

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

In the Matter of the Accusation
Against:

Thanh Hieu Huynh, M.D.

Physician's and Surgeon's
Certificate No. A 93650

Respondent.

Case No.: 800-2021-074792

DECISION

The attached Stipulated Settlement 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 December 13, 2024.

IT IS SO ORDERED: November 15, 2024.

MEDICAL BOARD OF CALIFORNIA

Michelle A. Bholat, MD

Michelle Bholat M.D., Interim-Chair
Panel A

1 ROB BONTA
Attorney General of California
2 MACHAELA M. MINGARDI
Supervising Deputy Attorney General
3 CAITLIN ROSS
Deputy Attorney General
4 State Bar No. 271651
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8
9 **BEFORE THE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **THANH HIEU HUYNH, M.D.**
15 **1061 SYCAMORE DR.**
16 **MILLBRAE, CA 94030-1042**

17 **Physician's and Surgeon's Certificate**
18 **No. A 93650**

19 Respondent.

Case No. 800-2021-074792

OAH No. 2024030005

20 **STIPULATED SETTLEMENT AND**
21 **DISCIPLINARY ORDER**

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

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 Caitlin Ross, Deputy
28 Attorney General.

2. Respondent Thanh Hieu Huynh, M.D. (Respondent) is represented in this proceeding by attorney Thomas E. Still, Esq., whose address is: 12901 Saratoga Avenue, Saratoga, CA, 95070.

3. On or about December 23, 2005, the Board issued Physician's and Surgeon's Certificate No. A 93650 to Thanh Hieu Huynh, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2021-074792, and will expire on August 31, 2025, unless renewed.

JURISDICTION

4. Accusation No. 800-2021-074792 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 December 7, 2023. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2021-074792 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2021-074792. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement 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. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2021-074792, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. Respondent does not contest that, at an administrative hearing, Complainant could
6 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
7 2021-074792, a true and correct copy of which is attached hereto as Exhibit A, and that he has
8 thereby subjected his Physician's and Surgeon's Certificate, No. A 93650 to disciplinary action,
9 and that Respondent hereby gives up his right to contest those charges.

10 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
11 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
12 Disciplinary Order below.

13 **CONTINGENCY**

14 12. This stipulation shall be subject to approval by the Medical Board of California.
15 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
16 Board of California may communicate directly with the Board regarding this stipulation and
17 settlement, without notice to or participation by Respondent or his counsel. By signing the
18 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
20 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
22 action between the parties, and the Board shall not be disqualified from further action by having
23 considered this matter.

24 13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
25 be an integrated writing representing the complete, final and exclusive embodiment of the
26 agreement of the parties in this above entitled matter.

27 14. Respondent agrees that if he ever petitions for early termination or modification of
28 probation, or if an accusation and/or petition to revoke probation is filed against him before the

1 Board, all of the charges and allegations contained in Accusation No. 800-2021-074792 shall be
2 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or
3 any other licensing proceeding involving Respondent in the State of California.

4 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
5 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
6 signatures thereto, shall have the same force and effect as the originals.

7 16. In consideration of the foregoing admissions and stipulations, the parties agree that
8 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
9 enter the following Disciplinary Order:

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 93650 issued
12 to Respondent THANH HIEU HUYNH, M.D. is revoked. However, the revocation is stayed and
13 Respondent is placed on probation for three (3) years on the following terms and conditions:

14 1. **EDUCATION COURSE.** Within 60 calendar days of the effective date of this
15 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
16 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
17 per year, for each year of probation. The educational program(s) or course(s) shall be in the field
18 of cardiovascular medicine and shall be Category I certified. The educational program(s) or
19 course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical
20 Education (CME) requirements for renewal of licensure. Following the completion of each
21 course, the Board or its designee may administer an examination to test Respondent's knowledge
22 of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40
23 hours were in satisfaction of this condition.

24 2. **MEDICAL RECORD KEEPING COURSE.** Within 60 calendar days of the effective
25 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
26 advance by the Board or its designee. Respondent shall provide the approved course provider
27 with any information and documents that the approved course provider may deem pertinent.
28 Respondent shall participate in and successfully complete the classroom component of the course

1 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
2 complete any other component of the course within one (1) year of enrollment. The medical
3 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing
4 Medical Education (CME) requirements for renewal of licensure.

