

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

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

Poonam Brij Kapadia, M.D.

**Physician's and Surgeon's
Certificate No. A 76347**

Case No.: 800-2022-088566

Respondent.


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 JUL 08 2024.

IT IS SO ORDERED: JUN 06 2024.

MEDICAL BOARD OF CALIFORNIA



**Randy W. Hawkins, M.D., Vice Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 GREG W. CHAMBERS
Supervising Deputy Attorney General
3 State Bar No. 237509
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 800-2022-088566

12 **POONAM BRIJ KAPADIA, M.D.**
13 **1100 Veterans Boulevard**
Redwood City, CA 94063

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Physician's and Surgeon's Certificate No.**
15 **A76347**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 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 Greg W. Chambers,
24 Supervising Deputy Attorney General.

25 2. Respondent Poonam Brij Kapadia, M.D. (Respondent) is represented in this
26 proceeding by attorney Jane Luciano, whose address is: 9000 Crow Canyon Road, Suite S 168,
27 Danville, CA 94506-1175.
28

3. On or about August 24, 2001, the Board issued Physician's and Surgeon's Certificate No. A76347 to Poonam Brij Kapadia, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2022-088566, and will expire on May 31, 2025, unless renewed.

JURISDICTION

4. Accusation No. 800-2022-088566 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 7, 2023. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2022-088566 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2022-088566. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary 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 agrees that the charges and allegations in Accusation No. 800-2022-088566, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

9. Respondent agrees that, at a hearing, Complainant could establish a prima facie case or factual basis for the charges in Accusation No. 800-2022-088566, a true and correct copy of which is attached as Exhibit A. Respondent hereby gives up her right to contest those charges and does not contest that she has thereby subjected her Physician's and Surgeon's Certificate to disciplinary action.

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

CONTINGENCY

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

12. Respondent agrees that if she ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against her before the Board, all of the charges and allegations contained in Accusation No. 800-2022-088566 shall be deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 76347 issued to Respondent Poonam Brij Kapadia, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

2. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

3. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Prior to practicing medicine, Respondent shall contract with a laboratory or service approved in advance by the Board or its designee that will conduct random, unannounced, observed, biological fluid testing. The contract shall require results of the tests to be transmitted by the laboratory or service directly to the Board or its designee within four hours of the results becoming available. Respondent shall maintain this laboratory or service contract during the period of probation.

1 A certified copy of any laboratory test result may be received in evidence in any
2 proceedings between the Board and Respondent.

3 If Respondent fails to cooperate in a random biological fluid testing program within the
4 specified time frame, Respondent shall receive a notification from the Board or its designee to
5 immediately cease the practice of medicine. The Respondent shall not resume the practice of
6 medicine until the final decision on an accusation and/or a petition to revoke probation is
7 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30
8 days of the notification to cease practice. If the Respondent requests a hearing on the accusation
9 and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within
10 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by
11 an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board
12 within 15 days of submission of the matter. Within 15 days of receipt by the Board of the
13 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good
14 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
15 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
16 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
17 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
18 practice shall not apply to the reduction of the probationary time period.

19 If the Board does not file an accusation or petition to revoke probation within 15 days of the
20 issuance of the notification to cease practice or does not provide Respondent with a hearing
21 within 30 days of such a request, the notification of cease practice shall be dissolved.

22 4. COMMUNITY SERVICE - FREE SERVICES. Within 60 calendar days of the
23 effective date of this Decision, Respondent shall submit to the Board or its designee for prior
24 approval a community service plan in which Respondent shall, within the first 2 years of
25 probation, provide 40 hours of free services (e.g., medical or nonmedical) to a community or non-
26 profit organization. If the term of probation is designated for 2 years or less, the community
27 service hours must be completed not later than 6 months prior to the completion of probation.

28 Prior to engaging in any community service, Respondent shall provide a true copy of the

1 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief
2 executive officer at every community or non-profit organization where Respondent provides
3 community service and shall submit proof of compliance to the Board or its designee within 15
4 calendar days. This condition shall also apply to any change(s) in community service.

5 Community service performed prior to the effective date of the Decision shall not be
6 accepted in fulfillment of this condition.

7 5. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
8 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
9 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
10 Respondent shall participate in and successfully complete that program. Respondent shall
11 provide any information and documents that the program may deem pertinent. Respondent shall
12 successfully complete the classroom component of the program not later than six (6) months after
13 Respondent's initial enrollment, and the longitudinal component of the program not later than the
14 time specified by the program, but no later than one (1) year after attending the classroom
15 component. The professionalism program shall be at Respondent's expense and shall be in
16 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

17 A professionalism program taken after the acts that gave rise to the charges in the
18 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
19 or its designee, be accepted towards the fulfillment of this condition if the program would have
20 been approved by the Board or its designee had the program been taken after the effective date of
21 this Decision.

