

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

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

Mark Chavez, M.D.

**Physician's and Surgeon's
Certificate No. A 104267**

Respondent.

Case No. 800-2024-110713

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 NOV 06 2024.

IT IS SO ORDERED OCT 30 2024.

MEDICAL BOARD OF CALIFORNIA

JENNA JONES FOR
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
4 State Bar No. 234540
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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 Against:

Case No. 800-2024-110713

14 **MARK CHAVEZ, M.D.**
15 **6526 Avenida Manana**
La Jolla, CA 92037-6225

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate**
17 **No. A 104267,**

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 Karolyn M. Westfall,
25 Deputy Attorney General.

26 2. Mark Chavez, M.D. (Respondent) is represented in this proceeding by attorney
27 Matthew C. Binninger, Esq., whose address is: 401 West "A" Street, Suite 200, San Diego, CA
28 92101.

3. On or about June 6, 2008, the Board issued Physician's and Surgeon's Certificate No. A 104267 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2024-110713 and will expire on June 30, 2026, unless renewed.

4. On or about August 26, 2024, an Interim Order of Suspension was issued by the Office of Administrative Hearings, immediately suspending Physician's and Surgeon's Certificate No. A 104267 and prohibiting Respondent from practicing medicine in the State of California. As a result, Respondent remains suspended from the practice of medicine pending the issuance of a final decision on Accusation No. 800-2024-110713.

JURISDICTION

5. Accusation No. 800-2024-110713 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 October 14, 2024. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2024-110713 is attached hereto as Exhibit A and is incorporated by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2024-110713. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

7. 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.

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

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 800-2024-110713, agrees that cause exists for discipline, and hereby surrenders his
4 Physician's and Surgeon's Certificate No. A 104267 for the Board's formal acceptance.

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

8 **CONTINGENCY**

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

12 12. Respondent understands that, by signing this stipulation, he enables the Executive
13 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
14 Physician's and Surgeon's Certificate No. A 104267 without further notice to, or opportunity to be
15 heard by, Respondent.

16 13. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
17 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
18 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his
19 consideration in the above-entitled matter and, further, that the Executive Director shall have a
20 reasonable period of time in which to consider and act on this Stipulated Surrender of License and
21 Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands
22 and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the
23 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

24 14. The parties agree that this Stipulated Surrender of License and Disciplinary Order
25 shall be null and void and not binding upon the parties unless approved and adopted by the
26 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
27 force and effect. Respondent fully understands and agrees that in deciding whether or not to
28 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive

1 Director and/or the Board may receive oral and written communications from its staff and/or the
2 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
3 Executive Director, the Board, any member thereof, and/or any other person from future
4 participation in this or any other matter affecting or involving respondent. In the event that the
5 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
6 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
7 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
8 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
9 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
10 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
11 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
12 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
13 of any matter or matters related hereto.

14 ADDITIONAL PROVISIONS

15 15. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
16 herein to be an integrated writing representing the complete, final and exclusive embodiment of
17 the agreements of the parties in the above-entitled matter.

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

21 17. In consideration of the foregoing admissions and stipulations, the parties agree the
22 Executive Director of the Board may, without further notice to or opportunity to be heard by
23 Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

24 ORDER

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 104267,
26 issued to Respondent Mark Chavez, M.D., is surrendered and accepted by the Board.

27 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
28 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
2 of Respondent's license history with the Board.

3 2. Respondent shall lose all rights and privileges as a physician and surgeon in
4 California as of the effective date of the Board's Decision and Order.

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

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations, and procedures for reinstatement of a revoked or
10 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
11 contained in Accusation No. 800-2024-110713 shall be deemed to be true, correct, and admitted
12 by Respondent when the Board determines whether to grant or deny the petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$17,676.25 (seventeen thousand six hundred seventy-six dollars and twenty-five cents)
15 prior to issuance of a new or reinstated license.

16 6. If Respondent should ever apply or reapply for a new license or certification, or
17 petition for reinstatement of a license, by any other health care licensing agency in the State of
18 California, all of the charges and allegations contained in Accusation No. 800-2024-110713 shall
19 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
20 Issues or any other proceeding seeking to deny or restrict licensure.

