

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

In the Matter of the Accusation
Against:

Francisco Reyna Mendoza, M.D.

Physician's and Surgeon's
Certificate No. G 63191

Case No.: 800-2022-089027

Respondent.

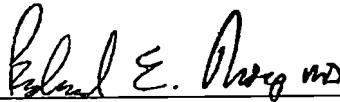
DECISION

The attached Stipulated Settlement and Disciplinary 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 September 11, 2024.

IT IS SO ORDERED: August 12, 2024.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, Chair
Panel B

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
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7

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

11 In the Matter of the Accusation Against:

12 **FRANCISCO REYNA MENDOZA, M.D.**
13 **124 W. Fesler Street**
Santa Maria, CA 93458-4002

14 **Physician's and Surgeon's Certificate No.**
15 **G 63191,**

16 Respondent.

Case No. 800-2022-089027

OAH No. 2024010974

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

19 **PARTIES**

20 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
21 California (Board). He brought this action solely in his official capacity and is represented in this
22 matter by Rob Bonta, Attorney General of the State of California, by Marsha E. Barr-Fernandez,
23 Deputy Attorney General.

24 2. Respondent Francisco Reyna Mendoza, M.D. (Respondent) is represented in this
25 proceeding by attorney Scott J. Harris, whose address is: 280 South Beverly Drive, Suite 209,
26 Beverly Hills, CA 90212.

27 3. On or about June 27, 1988, the Board issued Physician's and Surgeon's Certificate
28 No. G 63191 to Francisco Reyna Mendoza, M.D. (Respondent). The Physician's and Surgeon's

1 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 800-2022-089027, and will expire on September 30, 2025, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 800-2022-089027 was filed before the Board, and is currently
5 pending against Respondent. The Accusation and all other statutorily required documents were
6 properly served on Respondent on December 8, 2023. Respondent timely filed his Notice of
7 Defense contesting the Accusation.

8 5. A copy of Accusation No. 800-2022-089027 is attached as Exhibit A and
9 incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 800-2022-089027. Respondent has also carefully read,
13 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

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

23 **CULPABILITY**

24 9. Respondent understands and agrees that the charges and allegations in Accusation
25 No. 800-2022-089027, if proven at a hearing, constitute cause for imposing discipline upon his
26 Physician's and Surgeon's Certificate.

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10. Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

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

CONTINGENCY

12. 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 his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreement of the parties in this above entitled matter.

14. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2022-089027 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.

15. 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.

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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 63191 issued
6 to Respondent FRANCISCO REYNA MENDOZA, M.D. is revoked. However, the revocation is
7 stayed and Respondent is placed on probation for five (5) years on the following terms and
8 conditions:

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

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

19 2. **ALCOHOL - ABSTAIN FROM USE.** Respondent shall abstain completely from the
20 use of products or beverages containing alcohol.

21 3. **PROFESSIONALISM PROGRAM (ETHICS COURSE).** Within sixty (60) calendar
22 days of the effective date of this Decision, Respondent shall enroll in a professionalism program,
23 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
24 Respondent shall participate in and successfully complete that program. Respondent shall
25 provide any information and documents that the program may deem pertinent. Respondent shall
26 successfully complete the classroom component of the program not later than six (6) months after
27 Respondent's initial enrollment, and the longitudinal component of the program not later than the
28 time specified by the program, but no later than one (1) year after attending the classroom

1 component. The professionalism program shall be at Respondent's expense and shall be in
2 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

8 Respondent shall submit a certification of successful completion to the Board or its
9 designee not later than fifteen (15) calendar days after successfully completing the program or not
10 later than 15 calendar days after the effective date of the Decision, whichever is later.

11 4. PSYCHIATRIC EVALUATION. Within thirty (30) calendar days of the effective
12 date of this Decision, and on whatever periodic basis thereafter may be required by the Board or
13 its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
14 testing, if deemed necessary) by a Board-appointed board-certified psychiatrist, who shall
15 consider any information provided by the Board or designee and any other information the
16 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
17 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
18 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
19 psychiatric evaluations and psychological testing.

