

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

**In the Matter of the Accusation Against:**

**Gary Michael Ohashi, M.D.**

**Physician's and Surgeon's  
Certificate No. G 75201**

**Respondent.**

**Case No. 800-2021-077267**

**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 OCT 11 2024.**

**IT IS SO ORDERED OCT 04 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 KEITH C. SHAW  
Deputy Attorney General  
4 State Bar No. 227029  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2021-077267

14 **GARY MICHAEL OHASHI, M.D.**  
15 15464 Goldenwest St.  
Westminster, CA 92683

OAH No. 2024060084

16 **Physician's and Surgeon's Certificate No.**  
17 **G 75201**

**STIPULATED SURRENDER OF  
LICENSE AND DISCIPLINARY ORDER**

18 Respondent.

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

21 **PARTIES**

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

26 2. Gary Michael Ohashi, M.D. (Respondent) is represented in this proceeding by  
27 attorney Christopher M. Freistedt, Esq., whose address is: 101 W. Broadway, Ste. 1400,  
28 San Diego, CA 92101.

3. On or about September 15, 1992, the Board issued Physician's and Surgeon's Certificate No. G 75201 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2021-077267 and will expire on August 31, 2024, unless renewed.

## JURISDICTION

4. Accusation No. 800-2021-077267 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 17, 2024. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2021-077267 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2021-077267. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

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; 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.

## CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2021-077267, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

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9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent gives up his right to contest that, at a hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in the Accusation.

10. Respondent agrees that if an accusation is ever filed against him before the Medical Board of California, all of the charges and allegations contained in Accusation No. 800-2021-077267 shall be deemed true, correct, and fully admitted by Respondent for purposes of that proceeding or any other licensing proceeding involving Respondent in the State of California.

11. 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.

## CONTINGENCY

12. 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.”

13. 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 Physician's and Surgeon's Certificate No. G 75201 without further notice to, or opportunity to be heard by, Respondent.

14. 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.

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15. 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**

16. 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.

17. 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.

18. 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 Physician's and Surgeon's Certificate No. G 75201, issued to Respondent Gary Michael Ohashi, 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 the effective date of the Board's Decision and Order.

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. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2021-077267 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$23,556.00 prior to issuance of a new or reinstated license.

6. 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 No. 800-2021-077267 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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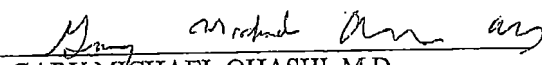
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1 ACCEPTANCE

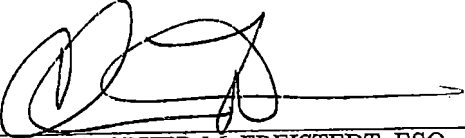
2 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and  
3 have fully discussed it with my attorney, Christopher M. Freistedt, Esq. I understand the  
4 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into  
5 this Stipulated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

8 DATED: 9-1-24

  
9 GARY MICHAEL OHASHI, M.D.  
10 Respondent

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

14 DATED: 9/10/24

  
15 CHRISTOPHER M. FREISTEDT, ESQ.  
16 Attorney for Respondent

17 ENDORSEMENT

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

21 DATED: 9/10/2024

Respectfully submitted,

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



25 KEITH C. SHAW  
26 Deputy Attorney General  
27 Attorneys for Complainant

28 SD2024800696  
Stipulated Surrender of License and Order - MBC.docx

**Exhibit A**

**Accusation No. 800-2021-077267**



1 ROB BONTA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 KEITH C. SHAW  
Deputy Attorney General  
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7 Facsimile: (619) 645-2012

8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

Case No. 800-2021-077267

15 **GARY MICHAEL OHASHI, M.D.**

**A C C U S A T I O N**

16 **15464 Goldenwest St.**  
17 **Westminster, CA 92683**

18 **Physician's and Surgeon's Certificate**  
**No. G 75201,**

19 Respondent.

20  
21 **PARTIES**

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

25 2. On or about September 15, 1992, the Medical Board issued Physician's and  
26 Surgeon's Certificate No. G 75201 to Gary Michael Ohashi, M.D. (Respondent). The Physician's  
27 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on August 31, 2024, unless renewed.

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

“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:

“(b) Gross negligence.

“(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.

“ ”  
...

6. Section 2242 of the Code, states in part: “Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 without an appropriate prior examination and a medical indication, constitutes unprofessional conduct.”

7. Section 2266 of the Code states:

“The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.”

