

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

In the Matter of the Accusation
Against:

Juewon William Khwarg, M.D.

Physician's and Surgeon's
Certificate No. A 140183

Case No.: 800-2023-097903

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 June 23, 2025.

IT IS SO ORDERED: May 23, 2025.

MEDICAL BOARD OF CALIFORNIA

Michelle A. Bholat, MD

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

1 ROB BONTA
2 Attorney General of California
3 EDWARD KIM
4 Supervising Deputy Attorney General
5 MELISSA M. MARQUEZ
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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2023-097903

Juewon William Khwarg, M.D.
125 West 4th Street, #710
Los Angeles, CA 90013

OAH No. 2024100454

Physician's and Surgeon's Certificate
No. A 140183,

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 Melissa M. Marquez, Deputy Attorney General.

2. Respondent Juewon William Khwarg, M.D. (Respondent) is represented in this proceeding by attorney Benjamin J. Fenton, whose address is: 1990 S. Bundy Drive, Suite 777, Los Angeles, CA 90025

3. On or about January 8, 2016, the Board issued Physician's and Surgeon's Certificate No. A 140183 to Respondent. The Physician's and Surgeon's Certificate was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 800-2023-097903 and will
2 expire on September 30, 2025, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 800-2023-097903 was filed before the Board and is currently pending
5 against Respondent. The Accusation and all other statutorily required documents were properly
6 served on Respondent on September 12, 2024. Respondent timely filed his Notice of Defense
7 contesting the Accusation.

8 5. A copy of Accusation No. 800-2023-097903 is attached as Exhibit A and
9 incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 800-2023-097903. Respondent has also carefully read,
13 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

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

23 **CULPABILITY**

24 9. Respondent understands and agrees that the charges and allegations in Accusation
25 No. 800-2023-097903, if proven at a hearing, constitute cause for imposing discipline upon his
26 Physician's and Surgeon's Certificate No. A 140183.

27 10. Respondent does not contest that, at an administrative hearing, complainant could
28 establish a *prima facie* case with respect to the charges and allegations in Accusation No. 800-

1 2023-097903, a true and correct copy of which is attached hereto as Exhibit A, and that he has
2 thereby subjected his Physician's and Surgeon's Certificate, No. A 140183 to disciplinary action.

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

6 **CONTINGENCY**

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

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

20 14. Respondent agrees that if he ever petitions for early termination or modification of
21 probation, or if an accusation and/or petition to revoke probation is filed against him before the
22 Board, all of the charges and allegations contained in Accusation No. 800-2023-097903 shall be
23 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
24 other licensing proceeding involving Respondent in the State of California.

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

28 16. In consideration of the foregoing admissions and stipulations, the parties agree that

1 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
2 enter the following Disciplinary Order:

3 **DISCIPLINARY ORDER**

4 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 140183 issued
5 to Respondent JUEWON WILLIAM KHWARG, M.D. (Respondent) is revoked. However, the
6 revocation is stayed, and Respondent is placed on probation for three (3) years on the following
7 terms and conditions:

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

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

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

20 3. **BIOLOGICAL FLUID TESTING.** Respondent shall immediately submit to
21 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
22 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
23 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
24 make daily contact with the Board or its designee to determine whether biological fluid testing is
25 required. Respondent shall be tested on the date of the notification as directed by the Board or its
26 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
27 any time, including weekends and holidays. Except when testing on a specific date as ordered by
28 the Board or its designee, the scheduling of biological fluid testing shall be done on a random

1 basis. The cost of biological fluid testing shall be borne by the Respondent.

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

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

- 11 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
12 Association or have completed the training required to serve as a collector for the United
13 States Department of Transportation.
- 14 (b) Its specimen collectors conform to the current United States Department of
15 Transportation Specimen Collection Guidelines.
- 16 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
17 by the United States Department of Transportation without regard to the type of test
18 administered.
- 19 (d) Its specimen collectors observe the collection of testing specimens.
- 20 (e) Its laboratories are certified and accredited by the United States Department of Health
21 and Human Services.
- 22 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
23 of receipt and all specimens collected shall be handled pursuant to chain of custody
24 procedures. The laboratory shall process and analyze the specimens and provide legally
25 defensible test results to the Board within seven (7) business days of receipt of the
26 specimen. The Board will be notified of non-negative results within one (1) business day
27 and will be notified of negative test results within seven (7) business days.
- 28 (g) Its testing locations possess all the materials, equipment, and technical expertise

1 necessary in order to test Respondent on any day of the week.

