

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

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

Christopher Lee Metchnikoff, M.D.

**Physician's and Surgeon's
Certificate No. A 129294**

Case No.: 800-2021-079486

Respondent.

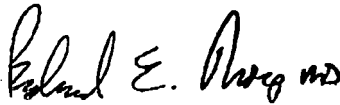
DECISION

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 May 30, 2025.

IT IS SO ORDERED: May 1, 2025.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 EDWARD KIM
Supervising Deputy Attorney General
3 MELISSA M. MARQUEZ
Deputy Attorney General
4 State Bar No. 326096
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6376
6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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

11 In the Matter of the First Amended Accusation
Against:

12 **CHRISTOPHER LEE METCHNIKOFF, M.D.**
13 **2950 Veteran Avenue**
14 **Los Angeles, CA 90064-4121**

15 **Physician's and Surgeon's Certificate No. A**
129294

16 Respondent.
17

Case No. 800-2021-079486

OAH No. 2024090161

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

20 **PARTIES**

21 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
22 California (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Rob Bonta, Attorney General of the State of California, by Melissa M. Marquez,
24 Deputy Attorney General.

25 2. Respondent Christopher Lee Metchnikoff, M.D. (Respondent) is represented in this
26 proceeding by attorney Kevin D. Cauley, Esq., whose address is: 35 North Lake Avenue, Suite
27 710, Pasadena, CA 91101-4185.

28 3. On or about March 26, 2014, the Board issued Physician's and Surgeon's Certificate

1 No. A 129294 to Respondent. The Physician's and Surgeon's Certificate was in full force and
2 effect at all times relevant to the charges brought in First Amended Accusation No. 800-2021-
3 079486 and will expire on October 31, 2025, unless renewed.

4 **JURISDICTION**

5 4. First Amended Accusation No. 800-2021-079486 was filed before the Board and is
6 currently pending against Respondent. The First Amended Accusation and all other statutorily
7 required documents were properly served on Respondent on July 26, 2024. Respondent timely
8 filed his Notice of Defense contesting the First Amended Accusation.

9 5. A copy of First Amended Accusation No. 800-2021-079486 is attached as Exhibit A
10 and incorporated herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in First Amended Accusation No. 800-2021-079486. Respondent has
14 also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated
15 Settlement and Disciplinary Order.

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

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 9. Respondent understands and agrees that the charges and allegations in First Amended
27 Accusation No. 800-2021-079486, if proven at a hearing, constitute cause for imposing discipline
28 upon his Physician's and Surgeon's Certificate.

10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case or factual basis for the charges in the First Amended Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent does not contest that, at an administrative hearing, Complainant could establish a prima facie case with respect to the charges and allegations in First Amended Accusation No. 800-2021-079486, a true and correct copy of which is attached hereto as Exhibit A, and that he has thereby subjected his Physician's and Surgeon's Certificate No. A 129294 to disciplinary action.

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

CONTINGENCY

13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having 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. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in First Amended Accusation No. 800-2021-

079486 shall be deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

16. 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.

17. 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

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 129294 issued to Respondent CHRISTOPHER LEE METCHNIKOFF, M.D., is revoked. However, the revocation is stayed, and Respondent is placed on probation for five (5) years on the following terms and conditions:

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

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

2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.

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

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

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

16 4. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
17 Respondent shall submit to the Board or its designee for prior approval the name and
18 qualifications of a California-licensed board-certified psychiatrist or a licensed psychologist who
19 has a doctoral degree in psychology and at least five years of postgraduate experience in the
20 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
21 undergo and continue psychotherapy treatment, including any modifications to the frequency of
22 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

23 The psychotherapist shall consider any information provided by the Board or its designee
24 and any other information the psychotherapist deems relevant and shall furnish a written
25 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
26 psychotherapist with any information and documents that the psychotherapist may deem
27 pertinent.

28 Respondent shall have the treating psychotherapist submit quarterly status reports to the

1 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
2 evaluations by a Board-appointed board-certified psychiatrist. If, prior to the completion of
3 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
4 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
5 period of probation shall be extended until the Board determines that Respondent is mentally fit
6 to resume the practice of medicine without restrictions.

7 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

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

17 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
18 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
19 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
20 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
21 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
22 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
23 signed statement for approval by the Board or its designee.

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

28 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective

1 date of this Decision, Respondent shall receive a notification from the Board or its designee to
2 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
3 shall cease the practice of medicine until a monitor is approved to provide monitoring
4 responsibility.

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

11 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
12 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
13 name and qualifications of a replacement monitor who will be assuming that responsibility within
14 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
15 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
16 notification from the Board or its designee to cease the practice of medicine within three (3)
17 calendar days after being so notified. Respondent shall cease the practice of medicine until a
18 replacement monitor is approved and assumes monitoring responsibility.

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

24 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
25 Respondent shall provide a true copy of this Decision and First Amended Accusation to the Chief
26 of Staff or the Chief Executive Officer at every hospital where privileges or membership are
27 extended to Respondent, at any other facility where Respondent engages in the practice of
28 medicine, including all physician and locum tenens registries or other similar agencies, and to the

1 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage
2 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within
3 15 calendar days.

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

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

8 8. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
9 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
10 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
11 enforcement, as applicable, in the amount of \$30,000 (thirty thousand dollars). Costs shall be
12 payable to the Medical Board of California. Failure to pay such costs shall be considered a
13 violation of probation.

