

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

In the Matter of the Accusation Against:

John Robert DeBanto, M.D.

Physician's & Surgeon's
Certificate No. G 86400

Respondent.

Case No. 800-2022-088711

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 June 12, 2025.

IT IS SO ORDERED: May 13, 2025.

MEDICAL BOARD OF CALIFORNIA

Michelle A. Bholat, MD

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

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
TESSA L. HEUNIS
Deputy Attorney General
State Bar No. 241559
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9403
Facsimile: (619) 645-2061
E-mail: Tessa.Heunis@doj.ca.gov

Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 800-2022-088711

**JOHN ROBERT DEBANTO, M.D.
10599 N 38th E
Idaho Falls, ID 83401-5453**

OAH No. 2024080527

Physician's and Surgeon's Certificate
No. G 86400

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

Respondent.

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

PARTIES

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

2. Respondent John Robert DeBanto, M.D. (Respondent) is represented in this proceeding by attorney Derek F. O'Reilly-Jones, Esq., whose address is: 355 South Grand Ave., Suite 1750, Los Angeles, CA 90071-1562.

1 3. On or about February 15, 2002, the Board issued Physician's and Surgeon's
2 Certificate No. G 86400 to John Robert DeBanto, M.D. (Respondent). The Physician's and
3 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 800-2022-088711, and will expire on December 31, 2025, unless renewed.

JURISDICTION

6 4. On April 26, 2024, Accusation No. 800-2022-088711 was filed before the Board and
7 is currently pending against Respondent. A true and correct copy of the Accusation and all other
8 statutorily required documents were properly served on Respondent on April 26, 2024.
9 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
10 No. 800-2022-088711 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and fully understands the
13 charges and allegations in Accusation No. 800-2022-088711. Respondent has also carefully read,
14 fully discussed with his counsel, and fully understands the effects of this Stipulated Settlement
15 and Disciplinary Order.

16 6. 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 Accusation; the right to confront and cross-examine
18 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
19 to the issuance of subpoenas to compel the attendance of witnesses and the production of
20 documents; the right to reconsideration and court review of an adverse decision; and all other
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

25 8. Respondent does not contest that, at an administrative hearing, Complainant could
26 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
27 No. 800-2022-088711 and that his Physician's and Surgeon's Certificate No. G 86400 is therefore
28 subject to discipline.

9. Respondent agrees that if he ever petitions for modification of the Board's disciplinary Order, or if an accusation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2022-088711 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 or elsewhere.

10. Respondent agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

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

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

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

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

28 | ////

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent JOHN ROBERT DEBANTO, M.D., holder of Physician's and Surgeon's Certificate No. G 86400, shall be and hereby is Publicly Reprimanded pursuant to Business and Professions Code section 2227. This Public Reprimand, which is issued in connection with the allegation as set forth in Accusation No. 800-2022-088711, is as follows:

On or about April 22, 2022, you committed repeated negligent acts and general unprofessional conduct and failed to maintain adequate and accurate records, all relating to your provision of services to Patient 1, as more particularly alleged in Accusation No. 800-2022-088711.

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.

2. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the effective date of this Decision, Respondent shall enroll in a professional boundaries program

1 approved in advance by the Board or its designee. Respondent, at the program's discretion, shall
2 undergo and complete the program's assessment of Respondent's competency, mental health
3 and/or neuropsychological performance, and at minimum, a 24-hour program of interactive
4 education and training in the area of boundaries, which takes into account data obtained from the
5 assessment and from the Decision, Accusation and any other information that the Board or its
6 designee deems relevant. The program shall evaluate Respondent at the end of the training and
7 the program shall provide any data from the assessment and training as well as the results of the
8 evaluation to the Board or its designee.

