

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

In the Matter of the Accusation
Against:

Robert August Wiemer Jr., M.D.

Physician's and Surgeon's
Certificate No. A 34681

Respondent.

Case No. 800-2023-096319

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 August 9, 2024.

IT IS SO ORDERED August 2, 2024.

MEDICAL BOARD OF CALIFORNIA

JENNA JONES FOR

Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 MACHAELA M. MINGARDI
Supervising Deputy Attorney General
3 C. HAY-MIE CHO
Deputy Attorney General
4 State Bar No. 282259
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-4433
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**

11 In the Matter of the Accusation Against:
12 **ROBERT AUGUST WIEMER JR., M.D.**
13 **468 Tennyson Drive**
Stephenville, TX 76401-7388
14 **Physician's and Surgeon's Certificate No.**
15 **A34681**
16 Respondent.

Case No. 800-2023-096319
**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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 C. Hay-Mie Cho, Deputy
24 Attorney General.
- 25 2. ROBERT AUGUST WIEMER JR., M.D. (Respondent) is representing himself in this
26 proceeding, and has chosen not to exercise his right to be represented by counsel.
- 27 3. On or about November 13, 1979, the Board issued Physician's and Surgeon's
28 Certificate No. A34681 to Respondent. That license expired on April 30, 2023, and has not been

1 renewed.

2 **JURISDICTION**

3 4. Accusation No. 800-2023-096319 was filed before the Board, and is currently
4 pending against Respondent. The Accusation and all other statutorily required documents were
5 properly served on Respondent on April 4, 2024. Respondent did not file a Notice of Defense
6 contesting the Accusation. A copy of Accusation No. 800-2023-096319 is attached as Exhibit A
7 and incorporated by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read, and understands the charges and allegations in
10 Accusation No. 800-2023-096319. Respondent also has carefully read, and understands the
11 effects of this Stipulated Surrender of License and Order.

12 6. Respondent is fully aware of his legal rights in this matter, including the right to a
13 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
14 his own expense; the right to confront and cross-examine the witnesses against him; the right to
15 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
16 the attendance of witnesses and the production of documents; the right to reconsideration and
17 court review of an adverse decision; and all other rights accorded by the California
18 Administrative Procedure Act and other applicable laws.

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

21 **CULPABILITY**

22 8. Respondent admits the truth of each and every charge and allegation in Accusation
23 No. 800-2023-096319, agrees that cause exists for discipline and hereby surrenders his
24 Physician's and Surgeon's Certificate No. A34681 for the Board's formal acceptance.

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

28

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. A34681, issued
24 to Respondent ROBERT AUGUST WIEMER JR., M.D., is surrendered and accepted by the
25 Board.

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

1 of Respondent's license history with the Board.

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

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

6 4. If Respondent ever files an application for licensure or a petition for reinstatement in
7 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
8 comply with all the laws, regulations and procedures for reinstatement of a revoked or
9 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
10 contained in Accusation No. 800-2023-096319 shall be deemed to be true, correct and admitted
11 by Respondent when the Board determines whether to grant or deny the petition.


12 5. Respondent shall pay the agency its costs of investigation and enforcement in the
13 amount of \$8,895.75 prior to issuance of a new or reinstated license.

14 6. If Respondent should ever apply or reapply for a new license or certification, or
15 petition for reinstatement of a license, by any other health care licensing agency in the State of
16 California, all of the charges and allegations contained in Accusation No. 800-2023-096319 shall
17 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
18 Issues or any other proceeding seeking to deny or restrict licensure.

19 ACCEPTANCE

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

24
25 DATED: 7 July 2024


26 ROBERT AUGUST WIEMER JR., M.D.
27 Respondent
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: July 17, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
MACHAELA M. MINGARDI
Supervising Deputy Attorney General

C. Hay-Mie Cho

C. HAY-MIE CHO
Deputy Attorney General
Attorneys for Complainant

SF2024300172
44212426.docx

Exhibit A

Accusation No. 800-2023-096319

1 ROB BONTA
Attorney General of California
2 MACHAELA M. MINGARDI
Supervising Deputy Attorney General
3 C. HAY-MIE CHO
Deputy Attorney General
4 State Bar No. 282259
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-4433
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:	Case No. 800-2023-096319
13 ROBERT AUGUST WIEMER, JR., M.D.	ACCUSATION
14 468 Tennyson Drive	
14 Stephenville, TX 76401-7388	
15 Physician's and Surgeon's Certificate	
15 No. A34681,	
16	
16 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 November 13, 1979, the Board issued Physician's and Surgeon's
24 Certificate Number A34681 to Robert August Wiemer, Jr., M.D. (Respondent). The Physician's
25 and Surgeon's Certificate expired on April 30, 2023, and has not been renewed.

26 **JURISDICTION**

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

1 indicated.

2 4. Section 2004 of the Code provides that the Board shall have the responsibility for the
3 enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

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

8 6. Section 2234 of the Code states:

9 The board shall take action against any licensee who is charged with unprofessional
10 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
11 limited to, the following:

12 (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
13 violation of, or conspiring to violate any provision of this chapter.

14 (b) Gross negligence.

15 (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
16 omissions. An initial negligent act or omission followed by a separate and distinct departure from
17 the applicable standard of care shall constitute repeated negligent acts.

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

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

25 (d) Incompetence.

26 (e) The commission of any act involving dishonesty or corruption.

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

28 (g) The failure by a certificate holder, in the absence of good cause, to attend and

1 participate in an interview by the board no later than 30 calendar days after being notified by the
2 board. This subdivision shall only apply to a certificate holder who is the subject of an
3 investigation by the board.

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

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

10 7. Section 2236 of the Code states:

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

15 8. California Code of Regulations, title 16, section 1360, states:

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

25 9. Section 802.1(a) of the Code states, in relevant part, as follows:

26 (1) "A physician or surgeon ... shall report either of the following to the entity that issued
27 his ... license:

28 "(A) The bringing of an indictment or information charging a felony against the licensee.

1 if fully set out herein.

2 22. By reason of the facts stated in Paragraphs 11 through 14, above, Respondent is
3 subject to disciplinary action under section 802.1(a) of the Code because he failed to report a
4 criminal conviction to the Board within 30 days.

5 23. Respondent engaged in unprofessional conduct under section 802.1(a) of the Code,
6 based on the fact that he failed to report the aforementioned conviction within 30 days.

7 P R A Y E R

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

- 10 1. Revoking or suspending Physician's and Surgeon's Certificate Number A34681,
11 issued to Respondent Robert August Wiemer Jr., M.D.;
- 12 2. Revoking, suspending or denying approval of Respondent Robert August Wiemer Jr.,
13 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 14 3. Ordering Respondent Robert August Wiemer Jr., M.D., to pay the Board the costs of
15 the investigation and enforcement of this case, and if placed on probation, the costs of probation
16 monitoring;
- 17 4. Taking such other and further action as deemed necessary and proper.

18
19 DATED: APR 04 2024

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

24 SF2024300172
25 44104304.docx