

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

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

Benjamin Alfred Mills, M.D.

**Physician's and Surgeon's
Certificate No. G 55443**

Respondent.

Case No. 800-2020-065420

DECISION

**The attached Stipulated Surrender of License and 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 27,

2025. IT IS SO ORDERED May 19, 2025.

MEDICAL BOARD OF CALIFORNIA



**Reji Varghese
Executive Director**

1 ROB BONTA
Attorney General of California
2 GREG W. CHAMBERS
Supervising Deputy Attorney General
3 D. MARK JACKSON
Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2020-065420

13 **BENJAMIN ALFRED MILLS, M.D.**
900 Franquette Ave.
Santa Rosa, CA 95405-6902

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Physician's and Surgeon's Certificate No. G**
15 **55443**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled
19 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 D. Mark Jackson, Deputy
24 Attorney General.

25 2. BENJAMIN ALFRED MILLS, M.D. (Respondent) is represented in this proceeding
26 by attorney Jeffrey S. Kravitz, Esq., whose address is: 1851 Heritage Lane, Suite 128,
27 Sacramento, CA 95815-4996.
28

3. On or about July 23, 1985, the Board issued Physician's and Surgeon's Certificate No. G 55443 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2020-065420 and expired on January 31, 2023, and has not been renewed.

JURISDICTION

4. Accusation No. 800-2020-065420 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 7, 2023. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2020-065420 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2020-065420. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2020-065420, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

RESERVATION

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

CONTINGENCY

12. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board “shall delegate to its executive director the authority to adopt a ... stipulation for surrender of a license.”

13. Respondent understands that, by signing this stipulation, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. G 55443 without further notice to, or opportunity to be heard by, Respondent.

14. This Stipulated Surrender of License and Disciplinary Order shall be subject to the approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands

1 and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the
2 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

3 15. The parties agree that this Stipulated Surrender of License and Disciplinary Order
4 shall be null and void and not binding upon the parties unless approved and adopted by the
5 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
6 force and effect. Respondent fully understands and agrees that in deciding whether or not to
7 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
8 Director and/or the Board may receive oral and written communications from its staff and/or the
9 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
10 Executive Director, the Board, any member thereof, and/or any other person from future
11 participation in this or any other matter affecting or involving respondent. In the event that the
12 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
13 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
14 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
15 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
16 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
17 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
18 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
19 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
20 of any matter or matters related hereto.

21 ADDITIONAL PROVISIONS

22 16. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
23 herein to be an integrated writing representing the complete, final and exclusive embodiment of
24 the agreements of the parties in the above-entitled matter.

25 17. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
26 Order, including copies of the signatures of the parties, may be used in lieu of original documents
27 and signatures and, further, that such copies shall have the same force and effect as originals.
28

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

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 55443, issued to Respondent BENJAMIN ALFRED MILLS, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2020-065420 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$40,967.00 prior to issuance of a new or reinstated license.

6. 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 agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2020-065420 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 licensure.

//

1 ACCEPTANCE

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

7
8 DATED: 02-07-2025

Benjamin Alfred Mills
BENJAMIN ALFRED MILLS, M.D.
Respondent

10 I have read and fully discussed with Respondent Benjamin Alfred Mills, M.D., the terms
11 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
12 approve its form and content.

13
14 DATED: 2-10-25

Jeff Kravitz
JEFFREY S. KRAVITZ, ESQ.
Attorney for Respondent

16
17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
19 for consideration by the Medical Board of California of the Department of Consumer Affairs.

20 DATED: 2/10/2025

Respectfully submitted,

21 ROB BONTA
Attorney General of California
22 GREG W. CHAMBERS
Supervising Deputy Attorney General

23 D. Mark Jackson
24 D. MARK JACKSON
25 Deputy Attorney General
26 Attorneys for Complainant

27
28 SF2022604347

Exhibit A

Accusation No. 800-2020-065420

1 ROB BONTA
Attorney General of California
2 MARY CAIN-SIMON
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4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
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5 Facsimile: (415) 703-5480
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 800-2020-065420

12 **Benjamin Alfred Mills, M.D.**
13 **900 Franquette Ave.**
Santa Rosa, CA 95405

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. G 55443,**

Respondent.

16
17
18 **PARTIES**

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

22 2. On July 23, 1985, the Medical Board issued Physician's and Surgeon's Certificate
23 Number G 55443 to Benjamin Alfred Mills, M.D. (Respondent). The Physician's and Surgeon's
24 Certificate was in full force and effect at all times relevant to the charges brought herein until it
25 expired on January 31, 2023.

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27
28 //

JURISDICTION

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

4. Section 2227 of the Code states:

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

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

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

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

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

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

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

5. Section 2234 of the Code, states:

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

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

(b) Gross negligence.

