

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

In the Matter of the Accusation Against:

Michael Anthony Palmer, M.D.

Physician's & Surgeon's
Certificate No. G 65321

Case No. 800-2021-074226

Respondent.

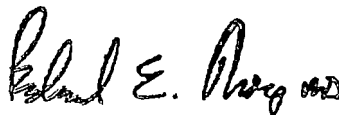
DECISION

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 February 7, 2025.

IT IS SO ORDERED: January 9, 2025.

MEDICAL BOARD OF CALIFORNIA



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

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
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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E-mail: Caitlin.Ross@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **MICHAEL ANTHONY PALMER, M.D.**
14 **2321 Harrison Avenue**
Eureka, CA 95501-3216

15 **Physician's and Surgeon's Certificate**
16 **No. G 65321**

17 Respondent.

Case No. 800-2021-074226

OAH No. 2024020635

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **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 Caitlin Ross, Deputy
26 Attorney General.
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28

2. Respondent Michael Anthony Palmer, M.D. (Respondent) is represented in this proceeding by attorney Ian A. Scharg, Esq., whose address is: 400 University Avenue Sacramento, CA 95825-6502.

3. On or about March 20, 1989, the Board issued Physician's and Surgeon's Certificate No. G 65321 to Michael Anthony Palmer, 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. 800-2021-074226, and will expire on July 31, 2026, unless renewed.

JURISDICTION

4. Accusation No. 800-2021-074226 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 April 24, 2023. Respondent filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2021-074226 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. 800-2021-074226. 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. 800-2021-074226, 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 2021-074226, a true and correct copy of which is attached hereto as Exhibit A, and that
8 Respondent hereby gives up his right to contest those charges, and that he has thereby subjected
9 his Physician's and Surgeon's Certificate, No. G 65321 to disciplinary action.

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 imposition of discipline as set forth in the
12 Disciplinary Order below.

13 **RESERVATION**

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

18 **CONTINGENCY**

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

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

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

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

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 65321 issued to Respondent MICHAEL ANTHONY PALMER, M.D., shall be and hereby is publicly reprimanded pursuant to California Business and Professions Code, section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Respondent's conduct as set forth in the Accusation No. 800-2021-074226, is as follows:

In December of 2020, Respondent failed to act in a professional manner with a colleague during preparation for a surgical procedure.

B. IT IS FURTHER ORDERED:

1. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the effective date of this Decision, Respondent shall enroll in a professional boundaries program approved in advance by the Board or its designee. Respondent, at the program's discretion, shall undergo and complete the program's assessment of Respondent's competency, mental health and/or neuropsychological performance, and at minimum, a 24 hour program of interactive education and training in the area of boundaries, which takes into account data obtained from the assessment and from the Decision(s), Accusation(s) and any other information that the Board or its designee deems relevant. The program shall evaluate Respondent at the end of the training and the program shall provide any data from the assessment and training as well as the results of

1 the evaluation to the Board or its designee.

2 Failure to complete the entire program not later than six (6) months after Respondent's
3 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees
4 in writing to a later time for completion. Based on Respondent's performance in and evaluations
5 from the assessment, education, and training, the program shall advise the Board or its designee
6 of its recommendation(s) for additional education, training, psychotherapy and other measures
7 necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with
8 program recommendations. At the completion of the program, Respondent shall submit to a final
9 evaluation. The program shall provide the results of the evaluation to the Board or its designee.
10 The professional boundaries program shall be at Respondent's expense and shall be in addition to
11 the Continuing Medical Education (CME) requirements for renewal of licensure.

12 The program has the authority to determine whether or not Respondent successfully
13 completed the program.

14 A professional boundaries course taken after the acts that gave rise to the charges in the
15 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
16 or its designee, be accepted towards the fulfillment of this condition if the course would have
17 been approved by the Board or its designee had the course been taken after the effective date of
18 this Decision.

19 If Respondent fails to complete the program within the designated time period, Respondent
20 shall cease the practice of medicine within three (3) calendar days after being notified by the
21 Board or its designee that Respondent failed to complete the program.

