

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

In the Matter of the Accusation
Against:

Edwin Bashaw McClelland, M.D.

Physician's and Surgeon's
Certificate No. A 84135

Respondent.

Case No. 800-2022-091131

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 June 13, 2024.

IT IS SO ORDERED June 6, 2024.

MEDICAL BOARD OF CALIFORNIA



Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 MICHAEL C. BRUMMEL
Supervising Deputy Attorney General
3 KALEV KASEORU
Deputy Attorney General
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10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2022-091131

13 **EDWIN BASHAW MCCLELLAND, M.D.**
14 **3733 San Jose Ave # 5**
Merced, CA 95348

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Physician's and Surgeon's Certificate**
16 **No. A 84135**

17 Respondent.

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

21 **PARTIES**

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

26 2. Edwin Bashaw McClelland, M.D. (Respondent) is representing himself in this
27 proceeding and has chosen not to be represented by counsel.
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1 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
2 Director and/or the Board may receive oral and written communications from its staff and/or the
3 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
4 Executive Director, the Board, any member thereof, and/or any other person from future
5 participation in this or any other matter affecting or involving Respondent. In the event that the
6 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
7 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
8 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
9 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
10 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
11 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
12 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
13 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
14 of any matter or matters related hereto.

15 **ADDITIONAL PROVISIONS**

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

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

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

25 **ORDER**

26 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 84135, issued
27 to Respondent Edwin Bashaw McClelland, M.D., is surrendered and accepted by the Board.
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1 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
2 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
3 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
4 of Respondent's license history with the Board.

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

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

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked or
12 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
13 contained in Accusation No. 800-2022-091131 shall be deemed to be true, correct and admitted
14 by Respondent when the Board determines whether to grant or deny the petition.

15 5. Respondent shall pay the agency its costs of investigation and enforcement in the
16 amount of \$11,687.25 prior to issuance of a new or reinstated license.

17 6. If Respondent should ever apply or reapply for a new license or certification, or
18 petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in Accusation No. 800-2022-091131 shall
20 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
21 Issues or any other proceeding seeking to deny or restrict licensure.

22 7. Respondent shall pay the agency its costs of investigation and enforcement in the
23 amount of \$11,687.25 prior to issuance of a new or reinstated license.

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ACCEPTANCE

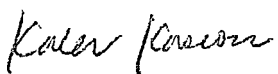
I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the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

DATED: 3/8/2024 
EDWIN BASHAW MCCLELLAND, M.D.
Respondent

ENDORSEMENT

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

DATED: May 20, 2024 Respectfully submitted,

ROB BONTA
Attorney General of California
MICHAEL C. BRUMMEL
Supervising Deputy Attorney General


KALEV KASEORU
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2022-091131

1 ROB BONTA
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Supervising Deputy Attorney General
3 KALEV KASEORU
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13 In the Matter of the Accusation Against:

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14 **EDWIN BASHAW MCCLELLAND, M.D.**
15 **3733 San Jose Ave # 5**
Merced, CA 95348-2264

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 84135,**

Respondent.

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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 July 30, 2003, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 84135 to Edwin Bashaw McClelland, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on May 31, 2025, unless renewed.

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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 who is found guilty under the Medical Practice Act may have his license revoked or 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 states:

"The board shall take action against any licensee who is charged with unprofessional conduct¹. 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.

"..."

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

"..."

6. Section 726 of the Code states:

"(a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this or under any initiative act referred to in this division.

"..."

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¹ Unprofessional conduct under California Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (Shea v. Board of Medical Examiners (1978) 81 Cal.App.3d 564, 575.)

1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Sexual Misconduct/Sexual Exploitation, Gross Negligence)

3 11. Respondent's Physician's and Surgeon's Certificate No. A 84135 is subject to
4 disciplinary action under section 2234 (unprofessional conduct), subdivision (a), and/or section
5 726 (sexual misconduct) and/or section 729 (sexual exploitation) of the Code, in that Respondent
6 engaged in Sexual Misconduct and/or Sexual Exploitation of Patient A as described in paragraph
7 10 above, including, but not limited to, the following:

8 A. Respondent touched Patient A in an inappropriate and unwanted manner.

9 SECOND CAUSE FOR DISCIPLINE

10 (General Unprofessional Conduct)

11 12. Respondent's Physician and Surgeon's Certificate No. A 84135 is subject to
12 disciplinary action under sections 2227 and 2234 of the Code, in that Respondent engaged in
13 conduct which breaches the rules or ethical code of the medical profession, or conduct which is
14 unbecoming a member in good standing of the medical profession, and which demonstrates an
15 unfitness to practice medicine, as more particularly alleged in paragraphs 10 through 11, above,
16 which are hereby incorporated by reference and realleged as if fully set forth herein.

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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 84135, issued to Respondent Edwin Bashaw McClelland, M.D.;
2. Revoking, suspending or denying approval of Respondent Edwin Bashaw McClelland, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Edwin Bashaw McClelland, 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;
4. Taking such other and further action as deemed necessary and proper.

DATED: MAY 16 2024



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

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