

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

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

Gerant Rivera-Sanfeliz, M.D.

**Physician's and Surgeon's
Certificate No. G 74921**

Respondent.

Case No. 800-2021-080535

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 December 23,
2024. IT IS SO ORDERED December 16, 2024.**

MEDICAL BOARD OF CALIFORNIA



**Reji Varghese
Executive Director**

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 NICOLE NOONAN-MILLER
Deputy Attorney General
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8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

15 **GERANT RIVERA-SANFELIZ, M.D.**
16 **1468 Kingsport Way**
17 **San Marcos, CA 92078-1027**

18 **Physician's and Surgeon's Certificate**
19 **No. G 74921,**

20 Respondent.

Case No. 800-2021-080535

OAH No. 2024100250

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

PARTIES

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

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1 2. Respondent Gerant Rivera-Sanfeliz, M.D. (Respondent) is represented in this
2 proceeding by attorney Kevin C. Murphy, Esq., whose address is: 5575 Lake Park Way, Suite
3 218, La Mesa, CA 91942-1684.

4 3. On or about August 11, 1992, the Board issued Physician's and Surgeon's Certificate
5 No. G 74921 to Respondent. That license was in full force and effect at all times relevant to the
6 charges brought in Accusation No. 800-2021-080535 and will expire on January 31, 2026, unless
7 renewed.

8 **JURISDICTION**

9 4. On August 2, 2024, Accusation No. 800-2021-080535 was filed before the Board,
10 and is currently pending against Respondent. On August 2, 2024, a true and correct copy of
11 Accusation No. 800-2021-080535 and all other statutorily required documents were properly
12 served on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation.
13 A true and correct copy of Accusation No. 800-2021-080535 is attached as Exhibit A and
14 incorporated by reference.

15 **ADVISEMENT AND WAIVERS**

16 5. Respondent has carefully read, fully discussed with his counsel, and fully understands
17 the charges and allegations in Accusation No. 800-2021-080535. Respondent also has carefully
18 read, fully discussed with his counsel, and fully understands the effects of this Stipulated
19 Surrender of License and Order.

20 6. Respondent is fully aware of his legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
22 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
23 to the issuance of subpoenas to compel the attendance of witnesses and the production of
24 documents; the right to reconsideration and court review of an adverse decision; and all other
25 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

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1 **CULPABILITY**

2 8. Respondent agrees that, at an administrative hearing, Complainant could establish a
3 prima facie case with respect to the charges and allegations contained in Accusation No. 800-
4 2021-080535, and agrees that he has thereby subjected his Physician's and Surgeon's Certificate
5 No. G 74921 to discipline.

6 9. Respondent further agrees that if he ever petitions for reinstatement of his license, or
7 if an accusation is filed against him before the Board, all of the charges and allegations contained
8 in Accusation No. 800-2021-080535 shall be deemed true, correct, and fully admitted by
9 Respondent for purposes of any such proceeding.

10 10. Respondent agrees that his Physician's and Surgeon's Certificate No. G 74921 is
11 subject to discipline and hereby surrenders his Physician's and Surgeon's Certificate No. G 74921
12 for the Board's formal acceptance.

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

16 **CONTINGENCY**

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

20 13. Respondent understands that, by signing this stipulation, he enables the Executive
21 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
22 Physician's and Surgeon's Certificate No. G 74921 without further notice to, or opportunity to be
23 heard by, Respondent.

24 14. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
25 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
26 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his
27 consideration in the above-entitled matter and, further, that the Executive Director shall have a
28 reasonable period of time in which to consider and act on this Stipulated Surrender of License and

1 Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands
2 and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the
3 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

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

22 **ADDITIONAL PROVISIONS**

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

26 17. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
27 Order, including copies of the signatures of the parties, may be used in lieu of original documents
28 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.

19. 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 action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2021-080535 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 74921, issued to Respondent Gerant Rivera-Sanfeliz, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2021-080535 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 \$35,970.00 prior to issuance of a new or reinstated license.

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ACCEPTANCE

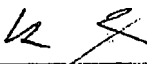
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Kevin C. Murphy, Esq.. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order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

DATED: 12/12/24


GERANT RIVERA-SANFELIZ, M.D.
Respondent

I have read and fully discussed with Respondent Gerant Rivera-Sanfeliz, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 12/12/24

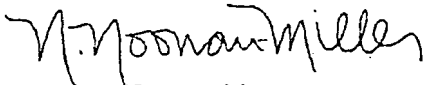

KEVIN C. MURPHY, ESQ.
Attorney for Respondent

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: December 12, 2024

Respectfully submitted,
ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General


NICOLE NOONAN-MILLER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2021-080535

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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2021-080535

14 **GERANT RIVERA-SANFELIZ, M.D.**
15 **1468 KINGSFORT WAY**
SAN MARCOS, CA 92078-1027

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. G 74921,**

Respondent.

