

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

**In the Matter of the Accusation/Petition to
Revoke Probation
Against:**

Marlon Fidel Castillo, M.D.

**Physician's and Surgeon's
Certificate No. A 93971**

Respondent.

Case No. 800-2021-079379

DECISION

**The attached Stipulated Surrender of License and Disciplinary Order
is hereby adopted as the Decision and Order of the Medical Board of
California, Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on JAN 01 2025.

IT IS SO ORDERED OCT 01 2024.

MEDICAL BOARD OF CALIFORNIA



**Reji Varghese
Executive Director**

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
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600 West Broadway, Suite 1800
5 San Diego, CA 92101
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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation/Petition to
14 Revoke Probation Against:

15 **MARLON FIDEL CASTILLO, M.D.**
82360 US Highway 111, Suite E
16 Indio, CA 92201-5604

17 **Physician's and Surgeon's Certificate**
No. A 93971,

18 Respondent.

Case No. 800-2021-079379

OAH No. 2024030053

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

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

22 **PARTIES**

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

27 ///

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7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently stipulates to the surrender of his Physician's and Surgeon's Certificate No. A 93971 with an effective date of January 1, 2025.

CULPABILITY

9. Respondent admits that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation/Petition to Revoke Probation No. 800-2021-079379 agrees that he has thereby subjected his Physician's and Surgeon's Certificate No. A 93971 to disciplinary action, and hereby surrenders his Physician's and Surgeon's Certificate No. A 93971 for the Board's formal acceptance.

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

11. Respondent understands that by signing this stipulation, pursuant to Business and Professions Code section 2307(i)(1)(A), the Board shall never reinstate his Physician's and Surgeon's Certificate.

RESERVATION

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

CONTINGENCY

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

14. Respondent understands that, by signing this stipulation, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his

1 Physician's and Surgeon's Certificate No. A 93971 without further notice to, or opportunity to be
2 heard by, Respondent.

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

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

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

ORDER

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

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

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation/Petition to Revoke Probation No. 800-2021-079379 shall be deemed to be true, correct, and admitted by Respondent

1 for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict
2 licensure.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
5 have fully discussed it with my attorney Gary Wittenberg, Esq. I understand the stipulation and
6 the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
7 Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
8 to be bound by the Decision and Order of the Medical Board of California.

9
10 DATED: 09/16/2024

Marlon B. Castillo
MARLON FIDEL CASTILLO, M.D.
Respondent

12 I have read and fully discussed with Respondent Marlon Fidel Castillo, M.D., the terms and
13 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
14 Order. I approve its form and content.

15 DATED: 9/25/24

Gary Wittenberg
GARY WITTENBERG, ESQ.
Attorney for Respondent

17
18 ENDORSEMENT

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

22 DATED: 9/25/24

Respectfully submitted,

23 ROB BONTA
24 Attorney General of California
25 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

26 Karolyn M. Westfall
27 KAROLYN M. WESTFALL
28 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation/Petition to Revoke Probation No. 800-2021-079379

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
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3 KAROLYN M. WESTFALL
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8 *Attorneys for Complainant*

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10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation and Petition to
15 Revoke Probation Against:

16 **MARLON FIDEL CASTILLO, M.D.**
17 **82360 US Highway 111, Suite E**
18 **Indio, CA 92201-5604**

19 **Physician's and Surgeon's Certificate**
20 **No. A 93971,**

21 Respondent.

Case No. 800-2021-079379

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

22 **PARTIES**

23 1. Reji Varghese (Complainant) brings this Accusation and Petition to Revoke
24 Probation solely in his official capacity as the Executive Director of the Medical Board of
25 California, Department of Consumer Affairs (Board).

26 2. On or about February 8, 2006, the Medical Board issued Physician's and Surgeon's
27 Certificate No. A 93971 to Marlon Fidel Castillo, M.D. (Respondent). The Physician's and
28 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
herein and will expire on August 31, 2025, unless renewed.