8. Section 2229 of the Code states that the protection of the public shall be the highest priority for the Board in exercising their disciplinary authority. While attempts to rehabilitate a licensee should be made when possible, Section 2229, subdivision (c), states that when rehabilitation and protection are inconsistent, protection shall be paramount.

## ETHICAL PRINCIPLES

9. The medical profession has long subscribed to a body of ethical statements, set forth and adopted by the American Medical Association and known as *The Principles of Medical Ethics*. *The Principles of Medical Ethics* represent standards of conduct which define the essentials of honorable behavior for a physician. These principles establish that the relationship between a patient and physician is based on trust, and gives rise to an ethical obligation on the part of the physician to place the patient's interests above his or her self-interest.

10. The *Principles of Medical Ethics*, Opinion 1.2.1 (Treating Self or Family), states:

“Treating oneself or a member of one’s own family poses several challenges for physicians, including concerns about professional objectivity, patient autonomy, and informed consent.

“When the patient is an immediate family member, the physician’s personal feelings may unduly influence his or her professional medical judgment. Or the physician may fail to probe sensitive areas when taking the medical history or to perform intimate parts of the physical examination. Physicians may feel obligated to provide care for family members despite feeling uncomfortable doing so. They may also be inclined to treat problems that are beyond their expertise or training.

“Similarly, patients may feel uncomfortable receiving care from a family member. A patient may be reluctant to disclose sensitive information or undergo an intimate examination when the physician is an immediate family member. This discomfort may particularly be the case when the patient is a minor child, who may not feel free to refuse care from a parent.

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“In general, physicians should not treat themselves or members of their own families. However, it may be acceptable to do so in limited circumstances:

“(a) In emergency settings or isolated settings where there is no other qualified physician available. In such situations, physicians should not hesitate to treat themselves or family members until another physician becomes available.

“(b) For short-term, minor problems.

**“When treating self or family members, physicians have a further responsibility to:**

“(c) Document treatment or care provided and convey relevant information to the patient’s primary care physician.

“(d) Recognize that if tensions develop in the professional relationship with a family member, perhaps as a result of a negative medical outcome, such difficulties may be carried over into the family member’s personal relationship with the physician.

“(e) Avoid providing sensitive or intimate care especially for a minor patient who is uncomfortable being treated by a family member.

“(f) Recognize that family members may be reluctant to state their preference for another physician or decline a recommendation for fear of offending the physician.”

## COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

### PERTINENT DRUGS

12. **Tramadol HCL** is a centrally acting synthetic analgesic compound. It is a dangerous drug as defined in section 4022 of the Code, and a Schedule II controlled substance as defined by section 11057 of the Health and Safety Code. Tramadol is indicated for the management of moderate to moderately severe pain.

13. **Zolpidem**, known by the trade name Ambien, is a Schedule IV controlled substance, and a sedative primarily used to treat insomnia. It is a dangerous drug as defined in Code section 4022 and a Schedule IV controlled substance as defined by section 11057 of the Health and Safety Code. It is a central nervous system (CNS) depressant and should be used cautiously in combination with other central nervous system depressants. It is an addictive substance and users should avoid alcohol as serious interactions may occur.

**FIRST CAUSE FOR DISCIPLINE**

**(Gross Negligence)**

14. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of Patient A<sup>1</sup> as more particularly alleged hereinafter:

15. Respondent began prescribing controlled substances to an immediate family member, Patient A, since at least November 2015.<sup>2</sup> Beginning in approximately November 2015 through April 2021, Respondent prescribed Ambien (10 mg daily) to Patient A on a recurring monthly basis. Respondent prescribed additional controlled substances to Patient A, including codeine-based cough syrups on or about January 7, 2020, and April 17, 2021, as well as tramadol (50 mg) on or about April 11, 2019.

16. During the course of prescribing controlled substances to Patient A, Respondent's records for Patient A are devoid of a detailed medical history, physical examination, medical indication, laboratory results, evaluations, a treatment plan with stated objectives, ongoing patient assessment, compliance monitoring, as well as informed consent discussing the risks, benefits and alternatives of the prescribed medication. Further, Respondent failed to monitor CURES<sup>3</sup> prior to or periodically while prescribing controlled substances to Patient A as required.

<sup>1</sup> The patient listed in this document is unnamed for privacy protection. Respondent knows the name of the patient and can confirm the patient's identity through discovery.