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

25 6. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
26 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
27 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
28 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall

1 consider any information provided by the Board or designee and any other information the
2 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
3 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
4 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
5 psychiatric evaluations and psychological testing.

6 Respondent shall comply with all restrictions or conditions recommended by the evaluating
7 psychiatrist within 15 calendar days after being notified by the Board or its designee.

8 7. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
9 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
10 Chief Executive Officer at every hospital where privileges or membership are extended to
11 Respondent, at any other facility where Respondent engages in the practice of medicine,
12 including all physician and locum tenens registries or other similar agencies, and to the Chief
13 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
14 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
15 calendar days.

16 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

17 8. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
18 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
19 advanced practice nurses.

20 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
21 governing the practice of medicine in California and remain in full compliance with any court
22 ordered criminal probation, payments, and other orders.

23 10. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
24 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
25 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
26 enforcement, as applicable, in the amount of \$13,656.25 (thirteen thousand six hundred fifty-six
27 dollars and twenty-five cents). Costs shall be payable to the Medical Board of California. Failure
28 to pay such costs shall be considered a violation of probation.

1 Payment must be made in full within 30 calendar days of the effective date of the Order, or
2 by a payment plan approved by the Medical Board of California. Any and all requests for a
3 payment plan shall be submitted in writing by respondent to the Board. Failure to comply with
4 the payment plan shall be considered a violation of probation.

5 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
6 repay investigation and enforcement costs.

7 11. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
8 under penalty of perjury on forms provided by the Board, stating whether there has been
9 compliance with all the conditions of probation.

10 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
11 of the preceding quarter.

12 12. GENERAL PROBATION REQUIREMENTS.

13 Compliance with Probation Unit

14 Respondent shall comply with the Board's probation unit.

15 Address Changes

16 Respondent shall, at all times, keep the Board informed of Respondent's business and
17 residence addresses, email address (if available), and telephone number. Changes of such
18 addresses shall be immediately communicated in writing to the Board or its designee. Under no
19 circumstances shall a post office box serve as an address of record, except as allowed by Business
20 and Professions Code section 2021, subdivision (b).

21 Place of Practice

22 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
23 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
24 facility.

25 License Renewal

26 Respondent shall maintain a current and renewed California physician's and surgeon's
27 license.
28

1 Travel or Residence Outside California

2 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
3 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
4 (30) calendar days.

5 In the event Respondent should leave the State of California to reside or to practice
6 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
7 departure and return.

8 13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
9 available in person upon request for interviews either at Respondent's place of business or at the
10 probation unit office, with or without prior notice throughout the term of probation.

11 14. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
12 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
14 defined as any period of time Respondent is not practicing medicine as defined in Business and
15 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
16 patient care, clinical activity or teaching, or other activity as approved by the Board. If
17 Respondent resides in California and is considered to be in non-practice, Respondent shall
18 comply with all terms and conditions of probation. All time spent in an intensive training
19 program which has been approved by the Board or its designee shall not be considered non-
20 practice and does not relieve Respondent from complying with all the terms and conditions of
21 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
22 on probation with the medical licensing authority of that state or jurisdiction shall not be
23 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
24 period of non-practice.

25 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
26 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
27 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
28 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

Disciplinary Orders and Disciplinary Guidelines” prior to resuming the practice of medicine.

Respondent’s period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice for a Respondent residing outside of California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled Substances; and Biological Fluid Testing..

15. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. This term does not include cost recovery, which is due within 30 calendar days of the effective date of the Order, or by a payment plan approved by the Medical Board and timely satisfied. Upon successful completion of probation, Respondent’s certificate shall be fully restored.

16. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

17. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent’s request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent’s wallet and wall certificate to the Board or its

1 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
2 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
3 application shall be treated as a petition for reinstatement of a revoked certificate.

4 18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
5 with probation monitoring each and every year of probation, as designated by the Board, which
6 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
7 California and delivered to the Board or its designee no later than January 31 of each calendar
8 year.

9 19. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
10 a new license or certification, or petition for reinstatement of a license, by any other health care
11 licensing action agency in the State of California, all of the charges and allegations contained in
12 Accusation No. 800-2022-088566 shall be deemed to be true, correct, and admitted by
13 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
14 restrict license.

15 ACCEPTANCE

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Jane Luciano. I understand the stipulation and the effect it will
18 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
19 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
20 Decision and Order of the Medical Board of California.

21
22 DATED: 3/20/24 P. B. Kapadia
23 POONAM BRIJ KAPADIA, M.D.
Respondent

24 I have read and fully discussed with Respondent Poonam Brij Kapadia, M.D. the terms and
25 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
26 I approve its form and content.