5 A medical record keeping course taken after the acts that gave rise to the charges in the
6 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
7 or its designee, be accepted towards the fulfillment of this condition if the course would have
8 been approved by the Board or its designee had the course been taken after the effective date of
9 this Decision.

10 Respondent shall submit a certification of successful completion to the Board or its
11 designee not later than 15 calendar days after successfully completing the course, or not later than
12 15 calendar days after the effective date of the Decision, whichever is later.

13 3. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
14 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
15 monitor, the name and qualifications of one or more licensed physicians and surgeons whose
16 licenses are valid and in good standing, and who are preferably American Board of Medical
17 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
18 relationship with Respondent, or other relationship that could reasonably be expected to
19 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
20 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
21 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

22 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
23 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
24 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
25 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
26 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
27 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
28 signed statement for approval by the Board or its designee.

1 Within 60 calendar days of the effective date of this Decision, and continuing throughout
2 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
3 make all records available for immediate inspection and copying on the premises by the monitor
4 at all times during business hours and shall retain the records for the entire term of probation.

5 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
6 date of this Decision, Respondent shall receive a notification from the Board or its designee to
7 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
8 shall cease the practice of medicine until a monitor is approved to provide monitoring
9 responsibility.

10 The monitor(s) shall submit a quarterly written report to the Board or its designee which
11 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
12 are within the standards of practice of medicine, and whether Respondent is practicing medicine
13 safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the
14 quarterly written reports to the Board or its designee within 10 calendar days after the end of the
15 preceding quarter.

16 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
17 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
18 name and qualifications of a replacement monitor who will be assuming that responsibility within
19 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
20 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
21 notification from the Board or its designee to cease the practice of medicine within three (3)
22 calendar days after being so notified. Respondent shall cease the practice of medicine until a
23 replacement monitor is approved and assumes monitoring responsibility.

24 In lieu of a monitor, Respondent may participate in a professional enhancement program
25 approved in advance by the Board or its designee that includes, at minimum, quarterly chart
26 review, semi-annual practice assessment, and semi-annual review of professional growth and
27 education. Respondent shall participate in the professional enhancement program at Respondent's
28 expense during the term of probation.

1 4. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
2 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
3 Chief Executive Officer at every hospital where privileges or membership are extended to
4 Respondent, at any other facility where Respondent engages in the practice of medicine,
5 including all physician and locum tenens registries or other similar agencies, and to the Chief
6 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
7 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
8 calendar days.

9 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

10 5. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
11 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
12 advanced practice nurses.

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

16 7. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
17 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
18 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
19 enforcement, as applicable, in the amount of \$23,908.00. Costs shall be payable to the Medical
20 Board of California. Failure to pay such costs shall be considered a violation of probation.

21 Payment must be made in full within 30 calendar days of the effective date of the Order, or
22 by a payment plan approved by the Medical Board of California. Any and all requests for a
23 payment plan shall be submitted in writing by respondent to the Board. Failure to comply with
24 the payment plan shall be considered a violation of probation.

25 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
26 repay investigation and enforcement costs, including expert review costs.

27 8. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
28 under penalty of perjury on forms provided by the Board, stating whether there has been

1 compliance with all the conditions of probation.

2 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
3 of the preceding quarter.

4 9. GENERAL PROBATION REQUIREMENTS.

5 Compliance with Probation Unit

6 Respondent shall comply with the Board's probation unit.

7 Address Changes

8 Respondent shall, at all times, keep the Board informed of Respondent's business and
9 residence addresses, email address (if available), and telephone number. Changes of such
10 addresses shall be immediately communicated in writing to the Board or its designee. Under no
11 circumstances shall a post office box serve as an address of record, except as allowed by Business
12 and Professions Code section 2021, subdivision (b).

13 Place of Practice

14 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
15 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
16 facility.