<sup>2</sup> Conduct occurring more than seven (7) years from the filing date of this Accusation is for informational purposes only and is not alleged as a basis for disciplinary action.

<sup>3</sup> The Controlled Substance Utilization Review and Evaluation System (CURES) is a

1 17. Respondent consistently prescribed other medications to Patient A on a monthly basis  
2 between approximately November 2015 through April 2021, including allergy medication,  
3 antibiotics, birth control, anti-nausea medication, antacid medication, and gastroesophageal reflux  
4 disease (GERD) medication.<sup>4</sup> Despite issuing numerous prescriptions for Patient A over the  
5 course of many years, including prescriptions for chronic conditions, Respondent's records  
6 routinely contained only the prescription issued without any other notes, including a medical  
7 indication, patient history, physical examination, treatment plan with objectives, ongoing  
8 consultations, and periodic review. For example, Respondent regularly prescribed pantoprazole  
9 (40 mg), a GERD medication, between approximately July 2017 and September 2020, without  
10 documenting the justification for the medication and dose over a prolonged period of time.

11 18. On or about September 8, 2017, Respondent treated Patient A for a chief complaint  
12 of breast cancer and made a diagnosis of breast cancer screening. A referral for a mammogram  
13 for breast cancer screening was generated with no other orders, procedures, or testing. Patient  
14 A's records lacked any history, notes, labs, imaging, patient discussion, or any other pertinent  
15 information related to the diagnosis.

16 19. Respondent committed gross negligence in his care and treatment of Patient A, which  
17 included, but was not limited to, the following:

18 (a) Respondent inappropriately treated an immediate family member; and

19 (b) Respondent improperly prescribed controlled substances.

## 20 SECOND CAUSE FOR DISCIPLINE

### 21 (Repeated Negligent Acts)

22 20. Respondent is further subject to disciplinary action under sections 2227 and 2234, as  
23 defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent  
24 acts in his care and treatment of Patient A, which included, but was not limited to, the following:

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26 \_\_\_\_\_  
27 platform that tracks all Schedule II – IV controlled substances dispensed to patients in California.

28 <sup>4</sup> While Patient A was under the care of a primary care physician during this time, nearly  
all of the patient's medication were exclusively prescribed by Respondent.

- 1 (a) Paragraphs 15 through 19, above, are hereby incorporated by  
2 reference and realleged as if fully set forth herein;  
3 (b) Respondent failed to properly review and document CURES;  
4 (c) Respondent failed to maintain adequate and accurate records; and  
5 (d) Respondent prescribed Ambien without appropriate dose titration,  
6 justification and/or documentation.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Violation of Ethical Principles)**

9 21. Respondent's certificate to practice medicine is subject to disciplinary action for a  
10 violation of the *Principles of Medical Ethics*, including Opinion 1.2.1 (Treating Self or Family),  
11 in that Respondent inappropriately treated an immediate family member, Patient A, as more  
12 particularly alleged in paragraphs 15 through 20, above, which are hereby incorporated by  
13 reference and realleged as if fully set forth herein.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Failure to Maintain Adequate and Accurate Records)**

16 22. Respondent is further subject to disciplinary action under sections 2227 and 2234, as  
17 defined by section 2266, of the Code, in that Respondent failed to maintain adequate and accurate  
18 records regarding his care and treatment of Patient A, as more particularly alleged in paragraphs  
19 15 through 21, above, which are hereby incorporated by reference and realleged as if fully set  
20 forth herein.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Prescribing Without an Appropriate Prior Examination and Medical Indication)**

23 23. Respondent is further subject to disciplinary action under section 2242, subdivision  
24 (a), of the Code, in that he prescribed dangerous drugs without an appropriate prior examination  
25 and a medical indication, as more particularly alleged in paragraphs 15 through 22, above, which  
26 are hereby incorporated by reference and realleged as if fully set forth herein.

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1 PRAYER

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

4 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 75201, issued  
5 to Respondent Gary Michael Ohashi, M.D.;

6 2. Revoking, suspending or denying approval of Respondent Gary Michael Ohashi,  
7 M.D.'s authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Respondent Gary Michael Ohashi, M.D., to pay the Board the costs of the  
9 investigation and enforcement of this case, and if placed on probation, the costs of probation  
10 monitoring;

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

12 DATED: APR 17 2024

13 JENNA JONGI FOR  
14 REJI VARGHESE  
15 Executive Director  
16 Medical Board of California  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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