21 **ACCEPTANCE**

22 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
23 have fully discussed it with my attorney Matthew C. Binninger, Esq. I understand the stipulation
24 and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this
25 Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently,
26 and agree to be bound by the Decision and Order of the Medical Board of California.

27 DATED: 10/28/2024



28 MARK CHAVEZ, M.D.
Respondent

1 I have read and fully discussed with Respondent Mark Chavez, M.D., the terms and
2 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
3 Order. I approve its form and content.

4
5 DATED: October 28, 2024

Matthew C. Binninger
MATTHEW C. BINNINGER, ESQ.
Attorney for Respondent

6
7
8 **ENDORSEMENT**

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

12
13 DATED: 10/29/24

Respectfully submitted,

14 ROB BONTA
Attorney General of California
15 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

16 Karolyn M. Westfall

17 KAROLYN M. WESTFALL
18 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2024-110713

1 ROB BONTA
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3 KAROLYN M. WESTFALL
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15 **MARK CHAVEZ, M.D.**
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A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 104267,**

18 Respondent.

19
20 **PARTIES**

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

24 2. On or about June 6, 2008, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 104267 to Mark Chavez, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on June 30, 2026, unless renewed.

28 ///

3. On or about August 26, 2024, an Interim Order of Suspension was issued by the Office of Administrative Hearings, immediately suspending Physician's and Surgeon's Certificate No. A 104267 and prohibiting Respondent from practicing medicine in the State of California. As a result, Respondent remains suspended from the practice of medicine pending the issuance of a final decision on the Accusation.

JURISDICTION

4. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. 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.

...

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

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

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

• • •

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

4 ...

5 7. Section 2238 of the Code states:

6 A violation of any federal statute or federal regulation or any of the statutes or
7 regulations of this state regulating dangerous drugs or controlled substances
8 constitutes unprofessional conduct.

9 8. Section 2242 of the Code states, in pertinent part:

10 (a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section
11 4022 without an appropriate prior examination and a medical indication, constitutes
12 unprofessional conduct...

13 9. Section 2261 of the Code states:

14 Knowingly making or signing any certificate or other document directly or
15 indirectly related to the practice of medicine or podiatry which falsely represents the
16 existence or nonexistence of a state of facts, constitutes unprofessional conduct.

17 10. Section 2262 of the Code states, in pertinent part:

18 Altering or modifying the medical record of any person, with fraudulent intent,
19 or creating any false medical record, with fraudulent intent, constitutes unprofessional
20 conduct.

21 ...

22 11. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
23 adequate and accurate records relating to the provision of services to their patients constitutes
24 unprofessional conduct.

25 12. Section 4022 of the Code states, in pertinent part:

26 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
27 self-use in humans or animals, and includes the following:

28 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
without prescription," "RX only," or words of similar import.

...
...
...

(c) Any other drug or device that by federal or state law can be lawfully
dispensed on prescription or furnished pursuant to Section 4006.

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///

1 13. Health and Safety Code Section 11153 states, in pertinent part:

2 (a) A prescription for a controlled substance shall only be issued for a
3 legitimate medical purpose by an individual practitioner acting in the usual course of
4 his or her professional practice. The responsibility for the proper prescribing and
5 dispensing of controlled substances is upon the prescribing practitioner, but a
6 corresponding responsibility rests with the pharmacist who fills the prescription.
7 Except as authorized by this division, the following are not legal prescriptions: (1) an
8 order purporting to be a prescription which is issued not in the usual course of
9 professional treatment or in legitimate and authorized research; . . .

10 14. Section 11157 of the Health and Safety Code states: No person shall issue a
11 prescription that is false or fictitious in any respect.

12 COST RECOVERY

13 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licensee found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
17 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
18 included in a stipulated settlement.

19 FIRST CAUSE FOR DISCIPLINE

20 (Dishonesty or Corruption)

21 16. Respondent has subjected his Physician's and Surgeon's Certificate No. A 104267 to
22 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (e), of
23 the Code, in that he has committed an act or acts of dishonesty or corruption, as more particularly
24 alleged hereinafter:

25 17. Until in or around July 2023, Respondent was affiliated with a ketamine¹
26 infusion clinic called Dreamscape Ketamine, located in San Diego.