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

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

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

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

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

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

16 Prior to changing testing locations for any reason, including during vacation or other travel,
17 alternative testing locations must be approved by the Board and meet the requirements above.

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

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

24 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
25 administered to himself or herself a prohibited substance, the Board shall order Respondent to
26 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
27 medicine or providing medical services. The Board shall immediately notify all of Respondent's
28 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or

1 provide medical services while the cease-practice order is in effect.

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

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

9 For purposes of this condition, the terms “biological fluid testing” and “testing” mean the
10 acquisition and chemical analysis of a Respondent’s urine, blood, breath, or hair.

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

15 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
16 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
17 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
18 any other terms or conditions the Board determines are necessary for public protection or to
19 enhance Respondent’s rehabilitation.

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

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

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

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

13 4. EDUCATION COURSE. Within 60 calendar days of the effective date of this
14 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
15 for its prior approval educational program(s) or course(s), which shall not be less than 40 hours
16 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
17 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
18 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
19 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the
20 completion of each course, the Board or its designee may administer an examination to test
21 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
22 hours of CME of which 40 hours were in satisfaction of this condition.

23 5. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
24 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
25 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
26 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
27 consider any information provided by the Board or designee and any other information the
28 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its

1 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
2 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
3 psychiatric evaluations and psychological testing.

4 Respondent shall comply with all restrictions or conditions recommended by the evaluating
5 psychiatrist within 15 calendar days after being notified by the Board or its designee.

6. **MEDICAL EVALUATION AND TREATMENT.** Within 30 calendar days of the
7 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board
8 or its designee, Respondent shall undergo a medical evaluation by a Board-appointed physician
9 who shall consider any information provided by the Board or designee and any other information
10 the evaluating physician deems relevant and shall furnish a medical report to the Board or its
11 designee. Respondent shall provide the evaluating physician with any information and
12 documentation that the evaluating physician may deem pertinent.

13 Following the evaluation, Respondent shall comply with all restrictions or conditions
14 recommended by the evaluating physician within 15 calendar days after being notified by the
15 Board or its designee. If Respondent is required by the Board or its designee to undergo medical
16 treatment, Respondent shall, within 30 calendar days of the requirement notice, submit to the
17 Board or its designee for prior approval the name and qualifications of a California licensed
18 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent
19 shall within 15 calendar days undertake medical treatment and shall continue such treatment until
20 further notice from the Board or its designee.

21 The treating physician shall consider any information provided by the Board or its designee
22 or any other information the treating physician may deem pertinent prior to commencement of
23 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
24 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
25 Respondent shall provide the Board or its designee with any and all medical records pertaining to
26 treatment that the Board or its designee deems necessary.

27 If, prior to the completion of probation, Respondent is found to be physically incapable of
28 resuming the practice of medicine without restrictions, the Board shall retain continuing

1 jurisdiction over Respondent's license and the period of probation shall be extended until the
2 Board determines that Respondent is physically capable of resuming the practice of medicine
3 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

4 7. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS: Within thirty (30)
5 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as
6 may be required by the Board or its designee, Respondent shall undergo and complete a clinical
7 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed
8 board certified physician and surgeon. The examiner shall consider any information provided by
9 the Board or its designee and any other information he or she deems relevant, and shall furnish a
10 written evaluation report to the Board or its designee.

11 The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon
12 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of
13 physicians and surgeons with substance abuse disorders, and is approved by the Board or its
14 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable
15 professional standards for conducting substance abuse clinical diagnostic evaluations. The
16 evaluator shall not have a current or former financial, personal, or business relationship with
17 Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and
18 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the
19 evaluator's opinion, whether Respondent has a substance abuse problem, whether Respondent is a
20 threat to himself or herself or others, and recommendations for substance abuse treatment,
21 practice restrictions, or other recommendations related to Respondent's rehabilitation and ability
22 to practice safely. If the evaluator determines during the evaluation process that Respondent is a
23 threat to himself or herself or others, the evaluator shall notify the Board within twenty-four (24)
24 hours of such a determination.

25 In formulating his or her opinion as to whether Respondent is safe to return to either part-
26 time or full-time practice and what restrictions or recommendations should be imposed, including
27 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
28 following factors: Respondent's license type; Respondent's history; Respondent's documented

1 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);
2 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical
3 history and current medical condition; the nature, duration and severity of Respondent's
4 substance abuse problem or problems; and whether Respondent is a threat to himself or herself or
5 the public.