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

18 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
19 repay investigation and enforcement costs, including expert review costs.

20 9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
21 under penalty of perjury on forms provided by the Board, stating whether there has been
22 compliance with all the conditions of probation.

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

25 10. GENERAL PROBATION REQUIREMENTS.

26 Compliance with Probation Unit

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

28 Address Changes

1 Respondent shall, at all times, keep the Board informed of Respondent's business and
2 residence addresses, email address (if available), and telephone number. Changes of such
3 addresses shall be immediately communicated in writing to the Board or its designee. Under no
4 circumstances shall a post office box serve as an address of record, except as allowed by Business
5 and Professions Code section 2021, subdivision (b).

6 Place of Practice

7 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
8 of residence, unless the patient (i) resides in a skilled nursing facility or other similar licensed
9 facility, or (ii) is receiving home hospice (as defined in Health and Safety Code section 1746,
10 subdivision (d)) care or home palliative (as defined in Health and Safety Code section 1746,
11 subdivision (j)) care.

12 License Renewal

13 Respondent shall maintain a current and renewed California physician's and surgeon's
14 license.

15 Travel or Residence Outside California

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

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

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

25 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
26 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
27 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
28 defined as any period of time Respondent is not practicing medicine as defined in Business and

1 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
2 patient care, clinical activity or teaching, or other activity as approved by the Board. If
3 Respondent resides in California and is considered to be in non-practice, Respondent shall
4 comply with all terms and conditions of probation. All time spent in an intensive training
5 program which has been approved by the Board or its designee shall not be considered non-
6 practice and does not relieve Respondent from complying with all the terms and conditions of
7 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
8 on probation with the medical licensing authority of that state or jurisdiction shall not be
9 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
10 period of non-practice.

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

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

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

18 Periods of non-practice for a Respondent residing outside of California will relieve
19 Respondent of the responsibility to comply with the probationary terms and conditions with the
20 exception of this condition and the following terms and conditions of probation: Obey All Laws;
21 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
22 Controlled Substances; and Biological Fluid Testing.

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

1 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
2 of probation is a violation of probation. If Respondent violates probation in any respect, the
3 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
4 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
5 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
6 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
7 the matter is final.

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

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

23 17. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
24 days of the effective date of this Decision, Respondent shall provide to the Board the names,
25 physical addresses, mailing addresses, and telephone numbers of any and all employers and
26 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
27 worksite monitor, and Respondent's employers and supervisors to communicate regarding
28 Respondent's work status, performance, and monitoring.

1 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
2 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
3 privileges.

4 18. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
5 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
6 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
7 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
8 make daily contact with the Board or its designee to determine whether biological fluid testing is
9 required. Respondent shall be tested on the date of the notification as directed by the Board or its
10 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
11 any time, including weekends and holidays. Except when testing on a specific date as ordered by
12 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
13 basis. The cost of biological fluid testing shall be borne by the Respondent.

14 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
15 During the second year of probation and for the duration of the probationary term, up to five (5)
16 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no
17 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
18 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
19 of random tests to the first-year level of frequency for any reason.

20 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
21 approved in advance by the Board or its designee, that will conduct random, unannounced,
22 observed, biological fluid testing and meets all of the following standards:

- 23 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
24 Association or have completed the training required to serve as a collector for the United
25 States Department of Transportation.
26 (b) Its specimen collectors conform to the current United States Department of
27 Transportation Specimen Collection Guidelines.
28 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published

1 by the United States Department of Transportation without regard to the type of test
2 administered.

3 (d) Its specimen collectors observe the collection of testing specimens.

4 (e) Its laboratories are certified and accredited by the United States Department of Health
5 and Human Services.

6 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
7 of receipt and all specimens collected shall be handled pursuant to chain of custody
8 procedures. The laboratory shall process and analyze the specimens and provide legally
9 defensible test results to the Board within seven (7) business days of receipt of the
10 specimen. The Board will be notified of non-negative results within one (1) business day
11 and will be notified of negative test results within seven (7) business days.

12 (g) Its testing locations possess all the materials, equipment, and technical expertise
13 necessary in order to test Respondent on any day of the week.

14 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
15 for the detection of alcohol and illegal and controlled substances.

16 (i) It maintains testing sites located throughout California.

17 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
18 computer database that allows the Respondent to check in daily for testing.

19 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
20 access to drug test results and compliance reporting information that is available 24 hours a
21 day.

22 (l) It employs or contracts with toxicologists that are licensed physicians and have
23 knowledge of substance abuse disorders and the appropriate medical training to interpret
24 and evaluate laboratory biological fluid test results, medical histories, and any other
25 information relevant to biomedical information.

26 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
27 while practicing, even if the Respondent holds a valid prescription for the substance.

28 Prior to changing testing locations for any reason, including during vacation or other travel,

1 alternative testing locations must be approved by the Board and meet the requirements above.

2 The contract shall require that the laboratory directly notify the Board or its designee of
3 non-negative results within one (1) business day and negative test results within seven (7)
4 business days of the results becoming available. Respondent shall maintain this laboratory or
5 service contract during the period of probation.

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

8 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
9 administered to himself or herself a prohibited substance, the Board shall order Respondent to
10 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
11 medicine or providing medical services. The Board shall immediately notify all of Respondent's
12 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
13 provide medical services while the cease-practice order is in effect.