20 Respondent shall comply with all restrictions or conditions recommended by the evaluating
21 psychiatrist within fifteen (15) calendar days after being notified by the Board or its designee.

22 5. PSYCHOTHERAPY. Within sixty (60) calendar days of the effective date of this
23 Decision, Respondent shall submit to the Board or its designee for prior approval the name and
24 qualifications of a California-licensed board-certified psychiatrist or a licensed psychologist who
25 has a doctoral degree in psychology and at least five years of postgraduate experience in the
26 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
27 undergo and continue psychotherapy treatment, including any modifications to the frequency of
28 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

1 The psychotherapist shall consider any information provided by the Board or its designee
2 and any other information the psychotherapist deems relevant and shall furnish a written
3 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
4 psychotherapist with any information and documents that the psychotherapist may deem
5 pertinent.

6 Respondent shall have the treating psychotherapist submit quarterly status reports to the
7 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
8 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
9 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
10 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
11 period of probation shall be extended until the Board determines that Respondent is mentally fit
12 to resume the practice of medicine without restrictions.

13 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

14 6. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
15 days of the effective date of this Decision, Respondent shall provide to the Board the names,
16 physical addresses, mailing addresses, and telephone numbers of any and all employers and
17 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
18 worksite monitor, and Respondent's employers and supervisors to communicate regarding
19 Respondent's work status, performance, and monitoring.

20 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
21 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
22 privileges.

23 7. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
24 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
25 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
26 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
27 make daily contact with the Board or its designee to determine whether biological fluid testing is
28 required. Respondent shall be tested on the date of the notification as directed by the Board or its

1 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
2 any time, including weekends and holidays. Except when testing on a specific date as ordered by
3 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
4 basis. The cost of biological fluid testing shall be borne by the Respondent.

5 During the first year of probation, Respondent shall be subject to fifty-two (52) to one
6 hundred four (104) random tests. During the second year of probation and for the duration of the
7 probationary term, up to five (5) years, Respondent shall be subject to thirty-six (36) to one
8 hundred four (104) random tests per year. Only if there has been no positive biological fluid tests
9 in the previous five (5) consecutive years of probation, may testing be reduced to one (1) time per
10 month. Nothing precludes the Board from increasing the number of random tests to the first-year
11 level of frequency for any reason.

12 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
13 approved in advance by the Board or its designee that will conduct random, unannounced,
14 observed, biological fluid testing and meets all of the following standards:

15 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
16 Association or have completed the training required to serve as a collector for the United
17 States Department of Transportation.

18 (b) Its specimen collectors conform to the current United States Department of
19 Transportation Specimen Collection Guidelines.

20 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
21 by the United States Department of Transportation without regard to the type of test
22 administered.

23 (d) Its specimen collectors observe the collection of testing specimens.

24 (e) Its laboratories are certified and accredited by the United States Department of Health
25 and Human Services.

26 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
27 of receipt and all specimens collected shall be handled pursuant to chain of custody
28 procedures. The laboratory shall process and analyze the specimens and provide legally

1 defensible test results to the Board within seven (7) business days of receipt of the
2 specimen. The Board will be notified of non-negative results within one (1) business day
3 and will be notified of negative test results within seven (7) business days.

4 (g) Its testing locations possess all the materials, equipment, and technical expertise
5 necessary in order to test Respondent on any day of the week.

6 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
7 for the detection of alcohol and illegal and controlled substances.

8 (i) It maintains testing sites located throughout California.

9 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
10 computer database that allows the Respondent to check in daily for testing.

11 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
12 access to drug test results and compliance reporting information that is available twenty-
13 four (24) hours a day.

14 (l) It employs or contracts with toxicologists that are licensed physicians and have
15 knowledge of substance abuse disorders and the appropriate medical training to interpret
16 and evaluate laboratory biological fluid test results, medical histories, and any other
17 information relevant to biomedical information.