22 2. Failure to enroll, participate in, or successfully complete the prescribing practices
23 course within the designated time period shall constitute unprofessional conduct and grounds for
24 further disciplinary action.

25 3. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
26 a new license or certification, or petition for reinstatement of a license, by any other health care
27 licensing action agency in the State of California, all of the charges and allegations contained in
28 Accusation No. 800-2021-074226 shall be deemed to be true, correct, and admitted by

1 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
2 restrict license.

3 4. **INVESTIGATION/ENFORCEMENT COST RECOVERY.** Respondent is
4 hereby ordered to reimburse the Board its costs of investigation and enforcement, in the amount
5 of \$16,311.60 (sixteen thousand, three hundred and eleven dollars and sixty cents), payable
6 within sixty (60) calendar days of the effective date of this Decision. Costs shall be payable to
7 the Medical Board of California. Failure to pay such costs shall constitute unprofessional conduct
8 and is grounds for further disciplinary action.

9 Any and all requests for a payment plan shall be submitted in writing by Respondent to the
10 Board.

11 The filing of bankruptcy by Respondent shall not relieve him of the responsibility to repay
12 investigation and enforcement costs.

13

14 **ACCEPTANCE**

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorney, Ian A. Scharg, Esq. I understand the stipulation and the effect it
17 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
18 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the

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1 Decision and Order of the Medical Board of California.

2

3 DATED: _____
4 MICHAEL ANTHONY PALMER, M.D.
5 Respondent

6 I have read and fully discussed with Respondent Michael Anthony Palmer, M.D. the terms
7 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
8 Order. I approve its form and content.

9 DATED: _____
10 IAN A. SCHARG, ESQ.
11 Attorney for Respondent

12 **ENDORSEMENT**

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

15 DATED: _____ Respectfully submitted,
16 ROB BONTA
17 Attorney General of California
18 MACHAELA M. MINGARDI
19 Supervising Deputy Attorney General

20 CAITLIN ROSS
21 Deputy Attorney General
22 Attorneys for Complainant

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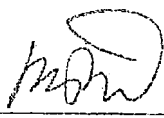
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1 Decision and Order of the Medical Board of California.

2
3 DATED: 10/3/24


MICHAEL ANTHONY PALMER, M.D.
Respondent

5 I have read and fully discussed with Respondent Michael Anthony Palmer, M.D. the terms
6 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
7 Order. I approve its form and content.

8 DATED: 10/3/2024


IAN A. SCHARG, ESQ.
Attorney for Respondent

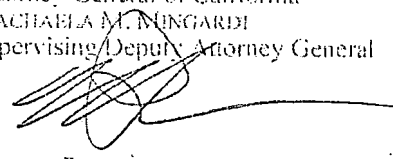
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11 ENDORSEMENT

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

14
15 DATED: 10-3-24

Respectfully submitted,

16 ROB BONTA
Attorney General of California
17 MACHAELA M. MINGARDI
Supervising/Deputy Attorney General


18
19 CATLIN ROSS
20 Deputy Attorney General
21 *Attorneys for Complainant*

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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. 800-2021-074226

12 **Michael Anthony Palmer, M.D.**
13 **2321 Harrison Avenue**
Eureka, CA 95501

A C C U S A T I O N

14 **Physician's and Surgeon' Certificate**
15 **No. G 65321,**

Respondent.

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19 **PARTIES**

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

23 2. On March 20, 1989, the Medical Board issued Physician's and Surgeon' Certificate
24 Number G 65321 to Michael Anthony Palmer, M.D. (Respondent). The Physician's and Surgeon'
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on July 31, 2024, unless renewed.