14 A biological fluid test will not be considered negative if a positive result is obtained while
15 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
16 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

17 After the issuance of a cease-practice order, the Board shall determine whether the positive
18 biological fluid test is in fact evidence of prohibited substance use by consulting with the
19 specimen collector and the laboratory, communicating with the licensee, his or her treating
20 physician(s), other health care provider, or group facilitator, as applicable.

21 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
22 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

23 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
24 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
25 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
26 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

27 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
28 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the

1 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
2 any other terms or conditions the Board determines are necessary for public protection or to
3 enhance Respondent's rehabilitation.

4 19. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
5 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
6 prior approval, the name of a substance abuse support group which he or she shall attend for the
7 duration of probation. Respondent shall attend substance abuse support group meetings at least
8 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
9 abuse support group meeting costs.

10 The facilitator of the substance abuse support group meeting shall have a minimum of three
11 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
12 or certified by the state or nationally certified organizations. The facilitator shall not have a
13 current or former financial, personal, or business relationship with Respondent within the last five
14 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
15 the same facilitator does not constitute a prohibited current or former financial, personal, or
16 business relationship.

17 The facilitator shall provide a signed document to the Board or its designee showing
18 Respondent's name, the group name, the date and location of the meeting, Respondent's
19 attendance, and Respondent's level of participation and progress. The facilitator shall report any
20 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
21 or its designee, within twenty-four (24) hours of the unexcused absence.

22 20. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
23 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
24 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
25 licensed physician and surgeon, other licensed health care professional if no physician and
26 surgeon is available, or, as approved by the Board or its designee, a person in a position of
27 authority who is capable of monitoring the Respondent at work.

28 The worksite monitor shall not have a current or former financial, personal, or familial

1 relationship with Respondent, or any other relationship that could reasonably be expected to
2 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
3 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
4 monitor, this requirement may be waived by the Board or its designee, however, under no
5 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

6 The worksite monitor shall have an active unrestricted license with no disciplinary action
7 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
8 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
9 by the Board or its designee.

10 Respondent shall pay all worksite monitoring costs.

11 The worksite monitor shall have face-to-face contact with Respondent in the work
12 environment on as frequent a basis as determined by the Board or its designee, but not less than
13 once per week; interview other staff in the office regarding Respondent's behavior, if requested
14 by the Board or its designee; and review Respondent's work attendance.

15 The worksite monitor shall verbally report any suspected substance abuse to the Board and
16 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
17 substance abuse does not occur during the Board's normal business hours, the verbal report shall
18 be made to the Board or its designee within one (1) hour of the next business day. A written
19 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
20 any other information deemed important by the worksite monitor shall be submitted to the Board
21 or its designee within 48 hours of the occurrence.

22 The worksite monitor shall complete and submit a written report monthly or as directed by
23 the Board or its designee which shall include the following: (1) Respondent's name and
24 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
25 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
26 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
27 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
28 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can

1 lead to suspected substance abuse by Respondent. Respondent shall complete any required
2 consent forms and execute agreements with the approved worksite monitor and the Board, or its
3 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

4 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
6 approval, the name and qualifications of a replacement monitor who will be assuming that
7 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
8 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
9 monitor, Respondent shall receive a notification from the Board or its designee to cease the
10 practice of medicine within three (3) calendar days after being so notified. Respondent shall
11 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
12 responsibility.

13 21. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
14 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
15 probation.

16 A. If Respondent commits a major violation of probation as defined by section
17 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
18 one or more of the following actions:

19 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
20 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
21 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
22 order issued by the Board or its designee shall state that Respondent must test negative for at least
23 a month of continuous biological fluid testing before being allowed to resume practice. For
24 purposes of determining the length of time a Respondent must test negative while undergoing
25 continuous biological fluid testing following issuance of a cease-practice order, a month is
26 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
27 notified in writing by the Board or its designee that he or she may do so.

28 (2) Increase the frequency of biological fluid testing.

1 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
2 other action as determined by the Board or its designee.

3 B. If Respondent commits a minor violation of probation as defined by section
4 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
5 one or more of the following actions:

6 (1) Issue a cease-practice order;

7 (2) Order practice limitations;

8 (3) Order or increase supervision of Respondent;

9 (4) Order increased documentation;

10 (5) Issue a citation and fine, or a warning letter;

11 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
12 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
13 Regulations, at Respondent's expense;

14 (7) Take any other action as determined by the Board or its designee.

15 C. Nothing in this Decision shall be considered a limitation on the Board's authority
16 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
17 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
18 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
19 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
20 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
21 is final, and the period of probation shall be extended until the matter is final.

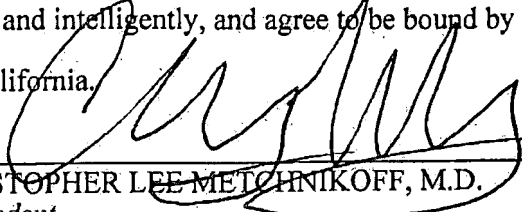
22 22. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
23 a new license or certification, or petition for reinstatement of a license, by any other health care
24 licensing action agency in the State of California, all of the charges and allegations contained in
25 First Amended Accusation No. 800-2021-079486 shall be deemed to be true, correct, and
26 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding
27 seeking to deny or restrict license.