18 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
19 while practicing, even if the Respondent holds a valid prescription for the substance.

20 Prior to changing testing locations for any reason, including during vacation or other travel,
21 alternative testing locations must be approved by the Board and meet the requirements above.

22 The contract shall require that the laboratory directly notify the Board or its designee of
23 non-negative results within one (1) business day and negative test results within seven (7)
24 business days of the results becoming available. Respondent shall maintain this laboratory or
25 service contract during the period of probation.

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

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1 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
2 administered to himself or herself a prohibited substance, the Board shall order Respondent to
3 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
4 medicine or providing medical services. The Board shall immediately notify all of Respondent's
5 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
6 provide medical services while the cease-practice order is in effect.

7 A biological fluid test will not be considered negative if a positive result is obtained while
8 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
9 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

10 After the issuance of a cease practice order, the Board shall determine whether the positive
11 biological fluid test is in fact evidence of prohibited substance use by consulting with the
12 specimen collector and the laboratory, communicating with the licensee, his or her treating
13 physician(s), other health care provider, or group facilitator, as applicable.

14 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
15 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

16 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
17 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
18 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
19 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

20 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
21 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
22 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
23 any other terms or conditions the Board determines are necessary for public protection or to
24 enhance Respondent's rehabilitation.

25 8. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
26 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
27 prior approval, the name of a substance abuse support group which he or she shall attend for the
28 duration of probation. Respondent shall attend substance abuse support group meetings at least

1 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
2 abuse support group meeting costs.

3 The facilitator of the substance abuse support group meeting shall have a minimum of three
4 (3) years' experience in the treatment and rehabilitation of substance abuse, and shall be licensed
5 or certified by the state or nationally certified organizations. The facilitator shall not have a
6 current or former financial, personal, or business relationship with Respondent within the last five
7 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
8 the same facilitator does not constitute a prohibited current or former financial, personal, or
9 business relationship.

10 The facilitator shall provide a signed document to the Board or its designee showing
11 Respondent's name, the group name, the date and location of the meeting, Respondent's
12 attendance, and Respondent's level of participation and progress. The facilitator shall report any
13 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
14 or its designee, within twenty-four (24) hours of the unexcused absence.

15 9. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
16 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
17 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
18 licensed physician and surgeon, other licensed health care professional if no physician and
19 surgeon is available, or, as approved by the Board or its designee, a person in a position of
20 authority who is capable of monitoring the Respondent at work.

21 The worksite monitor shall not have a current or former financial, personal, or familial
22 relationship with Respondent, or any other relationship that could reasonably be expected to
23 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
24 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
25 monitor, this requirement may be waived by the Board or its designee, however, under no
26 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

27 The worksite monitor shall have an active unrestricted license with no disciplinary action
28 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms

1 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
2 by the Board or its designee.

3 Respondent shall pay all worksite monitoring costs.

4 The worksite monitor shall have face-to-face contact with Respondent in the work
5 environment on as frequent a basis as determined by the Board or its designee, but not less than
6 once per week; interview other staff in the office regarding Respondent's behavior, if requested
7 by the Board or its designee; and review Respondent's work attendance.

8 The worksite monitor shall verbally report any suspected substance abuse to the Board and
9 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
10 substance abuse does not occur during the Board's normal business hours, the verbal report shall
11 be made to the Board or its designee within one (1) hour of the next business day. A written
12 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
13 any other information deemed important by the worksite monitor shall be submitted to the Board
14 or its designee within 48 hours of the occurrence.

15 The worksite monitor shall complete and submit a written report monthly or as directed by
16 the Board or its designee which shall include the following: (1) Respondent's name and
17 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
18 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
19 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
20 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
21 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
22 lead to suspected substance abuse by Respondent. Respondent shall complete any required
23 consent forms and execute agreements with the approved worksite monitor and the Board, or its
24 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

25 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
26 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
27 approval, the name and qualifications of a replacement monitor who will be assuming that
28 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a

1 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
2 monitor, Respondent shall receive a notification from the Board or its designee to cease the
3 practice of medicine within three (3) calendar days after being so notified. Respondent shall
4 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
5 responsibility.

