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

In the Matter of the Accusation Against:

Carola Francisca Van Eck, M.D.

Physician's and Surgeon's Certificate No. A 141544

Case No. 800-2023-095791

Respondent.

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 <u>June 6, 2025</u>.

IT IS SO ORDERED <u>May 30, 2025</u>.

MEDICAL BOARD OF CALIFORNIA

Reji Varghese, Executive Director

1	ROB BONTA	•	
	Attorney General of California		
2	MICHAEL C. BRUMMEL Supervising Deputy Attorney General		
3	RYAN J. YATES Deputy Attorney General		
4	State Bar No. 279257 1300 I Street, Suite 125		
5	P.O. Box 944255 Sacramento, CA 94244-2550		
6	Telephone: (916) 210-6329 Facsimile: (916) 327-2247		
7	Attorneys for Complainant		
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9	BEFORE THE		
10	MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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13	In the Matter of the Accusation Against:	Case No. 800-2023-095791	
14	CAROLA FRANCISCA VAN ECK, M.D.		
15	5839 W Sunnyside Dr. Visalia, CA 93277	STIPULATED SURRENDER OF	
16	Physician's and Surgeon's Certificate	LICENSE AND ORDER	
17	No. A 141544,		
18	Respondent.		
19	IT IS HEREBY STIPULATED AND AGR	EED by and between the parties to the above-	
20	entitled proceedings that the following matters are true:		
21	<u>PARTIES</u>		
22	1. Reji Varghese ("Complainant") is the Executive Director of the Medical Board of		
23	California (Board). He brought this action solely in his official capacity and is represented in this		
24	matter by Rob Bonta, Attorney General of the State of California, by Ryan J. Yates, Deputy		
25	Attorney General.		
26	2. Carola Francisca Van Eck, M.D. ("Respondent") is represented in this proceeding by		
27	attorney Mark B. Connely, Esq., whose address is: 444 Higuera Street, Third Floor,		
28	San Luis Obispo, CA 93401.		

3. On or about March 24, 2016, the Medical Board issued Physician's and Surgeon's Certificate No. A 141544 to Carola Francisca Van Eck, M.D. ("Respondent"). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2026, unless renewed.

JURISDICTION

4. Accusation No. 800-2023-095791 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 April 24, 2025. As of this writing, Respondent has not filed a Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2023-095791 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. 800-2023-095791. 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 her 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 her; the right to present evidence and to testify on her 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. 800-2023-095791, if proven at a hearing, constitute cause for imposing discipline upon her 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 factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up her right to contest that cause for discipline exists based on those charges.
- 10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Physician's and Surgeon's Certificate without further process.

CONTINGENCY

- 11. 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."
- 12. Respondent understands that, by signing this stipulation, she enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of her Physician's and Surgeon's Certificate No. A 141544 without further notice to, or opportunity to be heard by, Respondent.
- 13. 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 and agrees that she may not withdraw her agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon it.
- 14. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to

approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the Executive Director on behalf of the Board does not, in his discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent will assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

- 15. This Stipulated Surrender of License and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.
- 16. The parties agree that copies of this Stipulated Surrender of License and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.
- 17. 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. A 141544, issued to Respondent Carola Francisca Van Eck, M.D., is surrendered and accepted by the Board.

- 1. The surrender of Respondent Carola Francisca Van Eck, M.D.'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 Carola Francisca Van Eck, M.D. 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 Carola Francisca Van Eck, M.D. shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.
- 4. If Respondent Carola Francisca Van Eck, M.D. 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. 800-2023-095791 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 \$84,129.75 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. 800-2023-095791 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.

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2 ACCEPTANCE . 3 I have carefully read the above Stipulated Surrender of License and Order and have fully 4 discussed it with my attorney, Mark B. Connely, Esq. I understand the stipulation and the effect 5 6 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of 7 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of Catifornia. 8 9 DATED: CAROLA FRANCISCA VAN ECK, M.D. 10 Respondent 11 I have read and fully discussed with Respondent Carola Francisca Van Eck, M.D. the terms 12 and conditions and other matters contained in this Stipulated Surrender of License and Order. I 13 approve its form and content. 14 DATED: 15 Attorney for Respondent 16 **ENDORSEMENT** The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted 17 18 for consideration by the Medical Board of California of the Department of Consumer Affairs. Respectfully submitted, 19 DATED: **ROB BONTA** 20 Attorney General of California MICHAEL C. BRUMMEL 21 Supervising Deputy Attorney General 22 23 RYAN J. YATES 24 Deputy Attorney General Attorneys for Complainant 25 26 27 28

