opinion from another orthopedic surgeon, Dr. S.P.

13 16. On or about April 10, 2020, Patient 1 presented to Dr. S.P. at which time Dr. S.P.
14 concluded that Respondent performed surgery on the wrong side of Patient 1's ankle. The patient
15 had a healing posteromedial incision over the posterior tibial tendon and no incision over the
16 peroneal tendons on the lateral side of the ankle. A postoperative MRI confirmed an absent
17 flexor digitorum longus tendon on the medial side of the ankle.

18 17. Respondent's failure to operate on Patient 1's peroneal tendon as planned and
19 document that she had in fact done so is an extreme departure from the standard of care.

20 THIRD CAUSE FOR DISCIPLINE

21 (Repeated Negligent Acts)

22 18. Respondent is subject to disciplinary action under Code section 2234, subdivision (c),
23 in that she engaged in repeated acts of negligence in connection with her care and treatment of
24 Patient 1. The circumstances are as follows:

25 19. The allegations of the Second Cause for Discipline are incorporated herein by
26 reference as if fully set forth.

27 20. The allegations of gross negligence set forth above in the Second Cause for
28 Discipline also constitute negligence.

21. In addition, Respondent's failure to describe the location and condition of the surgical site at Patient 1's January 21, 2020 postoperative visit is a simple departure from the standard of care.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Medical Records)

22. Respondent is subject to disciplinary action under Code section 2266, in that she failed to maintain adequate and accurate records for Patient 1.

23. The facts and allegations of the Second and Third Causes for Discipline are incorporated herein by reference as if fully set forth.

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 G 61462, issued to Respondent Michelle Denise Ward, M.D.;

2. Revoking, suspending or denying approval of Respondent Michelle Denise Ward, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Michelle Denise Ward, 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: **APR 12 2024**


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

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