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JURISDICTION

3. This Accusation and Petition to Revoke Probation is brought before the Board, under the authority of the following laws, and the Board's Decision and Order in the case entitled, *In the Matter of the Petition to Revoke Probation Against: Marlon Fidel Castillo, M.D.*, Medical Board of California Case No. 800-2019-055424. A true and correct copy of the Board's Decision and Order in Case No. 800-2019-055424 is attached hereto as Exhibit A and is incorporated herein by reference as if fully set forth herein. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states, in pertinent part:

(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:

(1) Have his or her license revoked upon order of the board.

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

(3) Be placed on probation and be required to pay the costs of probation monitoring 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.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

...

5. Section 2228.1 of the Code states, in pertinent part:

(a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board and the Podiatric Medical Board of California shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information internet web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, in any of the following circumstances:

1 (1) A final adjudication by the board following an administrative hearing or
2 admitted findings or prima facie showing in a stipulated settlement establishing any
of the following:

3 (A) The commission of any act of sexual abuse, misconduct, or relations with a
4 patient or client as defined in Section 726 or 729.

5 ...

6 (2) An accusation or statement of issues alleged that the licensee committed any
7 of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a
8 stipulated settlement based upon a nolo contendere or other similar compromise that
does not include any prima facie showing or admission of guilt or fact but does
include an express acknowledgment that the disclosure requirements of this section
would serve to protect the public interest.

9 (b) A licensee required to provide a disclosure pursuant to subdivision (a) shall
10 obtain from the patient, or the patient's guardian or health care surrogate, a separate,
signed copy of that disclosure.

11 (c) A licensee shall not be required to provide a disclosure pursuant to
subdivision (a) if any of the following applies:

12 (1) The patient is unconscious or otherwise unable to comprehend the
13 disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a
14 guardian or health care surrogate is unavailable to comprehend the disclosure and
sign the copy.

15 (2) The visit occurs in an emergency room or an urgent care facility or the visit
is unscheduled, including consultations in inpatient facilities.

16 (3) The licensee who will be treating the patient during the visit is not known to
17 the patient until immediately prior to the start of the visit.

18 (4) The licensee does not have a direct treatment relationship with the patient.

19 (d) On and after July 1, 2019, the board shall provide the following
20 information, with respect to licensees on probation and licensees practicing under
probationary licenses, in plain view on the licensee's profile page on the board's
online license information internet web site.

21 (1) For probation imposed pursuant to a stipulated settlement, the causes
22 alleged in the operative accusation along with a designation identifying those causes
23 by which the licensee has expressly admitted guilt and a statement that acceptance of
the settlement is not an admission of guilt.

24 (2) For probation imposed by an adjudicated decision of the board, the causes
for probation stated in the final probationary order.

25 (3) For a licensee granted a probationary license, the causes by which the
26 probationary license was imposed.

27 (4) The length of the probation and end date.

28 (5) All practice restrictions placed on the license by the board.

1 (e) Section 2314 shall not apply to this section.

2 6. Section 2234 of the Code, states in pertinent part:

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

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

7 (b) Gross negligence.

8 (c) Repeated negligent acts. To be repeated, there must be two or more
9 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.

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

12 (2) When the standard of care requires a change in the diagnosis, act, or
13 omission that constitutes the negligent act described in paragraph (1), including, but
14 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.

15 ...

16 7. Unprofessional conduct under Business and Professions Code section 2234 is conduct
17 which breaches the rules or ethical code of the medical profession, or conduct which is
18 unbecoming a member in good standing of the medical profession, and which demonstrates an
19 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
20 575.)

21 8. Section 726 of the Code states, in pertinent part:

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

24 ...

25
26 9. Section 2259.7 of the Code states:

27 The Medical Board of California shall adopt extraction and postoperative care
28 standards in regard to body liposuction procedures performed by a physician and
surgeon outside a general acute care hospital, as defined in Section 1250 of the Health

1 and Safety Code. In adopting those regulations, the Medical Board of California shall
2 take into account the most current clinical and scientific information available. A
3 violation of these extraction and postoperative care standards shall constitute
unprofessional conduct.