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

20 The program has the authority to determine whether or not Respondent successfully
21 completed the program.

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

27 ////

28 ////

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

3. INVESTIGATION/ENFORCEMENT 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(s), as applicable, in the amount of \$22,001.90 (twenty-two thousand and one dollars and ninety cents). Costs shall be payable to the Medical Board of California. Failure to pay such costs shall constitute unprofessional conduct and grounds for further disciplinary action.

Payment must be made in full within 30 calendar days of the effective date of the Order, or by a payment plan approved by the Medical Board of California. Any and all requests for a payment plan shall be submitted in writing by respondent to the Board. Failure to comply with the payment plan shall be considered unprofessional conduct and grounds for further disciplinary action.

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

4. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2022-088711 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

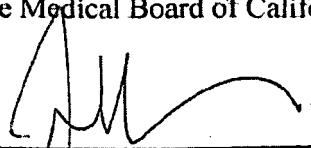
5. **FAILURE TO COMPLY.** Any failure by Respondent to comply with terms and conditions of the Stipulated Settlement and Disciplinary Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary action.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Derek F. O'Reilly-Jones, Esq. I fully understand the stipulation

1 and the effect it will have on my Physician's and Surgeon's Certificate No. G 86400. I enter into
2 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
3 agree to be bound by the Decision and Order of the Medical Board of California.

4 DATED: 5/2/25

5 
6 JOHN ROBERT DEBANTO, M.D.
7 *Respondent*

8 I have read and fully discussed with Respondent John Robert DeBanto, M.D., the terms and
9 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
10 I approve its form and content.

11 DATED: 05/02/2025

12 
13 DEREK F. O'REILLY-JONES, ESQ.
14 *Attorney for Respondent*

15 **ENDORSEMENT**

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

18 DATED: 5/02/2025

19 Respectfully submitted,

20 ROB BONTA
21 Attorney General of California
22 MATTHEW M. DAVIS
23 Supervising Deputy Attorney General

24 

25 TESSA L. HEUNIS
26 Deputy Attorney General
27 *Attorneys for Complainant*

Exhibit A

Accusation No. 800-2022-088711

1 ROB BONTA
2 Attorney General of California
3 MATTHEW M. DAVIS
4 Supervising Deputy Attorney General
5 TESSA L. HEUNIS
6 Deputy Attorney General
7 State Bar No. 241559
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9403
Facsimile: (619) 645-2061

Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 800-2022-088711

14 JOHN ROBERT DEBANTO, M.D.,
621 East Mehring Way, #1602
15 Cincinnati, OH 45202-3557

ACCUSATION

16 Physician's and Surgeon's Certificate
No. G 86400,

Respondent.

PARTIES

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

24 2. On or about February 15, 2002, the Medical Board issued Physician's and Surgeon's
25 Certificate No. G 86400 to John Robert Debanto, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on December 31, 2025, unless renewed.

28 | ////

JURISDICTION

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

5 4. Section 2004 of the Code states:

6 The board shall have the responsibility for the following:

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

(b) The administration and hearing of disciplinary actions.

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

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

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

14

15 5. Section 2220 of the Code states:

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

20 (a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. ...

11 of 11

23 6. Section 2221 of the Code states:

26

27 | ////

28 | // /

1 7. Section 2227 of the Code states:

2 (a) A licensee whose matter has been heard by an administrative law judge of
3 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
4 Code, or whose default has been entered, and who is found guilty, or who has entered
5 into a stipulation for disciplinary action with the board, may, in accordance with the
provisions of this chapter:

6 (1) Have his or her license revoked upon order of the board.

7 (2) Have his or her right to practice suspended for a period not to exceed one
8 year upon order of the board.

9 (3) Be placed on probation and be required to pay the costs of probation
10 monitoring upon order of the board.

11 (4) Be publicly reprimanded by the board. The public reprimand may include a
12 requirement that the licensee complete relevant educational courses approved by the
13 board.

14 (5) Have any other action taken in relation to discipline as part of an order of
15 probation, as the board or an administrative law judge may deem proper.

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

22 8. Section 2234 of the Code states:

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

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

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

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

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

1

...