27 ///

28 ///

¹ Ketamine is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (g), and a dangerous drug pursuant to section 4022 of the Code. It is a dissociative anesthetic used for the induction and maintenance of anesthesia. It is also used as a treatment for depression and pain management.

1 18. On or about July 17, 2023, Respondent submitted a fraudulent prescription to
2 Pharmacy 1 to obtain thirty 200 mg ketamine lozenges in the name of Patient A² without
3 Patient A's knowledge or consent. Pharmacy 1 subsequently filled the fraudulent
4 prescription and sent Respondent ten 200 mg ketamine lozenges for Patient A (the
5 Fraudulent Patient A Prescription).

6 19. In or around July 2023, Respondent and his business partner had a dispute and
7 decided that Respondent would no longer be affiliated with Dreamscape Ketamine.
8 Because Respondent's business partner was not a medical doctor, Respondent subsequently
9 retrieved all prescription drugs from the clinic, including ketamine and the Fraudulent
10 Patient A Prescription.

11 20. On or about September 13, 2023, Respondent lawfully transferred some of the
12 ketamine he seized from the clinic to a medical facility in San Diego but maintained
13 possession of the ketamine lozenges prescribed to Patient A from the Fraudulent Patient A
14 Prescription, and at least 12 vials of ketamine.

15 21. On or about September 30, 2023, Dr. S.P. called Respondent to ask about obtaining
16 ketamine for someone who Dr. S.P. identified as a "patient." During the phone call or soon after,
17 Dr. S.P. identified the patient as a well-known actor (hereafter Victim) who was willing to pay a
18 premium to acquire ketamine. At the time of the September 30, 2023, phone call, Respondent
19 had known Dr. S.P. for at least twenty years, and knew that Dr. S.P. had little, if any, experience
20 treating patients with ketamine. Respondent confirmed he had vials of ketamine and stated he
21 was willing to transfer the ketamine to Dr. S.P. in exchange for money. Sometime after the call,
22 Respondent told Dr. S.P. by text message that he also had ketamine lozenges.

23 22. On or about September 30, 2023, Respondent sent Dr. S.P. a photograph of the
24 Fraudulent Patient A Prescription that had Patient A's name redacted with black marker, and
25 indicated he was willing to transfer the lozenges in addition to liquid ketamine to Dr. S.P.

26 ///

27 _____
28 ² To protect the privacy of all persons involved, names have not been included in this
pleading. Respondent is aware of the identity of all persons referred to herein.

1 23. On or about September 30, 2023, after discussing the ketamine that Respondent had
2 available, Respondent and Dr. S.P. agreed to meet and discussed how much to charge Victim for
3 the ketamine. During this discussion, Dr. S.P. stated, "If i can get you 2k would you meet me half
4 way?" Respondent responded, "yes."

5 24. Later that day, on or about September 30, 2023, Respondent and Dr. S.P. met in
6 or around Costa Mesa. During that meeting, Respondent transferred at least four (4) vials
7 of liquid ketamine, ketamine lozenges from the Fraudulent Patient A Prescription, gloves,
8 and syringes to Dr. S.P., knowing that Dr. S.P. would sell the ketamine to Victim.

9 25. That same day, on or about September 30, 2023, Dr. S.P. traveled to the
10 residence of Victim and injected Victim with ketamine and left behind at least one (1) vial
11 of ketamine for Victim's use.

12 26. Sometime after Dr. S.P. transferred ketamine to Victim, Respondent and Dr.
13 S.P. exchanged text messages about the meeting, including Dr. S.P. stating the meeting
14 with Victim was "like a bad movie." Dr. S.P. subsequently paid Respondent a portion of
15 the money he received for selling the ketamine to Victim.

16 27. Between on or about October 1, 2023, and on or about October 2, 2023,
17 Respondent and Dr. S.P. discussed obtaining more ketamine for Victim. Questions asked
18 by Dr. S.P. during these conversations confirmed to Respondent that Dr. S.P. was
19 unfamiliar with how to diagnose patients for proper ketamine use, the proper procedures for
20 administering ketamine, and monitoring patients in the aftermath of ketamine
21 administration. During this timeframe, Dr. S.P. told Respondent that Victim had requested
22 the ketamine to help Victim quit smoking, which Respondent knew was not a legitimate
23 medical use for ketamine.