6 For all clinical diagnostic evaluations, a final written report shall be provided to the Board
7 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator
8 requests additional information or time to complete the evaluation and report, an extension may
9 be granted but shall not exceed thirty (30) days from the date the evaluator was originally
10 assigned the matter.

11 The Board shall review the clinical diagnostic evaluation report within five (5) business
12 days of receipt to determine whether Respondent is safe to return to either part-time or full-time
13 practice and what restrictions or recommendations shall be imposed on Respondent based on the
14 recommendations made by the evaluator. Respondent shall not be returned to practice until he or
15 she has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating
16 that he or she has not used, consumed, ingested, or administered to himself or herself a prohibited
17 substance, as defined in section 1361.51, subdivision (e), of Title 16 of the California Code of
18 Regulations.

19 Clinical diagnostic evaluations conducted prior to the effective date of this Decision shall
20 not be accepted towards the fulfillment of this requirement. The cost of the clinical diagnostic
21 evaluation, including any and all testing deemed necessary by the examiner, the Board or its
22 designee, shall be borne by the licensee.

23 Respondent shall not engage in the practice of medicine until notified by the Board or its
24 designee that he or she is fit to practice medicine safely. The period of time that Respondent is
25 not practicing medicine shall not be counted toward completion of the term of probation.
26 Respondent shall undergo biological fluid testing as required in this Decision at least two (2)
27 times per week while awaiting the notification from the Board if he or she is fit to practice
28 medicine safely.

1 Respondent shall comply with all restrictions or conditions recommended by the examiner
2 conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified
3 by the Board or its designee.

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

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

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

19 The facilitator of the substance abuse support group meeting shall have a minimum of three
20 (3) years experience in the treatment and rehabilitation of substance abuse and shall be licensed or
21 certified by the state or nationally certified organizations. The facilitator shall not have a current
22 or former financial, personal, or business relationship with Respondent within the last five (5)
23 years. Respondent's previous participation in a substance abuse group support meeting led by the
24 same facilitator does not constitute a prohibited current or former financial, personal, or business
25 relationship.

26 The facilitator shall provide a signed document to the Board or its designee showing
27 Respondent's name, the group name, the date and location of the meeting, Respondent's
28 attendance, and Respondent's level of participation and progress. The facilitator shall report any

1 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
2 or its designee, within twenty-four (24) hours of the unexcused absence.

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

9 The worksite monitor shall not have a current or former financial, personal, or familial
10 relationship with Respondent, or any other relationship that could reasonably be expected to
11 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
12 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
13 monitor, this requirement may be waived by the Board or its designee, however, under no
14 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

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

19 Respondent shall pay all worksite monitoring costs.

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

24 The worksite monitor shall verbally report any suspected substance abuse to the Board and
25 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
26 substance abuse does not occur during the Board's normal business hours, the verbal report shall
27 be made to the Board or its designee within one (1) hour of the next business day. A written
28 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and

1 any other information deemed important by the worksite monitor shall be submitted to the Board
2 or its designee within 48 hours of the occurrence.

3 The worksite monitor shall complete and submit a written report monthly or as directed by
4 the Board or its designee which shall include the following: (1) Respondent's name and
5 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
6 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
7 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
8 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
9 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
10 lead to suspected substance abuse by Respondent. Respondent shall complete any required
11 consent forms and execute agreements with the approved worksite monitor and the Board, or its
12 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

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

22 11. **VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING**
23 **LICENSEES.** Failure to fully comply with any term or condition of probation is a violation of
24 probation.

25 A. If Respondent commits a major violation of probation as defined by section
26 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
27 one or more of the following actions:

28 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical

1 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
2 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
3 order issued by the Board, or its designee shall state that Respondent must test negative for at
4 least a month of continuous biological fluid testing before being allowed to resume practice. For
5 purposes of determining the length of time a Respondent must test negative while undergoing
6 continuous biological fluid testing following issuance of a cease-practice order, a month is
7 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
8 notified in writing by the Board or its designee that he or she may do so.

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

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

12 B. If Respondent commits a minor violation of probation as defined by section
13 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
14 one or more of the following actions:

15 (1) Issue a cease-practice order;

16 (2) Order practice limitations;

17 (3) Order or increase supervision of Respondent;

18 (4) Order increased documentation;

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

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

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

24 C. Nothing in this Decision shall be considered a limitation on the Board's authority
25 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
26 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
27 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
28 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed

1 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
2 is final, and the period of probation shall be extended until the matter is final.