6 10. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
7 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
8 probation.

9 A. If Respondent commits a major violation of probation as defined by section
10 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
11 one or more of the following actions:

12 (1) Issue an immediate cease practice order and order Respondent to undergo a clinical
13 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
14 Title 16 of the California Code of Regulations, at Respondent's expense. The cease practice
15 order issued by the Board or its designee shall state that Respondent must test negative for at least
16 one month of continuous biological fluid testing before being allowed to resume practice. For
17 purposes of determining the length of time a Respondent must test negative while undergoing
18 continuous biological fluid testing following issuance of a cease practice order, a month is
19 defined as thirty (30) calendar days. Respondent may not resume the practice of medicine until
20 notified in writing by the Board or its designee that he or she may do so.

21 (2) Increase the frequency of biological fluid testing.

22 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
23 other action as determined by the Board or its designee.

24 B. If Respondent commits a minor violation of probation as defined by section
25 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
26 one or more of the following actions:

27 (1) Issue a cease-practice order;

28 (2) Order practice limitations;

- 1 (3) Order or increase supervision of Respondent;
2 (4) Order increased documentation;
3 (5) Issue a citation and fine, or a warning letter;
4 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
5 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
6 Regulations, at Respondent's expense;
7 (7) Take any other action as determined by the Board or its designee.

8 C. Nothing in this Decision shall be considered a limitation on the Board's authority
9 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
10 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
11 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
12 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
13 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
14 is final, and the period of probation shall be extended until the matter is final.

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

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

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

27 13. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
28 ordered to reimburse the Board its costs of investigation and enforcement, in the amount of \$

1 13,716.25 (thirteen thousand seven hundred sixteen dollars and twenty-five cents). Costs shall be
2 payable to the Medical Board of California. Failure to pay such costs shall be considered a
3 violation of probation.

4 Payment must be made in full within thirty (30) calendar days of the effective date of the
5 Order, or by a payment plan approved by the Medical Board of California. Any and all requests
6 for a payment plan shall be submitted in writing by Respondent to the Board. Failure to comply
7 with the payment plan shall be considered a violation of probation.

8 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
9 to repay investigation and enforcement costs.

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

13 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
14 the end of the preceding quarter.

15 15. GENERAL PROBATION REQUIREMENTS.

16 Compliance with Probation Unit

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

18 Address Changes

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

24 Place of Practice

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

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1 License Renewal

2 Respondent shall maintain a current and renewed California physician's and surgeon's
3 license.

4 Travel or Residence Outside California

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

8 In the event Respondent should leave the State of California to reside or to practice
9 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the
10 dates of departure and return.

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

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

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1 In the event Respondent's period of non-practice while on probation exceeds eighteen (18)
2 calendar months, Respondent shall successfully complete the Federation of State Medical
3 Boards's Special Purpose Examination, or, at the Board's discretion, a clinical competence
4 assessment program that meets the criteria of Condition 18 of the current version of the Board's
5 "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the
6 practice of medicine.

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

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

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

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

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

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1 20. LICENSE SURRENDER. Following the effective date of this Decision, if
2 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
3 the terms and conditions of probation, Respondent may request to surrender his or her license.
4 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
5 determining whether or not to grant the request, or to take any other action deemed appropriate
6 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
7 shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the
8 Board or its designee and Respondent shall no longer practice medicine. Respondent will no
9 longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical
10 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

11 21. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
12 with probation monitoring each and every year of probation, as designated by the Board, which
13 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
14 California and delivered to the Board or its designee no later than January 31 of each calendar
15 year.

16 22. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
17 a new license or certification, or petition for reinstatement of a license, by any other health care
18 licensing action agency in the State of California, all of the charges and allegations contained in
19 Accusation No. 800-2022-089027 shall be deemed to be true, correct, and admitted by
20 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
21 restrict license.