17 License Renewal

18 Respondent shall maintain a current and renewed California physician's and surgeon's
19 license.

20 Travel or Residence Outside California

21 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
22 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
23 (30) calendar days.

24 In the event Respondent should leave the State of California to reside or to practice
25 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
26 departure and return.

27 10. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
28 available in person upon request for interviews either at Respondent's place of business or at the

1 probation unit office, with or without prior notice throughout the term of probation.

2 11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
3 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
4 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
5 defined as any period of time Respondent is not practicing medicine as defined in Business and
6 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
7 patient care, clinical activity or teaching, or other activity as approved by the Board. If
8 Respondent resides in California and is considered to be in non-practice, Respondent shall
9 comply with all terms and conditions of probation. All time spent in an intensive training
10 program which has been approved by the Board or its designee shall not be considered non-
11 practice and does not relieve Respondent from complying with all the terms and conditions of
12 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
13 on probation with the medical licensing authority of that state or jurisdiction shall not be
14 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
15 period of non-practice.

16 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
17 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
18 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
19 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
20 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

21 Respondent's period of non-practice while on probation shall not exceed two (2) years.

22 Periods of non-practice will not apply to the reduction of the probationary term.

23 Periods of non-practice for a Respondent residing outside of California will relieve
24 Respondent of the responsibility to comply with the probationary terms and conditions with the
25 exception of this condition and the following terms and conditions of probation: Obey All Laws;
26 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
27 Controlled Substances; and Biological Fluid Testing.

28 12. COMPLETION OF PROBATION. Respondent shall comply with all financial

obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. This term does not include cost recovery, which is due within 30 calendar days of the effective date of the Order, or by a payment plan approved by the Medical Board and timely satisfied. Upon successful completion of probation, Respondent's certificate shall be fully restored.

13. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates 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.

14. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

15. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

16. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for

1 a new license or certification, or petition for reinstatement of a license, by any other health care
2 licensing action agency in the State of California, all of the charges and allegations contained in
3 Accusation No. 800-2021-074792 shall be deemed to be true, correct, and admitted by
4 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
5 restrict license.

6 **ACCEPTANCE**

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
8 discussed it with my attorney, Thomas E. Still, Esq. I understand the stipulation and the effect it
9 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
10 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
11 Decision and Order of the Medical Board of California.

12 DATED: _____

13 THANH HIEU HUYNH, M.D.
14 *Respondent*

15 I have read and fully discussed with Respondent Thanh Hieu Huynh, M.D. the terms and
16 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
17 I approve its form and content.

18 DATED: _____

19 THOMAS E. STILL, ESQ.
20 *Attorney for Respondent*

21 **ENDORSEMENT**

22 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
23 submitted for consideration by the Medical Board of California.

24 DATED: _____

25 Respectfully submitted,

26 ROB BONTA
27 Attorney General of California
28 MACHAELA M. MINGARDI
Supervising Deputy Attorney General

CAITLIN ROSS
Deputy Attorney General
Attorneys for Complainant

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1 a new license or certification, or petition for reinstatement of a license; by any other health care
2 licensing action agency in the State of California, all of the charges and allegations contained in
3 Accusation No. 800-2021-074792 shall be deemed to be true, correct, and admitted by
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8 discussed it with my attorney, Thomas E. Still, Esq. I understand the stipulation and the effect it
9 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
10 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
11 Decision and Order of the Medical Board of California.

12 DATED: 09/18/2024

THU Huynh
13 THANH HIEU HUYNH, M.D.
Respondent

14 I have read and fully discussed with Respondent Thanh Hieu Huynh, M.D. the terms and
15 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
16 I approve its form and content.

17 DATED: 9.19.2024

THOMAS E. STILL
18 THOMAS E. STILL, ESQ.
Attorney for Respondent

19 **ENDORSEMENT**

20 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
21 submitted for consideration by the Medical Board of California.

22 DATED: 9-19-24

23 Respectfully submitted,

24 ROB BONTA
Attorney General of California
25 MACHAELA M. MINGARDI
Supervising Deputy Attorney General
26 Caitlin Ross
27 CAITLIN ROSS
Deputy Attorney General
Attorneys for Complainant

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2. GREG W. CHAMBERS
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5. Facsimile: (415) 703-5480
Attorneys for Complainant

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

11. In the Matter of the Accusation Against:

Case No. 800-2021-074792.