27 **JURISDICTION**
28

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

4 4. Section 2220 of the Code states:

5 Except as otherwise provided by law, the board may take action against all
6 persons guilty of violating this chapter. The board shall enforce and administer this
7 article as to physician and surgeon certificate holders, including those who hold
8 certificates that do not permit them to practice medicine, such as, but not limited to,
9 retired, inactive, or disabled status certificate holders, and the board shall have all the
10 powers granted in this chapter for these purposes including, but not limited to:

11 (a) Investigating complaints from the public, from other licensees, from health
12 care facilities, or from the board that a physician and surgeon may be guilty of
13 unprofessional conduct. The board shall investigate the circumstances underlying a
14 report received pursuant to Section 805 or 805.01 within 30 days to determine if an
15 interim suspension order or temporary restraining order should be issued. The board
16 shall otherwise provide timely disposition of the reports received pursuant to Section
17 805 and Section 805.01.

18 (b) Investigating the circumstances of practice of any physician and surgeon
19 where there have been any judgments, settlements, or arbitration awards requiring the
20 physician and surgeon or his or her professional liability insurer to pay an amount in
21 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with
22 respect to any claim that injury or damage was proximately caused by the physician's
23 and surgeon's error, negligence, or omission.

24 (c) Investigating the nature and causes of injuries from cases which shall be
25 reported of a high number of judgments, settlements, or arbitration awards against a
26 physician and surgeon.

27 5. Section 2227 of the Code states:

28 (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

1 probation, as the board or an administrative law judge may deem proper.

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

8 STATUTORY PROVISIONS

9 6. Section 2234 of the Code, states:

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

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

15 (b) Gross negligence.

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

20 (1) An initial negligent diagnosis followed by an act or omission medically
21 appropriate for that negligent diagnosis of the patient shall constitute a single
22 negligent act.

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

28 (d) Incompetence.

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

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

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

25 ETHICAL PRINCIPLES

26 7. The American Medical Association publishes a Code of Medical Ethics to inform the
27 ethical practice of medicine. American Medical Association Code of Medical Ethics 9.1.3
28 provides:

1 Sexual harassment can be defined as unwelcome sexual advances, requests for
2 sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment
3 in the practice of medicine is unethical. Sexual harassment exploits inequalities in status
4 and power, abuses the rights and trust of those who are subjected to such conduct; interferes
5 with an individual's work performance, and may influence or be perceived as influencing
6 professional advancement in a manner unrelated to clinical or academic performance harm
7 professional working relationships, and create an intimidating or hostile work environment;
8 and is likely to jeopardize patient care. Sexual relationships between medical supervisors
9 and trainees are not acceptable, even if consensual. The supervisory role should be
10 eliminated if the parties wish to pursue their relationship. Physicians should promote and
11 adhere to strict sexual harassment policies in medical workplaces. Physicians who
12 participate in grievance committees should be broadly representative with respect to gender
13 identity or sexual orientation, profession, and employment status, have the power to enforce
14 harassment policies, and be accessible to the persons they are meant to serve.

10 COST RECOVERY

11 8. Section 125.3 of the Code states:

12 (a) Except as otherwise provided by law, in any order issued in resolution of a
13 disciplinary proceeding before any board within the department or before the
14 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
15 administrative law judge may direct a licensee found to have committed a violation or
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
17 investigation and enforcement of the case.

18 (b) In the case of a disciplined licensee that is a corporation or a partnership, the
19 order may be made against the licensed corporate entity or licensed partnership.

20 (c) A certified copy of the actual costs, or a good faith estimate of costs where
21 actual costs are not available, signed by the entity bringing the proceeding or its
22 designated representative shall be prima facie evidence of reasonable costs of
23 investigation and prosecution of the case. The costs shall include the amount of
24 investigative and enforcement costs up to the date of the hearing, including, but not
25 limited to, charges imposed by the Attorney General.

26 (d) The administrative law judge shall make a proposed finding of the amount
27 of reasonable costs of investigation and prosecution of the case when requested
28 pursuant to subdivision (a). The finding of the administrative law judge with regard
to costs shall not be reviewable by the board to increase the cost award. The board
may reduce or eliminate the cost award, or remand to the administrative law judge if
the proposed decision fails to make a finding on costs requested pursuant to
subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as
directed in the board's decision, the board may enforce the order for repayment in any
appropriate court. This right of enforcement shall be in addition to any other rights
the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be
conclusive proof of the validity of the order of payment and the terms for payment.