24 28. On or about October 2, 2023, ahead of a planned meeting with Victim, Dr. S.P.
25 stated to Respondent, "if today goes well we may have repeat business," to which
26 Respondent replied, "Let's do everything we can to make it happen." Dr. S.P. also told
27 Respondent that he needed additional liquid ketamine to transfer to Victim. Among other

28 ///

1 things, Respondent told Dr. S.P., "you should sell him the troches," referring to the
2 ketamine lozenges from the Fraudulent Patient A Prescription.

3 29. Later that same day, on or about October 2, 2023, Dr. S.P. updated Respondent
4 on his interactions with Victim, advising that he had given Victim three (3) injections of
5 ketamine totaling 260 milligrams and was about to administer another 100-milligram shot.
6 Respondent understood administering 360 milligrams of ketamine within one hour could
7 potentially be a dangerous amount of ketamine, depending on the patient's underlying
8 health conditions.

9 30. Later that same day, on or about October 2, 2023, Respondent contacted at least
10 two medical distributors to inquire about obtaining ketamine. Specifically, Respondent
11 attempted to place an order for vials of ketamine from Wholesale Ketamine Distributor 1.
12 Respondent also contacted Wholesale Ketamine Distributor 2 and submitted a License
13 Authorization Form for the purpose of obtaining additional ketamine to transfer to Dr. S.P.
14 Among other things, the License Authorization Form that Respondent submitted under
15 penalty of perjury contained false statements, including that Respondent worked for the
16 facility "Dreamscape Ketamine - The Health MD" and a certification that the ketamine
17 "will be used only by the organization" and "will not be sold to a third party, distributed or
18 used for any other purpose." As Respondent then knew, he had separated from Dreamscape
19 Ketamine no later than in or around July 2023 and any ketamine he ordered would not be
20 used by Dreamscape Ketamine.

21 31. On or about October 4, 2023, Respondent agreed to provide Dr. S.P. eight (8)
22 additional vials of liquid ketamine so Dr. S.P. could sell the ketamine to Victim. On that
23 same day, Respondent met Dr. S.P. in Irvine, where Respondent transferred eight (8)
24 ketamine vials to Dr. S.P. knowing the ketamine would be transferred to Victim. Dr. S.P.
25 subsequently paid Respondent for the ketamine.

26 32. Due to the amount of ketamine Victim requested, Dr. S.P. asked Respondent
27 about obtaining more ketamine on or about October 4, 2023, stating: "any trouble finding
28 more ketamine...in case this continues with this guy," and "I think it would be best served

1 not having him look elsewhere and be his go to." Respondent confirmed he was "working
2 on getting more" ketamine.

3 33. On that same day, on or about October 4, 2023, Respondent contacted
4 Wholesale Ketamine Distributors 1 and 2 about obtaining additional ketamine to transfer to
5 Dr. S.P. Specifically, Respondent submitted an order for ten (10) vials of ketamine to
6 Wholesale Ketamine Distributor 2. Respondent received an email from Wholesale
7 Ketamine Distributor 1 about his October 2, 2023, ketamine order, stating that they had put
8 the order on hold and requested that Respondent complete certain forms, including a
9 "Know Your Customer" DEA Questionnaire. Respondent completed the questionnaire on
10 or about October 4, 2023, and signed his name, declaring under penalty of perjury that the
11 information on the questionnaire was true and correct. Respondent then submitted the DEA
12 Questionnaire to Wholesale Ketamine Distributor 1 knowing that it contained materially
13 false statements, including claims that "Patients are vetted very carefully. Prescriptions for
14 controlled substances are only prescribed after determining there is genuine need" and
15 responding "No" in response to the question, "Do you sell any products to other
16 practitioners?"

17 34. On or about October 5, 2023, after Wholesale Ketamine Distributor 1 received
18 Respondent's signed DEA Questionnaire, it processed his order for ten (10) vials of
19 ketamine, for which Respondent paid \$121.41.