27 DATED: 3/20/24 Jane Luciano
28 JANE LUCIANO
Attorney for Respondent

ENDORSEMENT

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

DATED: 3/20/2024

Respectfully submitted,

ROB BONTA
Attorney General of California

Greg W. Chambers

GREG W. CHAMBERS
Supervising Deputy Attorney General
Attorneys for Complainant

Exhibit A
Accusation No. 800-2022-088566

1 ROB BONTA
Attorney General of California
2 GREG W. CHAMBERS
Supervising Deputy Attorney General
3 KENDRA S. RIVAS
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5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 800-2022-088566

13 **Poonam Brij Kapadia, M.D.**
14 **1100 Veterans Boulevard**
Redwood City, CA 94063

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A76347,**

Respondent.

17
18
19 **PARTIES**

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

23 2. On or about August 24, 2001, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A76347 to Poonam Brij Kapadia (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on May 31, 2025, unless renewed.

27 ///

JURISDICTION

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

4. Section 2227 of the Code provides that a licensee found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, in pertinent part, 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:

...

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

6. Section 2236 of the Code, in pertinent part, states:

(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

...

(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

7. Section 2239 of the Code states:

(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee

1 to practice medicine safely or more than one misdemeanor or any felony involving the use,
2 consumption, or self-administration of any of the substances referred to in this section, or any
3 combination thereof, constitutes unprofessional conduct. The record of the conviction is
4 conclusive evidence of such unprofessional conduct.

5 (b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
6 deemed to be a conviction within the meaning of this section. The Medical Board may order
7 discipline of the licensee in accordance with Section 2227 or the Medical Board may order the
8 denial of the license when the time for appeal has elapsed or the judgment of conviction has been
9 affirmed on appeal or when an order granting probation is made suspending imposition of
10 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal
11 Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty,
12 or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or
13 indictment.

14 8. California Code of Regulations, title 16, section 1360, in pertinent part, states:

15 (a) For the purposes of denial, suspension or revocation of a license pursuant to
16 Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional
17 misconduct, or act shall be considered to be substantially related to the qualifications, functions or
18 duties of a person holding a license if to a substantial degree it evidences present or potential
19 unfitness of a person holding a license to perform the functions authorized by the license in a
20 manner consistent with the public health, safety or welfare. Such crimes, professional
21 misconduct, or acts shall include but not be limited to the following: Violating or attempting to
22 violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate
23 any provision of state or federal law governing the applicant's or licensee's professional practice.

24 COST RECOVERY

25 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licensee to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FACTUAL ALLEGATIONS**

4 10. On or about May 11, 2022, at approximately 2:35 p.m., Respondent was arrested for
5 driving under the influence of alcohol after crashing into another vehicle.

6 11. On or about July 11, 2022, in the *People of the State of California v. Poonam Brij*
7 *Kapadia*, Santa Clara County Superior Court Case No. C2208344, Respondent pleaded guilty to
8 violating Vehicle Code section 23152(b), a misdemeanor, for driving a vehicle with a BAC of
9 .08% or more. Respondent also pleaded guilty to the enhancement of driving with a BAC in
10 excess of 0.15%, pursuant to California Vehicle Code section 23578. Respondent was placed on
11 3 years' probation with standard DUI terms, such as participating and successfully completing a
12 9 months' First Offender Program, 224 hours of volunteer work, prohibition of driving any
13 vehicle without an ignition interlock device for 6 months, and payment of fees and fines.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct: Criminal Conviction/Dangerous Use of Alcohol)**

16 12. Paragraphs 10 through 11 are incorporated by reference as if fully set forth.

17 13. Respondent is subject to disciplinary action under section 2234, subdivision (f)
18 [unprofessional conduct], and 2239 of the Code [dangerous use of alcohol], and California Code
19 of Regulations, title 16, section 1360 [criminal conviction] because Respondent engaged in
20 unprofessional conduct in that on or about July 11, 2022, in a criminal proceeding entitled *People*
21 *of the State of California v. Poonam Brij Kapadia*, Santa Clara County Superior Court Case No.
22 C2208344, Respondent pled guilty to violating Vehicle Code Section 23152(b), driving on
23 May 11, 2022, with a blood alcohol content (BAC) in excess of .08% or more. Additionally,
24 Respondent pleaded guilty to the enhancement of driving with a BAC in excess of 0.15%,
25 pursuant to California Vehicle Code section 23578.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A76347,
5 issued to Respondent Poonam Brij Kapadia, M.D.;

6 2. Revoking, suspending or denying approval of Respondent Poonam Brij Kapadia,
7 M.D.'s authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Respondent Poonam Brij Kapadia, M.D., to pay the Board the costs of the
9 investigation and enforcement of this case, and if placed on probation, the costs of probation
10 monitoring; and

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

12 DATED: AUG 07 2023

13 JENNA JONES FOR
14 REJI VARGHESE
15 Executive Director
16 Medical Board of California
17 Department of Consumer Affairs
18 State of California
19 Complainant
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