3 12. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
4 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
5 Chief Executive Officer at every hospital where privileges or membership are extended to
6 Respondent, at any other facility where Respondent engages in the practice of medicine,
7 including all physician and locum tenens registries or other similar agencies, and to the Chief
8 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
9 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
10 calendar days.

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

12 13. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
13 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
14 advanced practice nurses.

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

18 15. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
19 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
20 limited to, legal reviews and investigation(s), as applicable, in the amount of \$17,513.00
21 (seventeen thousand five hundred thirteen dollars and zero cents). Costs shall be payable to the
22 Medical Board of California. Failure to pay such costs shall be considered a violation of
23 probation.

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

28 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to

1 repay investigation and enforcement costs.

2 16. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
3 under penalty of perjury on forms provided by the Board, stating whether there has been
4 compliance with all the conditions of probation.

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

7 17. GENERAL PROBATION REQUIREMENTS.

8 Compliance with Probation Unit

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

10 Address Changes

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

16 Place of Practice

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

20 License Renewal

21 Respondent shall maintain a current and renewed California physician's and surgeon's
22 license.

23 Travel or Residence Outside California

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

27 In the event Respondent should leave the State of California to reside or to practice
28 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of

1 departure and return.

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

5 19. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
6 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
7 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
8 defined as any period of time Respondent is not practicing medicine as defined in Business and
9 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
10 patient care, clinical activity or teaching, or other activity as approved by the Board. If
11 Respondent resides in California and is considered to be in non-practice, Respondent shall
12 comply with all terms and conditions of probation. All time spent in an intensive training
13 program which has been approved by the Board or its designee shall not be considered non-
14 practice and does not relieve Respondent from complying with all the terms and conditions of
15 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
16 on probation with the medical licensing authority of that state or jurisdiction shall not be
17 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
18 period of non-practice.

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

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

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

26 Periods of non-practice for a Respondent residing outside of California will relieve
27 Respondent of the responsibility to comply with the probationary terms and conditions with the
28 exception of this condition and the following terms and conditions of probation: Obey All Laws;

1 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
2 Controlled Substances; and Biological Fluid Testing..

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

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

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

26 23. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
27 with probation monitoring each and every year of probation, as designated by the Board, which
28 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of

1 California and delivered to the Board or its designee no later than January 31 of each calendar
2 year.

3 24. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
4 a new license or certification, or petition for reinstatement of a license, by any other health care
5 licensing action agency in the State of California, all of the charges and allegations contained in
6 Accusation No. 800-2023-097903 shall be deemed to be true, correct, and admitted by
7 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
8 restrict license.

ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorney, Benjamin J. Fenton. I understand the stipulation and the effect it
12 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
14 Decision and Order of the Medical Board of California.

16 DATED: April 18, 2025

JUEWON WILLIAM KHWARG, M.D.
Respondent

18 I have read and fully discussed with Respondent Juewon William Khwarg, M.D. the terms
19 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
20 Order. I approve its form and content.

22 DATED: April 18, 2025

BENJAMIN J. FENTON
Attorney for Respondent

24 | //

25 | //

26 | //

27 | //

28 | *III*

20

ENDORSEMENT

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

DATED: 4/18/2025

Respectfully submitted,

ROB BONTA
Attorney General of California
EDWARD KIM
Supervising Deputy Attorney General

Melissa M.
Marquez

Digitally signed by Melissa M.
Marquez
Date: 2025.04.18 14:13:51
-07'00'

MELISSA M. MARQUEZ
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2023-097903

1 ROB BONTA
2 Attorney General of California
3 EDWARD KIM
4 Supervising Deputy Attorney General
5 MELISSA M. MARQUEZ
6 Deputy Attorney General
7 State Bar No. 326096
8 300 So. Spring Street, Suite 1702
9 Los Angeles, CA 90013
10 Telephone: (213) 269-6376
11 Facsimile: (916) 731-2117
12 *Attorneys for Complainant*

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

In the Matter of the Accusation Against: Case No. 800-2023-097903

Juewon William Khwarg, M.D.
125 West 4th Street, #710
Los Angeles, CA 90013

ACCUSATION

Physician's and Surgeon's Certificate
No. A 140183,

Respondent.

PARTIES

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

2. On or about January 8, 2016, the Board issued Physician's and Surgeon's Certificate
Number A 140183 to Juewon William Khwarg, M.D. (Respondent). The Physician's and
Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
herein and will expire on September 30, 2025, unless renewed.