12. **THANH HIEU HUYNH, M.D.**
13. **1061 Sycamore Drive**
Millbrae, CA 94030-1042

ACCUSATION

14. **Physician's and Surgeon's Certificate**
15. **No. A 93650,**

16. **Respondent.**

17. **PARTIES**

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

21. 2. On or about December 23, 2005, the Medical Board issued Physician's and Surgeon's
22. Certificate Number A 93650 to Thanh Hieu Huynh, M.D. (Respondent). The Physician's and
23. Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
24. herein and will expire on August 31, 2025, unless renewed.

25. ///

26. ///

27. ///

JURISDICTION

3. 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.

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.

5. Section 2234 of the Code, states:

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.

(b) Gross negligence.

(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.

...

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 16, 2020, Patient 1,¹ a 66-year-old male with a history of hypertension, visited Respondent, his primary care physician, at approximately 4:30 p.m., complaining of chest pains, fatigue, sweat and chills, and throat/neck pain. Patient 1 was accompanied by his wife.

9. During the course of the examination, Respondent did not take or monitor Patient 1's heart rate, administer an EKG,² or direct Patient 1 to an emergency department or urgent care. Respondent provided Patient 1 with a flu shot and directed Patient 1 to take 800 mg of Advil every 8 hours.

10. Patient 1 died in his sleep that evening. A private autopsy conducted by the San Mateo County Coroner on September 27, 2020, determined Patient 1's cause of death to be acute myocardial infarction.

11. Labs collected on February 12, 2020, showed that Patient 1 had an LDL-cholesterol count of 117. No records state that Patient 1 was ever diagnosed with hyperlipidemia.³

¹ To protect privacy, Patient 1's name has been redacted. Patient 1's identity is known to Respondent and identification information will be produced in discovery.

² An electrocardiogram (EKG) records the electrical signal from the heart to check for different heart conditions.

³ A condition where there are high levels of fat particles (lipids) in the blood. The lipids can deposit in blood vessel walls and restrict blood flow, creating a risk of heart attack and stroke.

12. Respondent calculated Patient 1's Framingham Risk Score⁴ as 18% and mislabeled Patient 1 as a low risk for heart disease, when Patient 1 should have been considered intermediate to high risk due to age and hypertension – blood pressure greater than 140/90.

13. Medical records contain no documentation of Patient 1's heart rate for the September 16, 2020 encounter, or any other visit.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Gross Negligence)

14. The allegations in paragraphs 8 through 13 above are incorporated by reference as if set out in full.

15. Respondent Thanh Hieu Huynh, M.D. is subject to disciplinary action under section 2234, subdivision (b), of the Code, in that he committed gross negligence in the care and treatment of Patient 1.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Repeated Negligent Acts)

16. The allegations in paragraphs 8 through 13 above are incorporated by reference as if set out in full.

17. Respondent Thanh Hieu Huynh, M.D. is subject to disciplinary action under section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in the care and treatment of Patient 1.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Incompetence)

18. The allegations in paragraphs 8 through 13 above are incorporated by reference as if set out in full.

19. Respondent Thanh Hieu Huynh, M.D. is subject to disciplinary action under section 2234, subdivision (d), of the Code, due to his lack of knowledge about risk factors for cardiovascular disease.

⁴ The Framingham Risk Score is a sex-specific algorithm used to estimate the 10-year cardiovascular risk of an individual.

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FOURTH CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

20. The allegations in paragraphs 8 through 13 above are incorporated by reference as if set out in full.

21. Respondent Thanh Hieu Huynh, M.D. is subject to disciplinary action under section 2266 of the Code, in that he failed to maintain adequate and accurate records regarding his care and treatment of Patient 1.

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 Number A 93650, issued to Respondent Thanh Hieu Huynh, M.D.;
2. Revoking, suspending or denying approval of Respondent Thanh Hieu Huynh, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Thanh Hieu Huynh, 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: DEC 07 2023



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