

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

In the Matter of the Accusation
Against:

Anthony Frederick Waechter, M.D.

Physician's and Surgeon's
Certificate No. A 82645

Case No.: 800-2022-086357

Respondent

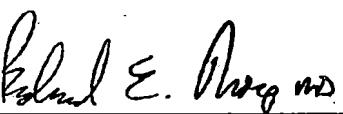
DECISION

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 April 28, 2025.

IT IS SO ORDERED: March 28, 2025.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
2 Attorney General of California
3 MACHAELA M. MINGARDI
4 Supervising Deputy Attorney General
5 C. HAY-MIE CHO
6 Deputy Attorney General
7 State Bar No. 282259
8 455 Golden Gate Avenue, Suite 11000
9 San Francisco, CA 94102-7004
10 Telephone: (415) 510-4433
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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2022-086357

**ANTHONY FREDERICK WAECHTER,
M.D.
118 Columbus Ave.
San Francisco, CA 94133**

OAH No. 2024080706

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Physician's and Surgeon's Certificate No. A
82645

Respondent.

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

PARTIES

1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by C. Hay-Mie Cho, Deputy Attorney General.

2. Respondent Anthony Frederick Waechter, M.D. (Respondent) is represented in this proceeding by attorney Fredrick M. Ray, whose address is: 4100 Newport Place, Suite 670

Newport Beach, CA 92660-2463.

3. On or about April 9, 2003, the Board issued Physician's and Surgeon's Certificate No. A 82645 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2022-086357 and will expire on April 30, 2025, unless renewed.

JURISDICTION

4. Accusation No. 800-2022-086357 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 January 9, 2024. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2022-086357 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. 800-2022-086357. 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.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2022-086357, if proven at a hearing, constitute cause for imposing discipline upon him.

1 Physician's and Surgeon's Certificate No. A 82645.

2 10. For the purposes of resolving the Accusation without the expense and uncertainty of
3 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
4 basis for the charges in the Accusation and that Respondent hereby gives up his right to contest
5 those charges.

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

9 **CONTINGENCY**

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

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

23 14. Respondent agrees that if he ever petitions for early termination or modification of
24 probation, or if an accusation and/or petition to revoke probation is filed against him before the
25 Board, all of the charges and allegations contained in Accusation No. 800-2022-086357 shall be
26 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or
27 any other licensing proceeding involving Respondent in the State of California.

28 15. The parties understand and agree that Portable Document Format (PDF) and facsimile

1 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
2 signatures thereto, shall have the same force and effect as the originals.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 82645 issued
8 to Respondent is revoked. However, the revocation is stayed, and Respondent is placed on
9 probation for five (5) years on the following terms and conditions.

10 1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain
11 completely from the personal use or possession of controlled substances as defined in the
12 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
13 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
14 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
15 illness or condition.

16 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
17 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
18 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
19 telephone number.

20 If Respondent has a confirmed positive biological fluid test for any substance (whether or
21 not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall
22 receive a notification from the Board or its designee to immediately cease the practice of
23 medicine. Respondent shall not resume the practice of medicine until the final decision on an
24 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
25 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.
26 If Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
27 shall provide Respondent with a hearing within 30 days of the request, unless Respondent
28 stipulates to a later hearing. If the case is heard by an Administrative Law Judge alone, he or she

1 shall forward a Proposed Decision to the Board within 15 days of submission of the matter.
2 Within 15 days of receipt by the Board of the Administrative Law Judge's proposed decision, the
3 Board shall issue its Decision, unless good cause can be shown for the delay. If the case is heard
4 by the Board, the Board shall issue its decision within 15 days of submission of the case, unless
5 good cause can be shown for the delay. Good cause includes, but is not limited to, non-adoption
6 of the proposed decision, requests for reconsideration, remands and other interlocutory orders
7 issued by the Board. The cessation of practice shall not apply to the reduction of the probationary
8 time period.

9 If the Board does not file an accusation or petition to revoke probation within 30 days of the
10 issuance of the notification to cease practice or does not provide Respondent with a hearing
11 within 30 days of a such a request, the notification of cease practice shall be dissolved.

12 2. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
13 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
14 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
15 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
16 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
17 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
18 testing. The contract shall require results of the tests to be transmitted by the laboratory or
19 service directly to the Board or its designee within four hours of the results becoming available.
20 Respondent shall maintain this laboratory or service contract during the period of probation.

21 A certified copy of any laboratory test result may be received in evidence in any
22 proceedings between the Board and Respondent.