4 10. California Code of Regulations, Title 16, Section 1356.6, states:

5 (a) A liposuction procedure that is performed under general anesthesia or
6 intravenous sedation or that results in the extraction of 5,000 or more cubic
centimeters of total aspirate shall be performed in a general acute-care hospital or in a
7 setting specified in Health and Safety Code Section 1248.1.

8 (b) The following standards apply to any liposuction procedure not required by
subsection (a) to be performed in a general acute-care hospital or a setting specified in
9 Health and Safety Code Section 1248.1:

10 (1) Intravenous Access and Emergency Plan. Intravenous access shall be
11 available for procedures that result in the extraction of less than 2,000 cubic
12 centimeters of total aspirate and shall be required for procedures that result in the
13 extraction of 2,000 or more cubic centimeters of total aspirate. There shall be a
14 written detailed plan for handling medical emergencies and all staff shall be informed
15 of that plan. The physician shall ensure that trained personnel, together with adequate
16 and appropriate equipment, oxygen, and medication, are onsite and available to
17 handle the procedure being performed and any medical emergency that may arise in
connection with that procedure. The physician shall either have admitting privileges
18 at a local general acute-care hospital or have a written transfer agreement with such a
19 hospital or with a licensed physician who has admitting privileges at such a hospital.

20 (2) Anesthesia. Anesthesia shall be provided by a qualified licensed
21 practitioner. The physician who is performing the procedure shall not also administer
22 or maintain the anesthesia or sedation unless a licensed person certified in advanced
23 cardiac life support is present and is monitoring the patient.

24 (3) Monitoring. The following monitoring shall be available for volumes
25 greater than 150 and less than 2,000 cubic centimeters of total aspirate and shall be
26 required for volumes between 2,000 and 5,000 cubic centimeters of total aspirate:

27 (A) Pulse oximeter

28 (B) Blood pressure (by manual or automatic means)

(C) Fluid loss and replacement monitoring and recording

(D) Electrocardiogram

(4) Records. Records shall be maintained in the manner necessary to meet the
standard of practice and shall include sufficient information to determine the
quantities of drugs and fluids infused and the volume of fat, fluid and supranatant
extracted and the nature and duration of any other surgical procedures performed
during the same session as the liposuction procedure.

(5) Discharge and Postoperative-care Standards.

///

1 (A) A patient who undergoes any liposuction procedure, regardless of the
2 amount of total aspirate extracted, shall not be discharged from professionally
3 supervised care unless the patient meets the discharge criteria described in either the
4 Aldrete Scale or the White Scale. Until the patient is discharged, at least one staff
5 person who holds a current certification in advanced cardiac life support shall be
6 present in the facility.

(B) The patient shall only be discharged to a responsible adult capable of
understanding postoperative instructions.

COST RECOVERY

11. Business and Professions Code section 125.3 states that:

(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 licentiate 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).

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

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

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

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

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

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

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

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Sexual Abuse and/or Sexual Misconduct)**

9 12. Respondent has subjected his Physician's and Surgeon's Certificate No. A 93971 to
10 disciplinary action under sections 2227, 2234, and 726, of the Code, in that he engaged in sexual
11 abuse and/or sexual misconduct with Patient A¹ as more particularly alleged hereinafter:

12 13. On or about June 8, 2021, Patient A, a then twenty-year-old female, presented to Los
13 Angeles Liposuction Centers (LALC) for a planned liposuction procedure. On that day,
14 Respondent performed liposuction on Patient A's abdomen and back. Respondent extracted
15 approximately 4,200 ml of fat solute from Patient A, but intravenous access was not utilized
16 and/or documented. At the conclusion of the surgery, Patient A was placed in a compression
17 garment, provided post-operative instructions, and released to her mother with instructions to
18 return for a follow-up visit in one week.