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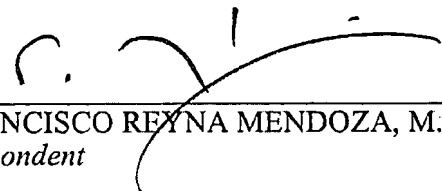
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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Scott J. Harris. I understand the stipulation and the effect it will
4 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: 6/14/24


FRANCISCO REYNA MENDOZA, M.D.
Respondent

10 I have read and fully discussed with Respondent Francisco Reyna Mendoza, M.D. the terms
11 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
12 Order. I approve its form and content.

13 DATED: 06/14/24


SCOTT J. HARRIS
Attorney for Respondent

15
16 ENDORSEMENT

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

19
20 DATED: 06/14/2024

Respectfully submitted,

21 ROB BONTA
Attorney General of California
22 JUDITH T. ALVARADO
Supervising Deputy Attorney General

23 

24 MARSHA E. BARR-FERNANDEZ
25 Deputy Attorney General
Attorneys for Complainant

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27
28 LA2023603354

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
4 State Bar No. 200896
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6249
6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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. 800-2022-089027

13 **FRANCISCO REYNA MENDOZA, M.D.**
124 W. Fesler Street
Santa Maria, CA 93458-4002

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. G 63191,**

16 Respondent.

17 **PARTIES**

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

21 2. On or about June 27, 1988, the Board issued Physician's and Surgeon's Certificate
22 Number G 63191 to Francisco Reyna Mendoza, M.D. (Respondent). The Physician's and
23 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
24 herein and will expire on September 30, 2025, unless 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 2004 of the Code states:

2 The board shall have the responsibility for the following:

3 (a) The enforcement of the disciplinary and criminal provisions of the Medical
4 Practice Act.

5 (b) The administration and hearing of disciplinary actions.

6 (c) Carrying out disciplinary actions appropriate to findings made by a panel or
an administrative law judge.

7 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion
8 of disciplinary actions.

9 (e) Reviewing the quality of medical practice carried out by physician and
surgeon certificate holders under the jurisdiction of the board.

10 (f) Approving undergraduate and graduate medical education programs.

11 (g) Approving clinical clerkship and special programs and hospitals for the
12 programs in subdivision (f).

13 (h) Issuing licenses and certificates under the board's jurisdiction.

14 (i) Administering the board's continuing medical education program.

15 5. Section 2220 of the Code states:

16 Except as otherwise provided by law, the board may take action against all
17 persons guilty of violating this chapter. The board shall enforce and administer this
18 article as to physician and surgeon certificate holders, including those who hold
19 certificates that do not permit them to practice medicine, such as, but not limited to,
retired, inactive, or disabled status certificate holders, and the board shall have all the
powers granted in this chapter for these purposes including, but not limited to:

20 (a) Investigating complaints from the public, from other licensees, from health
21 care facilities, or from the board that a physician and surgeon may be guilty of
22 unprofessional conduct. The board shall investigate the circumstances underlying a
23 report received pursuant to Section 805 or 805.01 within 30 days to determine if an
interim suspension order or temporary restraining order should be issued. The board
shall otherwise provide timely disposition of the reports received pursuant to Section
805 and Section 805.01.

24 (b) Investigating the circumstances of practice of any physician and surgeon
25 where there have been any judgments, settlements, or arbitration awards requiring the
26 physician and surgeon or his or her professional liability insurer to pay an amount in
damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with
respect to any claim that injury or damage was proximately caused by the physician's
and surgeon's error, negligence, or omission.

27 (c) Investigating the nature and causes of injuries from cases which shall be
28 reported of a high number of judgments, settlements, or arbitration awards against a
physician and surgeon.

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

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

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

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

The authority of the board or the California Board of Podiatric Medicine to discipline a licensee by placing him or her on probation includes, but is not limited to, the following:

(b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If an examination is ordered, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee's choice.

(d) Providing the option of alternative community service in cases other than violations relating to quality of care.