23 If Respondent fails to cooperate in a random biological fluid testing program within the
24 specified time frame, Respondent shall receive a notification from the Board or its designee to
25 immediately cease the practice of medicine. The Respondent shall not resume the practice of
26 medicine until the final decision on an accusation and/or a petition to revoke probation is
27 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30
28 days of the notification to cease practice. If Respondent requests a hearing on the accusation

1 and/or petition to revoke probation, the Board shall provide Respondent with a hearing within 30
2 days of the request, unless Respondent stipulates to a later hearing. If the case is heard by an
3 Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board within
4 15 days of submission of the matter. Within 15 days of receipt by the Board of the
5 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good
6 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
7 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
8 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
9 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
10 practice shall not apply to the reduction of the probationary time period.

11 If the Board does not file an accusation or petition to revoke probation within 15 days of the
12 issuance of the notification to cease practice or does not provide Respondent with a hearing
13 within 30 days of such a request, the notification of cease practice shall be dissolved.

14 3. 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 aimed at
18 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
19 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
20 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the
21 completion of each course, the Board or its designee may administer an examination to test
22 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
23 hours of CME of which 40 hours were in satisfaction of this condition.

24 4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
25 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
26 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
27 Respondent shall participate in and successfully complete that program. Respondent shall
28 provide any information and documents that the program may deem pertinent. Respondent shall

1 successfully complete the classroom component of the program not later than six (6) months after
2 Respondent's initial enrollment, and the longitudinal component of the program not later than the
3 time specified by the program, but no later than one (1) year after attending the classroom
4 component. The professionalism program shall be at Respondent's expense and shall be in
5 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

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

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

1 signed statement for approval by the Board or its designee.

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

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

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

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

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

1 Respondent's expense during the term of probation.

2 Provided that Respondent's practices are within the standards of practice of medicine and is
3 practicing medicine safely, the monitor will be terminated after three years.

4 6. **Solo Practice Prohibition**. Respondent is prohibited from engaging in the
5 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
6 where: 1) Respondent merely shares office space with another physician but is not affiliated for
7 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
8 location.

9 If Respondent fails to establish a practice with another physician or secure employment in
10 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
11 Respondent shall receive a notification from the Board or its designee to cease the practice of
12 medicine within three (3) calendar days after being so notified. Respondent shall not resume
13 practice until an appropriate practice setting is established.

14 If, during the course of the probation, Respondent's practice setting changes and
15 Respondent is no longer practicing in a setting in compliance with this Decision, Respondent
16 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
17 If Respondent fails to establish a practice with another physician or secure employment in an
18 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
19 shall receive a notification from the Board or its designee to cease the practice of medicine within
20 three (3) calendar days after being so notified. Respondent shall not resume practice until an
21 appropriate practice setting is established.

22 7. **Notification**. Within seven (7) days of the effective date of this Decision,
23 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
24 Chief Executive Officer at every hospital where privileges or membership are extended to
25 Respondent, at any other facility where Respondent engages in the practice of medicine,
26 including all physician and locum tenens registries or other similar agencies, and to the Chief
27 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
28 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15

1 calendar days.

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

3 8. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local laws, all rules
4 governing the practice of medicine in California and remain in full compliance with any court
5 ordered criminal probation, payments, and other orders.

6 9. **INVESTIGATION/ENFORCEMENT COST RECOVERY.** Respondent is hereby
7 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
8 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
9 enforcement, as applicable, in the amount of \$12,631.60. Costs shall be payable to the Medical
10 Board of California. Failure to pay such costs shall be considered a violation of probation.

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

15 The filing of bankruptcy by Respondent shall not relieve respondent of the responsibility to
16 repay investigation and enforcement costs, including expert review costs, if applicable.

17 10. **QUARTERLY DECLARATIONS.** Respondent shall submit quarterly declarations
18 under penalty of perjury on forms provided by the Board, stating whether there has been
19 compliance with all the conditions of probation.

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

22 11. **GENERAL PROBATION REQUIREMENTS.**

23 **Compliance with Probation Unit**

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

25 **Address Changes**

26 Respondent shall, at all times, keep the Board informed of Respondent's business and
27 residence addresses, email address (if available), and telephone number. Changes of such
28 addresses shall be immediately communicated in writing to the Board or its designee. Under no

1 circumstances shall a post office box serve as an address of record, except as allowed by Business
2 and Professions Code section 2021, subdivision (b).