1 (g) (1) Except as provided in paragraph (2), the board shall not renew or
2 reinstate the license of any licensee who has failed to pay all of the costs ordered
3 under this section.

4 (2) Notwithstanding paragraph (1), the board may, in its discretion,
5 conditionally renew or reinstate for a maximum of one year the license of any
6 licensee who demonstrates financial hardship and who enters into a formal agreement
7 with the board to reimburse the board within that one-year period for the unpaid
8 costs.

9 (h) All costs recovered under this section shall be considered a reimbursement
10 for costs incurred and shall be deposited in the fund of the board recovering the costs
11 to be available upon appropriation by the Legislature.

12 (i) Nothing in this section shall preclude a board from including the recovery of
13 the costs of investigation and enforcement of a case in any stipulated settlement.

14 (j) This section does not apply to any board if a specific statutory provision in
15 that board's licensing act provides for recovery of costs in an administrative
16 disciplinary proceeding.

17 FIRST CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct)

19 9. Respondent Michael Anthony Palmer, M.D. is subject to disciplinary action under
20 sections 2227 and 2234 of the Code, in that he engaged in conduct that breached the rules or
21 ethical code of the medical profession or which was unbecoming a member in good standing of
22 the medical profession, and which demonstrates an unfitness to practice medicine, as more
23 particularly alleged hereinafter.

24 10. Respondent is a surgeon. He practices in Northern California, including Eureka
25 California.

26 11. At around noon on December 31, 2020, Respondent and others were preparing for
27 Respondent to perform surgery on a patient who required excision of a mass in his arm. A female
28 surgical technician assisted Respondent with gowning and gloving for the surgery, during which
time Respondent and other persons in the room engaged in conversation about topics including
Respondent's wine collection. After Respondent seated himself for the surgical procedure, and
while the surgical technician¹ was standing close by to him preparing for the beginning of the

¹ The identities of the surgical technician and others in the room are known to
Respondent, and will be more particularly provided in discovery.

1 procedure, Respondent placed his hand on the surgical technician's thigh, then ran his hand up
2 and down, saying, words to the effect, that he was always thinking about her with his other brain.

3 12. Respondent's actions in touching the surgical technician were non-consensual. The
4 surgical technician was distressed and upset during the patient's procedure, then following the
5 procedure, promptly reported Respondent's conduct to the hospital staff. The surgical technician
6 required time off work as a result of the incident. The surgical technician moreover filed a police
7 report and a complaint with the Medical Board of California.

8 13. The standard of care in surgery and professional conduct for physicians and surgeons
9 when in an operating suite for a procedure requires cordial, respectful and ethical behavior,
10 without sexual innuendos directed to staff, or inappropriate, non-consensual touching of others
11 present for the purpose of the surgical procedure. Respondent's conduct, as described in
12 paragraphs 10-12, represent unprofessional conduct.

13 DISCIPLINARY CONSIDERATIONS

14 14. To determine the degree of discipline, if any, to be imposed on Respondent Michael
15 Anthony Palmer, M.D., Complainant alleges that on around June 15, 2016, in a prior
16 disciplinary action titled In the Matter of the Accusation Against Michael Anthony Palmer, M.D.
17 before the Medical Board of California, in Case Number 12-2021-218642, Respondent's license
18 was reprimanded and discipline imposed for failure to maintain adequate documentation of
19 procedures for two patients. That decision is now final and is incorporated by reference as if fully
20 set forth herein.

21 PRAYER

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

24 1. Revoking or suspending Physician's and Surgeon' Certificate Number G 65321,
25 issued to Michael Anthony Palmer, M.D.;

26 2. Revoking, suspending or denying approval of Michael Anthony Palmer, M.D.'s
27 authority to supervise physician technicians and advanced practice nurses;
28

1 3. Ordering Michael Anthony Palmer, M.D., to pay the Board the costs of the
2 investigation and enforcement of this case, and if placed on probation, the costs of probation
3 monitoring;

4 5. Taking such other and further action as deemed necessary and proper.
5

6 DATED: APR 24 2023

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

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