28 ///

1 ACCEPTANCE

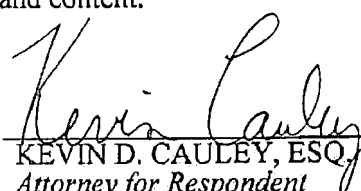
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Kevin D. Cauley, Esq.. I understand the stipulation and the effect
4 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
5 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7 DATED: 2/21/2025

8 
CHRISTOPHER LEE METCHNIKOFF, M.D.
Respondent

9
10 I have read and fully discussed with Respondent Christopher Lee Metchnikoff, M.D. the
11 terms and conditions and other matters contained in the above Stipulated Settlement and
12 Disciplinary Order. I approve its form and content.

13
14 DATED: February 21, 2025

15 
KEVIN D. CAULEY, ESQ.
Attorney for Respondent

16 ENDORSEMENT

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

19
20 DATED: February 24, 2025

Respectfully submitted,

21 ROB BONTA
22 Attorney General of California
23 EDWARD KIM
Supervising Deputy Attorney General

24 Melissa M.

Digitally signed by Melissa
M. Marquez

25 Marquez

Date: 2025.02.24 11:00:22
-08'00'

26 MELISSA M. MARQUEZ
Deputy Attorney General
Attorneys for Complainant

27 LA2023604706
28 67400543.docx

1 ROB BONTA
Attorney General of California
2 EDWARD KIM
Supervising Deputy Attorney General
3 DANG VU
Deputy Attorney General
4 State Bar No. 306393
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6000
6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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

11 In the Matter of the First Amended Accusation
Against:

Case No. 800-2021-079486

12 **Christopher Lee Metchnikoff, M.D.**
13 **2950 Veteran Avenue**
14 **Los Angeles, CA 90064-4121**

FIRST AMENDED
ACCUSATION

15 **Physician's and Surgeon's Certificate**
16 **No. A 129294,**

Respondent.

17
18 **PARTIES**

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

22 2. On or about March 26, 2014, the Board issued Physician's and Surgeon's Certificate
23 Number A 129294 to Christopher Lee Metchnikoff, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on October 31, 2025, unless renewed.

26 **JURISDICTION**

27 3. This First Amended Accusation is brought before the Board, under the authority of
28 the following laws. All section references are to the Business and Professions Code (Code)

1 unless otherwise indicated.

2 4. Section 2004 of the Code states:

3 The board shall have the responsibility for the following:

4 (a) The enforcement of the disciplinary and criminal provisions of the Medical
5 Practice Act.

6 (b) The administration and hearing of disciplinary actions.

7 (c) Carrying out disciplinary actions appropriate to findings made by a panel or
8 an administrative law judge.

9 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion
10 of disciplinary actions.

11 (e) Reviewing the quality of medical practice carried out by physician and
12 surgeon certificate holders under the jurisdiction of the board.

13 (f) Approving undergraduate and graduate medical education programs.

14 (g) Approving clinical clerkship and special programs and hospitals for the
15 programs in subdivision (f).

16 (h) Issuing licenses and certificates under the board's jurisdiction.

17 (i) Administering the board's continuing medical education program.

18 5. Section 2227 of the Code provides that a licensee who is found guilty under the
19 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
20 one year, placed on probation and required to pay the costs of probation monitoring, or such other
21 action taken in relation to discipline as the Board deems proper.

22 6. Section 2228.1 of the Code states:

23 (a) On and after July 1, 2019, except as otherwise provided in subdivision (c),
24 the board and the Podiatric Medical Board of California shall require a licensee to
25 provide a separate disclosure that includes the licensee's probation status, the length
26 of the probation, the probation end date, all practice restrictions placed on the licensee
27 by the board, the board's telephone number, and an explanation of how the patient
28 can find further information on the licensee's probation on the licensee's profile page
on the board's online license information internet web site, to a patient or the
patient's guardian or health care surrogate before the patient's first visit following the
probationary order while the licensee is on probation pursuant to a probationary order
made on and after July 1, 2019, in any of the following circumstances:

(1) A final adjudication by the board following an administrative hearing or
admitted findings or prima facie showing in a stipulated settlement establishing any
of the following:

1 (A) The commission of any act of sexual abuse, misconduct, or relations with a
patient or client as defined in Section 726 or 729.

2 (B) Drug or alcohol abuse directly resulting in harm to patients or the extent
3 that such use impairs the ability of the licensee to practice safely.

4 (C) Criminal conviction directly involving harm to patient health.

5 (D) Inappropriate prescribing resulting in harm to patients and a probationary
period of five years or more.

6 (2) An accusation or statement of issues alleged that the licensee committed any
7 of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a
stipulated settlement based upon a nolo contendere or other similar compromise that
8 does not include any prima facie showing or admission of guilt or fact but does
include an express acknowledgment that the disclosure requirements of this section
9 would serve to protect the public interest.

10 (b) A licensee required to provide a disclosure pursuant to subdivision (a) shall
obtain from the patient, or the patient's guardian or health care surrogate, a separate,
11 signed copy of that disclosure.

12 (c) A licensee shall not be required to provide a disclosure pursuant to
subdivision (a) if any of the following applies:

13 (1) The patient is unconscious or otherwise unable to comprehend the
disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a
14 guardian or health care surrogate is unavailable to comprehend the disclosure and
sign the copy.

15 (2) The visit occurs in an emergency room or an urgent care facility or the visit
16 is unscheduled, including consultations in inpatient facilities.

