

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

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

Lucien O. Cox, M.D.

**Physician's and Surgeon's
Certificate No. A 34370**

Respondent.

Case No. 800-2021-081602

DECISION

**The attached Stipulated Surrender of License and 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 NOV 05 2024.

IT IS SO ORDERED OCT 29 2024.

MEDICAL BOARD OF CALIFORNIA

JENNA JONES FOR
Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 VLADIMIR SHALKEVICH
Deputy Attorney General
4 State Bar No. 173955
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5 Los Angeles, CA 90013
Telephone: (213) 269-6538
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7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation
12 Against:

13 **LUCIEN O. COX, M.D.**
14 **1127 Wilshire Blvd., #700**
Los Angeles, CA 90017-3939

15 **Physician's and Surgeon's Certificate No. A**
16 **34370**

16 Respondent.

Case No. 800-2021-081602

OAH No. 2024040039

STIPULATED SURRENDER OF
LICENSE AND ORDER

18 Whereas a First Amended Accusation is pending against Lucien O. Cox, M.D,
19 (Respondent), he decided to retire from the practice of medicine following a 35 year career in
20 medicine. In the interest of a prompt and speedy settlement of this matter, consistent with the
21 public interest and the responsibility of the Medical Board of California of the Department of
22 Consumer Affairs, the parties hereby agree to the following Stipulated Surrender of License shall
23 be the final disposition of the First Amended Accusation.

24 **PARTIES**

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

2. Lucien O. Cox, M.D. (Respondent) is represented in this proceeding by attorney Peter R. Osinoff, Esq., whose address is 355 South Grand Avenue, Suite 1750, Los Angeles, CA 90071.

3. On or about September 4, 1979, the Board issued Physician's and Surgeon's Certificate No. A 34370 to Respondent. That license was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 800-2021-081602 and will expire on August 31, 2025, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2021-081602 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation. The Accusation was amended and properly served on Respondent. A copy of First Amended Accusation No. 800-2021-081602 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 First Amended Accusation No. 800-2021-081602. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and 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 First Amended 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. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 **CULPABILITY**

2 8. Respondent understands that the charges and allegations in First Amended
3 Accusation No. 800-2021-081602, if proven at a hearing, constitute cause for imposing discipline
4 upon his Physician's and Surgeon's Certificate.

5 9. For the purpose of resolving the First Amended Accusation without the expense and
6 uncertainty of further proceedings, and because he wishes to retire from the practice of medicine,
7 Respondent agrees that, at a hearing, Complainant could establish a prima facie case for the
8 charges in the First Amended Accusation and that those charges constitute cause for discipline.
9 Respondent hereby gives up his right to contest that cause for discipline exists based on those
10 charges.

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

14 **RESERVATION**

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

19 **CONTINGENCY**

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

23 13. Respondent understands that, by signing this stipulation, he enables the Executive
24 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
25 Physician's and Surgeon's Certificate No. A 34370 without further notice to, or opportunity to be
26 heard by, Respondent.

27 14. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
28 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated

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

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

25 **ADDITIONAL PROVISIONS**

26 16. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
27 herein to be an integrated writing representing the complete, final and exclusive embodiment of
28 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. A 34370, issued to Respondent LUCIEN O. COX, 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 First Amended Accusation No. 800-2021-081602 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 \$ 28,043.25 prior to issuance of a new or reinstated license.

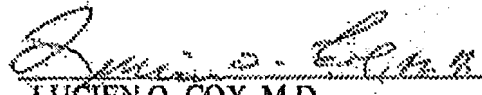
6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation No. 800-

1 2021-081602 shall be deemed to be true, correct, and admitted by Respondent for the purpose of
2 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

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

9
10 DATED: 10/22/24


LUCIEN O. COX, M.D.

Respondent

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

15
16 DATED: 10/23/2024


PETER R. OSINOFF, ESQ.

