

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

**In the Matter of the First Amended
Petition to Revoke Probation Against:**

Granville H. Marshall, M.D.

Case No. 800-2023-098055

**Physician's & Surgeon's
Certificate No. A 70232**

Respondent.

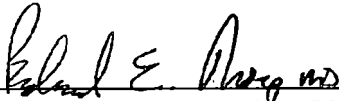
DECISION

The attached Proposed Decision 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 January 15, 2025.

IT IS SO ORDERED: December 16, 2024.

MEDICAL BOARD OF CALIFORNIA



**Richard E. Thorp, M.D., Chair
Panel B**

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

**In the Matter of the First Amended Petition to Revoke
Probation Against:**

GRANVILLE H. MARSHALL, M.D.

Physician's and Surgeon's Certificate No. A 70232,

Respondent.

Agency Case No. 800-2023-098055

OAH No. 2024090374

PROPOSED DECISION

Julie Cabos Owen, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on October 21, 2024. Reji Varghese (Complainant), Executive Director of the Medical Board of California (Board), was represented by Rebecca L. Smith, Deputy Attorney General (DAG). There was no appearance by or on behalf of Granville H. Marshall, M.D. (Respondent).

Testimony and documents were received in evidence. During the hearing, the First Amended Petition to Revoke Probation was amended by interlineation to conform to proof as follows:

At page A11, line 21, "April 20, 2021" was changed to "April 30, 2021."

At page A13, paragraph 62, line 14, after the sentence ending with "\$5,485," the following sentence was inserted: "Respondent also failed to pay probation monitoring costs for 2023 in the amount of \$5,745."

At page A13, paragraph 62, line 15, the amount "\$16,768" was changed to "\$22,513."

The record closed and the matter was submitted for decision on October 21, 2024.

FACTUAL FINDINGS

Jurisdictional Pleadings

1. On October 5, 2023, Complainant filed the First Amended Petition to Revoke Probation (Petition) in this matter while acting in his official capacity as the Executive Director of the Board.
2. On February 3, 2024, Respondent filed a Notice of Defense entitling him to hearing on the Petition.
3. In his Notice of Defense, Respondent provided his mailing and email addresses.

4. On September 11, 2024, OAH served on both parties a Notice of Assigned Hearing Dates (NAHD), setting forth the date, time, and place of hearing. The NAHD notified the parties that the October 21, 2024 hearing would be conducted via videoconference and informed the parties how to access the videoconference hearing.

5. On September 12, 2024, Complainant served on Respondent (at his email address and address of record) a Notice of Hearing, setting forth the date, time, and place of hearing, and attaching the NAHD.

6. The Notice of Hearing conformed to the requirements of Government Code sections 11505 and 11509.

7. Respondent did not appear at the October 21, 2024 hearing.

8. At Complainant's request, the matter proceeded as a default, pursuant to Government Code section 11520.

License History and Probation Order

9. On November 5, 1999, the Board issued Physician's and Surgeon's Certificate Number A 70232 (license) to Respondent. That license expired on April 30, 2021, and is in delinquent status. However, the expiration of Respondent's license does not deprive the Board of its authority to institute or continue disciplinary proceeding against Respondent. (Bus. & Prof. Code, § 118, subd. (b).)

10. In a Decision and Order in Case Number Case No. 800-2014-008397, OAH No. 2017100748, effective November 8, 2018 (Probation Order), the Board revoked Respondent's license. However, the Board stayed the revocation and placed Respondent on probation for three years on specified terms and conditions, including: completion of an education course (Condition 1); employment of a practice monitor

(Condition 4); timely submission of quarterly declarations (Condition 9); compliance with general probation requirements including maintaining a current license (Condition 10); being available for interviews with a Board designee (Condition 11); avoiding periods of non-practice (Condition 12); and payment of probation monitoring costs (Condition 16). Condition 14 specified, in pertinent part, "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." (Exhibit 1, pp. A6, A55.)

