

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

In the Matter of the Accusation  
Against:

Terry Lester Cole, M.D.

Case No. 800-2022-092020

Physician's and Surgeon's  
Certificate No. G 29666

Respondent.

DECISION

The attached Stipulated Surrender of License 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 JUN 09 2025

IT IS SO ORDERED JUN 02 2025.

MEDICAL BOARD OF CALIFORNIA



Reji Varghese  
Executive Director

1 ROB BONTA  
2 Attorney General of California  
3 JUDITH T. ALVARADO  
4 Supervising Deputy Attorney General  
5 PEGGIE BRADFORD TARWATER  
6 Deputy Attorney General  
7 State Bar No. 169127  
8 300 South Spring Street, Suite 1702  
9 Los Angeles, CA 90013  
10 Telephone: (213) 269-6448  
11 Facsimile: (916) 731-2117  
12 E-mail: Peggie.Tarwater@doj.ca.gov  
13 *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. 800-2022-092020

**TERRY LESTER COLE, M.D.**  
3418 Loma Vista Road, Suite B  
Ventura, CA 93003-3065

OAH No.

**Physician's and Surgeon's Certificate  
No. G 29666,**

**STIPULATED SURRENDER OF  
LICENSE AND 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 Peggie Bradford Tarwater, Deputy Attorney General.

2. TERRY LESTER COLE, M.D. (Respondent) is represented in this proceeding by attorney David M. Lehr, whose address is: 789 S. Victoria Avenue, Suite 200, Ventura, CA 93003.

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3. On or about July 1, 1975, the Board issued Physician's and Surgeon's Certificate No. G 29666 to Respondent. That license expired on September 30, 2024, and is now delinquent.

## **JURISDICTION**

4. Accusation No. 800-2022-092020 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 2, 2025. A copy of Accusation No. 800-2022-092020 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. 800-2022-092020. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2022-092020, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. G 29666 for the Board's formal acceptance.

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

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## RESERVATION

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

## CONTINGENCY

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, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. G 29666 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 he may not withdraw his 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

1 Executive Director, the Board, any member thereof, and/or any other person from future  
2 participation in this or any other matter affecting or involving respondent. In the event that the  
3 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this  
4 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it  
5 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied  
6 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees  
7 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason  
8 by the Executive Director on behalf of the Board, Respondent will assert no claim that the  
9 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,  
10 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or  
11 of any matter or matters related hereto.

12 **ADDITIONAL PROVISIONS**

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

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

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

22 **ORDER**

23 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 29666, issued  
24 to Respondent TERRY LESTER COLE, M.D., is surrendered and accepted by the Board.

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

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

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

5           4. If Respondent ever files an application for licensure or a petition for reinstatement in  
6 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
7 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
8 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
9 contained in Accusation No. 800-2022-092020 shall be deemed to be true, correct and admitted  
10 by Respondent when the Board determines whether to grant or deny the petition.

11           5. Respondent shall pay the agency its costs of investigation and enforcement in the  
12 amount of \$161,033.60 prior to issuance of a new or reinstated license.

13           6. If Respondent should ever apply or reapply for a new license or certification, or  
14 petition for reinstatement of a license, by any other health care licensing agency in the State of  
15 California, all of the charges and allegations contained in Accusation No. 800-2022-092020 shall  
16 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
17 Issues or any other proceeding seeking to deny or restrict licensure.

18           7. Respondent shall pay the agency its costs of investigation and enforcement in the  
19 amount of \$161,033.60 prior to issuance of a new or reinstated license.

20           ACCEPTANCE

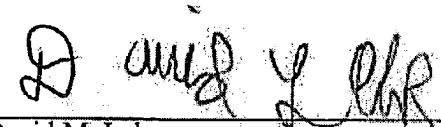
21           I have carefully read the above Stipulated Surrender of License and Order and have fully  
22 discussed it with my attorney, David M. Lehr. I understand the stipulation and the effect it will  
23 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of  
24 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
25 Decision and Order of the Medical Board of California.