Attorney for Respondent

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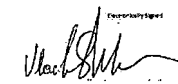
ENDORSEMENT

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

DATED: 10/23/2024

Respectfully submitted,

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



VLADIMIR SHALKEVICH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2021-081602

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 VLADIMIR SHALKEVICH
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
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12 In the Matter of the First Amended Accusation
Against:

Case No. 800-2021-081602
OAH No. 2024040039

13 **LUCIEN O. COX, M.D.**
14 **1127 Wilshire Boulevard, #700**
Los Angeles, California 90017-3939

FIRST AMENDED
ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. A 34370,**

17 **Respondent.**

18
19 **PARTIES**

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

23 2. On September 4, 1979, the Board issued Physician's and Surgeon's Certificate
24 Number A 34370 to Lucien O. Cox, M.D. (Respondent). That license was in full force and effect
25 at all times relevant to the charges brought herein and will expire on August 31, 2025, unless
26 renewed.

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4. Section 2227 of the Code states:

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

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

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically

appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct that would have warranted the denial of a certificate.

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

6. 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.

COST RECOVERY

7. 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.

FACTUAL ALLEGATIONS

8. On September 15, 2021, the Board received a consumer complaint that alleged that Respondent, a gynecologist, examined Patient 2¹ on or about September 9, 2021, in a manner that was inappropriate and unprofessional. The Board initiated an investigation, during which the Board's investigators learned that a different patient, Patient 1, complained to the Los Angeles

¹ Patients are designated by number for privacy. Respondent is aware of the patients' identity.

1 Police Department that Respondent examined her on or about October 7, 2014, in a manner which
2 was inappropriate and unprofessional. The Board's investigation revealed the following:

3 **Patient 1**

4 9. Patient 1 was a 42-year-old woman when her primary care physician referred her to
5 Respondent for a gynecologic evaluation, including a Pap smear, for painful and heavy menstrual
6 periods and bleeding between her periods. A pelvic ultrasound performed in March 2014
7 revealed fibroids. Patient 1's appointment with Respondent took place on or about October 7,
8 2014.

9 10. Patient 1 had requested a female gynecologist and was disappointed when she arrived
10 for her appointment to discover that Respondent was male. Nevertheless, she decided to stay for
11 the evaluation since she had already arrived for the appointment.

12 11. Respondent's medical assistant asked Patient 1 some preliminary questions and
13 obtained her weight and vital signs. The medical assistant instructed Patient 1 to disrobe
14 completely and to put on a paper gown. The medical assistant then left the exam room and a
15 short time later Respondent entered. In addition to some routine questions regarding Patient 1's
16 medical history, Respondent inquired about Patient 1's sexual history, but Respondent did not
17 document this conversation or Patient 1's responses in Patient 1's medical chart.

18 12. The assistant returned to the examination room and Respondent began to perform the
19 pelvic exam, however he was unable to feel Patient 1's uterus because her bladder was full.
20 Patient 1 alleges that Respondent then attempted to examine Patient 1's uterus rectally without
21 first warning her. Patient 1 objected to the rectal exam and alleges that she pushed Respondent
22 away from her. Patient 1 further alleges that Respondent told her to empty her bladder and he left
23 the examination room. Patient 1 went to the restroom, where she called her sister for a ride,
24 refused any further examinations, and left the office.

25 13. On the day after the appointment with Respondent, on or about October 8, 2014,
26 Patient 1 made a complaint against Respondent to the Los Angeles Police Department. The
27 investigation was completed and no criminal charges were brought against Respondent.

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1 **Patient 2**

2 14. Patient 2 was a 63-year-old woman when she had an appointment with Respondent
3 on or about September 9, 2021, for a routine gynecologic exam with a Pap smear. Respondent's
4 medical assistant escorted Patient 2 to an exam room where she asked Patient 2 preliminary
5 questions including asking about her history of pregnancy terminations. Patient 2 reported a
6 history of one elective abortion in 1987. The medical assistant then instructed Patient 2 to disrobe
7 from the waist down, provided her with a paper drape, and left the room.