11. Respondent understood what was required under Probation Order because his Board probation monitor, Teresa Solis-Betty, explained the requirements to Respondent at their intake interview on November 26, 2018. Respondent also signed an Acknowledgment of Decision form, acknowledging that he received the Probation Order and that Solis-Betty had explained, and he understood, all the terms and conditions of his probation.

Violation of Probation Order Condition 1

12. Probation Order Condition 1 requires Respondent to complete 40 hours per year of educational courses in addition to the Continuing Medical Education (CME) requirements for license renewal. Consequently, Respondent was required to provide proof of attendance for 65 hours of CME each year of probation.

13. Respondent submitted to the Board proof of only 44 hours of CME that he completed by January 2020.

14. Respondent failed to provide proof of attending 65 hours of CME each year of probation, in violation of Probation Order Condition 1.

15. As of the date of the hearing, Respondent remained non-compliant with Probation Order Condition 1.

Violation of Probation Order Condition 9

16. Probation Order Condition 9 requires Respondent to submit quarterly declarations on forms provided by the Board no later than 10 calendar days after the end of the preceding quarter.

17. On April 21, 2020, the Board sent Respondent a non-compliance letter via regular mail, certified mail, and email. The April 21, 2020 letter informed Respondent he was not in compliance with the Probation Order condition requiring him to submit a quarterly declaration to the Board by April 10, 2020. Respondent was instructed to submit the Quarter I 2020 declaration by close of business April 28, 2020.

18. Respondent failed to submit his Quarter I 2020 declaration as required.

19. On July 24, 2020, the Board sent Respondent a non-compliance letter informing him that he was not in compliance with the Probation Order condition requiring him to submit a quarterly declaration to the Board by July 10, 2020. Respondent was instructed to submit the Quarter II 2020 declaration by close of business July 30, 2020.

20. Respondent failed to submit his Quarter II 2020 declaration as required.

21. On November 6, 2020, the Board sent Respondent a non-compliance letter, informing him that he was not in compliance with the Probation Order condition requiring him to submit a quarterly declaration to the Board by October 10, 2020. Respondent was reminded to submit his Quarter III 2020 declaration by close of business November 13, 2020.

22. Respondent failed to submit his Quarter III 2020 quarterly declaration as required.

23. On December 7, 2022, the Board sent Respondent a letter reminding him he was non-compliant with several conditions of the Probation Order, including the condition requiring him to submit quarterly declarations.

24. On January 24, 2023, the Board sent Respondent a non-compliance letter informing him that he was not in compliance with the Probation Order condition requiring him to submit his Quarter IV 2022 declaration.

25. Respondent has failed to submit his required quarterly declarations since 2020, in violation of Probation Order Condition 9.

26. As of the date of the hearing, Respondent remained non-compliant with Probation Order Condition 9.

Violation of Probation Order Condition 10

27. Probation Order Condition 10 requires Respondent to "maintain a current and renewed California physician's and surgeon's license." (Exhibit 1, p. A54.)

28. Respondent's license expired on April 30, 2021. It has not been renewed.

29. Respondent failed to maintain a current and renewed California physician's license, in violation of Probation Order Condition 10.

30. As of the date of the hearing, Respondent remained non-compliant with Probation Order Condition 10.

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Violation of Probation Order Condition 11

31. Probation Order Condition 11 requires Respondent to be available for in-person interviews at his place of business or at the probation unit office.

32. On May 13, 2020, the Board's Probation Unit sent Respondent an email, marked as high importance, seeking to schedule his Quarter II 2020 telephone interview. Respondent's probation monitor did not receive a response from Respondent.

33. On May 20, 2020, Respondent's probation monitor sent Respondent another email, marked as high importance, noting Respondent had not responded to the May 13, 2020 email. Respondent's probation monitor asked him to provide his availability so a telephone interview could be scheduled. Respondent did not respond to the May 20, 2020 email.

