# 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 <u>JAN 0 1 2025</u>.

IT IS SO ORDERED <u>0CT 0 1 2024</u>.

MEDICAL BOARD OF CALIFORNIA

Reji Varghese Executive Director

		•
1	ROB BONTA	
2		
3	Supervising Deputy Attorney General KAROLYN M. WESTFALL	
4	Deputy Attorney General State Bar No. 234540	
5	600 West Broadway, Suite 1800 San Diego, CA 92101	
6	P.O. Box 85266 San Diego, CA 92186-5266	
7	Telephone: (619) 738-9465 Facsimile: (619) 645-2061	
8	Attorneys for Complainant	
9		
10	BEFORE THE  MEDICAL BOARD OF CALIFORNIA  DEPARTMENT OF CONSUMER AFFAIRS	
11		
12	STATE OF C.	ALIFURNIA
13	In the Matter of the Accusation/Petition to	Case No. 800-2021-079379
14	Revoke Probation Against:	OAH No. 2024030053
15	MARLON FIDEL CASTILLO, M.D. 82360 US Highway 111, Suite E Indio, CA 92201-5604	STIPULATED SURRENDER OF LICENSE AND DISCIPLINARY ORDER
16 17	Physician's and Surgeon's Certificate No. A 93971,	
18	Respondent.	
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	<u>PARTIES</u>	
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 thi	
25	matter by Rob Bonta, Attorney General of the State of California, by Karolyn M. Westfall,	
26	Deputy Attorney General.	
27	///	
28	///	
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- 2. Marlon Fidel Castillo, M.D. (Respondent) is represented in this proceeding by attorney Gary Wittenberg, Esq., whose address is: 1901 Avenue of the Stars, Suite 1750, Los Angeles, CA 90067.
- 3. On or about February 8, 2006, the Board issued Physician's and Surgeon's Certificate No. A 93971 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation/Petition to Revoke Probation No. 800-2021-079379 and will expire on August 31, 2025, unless renewed.

#### **JURISDICTION**

4. Accusation/Petition to Revoke Probation No. 800-2021-079379 was filed before the Board and is currently pending against Respondent. The Accusation/Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on February 1, 2024. Respondent timely filed his Notice of Defense contesting the Accusation/Petition to Revoke Probation. A true and correct copy of Accusation/Petition to Revoke Probation No. 800-2021-079379 is attached hereto as Exhibit A and is incorporated by reference.

#### ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation/Petition to Revoke Probation No. 800-2021-079379.

  Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary Order, including the application of Business and Professions Code section 2307(i)(1)(A).
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation/Petition to Revoke Probation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

- 7. 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

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

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

#### ADDITIONAL PROVISIONS

- 17. This Stipulated Surrender of License and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.
- 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.
- 19. In consideration of the foregoing admissions and stipulations, the parties agree the Executive Director of the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

### **ORDER**

IT IS HEREBY ORDERED that effective January 1, 2025, Physician's and Surgeon's Certificate No. A 93971, issued to Respondent Marlon Fidel Castillo, M.D., is surrendered and accepted by the Board.

- 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of January 1, 2025.
- 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 4. Respondent shall be barred from ever applying for reinstatement of his Physician's and Surgeon's Certificate pursuant to Business and Professions Code section 2307(i)(1)(A).
- 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
<b>:5</b> .	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 Supulated
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.
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10	DATED: 09/16/2024 Mordon Castillo MARLON FIDEL CASTILLO, M.D.
1.1	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.
1,5	DATED: 9/25/24 Day 1/1
16	GARY WIT PENBERG, ESQ.
17	Attorney for Respondent
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:	RÖB BÖNTA
24	Attorncy General of California ALEXANDRA M. ALVAREZ
25:	Supervising Deputy Attorney General
2.6	Culleoffall
27	KAROLYN M. WESTFALL Deputy Attorney General
28	Attorneys for Complainant
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- 11	·

# Exhibit A

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

1	ROB BONTA	
2	Attorney General of California ALEXANDRA M. ALVAREZ	
3	Supervising Deputy Attorney General KAROLYN M. WESTFALL	
4	Deputy Attorney General State Bar No. 234540	
5	600 West Broadway, Suite 1800 San Diego, CA 92101	
6	P.O. Box 85266 San Diego, CA 92186-5266	
7	Telephone: (619) 738-9465 Facsimile: (619) 645-2061	
8	Attorneys for Complainant	
9		
10	BEFORE THE MEDICAL BOARD OF CALIFORNIA	
11	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
12	DIATE OF CALIFORNIA	
13	In the Matter of the Accusation and Petition to Case No. 800-2021-079379	
14	Revoke Probation Against:  MARLON FIDEL CASTILLO, M.D.  ACCUSATION AND PETITION TO REVOKE PROBATION	
15	82360 US Highway 111, Suite E Indio, CA 92201-5604	
16	Physician's and Surgeon's Certificate	
17	No. A 93971,	
18	Respondent.	
19		
20	PARTIES  A second Patition to Povolco	
21	1. Reji Varghese (Complainant) brings this Accusation and Petition to Revoke	
22	Probation solely in his official capacity as the Executive Director of the Medical Board of	
23	California, Department of Consumer Affairs (Board).	
24	2. On or about February 8, 2006, the Medical Board issued Physician's and Surgeon's	
25	Certificate No. A 93971 to Marlon Fidel Castillo, M.D. (Respondent). The Physician's and	
26	Surgeon's Certificate was in full force and effect at all times relevant to the charges brought	
27	herein and will expire on August 31, 2025, unless renewed.	
28	1	
	(MARLON FIDEL CASTILLO, M.D.) ACCUSATION AND PETITION TO REVOKE PROBATION NO. 800-2021-079379	