8 15. Patient 2 disrobed and draped the bottom half of her body with a sheet. Respondent
9 entered the room soon afterward. Respondent questioned Patient 2 regarding the details of her
10 prior pregnancy termination, and thereafter he asked Patient 2 if she had "Jesus in her life".
11 When Patient 2 replied that she was not religious, she alleges that Respondent followed up with
12 asking if she wanted to "go to heaven and avoid the devil." She further alleges that Respondent
13 stated that "the devil is ruling the world" and that "I was like you when I was young and that I
14 will teach you about Christianity". Patient 2 alleges that Respondent continued this line of
15 conversation for approximately 15 minutes, during which he encouraged Patient 2 to attend his
16 Bible study class, offering counseling for women who suffer from guilt following an abortion.
17 Patient 2 alleges that she repeatedly told Respondent that she was not religious. Patient 2 felt that
18 the conversation about religion was due to her history of having an elective abortion.
19 Respondent's conversation with Patient 2 regarding religion, the medical necessity for the
20 conversation on the topic of religion, and the medical outcome of this conversation was never
21 documented in Patient 2's chart by Respondent.

22 16. Respondent eventually called his medical assistant back to the examination room and
23 proceeded with the Pap smear and pelvic exam. Respondent did not perform a breast exam even
24 though the patient was 63-years-old and had not had a mammogram for 10 years. Patient 2's Pap
25 smear examination was no different than what she had experienced during prior exams.

26 17. However, according to Patient 2, the bimanual exam was extremely uncomfortable,
27 much more than usual, and she alleges that Respondent did not warn her prior to beginning the
28 exam.

1 18. Patient 2 would not allow Respondent to complete his bimanual exam, and abruptly
2 left Respondent's office before laboratory studies could be completed. She did not respond to
3 subsequent calls from Respondent or his office to return to have the lab work done.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct)**

6 19. Respondent Lucien O. Cox, M.D. is subject to disciplinary action under section 2234
7 of the Code in that he committed unprofessional conduct in his care and treatment of two patients.
8 The circumstances are as follows:

9 20. Allegations of paragraphs 8 through 18 are incorporated herein by reference.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Gross Negligence)**

12 21. Respondent Lucien O. Cox, M.D. is subject to disciplinary action under section 2234,
13 subdivision (b) in that Respondent was grossly negligent in his care and treatment of two patients.
14 The circumstances are as follows:

15 22. The allegations of the First Cause for Discipline are incorporated herein by reference.

16 23. Respondent committed extreme departures from the standard of care as follows:

17 A) Respondent's religious counseling of Patient 2 after he realized that Patient 2
18 had an elective abortion was an extreme departure from the standard of care.

19 B) Respondent's failure to perform an appropriate breast cancer screening on
20 Patient 2 was an extreme departure from the standard of care.

21 C) Respondent's alleged failure to warn Patient 2 prior to performing a bimanual
22 exam was an extreme departure from the standard of care.

23 D) Respondent's alleged attempt to examine Patient 1's uterus through her rectum
24 without warning her first was an extreme departure from the standard of care.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 24. Respondent Lucien O. Cox, M.D. is subject to disciplinary action under section 2234,
4 subdivision (c) of the Code in that he committed repeated negligent acts in the care and treatment
5 of two patients. The circumstances are as follows:

6 25. The allegations of the First and Second Causes for Discipline are incorporated herein
7 by reference.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Inadequate or Inaccurate Record Keeping)**

10 26. Respondent Lucien O. Cox, M.D. is subject to disciplinary action under section 2266
11 of the Code in that Respondent kept inadequate or inaccurate records of his care and treatment of
12 two patients. The circumstances are as follows:

13 27. The allegations of First, Second, and Third causes for discipline are incorporated
14 herein by reference.

15 **PRAYER**

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

18 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 34370,
19 issued to Respondent, Lucien O. Cox, M.D.;

20 2. Revoking, suspending or denying approval of Respondent Lucien O. Cox, M.D.'s
21 authority to supervise physician assistants and advanced practice nurses;

22 3. Ordering Respondent Lucien O. Cox, M.D. to pay the Board the costs of the
23 investigation and enforcement of this case, and if placed on probation, the costs of probation
24 monitoring; and

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

DATED: OCT 24 2024

Jenna Jones for

REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

LA2023601969
Cox - First Amended Accusation