34. On June 24, 2020, Respondent's probation monitor sent Respondent another email, marked as high importance. The June 24, 2020 email noted the two prior emails to which Respondent never responded. Respondent's probation monitor again asked Respondent to provide his availability so a telephone interview could be scheduled. Respondent did not respond to the June 24, 2020 email.

35. On December 7, 2021, Respondent's probation monitor sent him a letter informing him a probation quarterly interview had been scheduled for December 20, 2021, at the Glendale District Office. Respondent did not appear for that interview.

36. Respondent failed to make himself available for in-person interviews for Quarters II, III, and IV of 2020, and all Quarters in 2021 and 2022, in violation of Probation Order Condition 11.

37. As of the date of the hearing, Respondent remained non-compliant with Probation Order Condition 11.

Violation of Probation Order Condition 16

38. Probation Order Condition 16 requires Respondent to pay probation monitoring costs every year of probation.

39. Respondent has failed to pay probation monitoring costs for 2020 (\$4,800.00), for 2021 (\$6,483.00), for 2022 (\$5,485.00), and for 2023 (\$5,745). In total, Respondent has failed to pay probation monitoring costs in the amount of \$22,513, in violation of Probation Order Condition 16.

40. As of the date of the hearing, Respondent remained non-compliant with Probation Order Condition 16.

Violation of Probation Order Condition 12

41. Probation Order Condition 12 addressed the effect of any periods of non-practice of medicine. Specifically:

[Respondent] shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of [Respondent's] return to practice. Non-practice is defined as any period of time [Respondent] is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the

Board. If [Respondent] resides in California and is considered to be in non-practice, [Respondent] shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve [Respondent] from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

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

[Respondent's] period of non-practice while on probation shall not exceed two years.

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

(Exhibit 1, p. A54.)

42. On December 7, 2021, Respondent's probation monitor sent him a non-compliance letter reminding him of Condition 12's requirements and noting that his period of non-practice would exceed 18 months on September 1, 2021, and would exceed two years on March 1, 2022.

43. On September 1, 2021, Respondent's period of non-practice exceeded 18 months, and on March 1, 2022, his period of non-practice exceeded two years.

44. Respondent's period of non-practice has exceeded two years, in violation of Probation Order Condition 12.

45. As of the date of the hearing, Respondent remained non-compliant with Probation Order Condition 12.

Violation of Probation Order Condition 4

46. Probation Order Condition 4 requires Respondent to employ a Board-approved practice monitor and to ensure that the monitor timely submits quarterly written reports to the Board. Additionally,

If the monitor resigns or is no longer available, respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15

calendar days. If respondent fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

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

(Exhibit 1, pp. A51-A52.)

47. On March 2, 2020, the Board sent Respondent a letter indicating, among other things, that due to his practice monitor's hospitalization, Respondent had until March 6, 2020, to submit the Quarter III and IV 2019 practice monitor reports.

48. On March 30, 2020, the Board sent Respondent a non-compliance letter informing him that his approved practice monitor had failed to meet the deadlines. Respondent was also informed that, due to his practice monitor's personal health issues and his inability to timely submit quarterly reports, Respondent should consider

nominating a new practice monitor. Respondent was further informed that the Quarter I 2020 practice monitor report was due April 10, 2020, and that no extensions would be granted for that report.

49. Respondent has failed to ensure that his probation monitor's required quarterly reports were submitted, in violation of Probation Order Condition 4.

50. At an undisclosed date in or after March 2020, Respondent stopped practicing medicine. Consequently, no quarterly practice monitor reports were due during Respondent's period of non-practice.

Respondent's Correspondence

51. On about October 19, 2020, Respondent sent DAG Trina Saunders a letter informing her that he had been contacted by his probation monitor regarding a quarterly interview. Respondent informed DAG Saunders, "As, I told [my probation monitor] . . . I would not be participating in Probation regardless of the outcome of the appeal." (Exhibit 19, p. A195.)