2

9. Section 2266 of the Code states:

3

The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

5

10. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine.¹

9

COST RECOVERY

10

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the 12 administrative law judge to direct a licensee found to have committed a violation or violations of 13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and 14 enforcement of the case, with failure of the licensee to comply subjecting the license to not being 15 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

16

FACTUAL ALLEGATIONS

17

12. At all relevant times, Respondent was practicing as a gastroenterologist.

18

13. On or about April 22, 2022, Patient 1² (then a 32-year old female) presented to 19 Respondent with a complaint of sharp pains in her abdomen, a history of vomiting and a prior 20 cholecystectomy.

21

14. Almost immediately upon entering the examination room and meeting Patient 1, 22 Respondent commented that she had "pretty eyes."

23

15. Once the examination started, Respondent asked Patient 1 multiple questions, 24 including whether she was heterosexual or homosexual. He followed up with questions regarding 25 sexual penetration, among others, and asked her whether she had ever been abused.

26

¹ *Shea v. Board of Medical Examiners*, (1978) 81 Cal.App.3d 564, 575.

27

² The identity of Patient 1 is known to all parties but not disclosed to protect patient

privacy.

- 1 16. Respondent asked Patient 1 to submit to a rectal examination.
- 2 17. Patient 1 refused the rectal examination but a rectal examination is documented in
- 3 Patient 1's chart.

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

6 18. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
7 by section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his
8 care and treatment of Patient 1, as more fully set out in paragraphs 12 through 17, above, which
9 are hereby realleged and incorporated by this reference as if fully set forth herein, and that
10 include, but are not limited to:

11 19. Respondent made an inappropriate comment to Patient 1 regarding her physical
12 appearance, specifically, by commenting on her “pretty eyes.”

13 20. Respondent asked medically irrelevant and/or inappropriate questions, including, but
14 not limited to, about Patient 1's sexuality.

SECOND CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

17 21. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
18 defined by section 2266, of the Code, in that he failed to maintain adequate and accurate records
19 of his care and treatment of Patient 1, as more particularly alleged in paragraphs 12 through 17,
20 above, which are hereby realleged and incorporated by this reference as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

23 22. Respondent is further subject to disciplinary action under 2234 of the Code in that he
24 has engaged in conduct which breaches the rules or ethical code of the medical profession, or
25 conduct that is unbecoming to a member in good standing of the medical profession, and which
26 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 12
27 through 21, above, which are hereby realleged and incorporated by this reference as if fully set
28 forth herein.

DISCIPLINARY CONSIDERATIONS

2 23. To determine the degree of discipline, if any, to be imposed on Respondent John
3 Robert DeBanto, M.D., Complainant alleges that on July 7, 2017, in a prior disciplinary action
4 titled *In the Matter of the Accusation Against John Robert DeBanto, M.D.*, Case No. 800-2013-
5 000525, the Board issued a Decision and Order in which Respondent's Physician's and Surgeon's
6 Certificate No. G 86400 was revoked. The revocation was stayed, however, and Respondent's
7 Physician's and Surgeon's Certificate No. G 86400 was placed on probation for a period of five
8 (5) years with certain terms and conditions. That decision is now final and is incorporated by
9 reference as if fully set forth herein.

PRAYER

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

13 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 86400, issued
14 to Respondent John Robert Debanto, M.D.;

15 2. Revoking, suspending or denying approval of Respondent John Robert Debanto,
16 M.D.'s authority to supervise physician assistants and advanced practice nurses;

17 3. Ordering Respondent John Robert Debanto, M.D., to pay the Board the costs of the
18 investigation and enforcement of this case, and if placed on probation, the costs of probation
19 monitoring;

20 4. Ordering Respondent John Robert Debanto, M.D., if placed on probation, to provide
21 patient notification in accordance with Business and Professions Code section 2228.1; and

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

DATED: APR 26 2024

Jenna Jones Pop

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