JURISDICTION

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

1 4. Section 2004 of the Code states:

2 The board shall have the responsibility for the following:

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

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

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

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

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

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

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

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

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

17 5. Section 2220 of the Code states:

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

24 (a) Investigating complaints from the public, from other licensees, from health
25 care facilities, or from the board that a physician and surgeon may be guilty of
26 unprofessional conduct. The board shall investigate the circumstances underlying a
27 report received pursuant to Section 805 or 805.01 within 30 days to determine if an
28 interim suspension order or temporary restraining order should be issued. The board
 shall otherwise provide timely disposition of the reports received pursuant to Section
 805 and Section 805.01.

 (b) Investigating the circumstances of practice of any physician and surgeon
 where there have been any judgments, settlements, or arbitration awards requiring the
 physician and surgeon or his or her professional liability insurer to pay an amount in
 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with
 respect to any claim that injury or damage was proximately caused by the physician's
 and surgeon's error, negligence, or omission.

 (c) Investigating the nature and causes of injuries from cases which shall be
 reported of a high number of judgments, settlements, or arbitration awards against a
 physician and surgeon.

1 6. 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.

STATUTORY PROVISIONS

17 7. Section 2234 of the Code states:

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

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

23 (b) Gross negligence.

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

28 (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.

29 (2) When the standard of care requires a change in the diagnosis, act, or
30 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

1 licensee's conduct departs from the applicable standard of care, each departure
2 constitutes a separate and distinct breach of the standard of care.

2 (d) Incompetence.

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

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

6 (g) The failure by a certificate holder, in the absence of good cause, to attend
7 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
8 the subject of an investigation by the board.

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

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

14 8. Section 2236 of the Code states:

15 (a) The conviction of any offense substantially related to the qualifications,
functions, or duties of a physician and surgeon constitutes unprofessional conduct
16 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
of conviction shall be conclusive evidence only of the fact that the conviction
occurred.

17 (b) The district attorney, city attorney, or other prosecuting agency shall notify
18 the Medical Board of the pendency of an action against a licensee charging a felony
or misdemeanor immediately upon obtaining information that the defendant is a
19 licensee. The notice shall identify the licensee and describe the crimes charged and
the facts alleged. The prosecuting agency shall also notify the clerk of the court in
20 which the action is pending that the defendant is a licensee, and the clerk shall record
prominently in the file that the defendant holds a license as a physician and surgeon.

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

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

27 9. 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.

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

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

(2) The issue of penalty 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. The hearing shall not be had until the judgment of conviction has become final or, irrespective of a subsequent order under Section 1203.4 of the Penal Code, an order granting probation has been made suspending the imposition of sentence; except that a licensee may, at the licensee's option, elect to have the issue of penalty decided before those time periods have elapsed. Where the licensee so elects, the issue of penalty shall be heard in the manner described in this section at the hearing to determine whether the conviction was substantially related to the qualifications, functions, or duties of a physician and surgeon. If the conviction of a licensee who has made this election is overturned on appeal, any discipline ordered pursuant to this section shall automatically cease. This subdivision does not prohibit 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.

10. 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 elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a 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.

11. Unprofessional conduct is conduct which breaches rules or ethical codes of a profession or conduct which is unbecoming a member in good standing of a profession. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3rd 564, 575.).

REGULATORY PROVISIONS

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

(a) For the purposes of denial, suspension or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes, professional misconduct, 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 state or federal law governing the applicant's or licensee's professional practice.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the crime;

(2) The number of years elapsed since the date of the crime; and

(3) The nature and duties of the profession.

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol and Controlled Substances)

11 14. Respondent Juewon William Khwarg, M.D. is subject to disciplinary action under
12 section 2239 of the Code, in that he consumed alcohol in a manner that was dangerous or
13 injurious to himself, to others, or to the public. The circumstances are as follows:

14 (A) On or about May 6, 2023, at approximately 7:54 p.m., officers with the Palm
15 Springs Police Department (PSPD) were dispatched to 1030 East Palm Canyon Drive, regarding a
16 vehicle collision. Upon arrival, an officer observed a silver Lexus SUV located on top of a curb
17 on East Palm Canyon Drive. There was also damage to the right side of the vehicle's tire and rear
18 mirror.

19 (B) When an officer made contact with Respondent, the officer smelled an odor of
20 alcoholic beverage emanating from Respondent's breath and his speech was slurred. Respondent
21 told the officer that he was the driver of the vehicle and stated that he did not know what
22 happened during the collision and that he lost control of his vehicle as he was traveling on East
23 Palm Canyon Drive.

