

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

In the Matter of the Accusation Against:

Timothy John Coen, M.D.

Physician's & Surgeon's
Certificate No. G 72631

Respondent.

Case No. 800-2022-087009

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 May 1, 2025.

IT IS SO ORDERED: April 1, 2025.

MEDICAL BOARD OF CALIFORNIA

Michelle A. Bholat, MD

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

1 ROB BONTA
2 Attorney General of California
3 MATTHEW M. DAVIS
4 Supervising Deputy Attorney General
5 LEANNA E. SHIELDS
6 Deputy Attorney General
7 State Bar No. 239872
8 600 West Broadway, Suite 1800
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11 San Diego, CA 92186-5266
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14 *Attorneys for Complainant*

15 **BEFORE THE
16 MEDICAL BOARD OF CALIFORNIA
17 DEPARTMENT OF CONSUMER AFFAIRS
18 STATE OF CALIFORNIA**

19 In the Matter of the Accusation Against:

20 Case No. 800-2022-087009

21 **TIMOTHY JOHN COEN, M.D.
22 706 S. Main Ave.
23 Fallbrook, CA 92028-3318**

24 OAH No. 2024100831

25 **Physician's and Surgeon's Certificate
No. G 72631,**

26 **STIPULATED SETTLEMENT AND
27 DISCIPLINARY ORDER**

28 Respondent.

29
30 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
31 entitled proceedings that the following matters are true:

32 **PARTIES**

33 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
34 California (Board). He brought this action solely in his official capacity and is represented in this
35 matter by Rob Bonta, Attorney General of the State of California, by LeAnna E. Shields, Deputy
36 Attorney General.

37 2. Respondent Timothy John Coen, M.D. (Respondent) is represented in this proceeding
38 by attorney Albert J. Garcia, Esq., whose address is: 2001 Addison Street, Ste. 300, Berkeley, CA
39 94704.

1 3. On or about October 8, 1991, the Board issued Physician's and Surgeon's Certificate
2 No. G 72631 to Respondent. The Physician's and Surgeon's Certificate was in full force and
3 effect at all times relevant to the charges brought in Accusation No. 800-2022-087009, and will
4 expire on March 31, 2025, unless renewed.

JURISDICTION

6 4. On or about August 28, 2024, Accusation No. 800-2022-087009 was filed before the
7 Board and is currently pending against Respondent. On or about August 28, 2024, Accusation
8 No. 800-2022-087009 and all other statutorily required documents were properly served on
9 Respondent. Respondent timely filed his Notice of Defense contesting the Accusation.

10 5. A true and correct copy of Accusation No. 800-2022-087009 is attached as Exhibit A
11 and incorporated herein by reference.

ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and fully understands the
14 charges and allegations in Accusation No. 800-2022-087009. Respondent has also carefully read,
15 fully discussed with his counsel, and fully understands the effects of this Stipulated Settlement
16 and Disciplinary Order.

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

23 8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
24 waives and gives up each and every right set forth above.

CULPABILITY

26 9. Respondent does not contest that, at an administrative hearing, Complainant could
27 establish a *prima facie* case with respect to the charges and allegations contained in Accusation

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1 No. 800-2022-087009 and agrees that he has thereby subjected his Physician's and Surgeon's
2 Certificate No. G 72631 to discipline.

3 10. Respondent further agrees that if an accusation is ever filed against him before the
4 Board, all of the charges and allegations contained in Accusation No. 800-2022-087009 shall be
5 deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding.

6 11. Respondent agrees that his Physician's and Surgeon's Certificate No. G 72631 is
7 subject to discipline and agrees to be bound by the Board's imposition of discipline as set forth in
8 the 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. The parties understand and agree that Portable Document Format (PDF) and facsimile
24 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
25 signatures thereto, shall have the same force and effect as the originals.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 72631 issued to Respondent TIMOTHY JOHN COEN, M.D., shall be and is hereby publicly reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This public reprimand, which is issued in connection with Accusation No. 800-2022-087009, is as follows:

Respondent committed repeated negligent acts in that he failed to accurately and/or adequately document his efforts to follow up with Patient A in his care and treatment of Patient A in or around November 2021 through January 2022, as more particularly alleged in Accusation No. 800-2022-087009, which is hereby incorporated by reference.

1. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

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2. **COST RECOVERY**. Respondent is hereby ordered to reimburse the Board its costs of investigation and enforcement, including, but not limited to, expert review, legal reviews, and investigation, as applicable, in the amount of \$23,102.00. Costs shall be payable to the Medical Board of California. Failure to pay such costs shall be considered a violation of this Decision and Order.

Payment must be made in full within one (1) year of the effective date of this Decision and Order, or by any other date approved by the Board or its designee. Any and all requests for extension of final payment and/or payment plan shall be submitted in writing by Respondent to the Board or its designee. Failure to comply with an approved extension of final payment and/or payment plan shall be considered a violation of this Decision and Order.

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

FUTURE ADMISSIONS CLAUSE

If Respondent should ever apply or reapply for a new license or certification, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2022-087009 shall be deemed to be true, correct, and fully admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Albert J. Garcia, Esq. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G 72631. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

TIMOTHY JOHN COEN, M.D.
Respondent

1 I have read and fully discussed with Respondent Timothy John Coen, M.D., the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: February 28, 2025

Albert Garcia
ALBERT J. GARCIA, ESQ.
Attorney for Respondent

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8 **ENDORSEMENT**

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

11 DATED: 02/28/2025

12 Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 MATTHEW M. DAVIS
16 Supervising Deputy Attorney General
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21 LEANNA E. SHIELDS
22 Deputy Attorney General
23 Attorneys for Complainant
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Exhibit A

Accusation No. 800-2022-087009

1 ROB BONTA
2 Attorney General of California
3 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
Deputy Attorney General
4 State Bar No. 239872
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9

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

11

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13 In the Matter of the Accusation Against: Case No. 800-2022-087009

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TIMOTHY JOHN COEN, M.D.
706 S. Main Ave.

Fallbrook, CA 92028-3318

ACCUSATION

Physician's and Surgeon's Certificate
No. G 72631,

Respondent.

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Complainant alleges:

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PARTIES

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23

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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).

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2. On or about October 8, 1991, the Medical Board issued Physician's and Surgeon's Certificate No. G 72631 to Timothy John Coen, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2025, unless renewed.

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 states:

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

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

5. Section 2234 of the Code states, in pertinent part:

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

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

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

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

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COST RECOVERY

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

FACTUAL ALLEGATIONS

13 7. From in or around 2016¹ through in or around 2022, Respondent provided care and
14 treatment to Patient A² for a variety of medical reasons including, but not limited to,
15 hypertension, chronic renal insufficiency, gout, and urinary tract infections. According to
16 records, since in or around 2017, Respondent regularly issued prescriptions to Patient A for,
17 among other things, lisinopril³ and triamterene.⁴

¹ Conduct occurring more than seven (7) years prior to the filing of the Accusation is described for informational purposes only and not as a basis for disciplinary action.

21 ² For patient privacy purposes, the patient's true name is not used in this instant
22 Accusation to maintain patient confidentiality. The patient's identity is known to Respondent or
will be disclosed to Respondent upon receipt of a duly issued request for discovery in accordance
with Government Code section 11507.6.

³ Lisinopril is a dangerous drug as defined by Code section 4022 and is commonly used to treat high blood pressure and can slow down kidney disease. Lisinopril is classified as an angiotensin-converting enzyme (ACE) inhibitor, blocking the formation of angiotensin II to keep blood vessels from constricting. A known side effect of lisinopril is hyperkalaemia.

26 ⁴ Triamterene is a dangerous drug as defined by Code section 4022 and is commonly used
27 to treat edema (fluid retention). Triamterene is classified as a diuretic (often referred to as a water
pill) which causes kidneys to eliminate unnecessary water and sodium from the body, but reduces
the loss of potassium. A known side effect of triamterene is hyperkalemia.