Exhibit A

Accusation No. 800-2023-095791

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1	ROB BONTA	,
2	Attorney General of California MICHAEL C. BRUMMEL	
3	Supervising Deputy Attorney General RYAN J. YATES	
4	Deputy Attorney General State Bar No. 279257	
5	1300 I Street, Suite 125 P.O. Box 944255	
6	Sacramento, CA 94244-2550 Telephone: (916) 210-6329	
7,	Facsimile: (916) 327-2247 E-mail: Ryan.Yates@doj.ca.gov	•
8	Attorneys for Complainant	
9	DEFOD	קוניתי מ
10	BEFORE THE MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11		
		La N. 200 2022 205701
12	In the Matter of the Accusation Against:	Case No. 800-2023-095791
13 14	CAROLA FRANCISCA VAN ECK, M.D. 5839 W Sunnyside Dr. Visalia, CA 93277	ACCUSATION
15	Physician's and Surgeon's Certificate No. A 141544,	·
16	Respondent.	
17		
1.8	PART	CIES
19	1. Reji Varghese ("Complainant") bring	s this Accusation solely in his official capacity
20	as the Executive Director of the Medical Board of California, Department of Consumer Affairs	
21	("Board").	
22	2. On or about March 24, 2016, the Med	ical Board issued Physician's and Surgeon's
23	Certificate Number A 141544 to Carola Francisca Van Eck, M.D. ("Respondent"). The	
24	Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the	
25	charges brought herein and will expire on March 31, 2026, unless renewed.	
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(CAROLA FRANCISCA VAN ECK, M.D.) ACCUSATION NO. 800-2023-095791

1	JURISDICTION		
2	3. This Accusation is brought before the Board, under the authority of the following		
3	laws. All section references are to the Business and Professions Code ("Code") unless otherwise		
4	indicated.		
5	4. Section 2234 of the Code states:		
6 7	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:		
8	(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.		
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10	(c) Repeated negligent acts. To be repeated, there must be two or more		
11 12	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.		
13 14	(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.		
15	(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		
16	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		
17	constitutes a separate and distinct breach of the standard of care.		
1.8	(d) Incompetence.		
19	(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and		
20	surgeon.		
21	(f) Any action or conduct that would have warranted the denial of a certificate.		
22	(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.		
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24	5. Section 2238 of the Code states:		
25	"A violation of any federal statute or federal regulation or any of the statutes or regulations of this state regulating dangerous drugs or controlled substances constitutes unprofessional conduct."		
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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 license 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.
- Section 821 of the Code provides that the licentiate's failure to comply with an order 7. issued under section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

Section 822 of the Code states:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

9. Section 2228,1 of the Code states:

- (a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board and the Podiatric Medical Board of California shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information internet website, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, in any of the following circumstances:
- (1) A final adjudication by the board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:
- (A) The commission of any act of sexual abuse, misconduct, or relations with a patient or client as defined in Section 726 or 729.
- (B) Drug or alcohol abuse directly resulting in harm to patients or the extent that such use impairs the ability of the licensee to practice safely.
 - (C) Criminal conviction directly involving harm to patient health.
- (D) Inappropriate prescribing resulting in harm to patients and a probationary period of five years or more.
- (2) An accusation or statement of issues alleged that the licensee committed any of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a stipulated settlement based upon a nolo contendere or other similar compromise that does not include any prima facie showing or admission of guilt or fact but does include an express acknowledgment that the disclosure requirements of this section would serve to protect the public interest.
- (b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

COST RECOVERY

10. 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.

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Patient names have been removed to protect confidentiality. All patients will be fully identified in discovery.