19 14. On or about June 15, 2021, Patient A returned to LALC for her first post-operative
20 visit wearing a dress and an adult diaper due to leakage from her procedure. Patient A was seen
21 by Respondent and complained of a migraine and swelling in her lower abdomen. Respondent
22 provided Patient A with a keterolac² injection for the migraine, turned off the lights in the room,
23 and left Patient A in the exam room to rest.

24 ///

25 _____
26 ¹ To protect the privacy of the patient involved, the patient's name has not been included
in this pleading. Respondent is aware of the identity of the patient referred to herein.

27 ² Keterolac (brand name Acuvail) is a nonsteroidal anti-inflammatory drug used to treat
28 pain.

15. Sometime later, Respondent returned to the exam room alone and closed the door but left the lights off. While alone with the patient, Respondent told Patient A multiple times that she was beautiful and had nice lips. Respondent informed Patient A that he was going to instruct her on a lymphatic massage. Patient A was reclined on the exam table and lifted her dress to just below her breasts. Respondent then massaged Patient A's abdomen and mons pubis area for approximately thirty (30) minutes with his bare hands. As he massaged Patient A's abdominal area, Respondent brushed against Patient A's breasts one time. As he massaged Patient A's mons pubis area, he pushed down her adult diaper and brushed against Patient A's vagina approximately three times.

16. When the massage was complete, Patient A sat upright on the exam table. Respondent then looked at Patient A's breasts and asked her if she wanted a "boob job." Patient A informed Respondent that she did not. Respondent then used his hands to cup, lift, and squish Patient A's breasts without her consent. At some point, Patient A asked Respondent if his performance of a massage was customary. Respondent informed Patient A that he did this for many of his patients but told Patient A not to tell anyone. Respondent joked that Patient A's mother or boyfriend would beat him up if they found out. Respondent then showed Patient A photographs on his personal cell phone of another female patients' post-operative swollen genital area.

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence)

17. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 93971 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that he was grossly negligent in his care and treatment of Patient A, as more particularly alleged hereinafter:

(a) Paragraphs 12 through 16, above, are hereby incorporated by reference and realleged as if fully set forth herein;

(b) Respondent failed to provide intravenous access during Patient A's liposuction procedure;

- 1 (c) Respondent examined Patient A during her post-operative visit without a
2 chaperone while the patient was unclothed;
3 (d) Respondent examined and massaged Patient A in an unlighted room;
4 (e) Respondent failed to wear gloves while examining and massaging Patient A's
5 post-operative areas which were still experiencing some drainage;
6 (f) Respondent touched Patient A's breasts and vaginal area without consent or
7 medical justification;
8 (g) Respondent asked Patient A not to tell anyone Respondent gave her a massage;
9 and
10 (h) Respondent maintained and shared photographs on his cell phone of another
11 patient's post-operative genital swelling.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Repeated Negligent Acts)**

14 18. Respondent has further subjected his Physician's and Surgeon's Certificate
15 No. A 93971 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
16 subdivision (c), of the Code, in that he committed repeated negligent acts in his care and
17 treatment of Patient A, as more particularly alleged in paragraphs 12 through 17(h) above, which
18 are hereby incorporated by reference and realleged as if fully set forth herein.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Violation of Liposuction Extraction and Postoperative Care Standards)**

21 19. Respondent has further subjected his Physician's and Surgeon's Certificate
22 No. A 93971 to disciplinary action under sections 2227 and 2234, as defined by section 2259.7 of
23 the Code, and California Code of Regulations, title 16, section 1356.6, in that he violated
24 liposuction extraction and postoperative care standards in his care and treatment of Patient A, as
25 more particularly alleged in paragraph 13, above, which is hereby incorporated by reference and
26 realleged as if fully set forth herein.

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28 ///

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(General Unprofessional Conduct)**

3 20. Respondent has further subjected his Physician's and Surgeon's Certificate
4 No. A 93971 to disciplinary action under sections 2227 and 2234 of the Code, in that he has
5 engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct
6 which is unbecoming to a member in good standing of the medical profession, and which
7 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 12
8 through 19, above, which are hereby incorporated by reference as if fully set forth herein.