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:

PROBATION NO. 800-2021-079379

violation of these extraction and postoperative care standards shall constitute

- (a) A liposuction procedure that is performed under general anesthesia or 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
- (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
- (1) Intravenous Access and Emergency Plan. Intravenous access shall be available for procedures that result in the extraction of less than 2,000 cubic centimeters of total aspirate and shall be required for procedures that result in the extraction of 2,000 or more cubic centimeters of total aspirate. There shall be a written detailed plan for handling medical emergencies and all staff shall be informed of that plan. The physician shall ensure that trained personnel, together with adequate and appropriate equipment, oxygen, and medication, are onsite and available to handle the procedure being performed and any medical emergency that may arise in connection with that procedure. The physician shall either have admitting privileges at a local general acute-care hospital or have a written transfer agreement with such a hospital or with a licensed physician who has admitting privileges at such a hospital.
- practitioner. The physician who is performing the procedure shall not also administer or maintain the anesthesia or sedation unless a licensed person certified in advanced
- (3) Monitoring. The following monitoring shall be available for volumes greater than 150 and less than 2,000 cubic centimeters of total aspirate and shall be required for volumes between 2,000 and 5,000 cubic centimeters of total aspirate:

(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

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

- (h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.
- (i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.
- (j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

#### FIRST CAUSE FOR DISCIPLINE

#### (Sexual Abuse and/or Sexual Misconduct)

- 12. Respondent has subjected his Physician's and Surgeon's Certificate No. A 93971 to disciplinary action under sections 2227, 2234, and 726, of the Code, in that he engaged in sexual abuse and/or sexual misconduct with Patient A<sup>1</sup> as more particularly alleged hereinafter:
- 13. On or about June 8, 2021, Patient A, a then twenty-year-old female, presented to Los Angeles Liposuction Centers (LALC) for a planned liposuction procedure. On that day, Respondent performed liposuction on Patient A's abdomen and back. Respondent extracted approximately 4,200 ml of fat solute from Patient A, but intravenous access was not utilized and/or documented. At the conclusion of the surgery, Patient A was placed in a compression garment, provided post-operative instructions, and released to her mother with instructions to return for a follow-up visit in one week.
- 14. On or about June 15, 2021, Patient A returned to LALC for her first post-operative visit wearing a dress and an adult diaper due to leakage from her procedure. Patient A was seen by Respondent and complained of a migraine and swelling in her lower abdomen. Respondent provided Patient A with a keterolac<sup>2</sup> injection for the migraine, turned off the lights in the room, and left Patient A in the exam room to rest.

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.

<sup>&</sup>lt;sup>2</sup> Keterolac (brand name Acuvail) is a nonsteroidal anti-inflammatory drug used to treat 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;

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#### FIFTH CAUSE FOR DISCIPLINE

#### (General Unprofessional Conduct)

20. Respondent has further subjected his Physician's and Surgeon's Certificate

No. A 93971 to disciplinary action under sections 2227 and 2234 of the Code, in that he has
engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct
which is unbecoming to a member in good standing of the medical profession, and which
demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 12
through 19, above, which are hereby incorporated by reference as if fully set forth herein.

# FIRST CAUSE TO REVOKE PROBATION

## (Obey All Laws)

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

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

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

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

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

# **DISCIPLINARY CONSIDERATIONS**

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

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

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

#### <u>PRAYER</u>

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

- 1. Revoking the probation that was granted to Respondent Marlon Fidel Castillo, M.D., by the Medical Board of California in Case No. 800-2019-055424, and carrying out the disciplinary order that was stayed, i.e., revocation of Physician's and Surgeon's Certificate No. A 93971;
- 2. Revoking or suspending Physician's and Surgeon's Certificate No. A 93971, issued to Respondent, Marlon Fidel Castillo, M.D.;
- 3. Revoking, suspending or denying approval of Respondent Marlon Fidel Castillo, M.D.'s authority to supervise physician assistants and advanced practice nurses;