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

In the Matter of the Accusation Against: Anil Mehta, M.D. Physician's and Surgeon's Certificate No. A 38980 Respondent.	Case No. 800-2022-087492

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 24, 2024.

IT IS SO ORDERED June 17, 2024.

MEDICAL BOARD OF CALIFORNIA

Reji Varghese
Executive Director

ROB BONTA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General
MATTHEW FLEMING
Deputy Attorney General
State Bar No. 277992
1300 I Street, Suite 125
P.O. Box 944255
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **ANIL MEHTA, M.D.** **4708 Panorama Dr.** **Bakersfield, CA 93306-1351** **Physician's and Surgeon's Certificate No. A 38980** Respondent.	Case No. 800-2022-087492 OAH No. 2024041132 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

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

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2. ANIL MEHTA, M.D. (Respondent) is represented in this proceeding by attorney Kevin Thelen, whose address is:

P.O. Box 12092

Bakersfield, CA 93389-2092;

physical address:

5001 East Commercenter, Suite 300

Bakersfield, CA 93389-2092.

3. On or about August 16, 1982, the Board issued Physician's and Surgeon's Certificate No. A 38980 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2022-087492 and will expire on June 30, 2024, unless renewed.

JURISDICTION

4. Accusation No. 800-2022-087492 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 April 4, 2024. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2022-087492 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. 800-2022-087492. 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 his 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 him; the right to present evidence and to testify on his 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. 800-2022-087492, if proven at a hearing, constitute cause for imposing discipline upon his 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. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

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

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

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

13. Respondent understands that, by signing this stipulation, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. A 38980 without further notice to, or opportunity to be heard by, Respondent.

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

15. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the Executive Director on behalf of the Board does not, in his discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent will assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

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ADDITIONAL PROVISIONS

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

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

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

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 38980, issued to Respondent ANIL MEHTA, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2022-087492 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

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5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2022-087492 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.

6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of $17,386.50 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Kevin Thelen. 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: 6/12/24

ANIL MEHTA, M.D.
Respondent

I have read and fully discussed with Respondent ANIL MEHTA, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 6/12/24

KEVIN THELEN
Attorney for Respondent

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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: JUN 17 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General

Matthew Fleming
MATTHEW FLEMING
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2022-087492

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Attorneys for Complainant

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

In the Matter of the Accusation Against: **Anil Mehta, M.D.** **4708 Panorama Dr.** **Bakersfield, CA 93306-1351** **Physician's and Surgeon's Certificate No. A 38980,** Respondent.	Case No. 800-2022-087492 **ACCUSATION**

PARTIES

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

2. On or about August 16, 1982, the Medical Board issued Physician's and Surgeon's Certificate Number A 38980 to Anil Mehta, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2026, unless renewed.

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STATUTORY PROVISIONS

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

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) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.
>
> (2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.
>
> (d) Incompetence.
>
> (e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.
>
> (f) Any action or conduct that would have warranted the denial of a certificate.
>
> (g) The failure by a certificate holder, in the absence of good cause, to attend

and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

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

FACTUAL ALLEGATIONS

7. Respondent is a gastroenterologist who retired from medical practice in 2021.

8. On or about June of 2018, Patient A[1] was a 39-year-old male under the care of Respondent. Patient A presented to Respondent for rectal bleeding and rectal pain. Following an examination, Respondent diagnosed Patient A with thrombosed external hemorrhoids. Respondent also performed a finger stick test and diagnosed Patient A with Helicobacter Pylori (H. Pylori). Respondent noted that Patient A did not suffer from constipation, diarrhea, or abdominal pain. Respondent further noted "no nausea, vomiting, heartburn, [or] GE reflux." Respondent ordered Patient A to undergo a colonoscopy and an esophagogastroduodenoscopy (EGD).[2]

9. The colonoscopy and the EGD were completed by Respondent on or about July 12, 2018. The colonoscopy resulted in findings of internal hemorrhoids and a spastic colon. A 1cm lesion was discovered during the EGD. A biopsy was taken of the lesion, revealing that Patient A suffered from adenocarcinoma of the stomach. Respondent personally reviewed the pathology report but never communicated the abnormal finding to Patient A. During a recorded interview, Respondent stated that it was not his practice to communicate abnormal findings to his patients. Instead, Respondent would fax a report to the primary care physician with the expectation that the primary care physician would inform the patient. Respondent indicated during his interview that he told Patient A to follow up with his primary care physician, but that was not reflected in the medical record. Respondent indicated it was not his duty to report abnormal findings to his patients, but rather the duty of the primary care physician to do so.

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[1] Patient A's name is omitted to protect his privacy.
[2] An endoscopy of the upper gastrointestinal tract.

10. Patient A did not learn about the malignancy in his stomach until summer of 2020, when he presented to a different healthcare provider with additional gastrointestinal symptoms. Treatment of Patient A's stomach cancer did not begin until approximately two years after it was discovered during the EGD that was both ordered and performed by Respondent.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

11. Respondent Anil Mehta, M.D., is subject to disciplinary action under section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of Patient A. The circumstances are set forth in paragraphs 7 through 10, which are incorporated here by reference as if fully set forth. Additional circumstances are as follows:

12. The standard of care regarding abnormal findings requires physicians to communicate such findings to the patient. Communications can be done in a variety of ways, such as through HIPAA secure chat/email, telephone call, or during an in-person office visit, but they need to be completed within a period of time period that does not make the patient susceptible to an adverse outcome. Physicians have an obligation to ensure that patients receive test results within a reasonable time frame. If abnormal test results are not communicated in a timely manner, it can lead to patient harm.

13. Respondent failed to ensure that Patient A was aware of the gastric cancer that Respondent discovered during an EGD he performed on or about July 12, 2018. Respondent both ordered and performed the EGD; Respondent also ordered the biopsy of the lesion that was discovered during the EGD, and he personally reviewed the pathology findings. Respondent's failure to reasonably ensure that Patient A was informed of the abnormal finding was an extreme departure from the standard of care.

SECOND CAUSE FOR DISCIPLINE

(Failure to Maintain Accurate Medical Records)

14. Respondent Anil Mehta, M.D., is subject to disciplinary action under section 2266 of the Code, in that he failed to maintain accurate medical records pertaining to the treatment of

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Patient A. The circumstances are set forth in paragraphs 7 through 10, which are incorporated here by reference.

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 A 38980, issued to Respondent Anil Mehta, M.D.;

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

3. Ordering Respondent Anil Mehta, 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: APR 04 2024

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

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