17 (3) The licensee who will be treating the patient during the visit is not known to
18 the patient until immediately prior to the start of the visit.

19 (4) The licensee does not have a direct treatment relationship with the patient.

20 (d) On and after July 1, 2019, the board shall provide the following
information, with respect to licensees on probation and licensees practicing under
21 probationary licenses, in plain view on the licensee's profile page on the board's
online license information internet web site.

22 (1) For probation imposed pursuant to a stipulated settlement, the causes
alleged in the operative accusation along with a designation identifying those causes
23 by which the licensee has expressly admitted guilt and a statement that acceptance of
the settlement is not an admission of guilt.

24 (2) For probation imposed by an adjudicated decision of the board, the causes
25 for probation stated in the final probationary order.

26 (3) For a licensee granted a probationary license, the causes by which the
probationary license was imposed.

27 (4) The length of the probation and end date.
28

- 1 (5) All practice restrictions placed on the license by the board.
2 (e) Section 2314 shall not apply to this section.

3 **STATUTORY PROVISIONS**

- 4 7. Section 2234 of the Code states:

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

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

9 (b) Gross negligence.

10 (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
11 separate and distinct departure from the applicable standard of care shall constitute
repeated negligent acts.

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

14 (2) When the standard of care requires a change in the diagnosis, act, or
15 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
16 licensee's conduct departs from the applicable standard of care, each departure
constitutes a separate and distinct breach of the standard of care.

17 (d) Incompetence.

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

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

21 (g) The failure by a certificate holder, in the absence of good cause, to attend
22 and participate in an interview by the board no later than 30 calendar days after being
notified by the board. This subdivision shall only apply to a certificate holder who is
23 the subject of an investigation by the board.

24 (h) Any action of the licensee, or another person acting on behalf of the
licensee, intended to cause their patient or their patient's authorized representative to
25 rescind consent to release the patient's medical records to the board or the
Department of Consumer Affairs, Health Quality Investigation Unit.

26 (i) Dissuading, intimidating, or tampering with a patient, witness, or any person
27 in an attempt to prevent them from reporting or testifying about a licensee.

- 28 8. Unprofessional conduct under Code section 2234 is conduct which breaches the rules

1 or ethical code of the medical profession, or conduct which is unbecoming to a member in good
2 standing of the medical profession, and which demonstrates an unfitness to practice medicine.

3 (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 546, 575.)

4 9. Section 2236 of the Code states:

5 (a) The conviction of any offense substantially related to the qualifications,
6 functions, or duties of a physician and surgeon constitutes unprofessional conduct
7 within the meaning of this chapter. The record of conviction shall be conclusive
8 evidence only of the fact that the conviction occurred.

9 (b) The district attorney, city attorney, or other prosecuting agency shall notify
10 the Division of Medical Quality of the pendency of an action against a licensee
11 charging a felony or misdemeanor immediately upon obtaining information that the
12 defendant is a licensee. The notice shall identify the licensee, and describe the crimes
13 charged and the facts alleged. The prosecuting agency shall also notify the clerk of
14 the court in which the action is pending that the defendant is a licensee, and the clerk
15 shall record prominently in the file that the defendant holds a license as a physician
16 and surgeon.

17 (c) The clerk of the court in which a licensee is convicted of a crime shall,
18 within 48 hours after the conviction, transmit a certified copy of the record of
19 conviction to the board. The division may inquire into the circumstances surrounding
20 the commission of a crime in order to fix the degree of discipline or to determine if
21 the conviction is of an offense substantially related to the qualifications, functions, or
22 duties of a physician and surgeon.

23 (d) A plea or verdict of guilty or a conviction after a plea of *nolo contendere* is
24 deemed to be a conviction within the meaning of this section and Section 2236.1. The
25 record of conviction shall be conclusive evidence of the fact that the conviction
26 occurred.

27 10. Section 2236.1 of the Code states:

28 (a) A physician and surgeon's certificate shall be suspended automatically
during any time that the holder of the certificate is incarcerated after conviction of a
felony, regardless of whether the conviction has been appealed. The Division of
Medical Quality shall, immediately upon receipt of the certified copy of the record of
conviction, determine whether the certificate of the physician and surgeon has been
automatically suspended by virtue of the physician and surgeon's incarceration, and if
so, the duration of that suspension. The division shall notify the physician and
surgeon of the license suspension and of the right to elect to have the issue of penalty
heard as provided in this section.

(b) Upon receipt of the certified copy of the record of conviction, if after a
hearing it is determined therefrom that the felony of which the licensee was convicted
was substantially related to the qualifications, functions, or duties of a physician and
surgeon, the Division of Medical Quality shall suspend the license until the time for
appeal has elapsed, if an appeal has not been taken, or until the judgment of
conviction has been affirmed on appeal or has otherwise become final, and until
further order of the division. The issue of substantial relationship shall be heard by an
administrative law judge from the Medical Quality Hearing Panel sitting alone or
with a panel of the division, in the discretion of the division.

1 (c) Notwithstanding subdivision (b), a conviction of any crime referred to in
2 Section 2237, or a conviction of Section 187, 261, 288, or former Section 262, of the
3 Penal Code, shall be conclusively presumed to be substantially related to the
4 qualifications, functions, or duties of a physician and surgeon and a hearing shall not
5 be held on this issue. Upon its own motion or for good cause shown, the division may
6 decline to impose or may set aside the suspension when it appears to be in the interest
7 of justice to do so, with due regard to maintaining the integrity of and confidence in
8 the medical profession.