LEGAL CONCLUSIONS

First Cause to Revoke Probation (Condition 1 – Educational Courses)

1. Pursuant to Probation Order Condition 1, Respondent is required to complete 40 hours per year of educational courses in addition to the CME requirements for license renewal. Respondent has failed to complete the required educational courses since January 2020, in violation of Probation Order Condition 1. (Factual Findings 9 -15.)

2. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 1.

Second Cause to Revoke Probation (Condition 4 – Practice Monitor)

3. Pursuant to Probation Order Condition 4, Respondent is required to employ a Board-approved practice monitor and to ensure that the monitor timely submits quarterly written reports to the Board. Respondent failed to ensure that his probation monitor's required quarterly reports were submitted, in violation of Probation Order Condition 4. (Factual Findings 9-11, 46-50.)

4. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 4.

Third Cause to Revoke Probation (Condition 9- Quarterly Declarations)

5. Pursuant to Probation Order Condition 9, Respondent is required to submit quarterly declarations on forms provided by the Board no later than 10 calendar days after the end of the preceding quarter. Respondent has failed to submit his required quarterly declarations since 2020, in violation of Probation Order Condition 9. (Factual Findings 9-11, 16-26.)

6. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 9.

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Fourth Cause to Revoke Probation (Condition 10 – General Requirements)

7. Pursuant to Probation Order Condition 10, Respondent is required to maintain a current and renewed California physician's and surgeon's license. Respondent's license expired on April 30, 2021, and it has not been renewed. Consequently, Respondent failed to maintain a current and renewed California physician's license, in violation of Probation Order Condition 10. (Factual Findings 9-11, 27-30.)

8. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 10.

Fifth Cause to Revoke Probation (Condition 11 – Interview with Board)

9. Pursuant to Probation Order Condition 11, Respondent is required to be available for in-person interviews at his place of business or at the probation unit office. Respondent failed to make himself available for in-person interviews for Quarters II, III, and IV of 2020, and all Quarters in 2021 and 2022, in violation of Probation Order Condition 11. (Factual Findings 9-11, 31-37.)

10. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 11.

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Sixth Cause to Revoke Probation (Condition 12- Non-Practice)

11. Pursuant to Probation Order Condition 12, Respondent's period of non-practice while on probation shall not exceed two years. Respondent's period of non-practice has exceeded two years, in violation of Probation Order Condition 12. (Factual Findings 9-11, 41-45.)

12. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 12.

Seventh Cause to Revoke Probation (Condition 16 – Payment of Probation Monitoring Costs)

13. Pursuant to Probation Order Condition 16, Respondent is required to pay probation monitoring costs every year of probation. Respondent has failed to pay probation monitoring costs for 2020 (\$4,800.00), for 2021 (\$6,483.00), for 2022 (\$5,485.00), and for 2023 (\$5,745). In total, Respondent has failed to pay probation monitoring costs in the amount of \$22,513, in violation of Probation Order Condition 16. (Factual Findings 9-11, 38-40.)

14. Cause exists to revoke Respondent's probation and impose the stayed revocation of Respondent's license for failure to comply with the Probation Order Condition 16.

Disposition

15. Throughout his probation, Respondent has continued to violate numerous conditions of the Probation Order. He has also informed the Board he does

not intend to participate in his Board-ordered probation. Consequently, revocation of Respondent's license is necessary to protect the public health, safety, and welfare.

ORDER

Respondent's probation in Case Number 800-2014-008397, is revoked, the stay of revocation is lifted, and Respondent's Physician's and Surgeon's Certificate Number A 70232 is hereby revoked.

DATE: 11/19/2024

A handwritten signature in black ink that reads "Julie Cabos-Owen". The signature is written in a cursive, flowing style.

JULIE CABOS OWEN

Administrative Law Judge

Office of Administrative Hearings