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

(1) An initial negligent diagnosis followed by an act or omission medically

appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

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

(d) Incompetence.

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

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

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

COST RECOVERY

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

DEFINITIONS

7. Norco is a brand name for the drug combination of hydrocodone (5 mg, 7.5 mg, or 10 mg) and acetaminophen (325 mg). Hydrocodone is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and Professions Code section 4022. When properly prescribed and indicated, it is used for the treatment of moderate to moderately severe pain. The DEA has identified opioids, such as Hydrocodone, as a drug of abuse. (Drugs of Abuse, DEA Resource Guide (2015 Edition), at p. 43.)

8. Lorazepam is a benzodiazepine and is classified as a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

1 **FACTUAL ALLEGATIONS**

2 9. At all relevant times, Respondent was providing care and treatment as a primary care
3 provider for Patient A¹, a man born in 1977 with a prior medical history including left shoulder
4 injury.

5 10. During the time period between around October 2016 until around October 10, 2019,
6 Patient A was under Respondent's care and treatment for medical conditions including chronic
7 obstructive pulmonary disease and venous insufficiency ulcers. Respondent also saw Patient A in
8 regard to medication refills for hydrocodone and lorazepam. Between October 2016, and April
9 2019, Respondent wrote monthly prescriptions for hydrocodone bitartrate, 325 mg. pills, with
10 directions to take two tablets orally up to four times per day. In or around February 25, 2019,
11 Patient A requested an early refill of his monthly hydrocodone, although his refill was not due
12 until March 6, 2019. A March 2019 urine toxicology test for Patient A showed positive for
13 oxycodone, and Patient A explained he sometimes would take his wife's pain medication.

14 11. On around March 28, 2019, Respondent's notes for Patient A document a discussion
15 about the discrepancy in a urine toxicology test and the need to taper opioids. The notes also
16 mention quality of life, and chronic shoulder pain, but do not contain documentation that
17 Respondent had reviewed or performed any prior workup of shoulder pain, asked for an
18 orthopedic evaluation, imaging studies or trial of physical rehabilitation.

19 12. For all of that time, Respondent did not take an adequate medical history or perform
20 an adequate physical exam with an assessment of the Patient A's pain, physical and psychological
21 status and function; substance abuse history; history of prior pain treatment or assessment of any
22 other underlying or coexisting conditions. Respondent also did not include in his records for
23 Patient A documentation of recognized medical indications for the use of controlled substances
24 such as opiates for pain control. Beginning on May 23, 2019, Respondent wrote prescriptions for
25 Norco tablets, 120 tablets with a note stating "Note change in quantity-tapering." After another

26 _____
27 ¹The patient is designated as Patient A to protect his privacy. Respondent knows the
28 names of the patient and can confirm his identity through discovery.

1 primary care provider assumed care of Patient A in October 2019, Patient A tapered off the
2 hydrocodone bitartrat.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct: Gross Negligence, Repeated Negligent Acts, and**
5 **Inadequate Medical Recordkeeping)**

6 13. Respondent is subject to disciplinary action for unprofessional conduct under sections
7 2234 (b), 2234(c), and 2266, in that Respondent's overall conduct, acts and omissions, with
8 regard to Patient P-1 constitutes gross negligence and/or repeated negligent acts, and/or
9 inadequate medical recordkeeping, in that Respondent

10 a.) Failed to adequately document a medical history and examination, as required by the
11 standard of care for prescribing opioid medications;

12 b.) Failed to adequately document a treatment plan and objectives, as required by the
13 standard of care for opioid medications;

14 c.) Failed to document review or any prior workup for Patient A's shoulder pain, or obtain
15 an orthopedic evaluation, imaging studies or trial of physical rehabilitation, before and while
16 continuing to prescribe opioid medications;

17 d.) Failed to obtain a consultation or additional evaluations for Patient A's complex pain
18 problems, before and while continuing to prescribe opioid medications.

19 **PRAYER**

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

22 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 55443,
23 issued to Benjamin Alfred Mills, M.D.;

24 2. Revoking, suspending or denying approval of Benjamin Alfred Mills, M.D.'s
25 authority to supervise physician assistants and advanced practice nurses;

26 3. Ordering Benjamin Alfred Mills, M.D., to pay the Board the costs of the investigation
27 and enforcement of this case, and if placed on probation, the costs of probation monitoring;

28

- 1 4. Ordering Respondent Benjamin Alfred Mills, M.D., if placed on probation, to provide
2 patient notification in accordance with Business and Professions Code section 2228.1; and
3 5. Taking such other and further action as deemed necessary and proper.

4 **MAR 07 2023**
5 DATED: _____



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

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