Patient A¹

- 11. Respondent was working as an orthopedic surgeon at Adventist Health Consolidated Medical Staff of the Central Valley Network ("Adventist"). Patient A was a, then, 30-year-old male with a history of right shoulder dislocations. On or about January 18, 2023, Respondent performed surgery on Patient A. The surgical time lasted approximately eleven hours, despite the typical surgical time for such a surgery lasting between 90 minutes to three hours.
- 12. Following the procedure. Respondent dictated in the medical record that there were delays in the surgical completion time, due to instruments, unavailable implants, and inexperienced staff. However, despite being aware of these issues, Respondent failed to abort the surgery or change the surgical plan to accommodate said deficiencies. Additionally, the procedure, itself—in which Respondent performed a Latarjet bone block (procedure to stabilize shoulder), using sutures—fell outside of the standard of care.
- 13. Following the surgery, on January 20, 2023, Respondent's clinical privileges were summarily suspended. The summary suspension was imposed, following reports that on January 18, 2023, during the aforementioned procedure on Patient A, Respondent did not appear competent to perform the surgery and refused help offered by others in the operating room ("OR"). Respondent appeared confused and disheveled, and periodically dozed off only to startle herself awake. Respondent inappropriately relied on a Registered Nurse First Assistant to do much of the surgical drilling required and jeopardized sterility in the operating room during the procedure.
- On January 24, 2023, Respondent met with Adventist's Medical Executive Committee ("MEC") to discuss the summary suspension. Respondent's responses to the MEC's questions raised additional concerns about her clinical judgment. The MEC voted to continue the summary suspension.

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- 15. Respondent underwent psychiatric fitness-for-duty testing on January 4, 2024. In February 2024, Respondent attended The UC San Diego Physician Assessment and Clinical Education ("PACE") Program to perform a psychiatric evaluation and assess her clinical competency. PACE evaluators determined she was fit to proceed with additional testing regarding the following components: Oral clinical examination - orthopedic surgery; Surgical skills simulation - orthopedic surgery; Suturing skills simulation; Standardized patient encounter - 1; and Cognitive and physical health screening. PACE administrators scheduled said components with Respondent, however, they were never completed. On July 29, 2024, Respondent formally requested to withdraw from the program, citing health reasons.
- During the Board investigation, it was revealed that Respondent has a worsening history of impairment.
- 17. On or about June 5, 2024, Respondent voluntarily submitted a urine sample to a laboratory, at the request of a Board investigator. The subsequent drug test results were positive for methamphetamine and amphetamine.
- On December 6, 2024, Respondent underwent a voluntary physical examination, performed by a physician employed by the Board ("Evaluator"). The results of the examination indicated the existence of a physical condition that substantially interferes with Respondent's ability to carry out common tasks associated with the acceptable performance of procedures expected of a physician in Respondent's specialty. The evaluator additionally determined that Respondent should be restricted from the practice of surgery unless and until satisfactory improvement is demonstrated. The evaluator further concluded that Respondent is currently unable to practice medicine safely, and opined that her continued practice of medicine, would present a danger to patients and the public.

Patient B

19. Patient B is a 22-year-old female, who sustained an Anterior Cruciate Ligament ("ACL")² and meniscus³ injury to the knee. On or about January 3, 2023, Respondent performed

² The ACL is a major ligament in the knee that connects the thighbone (femur) to the shinbone (tibia), playing a crucial role in knee stability.

³ The meniscus is a crescent-shaped piece of cartilage in the knee joint.

(CAROLA FRANCISCA VAN ECK, M.D.) ACCUSATION NO. 800-2023-095791

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

- 25. Respondent's Physician's and Surgeon's Certificate No. A 141544 is subject to discipline under section 2234, subdivision (c), of the Code, in that she committed repeated negligent acts during the care and treatment of Patient A and Patient B.
- 26. Paragraphs 11 through 24 above, are incorporated by reference and realleged as if fully set forth here.

PRAYER

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

- 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 141544, issued to Respondent Carola Francisca Van Eck, M.D.;
- 2. Revoking, suspending or denying approval of Respondent Carola Francisca Van Eck, M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 3. Ordering Respondent Carola Francisca Van Eck, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;
- 4. Ordering Respondent Carola Francisca Van Eck, M.D., if placed on probation, to provide patient notification in accordance with Business and Professions Code section 2228.1; and
 - 5. Taking such other and further action as deemed necessary and proper.

DATED: APR 2 4 2025

REJI VARGHESE Executive Director

Medical Board of California Department of Consumer Affairs

State of California Complainant

FR2025300359