3 Place of Practice

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

7 License Renewal

8 Respondent shall maintain a current and renewed California Physician's and Surgeon's
9 license.

10 Travel or Residence Outside California

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

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

17 12. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
18 available in person upon request for interviews either at Respondent's place of business or at the
19 probation unit office, with or without prior notice throughout the term of probation.

20 13. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
21 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
22 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
23 defined as any period of time Respondent is not practicing medicine as defined in Business and
24 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
25 patient care, clinical activity or teaching, or other activity as approved by the Board. If
26 Respondent resides in California and is considered to be in non-practice, Respondent shall
27 comply with all terms and conditions of probation. All time spent in an intensive training
28 program which has been approved by the Board or its designee shall not be considered non-

1 practice and does not relieve Respondent from complying with all the terms and conditions of
2 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
3 on probation with the medical licensing authority of that state or jurisdiction shall not be
4 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
5 period of non-practice.

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

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

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

13 Periods of non-practice for a Respondent residing outside of California will relieve
14 Respondent of the responsibility to comply with the probationary terms and conditions with the
15 exception of this condition and the following terms and conditions of probation: Obey All Laws;
16 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Controlled
17 Substances; and Biological Fluid Testing.

18 14. **COMPLETION OF PROBATION.** Respondent shall comply with all financial
19 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
20 completion of probation. This term does not include cost recovery, which is due within 30
21 calendar days of the effective date of the Order, or by a payment plan approved by the Medical
22 Board and timely satisfied. Upon successful completion of probation, Respondent's certificate
23 shall be fully restored.

24 15. **VIOLATION OF PROBATION.** Failure to fully comply with any term or condition
25 of probation is a violation of probation. If Respondent violates probation in any respect, the
26 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
27 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
28 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.

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

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

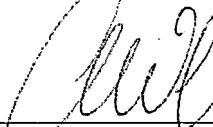
18 18. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
19 a new license or certification, or petition for reinstatement of a license, by any other health care
20 licensing action agency in the State of California, all of the charges and allegations contained in
21 Accusation No. 800-2022-086357 shall be deemed to be true, correct, and admitted by
22 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
23 restrict license.

ACCEPTANCE

25 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
26 discussed it with my attorney, Fredrick M. Ray. I understand the stipulation and the effect it will
27 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
28 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the

1 Decision and Order of the Medical Board of California.

2 DATED: 1/14/25

3 
4 ANTHONY FREDERICK WAECHTER, M.D.
Respondent

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

8 DATED: 01/14/2025

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10 LINDSAY M. JOHNSON
Attorney for Respondent

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ENDORSEMENT

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

DATED: January 15, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
MACHAEAL M. MINGARDI
Supervising Deputy Attorney General

C. Hay-Mis Cho

C. HAY-MIE CHO
Deputy Attorney General
Attorneys for Complainant

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Attorneys for Complainant

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

11 In the Matter of the Accusation Against: Case No. 800-2022-086357
12 ANTHONY FREDERICK WAECHTER, ACCUSATION
M.D.
13 118 Columbus Ave.
San Francisco, CA 94133
14 Physician's and Surgeon's Certificate
15 No. A 82645,
16 Respondent.

PARTIES

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

23 2. On or about April 9, 2003, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 82645 to Anthony Frederick Waechter, M.D. (Respondent). The
25 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
26 charges brought herein and will expire on April 30, 2025, unless renewed.

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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 822 of the Code states:

If a licensing agency determines that its licensee's ability to practice his or her profession safely is impaired because the licensee is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

COST RECOVERY

6. 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

7. Respondent is an emergency room physician.

8. On February 11, 2022, Respondent's hospital staff privileges were suspended subsequent to Respondent reaching into a Sharps container two days earlier.¹

9. On June 22, 2023, a neurological examination of Respondent was conducted for the Board. Following the examination, Respondent was diagnosed with opioid and benzodiazepine use disorder – severe. The report for the June 22, 2023 examination notes that Respondent has a condition that requires monitoring, treatment, oversight or other terms and conditions in order for Respondent to practice medicine safely.

CAUSE FOR ACTION

(Impaired Ability to Practice Medicine Safely)

10. The allegations contained in paragraphs 7 through 9 are incorporated by reference.

11. Respondent Anthony Frederick Waechter, M.D. is subject to action under sections 822 and 2227 of the Code.

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 82645, issued to Respondent Anthony Frederick Waechter, M.D.;

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

3. Ordering Respondent Anthony Frederick Waechter, 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

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¹ Sharps containers are medical waste disposal receptacles.

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

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DATED: JAN 09 2024

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JENNA JONES for

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