20 35. On or about October 6, 2023, Respondent advised Dr. S.P. that he had "found a
21 pharmacy that has Ketamine," and that they could have a supply sooner than expected.

22 36. On or about October 9, 2023, Respondent received the ketamine shipment from
23 Wholesale Ketamine Distributor 1. Respondent then sent a text message to Dr. S.P. stating,
24 "Are we still meeting tomorrow. We got the Shipment today. One box of 10 vials." Dr.
25 S.P. responded, "Great. Yes. I'm going to probably come to you mid day."

26 37. On or before October 9, 2023, Respondent was aware that Dr. S.P. had been
27 providing Victim with Respondent's ketamine in a medically unsafe manner. Respondent
28 knew that Dr. S.P. was leaving ketamine vials with Victim and Victim's personal assistant

1 for self-administration, which Respondent knew was outside the scope of professional
2 practice and without any legitimate medical purpose. Respondent also understood based on
3 information provided by Dr. S.P., that Victim had health issues that could increase the risk
4 of taking ketamine outside of a clinical setting and without proper medical observation.

5 38. On or about October 10, 2023, Respondent and Dr. S.P. met in Irvine, where
6 Respondent transferred ten (10) ketamine vials to Dr. S.P. so that Dr. S.P. could sell them to
7 Victim. That same day, Respondent learned from Dr. S.P. that Dr. S.P. had injected Victim
8 with ketamine while Victim was sitting in the back of a car that was parked in a public
9 parking lot near an aquarium in Long Beach. Respondent subsequently had a phone call
10 with Dr. S.P. whereon Respondent reprimanded Dr. S.P. for "dosing people" in cars, in a
11 public place where children are present.

12 39. On or about October 12, 2023, Dr. S.P. injected Victim with a large dose of
13 ketamine at Victim's residence, resulting in Victim having a serious adverse reaction,
14 including a significant spike in Victim's blood pressure. Dr. S.P. subsequently discussed
15 Victim's reaction to the ketamine with Respondent.

16 40. On or about October 12, 2023, Respondent learned that the Board was
17 investigating an allegation that Respondent had improperly taken ketamine from his former
18 ketamine clinic, Dreamscape Ketamine.³ After learning about the investigation,
19 Respondent informed Dr. S.P. about the investigation and informed Dr. S.P. that he would
20 not be able to continue to obtain additional ketamine to sell to Dr. S.P.

21 41. On or about October 13, 2023, Dr. S.P. asked Respondent if he was interested
22 in running the ketamine division of a clinic that Dr. S.P. wanted to set up. Respondent said
23 that the idea was "interesting," and that "as long as we are doing things on the up and up we
24 can start ASAP." When Dr. S.P. asked what he meant, Respondent clarified, "All done
25 legally without any shady stuff. Having them come to the clinic will ensure this." When
26 Dr. S.P. asked, "Oh so you don't agree with the method I am currently doing?" Respondent
27 said, "It's not what I think it's what an entity like the California medical board would view

28 ³ Medical Board of California Case No. 800-2023-100189.

1 it...or the DEA.” Dr. S.P. then asked, “So you think I should stop the current arrangement I
2 have?” And Respondent responded, “Depends on your tolerance for risk.” Respondent
3 thereafter forwarded Dr. S.P. a screenshot of an email from a Board investigator regarding
4 the pending complaint and investigation.

5 42. On or about October 19, 2023, Respondent submitted to an interview with DEA
6 diversion investigators and a Board investigator. During the interview, investigators asked
7 Respondent if he still possessed the ketamine that was taken from the clinic. Respondent
8 responded no, stating that he had transferred the liquid ketamine to a medical facility in San
9 Diego. Investigators also asked Respondent about the ketamine lozenges prescribed to
10 Patient A. Respondent admitted he prescribed the lozenges without Patient A’s knowledge
11 or consent but claimed he had thrown the prescription away because the lozenges melted
12 inside of his vehicle. At all relevant times during the interview, Respondent concealed
13 from investigators that he had, in fact, transferred ketamine to Dr. S.P., including the
14 Fraudulent Patient A Prescription. During the interview, Respondent also concealed
15 material evidence from investigators, including text messages and “Bill of Sale” documents
16 showing ketamine transfers to Dr. S.P.