18
19 **PARTIES**

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

23 2. On or about August 11, 1992, the Medical Board issued Physician's and Surgeon's
24 Certificate No. G 74921 to Gerant Rivera-Sanfeliz, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on January 31, 2026, unless renewed.

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

6 6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
7 adequate and accurate records relating to the provision of services to their patients constitutes
8 unprofessional conduct.

9 COST RECOVERY

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

16 FIRST CAUSE FOR DISCIPLINE

17 (Repeated Negligent Acts)

18 8. Respondent has subjected his Physician's and Surgeon's Certificate No. G 74921 to
19 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of
20 the Code, in that Respondent committed repeated negligent acts in his care and treatment of
21 Patient A,¹ as more particularly alleged hereafter:

22 9. In or around 2020, Patient A was a 61-year old male with amyotrophic lateral
23 sclerosis ("ALS")². On or about July 29, 2020, Patient A presented to University of California
24 San Diego Health for placement of a gastronomy tube³ because he was having difficulty with oral

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27 ¹ The patient's name has been omitted to protect their privacy.

28 ² ALS, also referred to as Lou Gehrig's Disease, is a neurodegenerative disease that
progressively causes muscle weakness, difficulty swallowing, and difficulty breathing.

³ A gastronomy tube is an external feeding tube inserted into the stomach through the
skin.

1 intake due to his disease. As a result of the progression of Patient A's disease and weakened
2 respiratory muscles, Patient A required the use of a BiPAP mask at all times.⁴

3 10. On or about July 29, 2020, Respondent was one of the physicians on staff at
4 University of California San Diego Health. The physician originally scheduled to perform Patient
5 A's procedure was preoccupied, so Respondent stepped in to perform it.

6 11. In preparation for the procedure, on or about July 29, 2020, Respondent did not
7 perform, and/or did not document that he performed, a pre-procedure history and physical
8 assessment.

9 12. In preparation for the procedure, Respondent did not perform, and/or did not
10 document that he performed, an airway assessment or Mallampatti classification⁵.

11 13. Respondent did not seek assistance from the anesthesia department in preparation for,
12 or during, the procedure.

13 14. In performing the placement of Patient A's gastronomy tube, Respondent used only
14 local anesthetic, despite reservations by the nurses who would normally administer sedation and
15 support Respondent through the procedure.

16 15. During the procedure, the BiPAP was temporarily removed from Patient A's face to
17 place a nasogastric tube. The BiPAP was replaced over the nasogastric tube, the tube preventing
18 an airtight seal, causing an air leak.

19 16. Following the completed procedure, Respondent left the procedure room. Soon after
20 the procedure, the support nurses identified low heart rate of 40 beats per minute on the patient
21 monitors. They further noted that Patient A was lethargic and slow to respond. Ultimately,
22 arterial oxygen saturation was 86%, no palpable pulse was identified, and a low blood pressure of
23 66/47 was measured. A code blue⁶ was activated and the code team arrived to assess the patient.

24 17. Respondent did not respond to the code blue, so another interventional radiologist
25 responded. Patient A was stabilized and transferred to the emergency department for further care.

26 ⁴ A Bilevel Positive Airway Pressure device provides positive pressure in the airways to
27 reduce the effort required for breathing and to prevent the collapse of airways.

28 ⁵ A Mallampatti classification is a specific assessment used to predict the ease, and
potential challenges, of endotracheal intubation.

⁶ A code blue is a term for an emergency resuscitative request.

1 18. Respondent committed repeated negligent acts as follows:

- 2 a. Paragraphs 9 through 17, above, are hereby incorporated by reference and
3 realleged as if fully set forth herein;
4 b. Respondent failed to perform and/or document a pre-procedure
5 examination;
6 c. Respondent failed to perform and/or document an airway assessment;
7 d. Respondent failed to consult with the anesthesia department for proper
8 airway access appropriate to the procedure; and
9 e. Respondent performed a percutaneous gastrostomy placement procedure
10 with only local anesthetic.

11 **SECOND CAUSE FOR DISCIPLINE**

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

13 19. Respondent has further subjected his Physician's and Surgeon's Certificate No.
14 G 74921 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the
15 Code, in that Respondent failed to keep adequate and/or accurate records regarding his care and
16 treatment of Patient A as more particularly alleged in paragraphs 9 through 18, above, which are
17 hereby incorporated by reference and realleged as if fully set forth herein.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Violations of Provisions of the Medical Practice Act)**

20 20. Respondent has further subjected his Physician's and Surgeon's Certificate No.
21 G 74921 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
22 subdivision (a), of the Code, in that Respondent violated provisions of the Medical Practice Act,
23 as more particularly alleged in paragraphs 8 through 19, above, which are hereby incorporated
24 by reference and realleged as if fully set forth herein.

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PRAVER

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. G 74921, issued to Respondent Gerant Rivera-Sanfeliz, M.D.;
2. Revoking, suspending or denying approval of Respondent Gerant Rivera-Sanfeliz, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Gerant Rivera-Sanfeliz, 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: AUG 02 2024

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

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