24 (C) Respondent also told the officer that he was in Palm Springs for a friend's
25 birthday party and that he had been celebrating most of the day at his friend's hotel. Respondent
26 stated that he was heading to his hotel to change clothes because he had fallen into the pool with
27 his clothes on. Respondent admitted to drinking Mai Tais and smoking cannabis while at his

1 friend's birthday celebration. Respondent also admitted that he was impaired and that it was
2 dangerous to drive in his state.

3 (D) An officer asked Respondent if he was willing to perform a series of tests to
4 evaluate whether he was too impaired to operate a motor vehicle and Respondent agreed. The
5 police officer then administered Field Sobriety Tests (FST) on Respondent, including the
6 horizontal gaze nystagmus, walk and turn, and lack of convergence. Respondent failed to
7 perform FSTs in a satisfactory manner.

8 (E) Based on Respondent's impairment demonstrated by colliding with the curb,
9 his performance on the FSTs, and his objective signs and symptoms of alcohol and cannabis-
10 induced impairment, the officer determined that Respondent was driving under the influence and
11 placed Respondent under arrest.

12 (F) Respondent was given the option of undergoing a blood test because a
13 breathalyzer was not an option due to his polydrug use. Respondent agreed to provide a blood
14 sample. Respondent was transported to PSPD for processing. Thereafter, at or around 9:04 a.m.,
15 a nurse arrived at PSPD and drew a vial of blood from Respondent. Respondent was then taken
16 to Indio Jail and booked into custody. Respondent's test results revealed a blood alcohol
17 concentration of 0.223 percent.

18 (G) On or about July 7, 2023, in a criminal proceeding entitled *The People of the*
19 *State of California v. Juewon William Khwarg* in Riverside County Superior Court, case number
20 INM2303568, Respondent was charged with (1) willfully and unlawfully driving a vehicle while
21 under the combined influence of an alcoholic beverage and a drug, in violation of Vehicle Code
22 section 23152, subdivision (g), a misdemeanor (Count 1), (2) driving a vehicle while under the
23 influence of alcohol, in violation of Vehicle Code section 23152, subdivision (a), a misdemeanor
24 (Count 2), and (3) driving with a blood alcohol level of 0.08 percent or higher in violation of
25 Vehicle Code section 23152, subdivision (b), a misdemeanor (Count 3). In addition, Respondent
26 was charged with enhancement pursuant to Vehicle Code section 23538, subdivision (b)(2) based
27 on his blood alcohol concentration of 0.20 and more, by weight. Respondent was also charged
28 with an enhancement pursuant to Vehicle Code section 23578 based on his blood alcohol

1 concentration that was 0.15 percent or more, by weight during his violation of Vehicle Code
2 section 21352.

3 (H) On or about May 30, 2024, in a criminal proceeding entitled *The People of the*
4 *State of California v. Juewon William Khwarg* in Riverside County Superior Court, Case number
5 INM2303568, Respondent pleaded guilty to Count 3 and was convicted. The remaining charges,
6 Counts 1 and 2, were dismissed. Respondent was placed on probation for three years with terms
7 and conditions, including being ordered to pay a fine and victim restitution and to attend and
8 complete a first-offender DUI program for 9 months.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Conviction of a Substantially Related Crime)**

11 15. Respondent Juewon William Khwarg, M.D. is subject to disciplinary action under
12 section 2236 of the Code, in that he was convicted of a substantially related crime. The
13 circumstances are as follows:

14 16. The allegations of the First Cause for Discipline are incorporated herein by reference
15 as if fully set forth.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 17. Respondent Juewon William Khwarg, M.D. is subject to disciplinary action under
19 section 2234 of the Code, generally, in that he engaged in conduct that breached the rules or
20 ethical code of the medical profession and/or which was unbecoming of a member in good
21 standing of the medical profession, and which demonstrates an unfitness to practice medicine.
22 The circumstances are as follows:

23 18. The allegations of the First and Second Causes for Discipline are incorporated herein
24 by reference as if fully set forth.

25 **PRAYER**

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

28 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 140183,

1 issued to Respondent Juewon William Khwarg, M.D.;

2 2. Revoking, suspending, or denying approval of Respondent Juewon William Khwarg,
3 M.D.'s authority to supervise physician assistants and advanced practice nurses;

4 3. Ordering Respondent Juewon William Khwarg, M.D., to pay the Board the costs of
5 the investigation and enforcement of this case, and if placed on probation, the costs of probation
6 monitoring; and

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

8
9 SEP 12 2024
10 DATED: _____

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

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