17 43. On or about October 28, 2023, Victim was found dead inside of a jacuzzi at
18 Victim’s Los Angeles residence. After learning about Victim’s death, Respondent called
19 Dr. S.P. to discuss whether Dr. S.P. was concerned about Victim’s death. Dr. S.P. indicated
20 that he was not worried because he had not seen Victim for a couple of weeks.

21 44. On or about August 15, 2024, an Information was filed against Respondent in the
22 United States District Court, for the Central District of California, in the action entitled *United*
23 *States of America v. Mark Chavez*, Case No. CR 2:24-CR-00492-MWF. The Information
24 charged Respondent with one count of conspiracy to distribute ketamine, in violation of 21
25 U.S.C. § 846.

26 45. On or about July 22, 2024, in *United States of America v. Mark Chavez*, Case No. CR
27 2:24-CR-00492-MWF, Respondent signed a plea agreement, agreed to plead guilty to conspiracy

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1 to distribute ketamine, in violation of 21 U.S.C. § 846, and admitted that he is guilty of that
2 offense. In his plea agreement, with the exception of an appeal based on a claim that
3 Respondent's guilty plea was involuntary, Respondent waived and gave up any right to appeal his
4 conviction.

5 46. On or about October 2, 2024, in *United States of America v. Mark Chavez*, Case
6 No. CR 2:24-CR-00492-MWF, Respondent pled guilty to count one of the Information,
7 conspiracy to distribute ketamine, in violation of 21 U.S.C. § 846.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Violation of State Laws Regulating Dangerous Drugs and/or Controlled Substances)**

10 47. Respondent has further subjected his Physician's and Surgeon's Certificate
11 No. A 104267 to disciplinary action under sections 2227 and 2234, as defined by section 2238, of
12 the Code, and Health and Safety Code sections 11153 and 11157, in that Respondent has violated
13 a state law or laws regulating dangerous drugs and/or controlled substances, as more particularly
14 alleged in paragraphs 16 through 46 above, which are hereby incorporated by reference and
15 realleged as if fully set forth herein.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(False Representations)**

18 48. Respondent has further subjected his Physician's and Surgeon's Certificate
19 No. A 104267 to disciplinary action under sections 2227 and 2234, as defined by section 2261, of
20 the Code, in that Respondent has knowingly made or signed a certificate or document directly or
21 indirectly related to the practice of medicine which falsely represented the existence or
22 nonexistence of a state of facts, as more particularly alleged in paragraphs 16 through 46, above,
23 which are hereby incorporated by reference and realleged as if fully set forth herein.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Creation of False Medical Records with Fraudulent Intent)**

26 49. Respondent has further subjected his Physician's and Surgeon's Certificate
27 No. A 104267 to disciplinary action under sections 2227 and 2234, as defined by section 2262, of
28 the Code, in that Respondent created false medical records with fraudulent intent, as more

1 particularly alleged in paragraphs 16 through 46, above, which are hereby incorporated by
2 reference and realleged as if fully set forth herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Furnishing Drugs without Examination)**

5 50. Respondent has further subjected his Physician's and Surgeon's Certificate
6 No. A 104267 to disciplinary action under sections 2227 and 2234, as defined by section 2242, of
7 the Code, in that Respondent prescribed, dispensed, or furnished dangerous drugs without an
8 appropriate prior examination and medical indication, as more particularly alleged in paragraphs
9 16 through 46, above, which are hereby incorporated by reference and re-alleged as if fully set
10 forth herein.

11 **SIXTH CAUSE FOR DISCIPLINE**

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

13 51. Respondent has further subjected his Physician's and Surgeon's Certificate
14 No. 104267 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of
15 the Code, in that Respondent failed to maintain adequate and accurate records, as more
16 particularly alleged in paragraphs 16 through 46, above, which are hereby incorporated by
17 reference and realleged as if fully set forth herein.

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PRAYER

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 or suspending Physician's and Surgeon's Certificate No. A 104267, issued to Respondent, Mark Chavez, M.D.;

2. Revoking, suspending or denying approval of Respondent Mark Chavez, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Mark Chavez, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

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

DATED: OCT 14 2024

Jenna J. Saxe for
REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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