

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

Respondent.

Case No.: 800-2022-089027

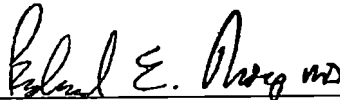
DECISION

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



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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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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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License Renewal

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

Travel or Residence Outside California

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

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

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

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

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

DATED: 6/14/24   
FRANCISCO REYNA MENDOZA, M.D.  
*Respondent*

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


DATED: 06/14/24   
SCOTT J. HARRIS  
*Attorney for Respondent*

**ENDORSEMENT**

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

DATED: 06/14/2024

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

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

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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**

11 In the Matter of the Accusation Against:

Case No. 800-2022-089027

12 **FRANCISCO REYNA MENDOZA, M.D.**  
13 **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  
7                    an administrative law judge.

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

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

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

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

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

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

17           5.    Section 2220 of the Code states:

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

24                    (a) Investigating complaints from the public, from other licensees, from health  
25                    care facilities, or from the board that a physician and surgeon may be guilty of  
26                    unprofessional conduct. The board shall investigate the circumstances underlying a  
27                    report received pursuant to Section 805 or 805.01 within 30 days to determine if an  
28                    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.

                     (b) Investigating the circumstances of practice of any physician and surgeon  
                     where there have been any judgments, settlements, or arbitration awards requiring the  
                     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.

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



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.

1 REGULATORY PROVISIONS

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

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

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

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

19 COST RECOVERY

20 14. Section 125.3 of the Code states:

21 (a) Except as otherwise provided by law, in any order issued in resolution of a  
22 disciplinary proceeding before any board within the department or before the  
23 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the  
24 administrative law judge may direct a licensee found to have committed a violation or  
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
26 investigation and enforcement of the case.

27 (b) In the case of a disciplined licensee that is a corporation or a partnership, the  
28 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

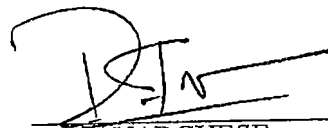
1 conditions, due to having his clinical privileges revoked by the U.S. Air Force at Vandenberg Air  
2 Force Base in Lompoc, California for alleged irregularities in the prescribing and dispensing of  
3 Schedule II controlled substances.<sup>1</sup> That decision is now final and is incorporated by 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 \_\_\_\_\_  
 20 REJI VARGHESE  
 21 Executive Director  
 22 Medical Board of California  
 23 Department of Consumer Affairs  
 24 State of California  
 25 Complainant

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