STATUTORY PROVISIONS

8. 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.

9. Section 2236 of the Code 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.

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

1 (c) The clerk of the court in which a licensee is convicted of a crime shall,
2 within 48 hours after the conviction, transmit a certified copy of the record of
3 conviction to the board. The division may inquire into the circumstances surrounding
4 the commission of a crime in order to fix the degree of discipline or to determine if
5 the conviction is of an offense substantially related to the qualifications, functions, or
6 duties of a physician and surgeon.

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

11 10. Section 2239 of the Code states:

12 (a) The use or prescribing for or administering to himself or herself, of any
13 controlled substance; or the use of any of the dangerous drugs specified in Section
14 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
15 or injurious to the licensee, or to any other person or to the public, or to the extent that
16 such use impairs the ability of the licensee to practice medicine safely or more than
17 one misdemeanor or any felony involving the use, consumption, or
18 self-administration of any of the substances referred to in this section, or any
19 combination thereof, constitutes unprofessional conduct. The record of the
20 conviction is conclusive evidence of such unprofessional conduct.

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

11. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a
licensee, a board may suspend or revoke a license on the ground that the licensee has
been convicted of a crime, if the crime is substantially related to the qualifications,
functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any
authority to discipline a licensee for conviction of a crime that is independent of the
authority granted under subdivision (a) only if the crime is substantially related to the
qualifications, functions, or duties of the business or profession for which the
licensee's license was issued.

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1 (c) A conviction within the meaning of this section means a plea or verdict of
2 guilty or a conviction following a plea of nolo contendere. Any action that a board is
3 permitted to take following the establishment of a conviction may be taken when the
4 time for appeal has elapsed, or the judgment of conviction has been affirmed on
5 appeal, or when an order granting probation is made suspending the imposition of
6 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
7 the Penal Code.

8 (d) The Legislature hereby finds and declares that the application of this section
9 has been made unclear by the holding in *Petropoulos v. Department of Real Estate*
10 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant
11 number of statutes and regulations in question, resulting in potential harm to the
12 consumers of California from licensees who have been convicted of crimes.
13 Therefore, the Legislature finds and declares that this section establishes an
14 independent basis for a board to impose discipline upon a licensee, and that the
15 amendments to this section made by Chapter 33 of the Statutes of 2008 do not
16 constitute a change to, but rather are declaratory of, existing law.

17 12. Section 493 of the Code states:

18 (a) Notwithstanding any other law, in a proceeding conducted by a board within
19 the department pursuant to law to deny an application for a license or to suspend or
20 revoke a license or otherwise take disciplinary action against a person who holds a
21 license, upon the ground that the applicant or the licensee has been convicted of a
22 crime substantially related to the qualifications, functions, and duties of the licensee
23 in question, the record of conviction of the crime shall be conclusive evidence of the
24 fact that the conviction occurred, but only of that fact.

25 (b) (1) Criteria for determining whether a crime is substantially related to the
26 qualifications, functions, or duties of the business or profession the board regulates
27 shall include all of the following:

28 (A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of
conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit,"
"authority," and "registration."

(d) This section does not in any way modify or otherwise affect the existing
authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(e) This section shall become operative on July 1, 2020.

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REGULATORY PROVISIONS

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

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

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

- (1) The nature and gravity of the crime;
- (2) The number of years elapsed since the date of the crime; and
- (3) The nature and duties of the profession.

COST RECOVERY

14. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may 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.

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

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of 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).

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

5 (f) In any action for recovery of costs, proof of the board's decision shall be
6 conclusive proof of the validity of the order of payment and the terms for payment.