9 (d) (1) Discipline may be ordered in accordance with Section 2227, or the
10 Division of Licensing may order the denial of the license when the time for appeal
11 has elapsed, the judgment of conviction has been affirmed on appeal, or an order
12 granting probation is made suspending the imposition of sentence, irrespective of a
13 subsequent order under Section 1203.4 of the Penal Code allowing the person to
14 withdraw the plea of guilty and to enter a plea of not guilty, setting aside the verdict
15 of guilty, or dismissing the accusation, complaint, information, or indictment.

16 (2) The issue of penalty shall be heard by an administrative law judge from the
17 Medical Quality Hearing Panel sitting alone or with a panel of the division, in the
18 discretion of the division. The hearing shall not be had until the judgment of
19 conviction has become final or, irrespective of a subsequent order under Section
20 1203.4 of the Penal Code, an order granting probation has been made suspending the
21 imposition of sentence; except that a licensee may, at the licensee's option, elect to
22 have the issue of penalty decided before those time periods have elapsed. Where the
23 licensee so elects, the issue of penalty shall be heard in the manner described in this
24 section at the hearing to determine whether the conviction was substantially related to
25 the qualifications, functions, or duties of a physician and surgeon. If the conviction of
26 a licensee who has made this election is overturned on appeal, any discipline ordered
27 pursuant to this section shall automatically cease. This subdivision does not prohibit
28 the division from pursuing disciplinary action based on any cause other than the
overturned conviction.

(e) The record of the proceedings resulting in the conviction, including a
transcript of the testimony therein, may be received in evidence.

(f) The other provisions of this article setting forth a procedure for the
suspension or revocation of a physician and surgeon's certificate shall not apply to
proceedings conducted pursuant to this section.

11. Section 2239 of the Code states:

(a) The use or prescribing for or administering to himself or herself, of any
controlled substance; or the use of any of the dangerous drugs specified in Section
4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
or injurious to the licensee, or to any other person or to the public, or to the extent that
such use impairs the ability of the licensee to practice medicine safely or more than
one misdemeanor or any felony involving the use, consumption, or
self-administration of any of the substances referred to in this section, or any
combination thereof, constitutes unprofessional conduct. The record of the
conviction is conclusive evidence of such unprofessional conduct.

(b) A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this section. The
Medical Board may order discipline of the licensee in accordance with Section 2227
or the Medical Board may order the denial of the license when the time for appeal has

1 elapsed or the judgment of conviction has been affirmed on appeal or when an order
2 granting probation is made suspending imposition of sentence, irrespective of a
3 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
setting aside the verdict of guilty, or dismissing the accusation, complaint,
information, or indictment.

4 REGULATORY PROVISIONS

5 12. California Code of Regulations, title 16, section 1360, states:

6 For the purposes of denial, suspension or revocation of a license, certificate or
7 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
8 or act shall be considered to be substantially related to the qualifications, functions or
9 duties of a person holding a license, certificate or permit under the Medical Practice
Act if to a substantial degree it evidences present or potential unfitness of a person
10 holding a license, certificate or permit to perform the functions authorized by the
license, certificate or permit in a manner consistent with the public health, safety or
11 welfare. Such crimes or acts shall include but not be limited to the following:
Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
violation of, or conspiring to violate any provision of the Medical Practice Act.

12 COST RECOVERY

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

19 FIRST CAUSE FOR DISCIPLINE

20 (Dangerous Use of Alcohol)

21 14. Respondent is subject to disciplinary action under section 2234, subdivision (a), and
22 section 2239, of the Code and California Code of Regulations, title 16, section 1360, in that
23 Respondent used alcoholic beverages, to the extent, or in such a manner as to be dangerous and
24 injurious to Respondent, or to any other person or to the public and has been convicted of a crime
25 substantially related to the practice of medicine. The circumstances are as follows:

26 ///

27 ///

1 **DUI Arrest on or about July 3, 2021**

2 15. On or about July 3, 2021, the San Bernardino County Sheriff's Department (SBCSD)
3 dispatched a police unit to investigate a report of a possible driver driving under the influence
4 (DUI) of alcohol near the intersection of Bear Valley Road and 2nd Avenue in Hesperia upon
5 receiving a report from a witness (W1) who advised the SBCSD dispatch that a vehicle (later
6 identified as Respondent's vehicle) was traveling eastbound on Bear Valley Road and struck a
7 curb, and that the vehicle was damaged. W1 also informed the SBCSD dispatch that Respondent
8 had parked the vehicle at Tom's Burger near the intersection of Bear Valley Road and 2nd
9 Avenue, and appeared to be under the influence of alcohol. The SBCSD's officer arrived on
10 scene at the Tom's parking lot at approximately 11:03 p.m. and observed Respondent's white
11 2006 Lexus parked at Tom's parking lot on the south side of the restaurant. The vehicle was
12 missing both passenger side tires and the driver's side door, passenger's side door, and trunk were
13 open. Respondent appeared to be attempting to put a spare tire on the vehicle. The officer made
14 contact with Respondent, and observed that Respondent had bloodshot, watery eyes and that his
15 breath smelled of an alcoholic beverage. Respondent explained to the officer that he was driving
16 the Lexus on the off ramp from the 15 freeway to Bear Valley Road and struck a pothole with the
17 two right tires of his Lexus, which subsequently blew out on Bear Valley Road. Respondent then
18 drove his vehicle into the parking lot of Tom's. Respondent denied striking any curbs with his
19 vehicle. Respondent also explained that he was not taking any medication, and that the last time
20 he drank alcohol was about two weeks prior to that time. Respondent then consented to field
21 sobriety tests.