9 **FIRST CAUSE TO REVOKE PROBATION**

10 **(Obey All Laws)**

11 21. At all times after the effective date of the Board's Decision and Order in Case No.
12 800-2019-055424, Probation Condition No. 8 stated:

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

16 22. At all times after the effective date of the Board's Decision and Order in Case No.
17 800-2019-055424, Probation Condition No. 14 stated:

18 "VIOLATION OF PROBATION. Failure to fully comply with any term or
19 condition of probation is a violation of probation. Notwithstanding Condition No. 12
20 regarding Non-Practice While on Probation, above, if Respondent violates any other
21 term of probation in any respect, the Board, after giving Respondent notice and the
22 opportunity to be heard, may revoke probation and carry out the disciplinary order
23 that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim
24 Suspension Order is filed against Respondent during probation, the Board shall have
25 continuing jurisdiction until the matter is final, and the period of probation shall be
26 extended until the matter is final."

27 23. Respondent's probation is subject to revocation because he failed to comply with
28 Probation Condition No. 8, in that he failed to comply with all rules governing the practice of
29 medicine in California, as more particularly alleged in paragraphs 12 through 20, above, which
30 are hereby incorporated by reference and realleged as if fully set forth herein.

31 **DISCIPLINARY CONSIDERATIONS**

32 24. To determine the degree of discipline, if any, to be imposed on Respondent Marlon
33 Fidel Castillo, M.D., Complainant alleges that on or about March 25, 2016, the Board issued a

1 Decision and Order in an action entitled, *In the Matter of the Accusation Against Marlon Fidel*
2 *Castillo, M.D.*, Medical Board of California Case No. 800-2014-009413. In that matter, as a
3 result of Respondent's 2014 felony conviction in New York for aiding and abetting the
4 unauthorized practice of medicine, Respondent's Physician's and Surgeon's Certificate
5 No. A 93971 was revoked, stayed, and placed on probation for a period of seven (7) years subject
6 to various terms and conditions.

7 25. To determine the degree of discipline, if any, to be imposed on Respondent Marlon
8 Fidel Castillo, M.D., Complainant further alleges that on or about July 22, 2020, the Board issued
9 a Decision and Order in an action entitled, *In the Matter of the Petition to Revoke Probation*
10 *Against: Marlon Fidel Castillo, M.D.*, Medical Board of California Case No. 800-2019-055424.
11 In that matter, as a result of Respondent's non-practice while on probation, Respondent's
12 Physician's and Surgeon's Certificate No. A 93971 was revoked, stayed, and placed on probation
13 for a period of seven (7) years subject to various terms and conditions. The Order in Case No.
14 800-2019-055424 superseded all terms and conditions previously ordered in the Decision and
15 Order in Case No. 800-2014-009413. The Decision and Order in Case No. 800-2019-055424 is
16 now final and is incorporated by reference as if fully set forth herein.

17 **PRAYER**

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

20 1. Revoking the probation that was granted to Respondent Marlon Fidel Castillo, M.D.,
21 by the Medical Board of California in Case No. 800-2019-055424, and carrying out the
22 disciplinary order that was stayed, i.e., revocation of Physician's and Surgeon's Certificate
23 No. A 93971;

24 2. Revoking or suspending Physician's and Surgeon's Certificate No. A 93971, issued
25 to Respondent, Marlon Fidel Castillo, M.D.;

26 3. Revoking, suspending or denying approval of Respondent Marlon Fidel Castillo,
27 M.D.'s authority to supervise physician assistants and advanced practice nurses;

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1 4. Ordering Respondent Marlon Fidel Castillo, M.D., to pay the Board the costs of the
2 investigation and enforcement of this case, and if placed on probation, the costs of probation
3 monitoring;

4 5. Ordering Respondent Marlon Fidel Castillo, M.D., if placed on probation, to provide
5 patient notification in accordance with Business and Professions Code section 2228.1; and

6 6. Taking such other and further action as deemed necessary and proper.

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8 DATED: FEB 01 2024

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

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