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

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

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

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

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

23 FIRST CAUSE FOR DISCIPLINE

24 (Conviction of a Substantially Related Crime)

25 15. Respondent Francisco Reyna Mendoza, M.D. is subject to disciplinary action under
26 sections 490, 493, and 2236 of the Code, in that Respondent was convicted of a crime
27 substantially related to the qualifications, functions, or duties of a physician. The circumstances
28 are as follows:

16 16. On or about June 1, 2022, at approximately 0023 hours, Respondent was arrested by
17 California Highway Patrol (CHP) officers in Ventura County for violation of Vehicle Code
18 section 23152, subdivisions (a) and (b), driving under the influence of alcohol and driving with a
19 blood alcohol content (BAC) of .08% or higher, respectively. The CHP officers transported
20 Respondent to a local hospital to undergo a blood draw for chemical testing to determine the
21 presence of alcohol or controlled substances. Respondent was then transported and booked into
22 the Ventura County Main Jail. He was cited and released the next day. Upon analysis, the
23 chemical testing revealed that Respondent had a BAC of .096% and was positive for, among

1 other things, buprenorphine (a medication used to treat pain and addiction to narcotic pain
2 relievers) and cannabinoids.

3 17. On or about April 25, 2023, the Ventura County District Attorney filed a
4 misdemeanor complaint against Respondent in the case of *The People of the State of California v.*
5 *Francisco R. Mendoza*, Ventura County Superior Court Case Number 2022013416. In that
6 complaint, Respondent was charged with violating Vehicle Code section 23152, subdivision (a),
7 driving while under the influence of any alcoholic beverage, and Vehicle Code section 23152,
8 subdivision (b), driving while having a 0.08% or higher blood alcohol.

9 18. On or about May 18, 2023, Respondent was convicted by way of plea of nolo
10 contendere, for violation of Vehicle Code section 23152, subdivision (b). Respondent was
11 discharged on conditional revocable release and placed on summary probation for thirty-six (36)
12 months, with terms and conditions, including completing a 90-day Driving Under the Influence
13 Program.

14 SECOND CAUSE FOR DISCIPLINE

15 (Excessive Use of Alcohol)

16 19. Respondent Francisco Reyna Mendoza, M.D. is subject to disciplinary action under
17 section 2234, subdivision (a), and 2239 of the Code, in that Respondent used alcoholic beverages,
18 to the extent, or in such a manner as to be dangerous or injurious to himself, or to any other
19 person, or to the public, and/or to an extent that such use impaired Respondent's ability to practice
20 medicine safely. The circumstances are as follows:

21 20.. The facts and allegations set forth in the First Cause for Discipline are incorporated
22 herein by reference as if fully set forth.

23 DISCIPLINARY CONSIDERATIONS

24 21. To determine the degree of discipline, if any, to be imposed on Respondent Francisco
25 Reyna Mendoza, M.D., Complainant alleges that on or about September 21, 1995, in a prior
26 disciplinary action titled *In the Matter of the Accusation Against Francisco Reyna Mendoza, M.D.*
27 before the Medical Board of California, in Case Number 16-94-33653, Respondent's license was
28 revoked, the revocation stayed and placed on five (5) years' probation with certain terms and

1 conditions, due to having his clinical privileges revoked by the U.S. Air Force at Vandenberg Air
2 Force Base in Lompoc, California for alleged irregularities in the prescribing and dispensing of
3 Schedule II controlled substances.¹ That decision is now final and is incorporated by reference as
4 if fully set forth herein.

5 **PRAYER**

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

8 1. Revoking or suspending Physician's and Surgeon's Certificate Number G'63191,
9 issued to Respondent Francisco Reyna Mendoza, M.D.;

10 2. Revoking, suspending or denying approval of Respondent Francisco Reyna Mendoza,
11 M.D.'s authority to supervise physician assistants and advanced practice nurses;

12 3. Ordering Respondent Francisco Reyna Mendoza, M.D., to pay the costs of the
13 investigation and enforcement of this case to the Board, and if placed on probation, the costs of
14 probation monitoring; and

15 4. Taking such other and further action as deemed necessary and proper.

16
17 DATED: DEC 08 2023

18 
19 REJI VARGHESE
20 Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant

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27 LA2023603354

28 ¹ Respondent successfully completed probation in Case Number 16-94-33653, effective
September 21, 2000