22 16. The police officer then administered Field Sobriety Tests (FST) on Respondent,
23 including the walk and turn; the one leg stand; and the finger to nose and the horizontal gaze
24 nystagmus. Respondent failed to perform the FSTs in a satisfactory manner. The police officer
25 then offered to administer the Preliminary Alcohol (PAS) Screening test, but Respondent refused.
26 Thereafter, based on Respondent's performance on the FSTs, the alcohol that the officer smelled
27 on his breath, his bloodshot and watery eyes, and due to his lack of ability to drive his vehicle
28 safely on the road, the officer determined Respondent had been driving under the influence of

1 alcohol and placed him under arrest.

2 17. Thereafter, the results of a biological fluid sample taken from Respondent upon his
3 arrest indicated that his blood alcohol concentration was 0.177.

4 18. On or about May 6, 2022, in proceedings entitled *The People of the State of*
5 *California v. Christopher Metchnikoff*, case number MVI22002507, in the San Bernardino
6 County Superior Court, Respondent was charged with violating Vehicle Code section 23152,
7 subdivision (a), a misdemeanor (Count 1); and Vehicle Code section 23152, subdivision (b), a
8 misdemeanor (Count 2).

9 19. On or about November 15, 2022, in proceedings entitled *The People of the State of*
10 *California v. Christopher Metchnikoff*, case number MVI22002507, in the San Bernardino
11 County Superior Court, Respondent pleaded nolo contendere to violating Vehicle Code section
12 23103, subdivision (a), and the remaining charges were dismissed. The Superior Court sentenced
13 Respondent to summary probation for 12 months with terms and conditions, including that he be
14 required to not violate any law, not drive with any measurable amount of alcohol in his system,
15 submit to a blood/breathe alcohol test upon request, take coursework on alcohol, pay \$870.00,
16 and serve one day with credit for time served.

17 20. On or about April 28, 2023, a Board investigator interviewed Respondent. During his
18 interview, Respondent stated that in 2002 or 2003, he had been arrested for being drunk in public
19 after a party and had pleaded no contest to related charges that were later expunged. He also
20 explained that he had a history of chronic health problems, including lymphoma, attention deficit
21 disorder, depression and alcohol use disorder, as to which he had previously attended the Betty
22 Ford treatment center. Respondent also stated that he was placed on a 5150 hold (for danger to
23 self and suicide ideation) after a second DUI arrest on or about October 15, 2022. As far as the
24 day of his arrest on July 3, 2021, Respondent explained that he had not seen many individuals he
25 was close to in a while, including his father in Victorville, his best friend in the Inland Empire,
26 and his brother in Long Beach, and that he had planned to see them all that weekend. Respondent
27 explained that on the day of the arrest on July 3, 2021, he was visiting his best friend in the Inland
28 Empire before he was planning to visit his father in Victorville for Fourth of July events.

1 Respondent had spent the night with his brother the night before and was with his friend in the
2 Inland Empire on July 3 and drank some beers. Respondent had planned to spend the night at his
3 friend's house, but his friend was called away and Respondent decided to leave. Respondent said
4 he had flat tires while driving and pulled into a fast food restaurant to assess the tires when a
5 police officer arrived. Respondent also admitted to hitting a curb with his car that day.
6 Respondent said that his employer referred him to the well-being committee after he informed
7 them about his conviction. Later, after Respondent's second DUI arrest, the committee
8 recommended that he seek treatment at the Betty Ford Clinic and participate in a diversion
9 program.

10 **DUI Arrest on or about October 15, 2022**

11 21. On or about October 15, 2022, a police officer with the California Highway Patrol
12 (CHP) while on duty and driving his fully marked black-and-white CHP patrol vehicle at
13 approximately 8:14 p.m., entered Interstate 10 westbound (San Bernardino Freeway), from the
14 Interstate 710 northbound (Long Beach Freeway), observed multiple vehicles slowing in the
15 right-hand lanes, and observed a dark colored Sport Utility Vehicle (SUV) with the hazard lights
16 flashing. As the officer approached the SUV, he began to hear a loud grinding noise. The officer
17 then observed ahead of the SUV, a silver two door Honda Civic (later determined to be
18 Respondent's vehicle), traveling in the number four lane, at approximately 30 miles per hour, a
19 violation of California Vehicle Code section 22400 (minimum speed requirement). The officer
20 also observed, as he approached the Honda, that the vehicle was leaning to the left, and that
21 smoke was emanating from beneath the vehicle, and that there appeared to be a moderate amount
22 of right side damage to the vehicle. The officer then initiated an enforcement stop on the Honda,
23 and when Respondent began merging to the right, the officer observed multiple sparks emitting
24 from the front left of the Honda, a violation of California Vehicle Code section 24002(a)
25 (operating an unsafe vehicle).