1 8. On or about July 17, 2021, according to records, Respondent issued a prescription to
2 Patient A, a then 87-year-old male, for a 1-year supply of triamterene (37.5 mg tablets, once a
3 day, quantity 90, authorizing 3 refills).

4 9. On or about October 25, 2021, according to records, Respondent issued a prescription
5 to Patient A for a 1-year supply of lisinopril (10 mg tablets, once a day, quantity 90, authorizing 3
6 refills).

7 10. On or about November 5, 2021, Patient A presented for an annual physical exam visit
8 with Respondent. According to records, during this visit Respondent performed an evaluation of
9 Patient A and ordered Patient A's annual lab studies.

10 11. On or about November 6, 2021, Patient A's lab results reported, among other things,
11 high level of creatinine (2.11 mg/dL), high level of potassium (6.3 mmol/L),⁵ high level of LDL
12 cholesterol (139 mg/dL), and high hemoglobin A1c level (6.3%).⁶

13 12. During a subject interview conducted on April 11, 2023, by an investigator with the
14 Health Quality Investigation Unit on behalf of the Medical Board of California, Respondent
15 indicated that based upon his custom and practice, an office staff member at Respondent's place
16 of practice would have attempted to contact Patient A on November 6, 2021, to schedule an
17 appointment to review his lab results. However, this attempt to contact Patient A is not
18 documented in the records.

19 13. On or about November 22, 2021, according to records, an office staff member at
20 Respondent's place of practice left a voice message for Patient A.

21 14. On or about December 6, 2021, a family member of Patient A contacted
22 Respondent's office and a follow-up appointment was scheduled for January 5, 2022.

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25 ⁵ Hyperkalemia is a condition when one's potassium level is higher than normal. The
26 normal reference range for blood potassium is 3.5-5.0 mmol/L, hyperkalemia in the range of 5.0-
5.5 mmol/L is mild, 5.5-6.5 mmol/L is moderate, and above 6.5 mmol/L is severe.

27 ⁶ Patient A's previous annual lab reports also revealed elevated potassium levels,
28 hyperkalemia. In October 2017, Patient A's potassium level was 4.8 mmol/L, and in January
2019, Patient A's potassium level was 5.2 mmol/L.

1 15. On or about January 5, 2022, a family member of Patient A contacted Respondent's
2 office to cancel Patient A's appointment, reporting Patient A had contracted COVID-19 and was
3 feeling generalized malaise with poor appetite and ankle swelling.

4 16. On or about January 6, 2022, Respondent contacted Patient A's family to discuss
5 Patient A's lab results and recommended taking Patient A to the local emergency department for
6 evaluation.

7 17. On or about January 6, 2022, Patient A was admitted to a local hospital where he
8 tested positive for COVID-19 and was diagnosed with acute kidney failure, acute respiratory
9 failure, and acute heart failure.

10 **FIRST AND ONLY CAUSE FOR DISCIPLINE**

11 **(Repeated Negligent Acts)**

12 18. Respondent has subjected his Physician's and Surgeon's Certificate No. G 72631 to
13 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of
14 the Code, in that Respondent committed repeated negligent acts in his care and treatment of
15 Patient A as more particularly alleged hereinafter:

- 16 A. Paragraphs 7 through 17, above, are hereby incorporated by reference and realleged
17 as if fully set forth herein;
- 18 B. Respondent failed to provide timely and/or appropriate care and treatment of Patient
19 A's hyperkalemia upon receiving Patient A's abnormal lab results;
- 20 C. Respondent failed to reduce and/or stop Patient A's prescription for lisinopril upon
21 receiving Patient A's abnormal lab results; and
- 22 D. Respondent failed to reduce and/or stop Patient A's prescription for triamterene upon
23 receiving Patient A's abnormal lab results.

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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 No. G 72631, issued to Respondent Timothy John Coen, M.D.;
2. Revoking, suspending or denying approval of Respondent Timothy John Coen, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Timothy John Coen, 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 28 2024

JENNA JORDAN

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

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