26 22. Once Respondent's Honda was stopped, the police officer then exited the CHP patrol
27 vehicle and approached the Honda from the passenger's side where he observed that the
28 passenger side curtain airbag had been deployed. The officer then made contact with

1 Respondent, and advised him the reason for the stop. While standing near the driver's side
2 window, the officer observed that the front left tire of the Honda was missing and the rim was
3 extremely worn down. In response to the officer's inquiries about the damage to the Honda,
4 Respondent explained that he had been involved in an accident around 5:00 p.m. near Main Street
5 in Hesperia. The officer then requested to see Respondent's California driver license, at which
6 time he stated he only had a temporary license and had been arrested for driving under the
7 influence in July of 2022. While speaking with Respondent, the officer could smell a strong odor
8 of an alcoholic beverage, and observe that Respondent's eyes were red and watery in appearance,
9 and the officer also noticed that Respondent's speech was slurred. The officer then asked if
10 Respondent had been drinking that evening, and Respondent replied that he had not (he later
11 admitted to drinking a beer). Respondent was also unable to provide his temporary license.
12 Respondent then exited the Honda and spoke to the officer, who continued to detect a strong odor
13 of an alcoholic beverage emitting from Respondent's breath. The officer then continued his DUI
14 investigation by explaining and demonstrating the FSTs he was about to administer.

15 23. The police officer then administered FSTs on Respondent, including the horizontal
16 gaze nystagmus, the walk and turn, and the one leg stand. Respondent failed to perform on the
17 FSTs in a satisfactory manner. The police officer then offered to administer the Preliminary
18 Alcohol Screening (PAS) test, which yielded the following results: Test #1: 0.206% at 2036
19 hours; Test #2: 0.202% at 2038 hours. Based on his performance on the field sobriety tests, the
20 alcohol that the officer smelled on his breath, his bloodshot and watery eyes, and Respondent's
21 admission to consuming alcohol prior to driving, the officer determined that Respondent had been
22 driving under the influence of alcohol and placed him under arrest. At that point, Respondent
23 stated that he was a failure and that he wanted to die. The officer then proceeded to implement
24 the procedures for placing Respondent into a 72-hour psychiatric hospitalization pursuant to
25 Welfare and Institutions Code section 5150, which allows an adult who is experiencing a mental
26 health crisis to be involuntarily detained during the psychiatric hospitalization based upon the
27 danger to themselves and others. Respondent was then transported to the hospital to begin his 72-
28 hour safety hold.

1 24. On or about September 11, 2023, in proceedings entitled *The People of the State of*
2 *California v. Christopher Metchnikoff*, case number ELA3ES01320-01, in the Los Angeles
3 County Superior Court, Respondent was charged with violating Vehicle Code section 23152,
4 subdivision (a), a misdemeanor (Count 1); and Vehicle Code section 23152, subdivision (b), a
5 misdemeanor (Count 2). On or about September 26, 2023, Respondent pleaded not guilty to
6 Counts 1 and 2.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

9 25. Respondent is subject to disciplinary action under section 2234 of the Code,
10 generally, in that Respondent has engaged in unprofessional conduct which breaches the rules or
11 ethical code of the medical profession, or conduct which is unbecoming to a member in good
12 standing of the medical profession. The circumstances are as follows:

13 26. The allegations set forth in the First Cause for Discipline are incorporated herein as if
14 fully set forth.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Conviction of a Crime)**

17 27. Respondent Christopher Lee Metchnikoff, M.D. is subject to disciplinary action
18 under section 2236 of the Code, in that Respondent was convicted of a crime substantially related
19 to the practice of medicine. The circumstances are as follows:

20 28. The allegations set forth in the First through Second Causes for Discipline, inclusive,
21 are incorporated herein as if fully set forth.

22 29. On or about February 27, 2024, in proceedings entitled *The People of the State of*
23 *California v. Metchnikoff, Christopher Lee*, case number ELA3ES01320-01, in the Los Angeles
24 County Superior Court, Respondent pled nolo contendere to violating Vehicle Code section
25 23152, subdivision (b), a misdemeanor. The court then sentenced Respondent to 48 months
26 probation, instead of the minimum 36 months probation¹, with terms and conditions, including,
27 among other things, being required to pay fines and fees, perform 100 hours of community

28 ¹ Vehicle Code Section 23600(b)(1)

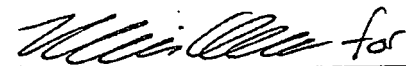
1 service, and complete an 18 month driving under the influence program, instead of the 3-month
2 driving under the influence program for first time DUI offenders².

3 **PRAYER**

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

- 6 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 129294,
7 issued to Respondent Christopher Lee Metchnikoff, M.D.;
- 8 2. Revoking, suspending or denying approval of Respondent Christopher Lee
9 Metchnikoff, M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 10 3. Ordering Respondent Christopher Lee Metchnikoff, M.D., to pay the Board the costs
11 of the investigation and enforcement of this case, and if placed on probation, the costs of
12 probation monitoring;
- 13 4. Ordering Respondent Christopher Lee Metchnikoff, M.D., if placed on probation, to
14 provide patient notification in accordance with Business and Professions Code section 2228.1;
15 and
- 16 5. Taking such other and further action as deemed necessary and proper.

17
18 DATED: JUL 26 2024


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

21 LA2023604706
22 First Amended Accusation - Metchnikoff (with client edits).docx
23
24
25
26
27

28 ² https://www.dhcs.ca.gov/individuals/Pages/DUI_Programs.aspx