26           27           DATED: 5/20/25

Terry Lester Cole, M.D.  
28           Respondent

1 I have read and fully discussed with Respondent TERRY LESTER COLE, M.D. the terms  
2 and conditions and other matters contained in this Stipulated Surrender of License and Order. I  
3 approve its form and content.

4  
5 DATED: 5-20-25

6   
7 David M. Lehr  
8 Attorney for Respondent

9  
10 **ENDORSEMENT**

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

13 DATED: \_\_\_\_\_

14 Respectfully submitted,

15  
16 ROB BONTA  
17 Attorney General of California  
18 JUDITH T. ALVARADO  
19 Supervising Deputy Attorney General

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21 PEGGIE BRADFORD TARWATER  
22 Deputy Attorney General  
23 Attorneys for Complainant

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1 I have read and fully discussed with Respondent TERRY LESTER COLE, M.D. the terms  
2 and conditions and other matters contained in this Stipulated Surrender of License and Order. I  
3 approve its form and content.

4  
5 DATED: \_\_\_\_\_

6 David M. Lehr  
7 Attorney for Respondent

8 **ENDORSEMENT**

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

11 DATED: \_\_\_\_\_

Respectfully submitted,

12 ROB BONTA  
13 Attorney General of California  
14 JUDITH T. ALVARADO  
15 Supervising Deputy Attorney General

16 Peggie Bradford  
17 Tarwater

Digitally signed by Peggie  
Bradford Tarwater  
Date: 2025.05.21 09:32:58  
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18 PEGGIE BRADFORD TARWATER  
19 Deputy Attorney General  
20 Attorneys for Complainant

21 LA2024600421

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**Exhibit A**

**Accusation No. 800-2022-092020**

1 ROB BONTA  
2 Attorney General of California  
3 JUDITH T. ALVARADO  
4 Supervising Deputy Attorney General  
5 PEGGIE BRADFORD TARWATER  
6 Deputy Attorney General  
7 State Bar No. 169127  
8 300 South Spring Street, Suite 1702  
9 Los Angeles, CA 90013  
10 Telephone: (213) 269-6448  
11 Facsimile: (916) 731-2117  
12 E-mail: Peggie.Tarwater@doj.ca.gov  
13 *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. 800-2022-092020

TERRY LESTER COLE, M.D.  
3418 Loma Vista Road, Suite B  
Ventura, CA 93003-3065

ACCUSATION

Physician's and Surgeon's Certificate  
No. G 29666,

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 July 1, 1975, the Medical Board issued Physician's and Surgeon's  
Certificate Number G 29666 to Terry Lester Cole, 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. The Physician's and Surgeon's Certificate expired on September 30, 2024, and is now  
delinquent.

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## **JURISDICTION**

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

4. Section 2227 of the Code states:

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

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

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

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

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

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

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

5. Section 2228 of the Code states:

The authority of the board or the California Board of Podiatric Medicine to discipline a licensee by placing him or her on probation includes, but is not limited to, the following:

(a) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or the administrative law judge.

(b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If an examination is ordered, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee's choice.

(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including requiring notice to applicable patients that the licensee is unable to perform the indicated treatment, where appropriate.

(d) Providing the option of alternative community service in cases other than violations relating to quality of care.

6. Section 2228.1 of the Code states:

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.

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

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

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

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

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

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

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

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

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

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

(5) All practice restrictions placed on the license by the board.

(e) Section 2314 shall not apply to this section.

7. Section 118 of the Code states:

(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

## **STATUTORY PROVISIONS**

8. Section 729 of the Code states:

(a) Any physician and surgeon, psychotherapist, alcohol and drug abuse counselor or any person holding himself or herself out to be a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual

intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in those acts, unless the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor has referred the patient or client to an independent and objective physician and surgeon, psychotherapist, or alcohol and drug abuse counselor recommended by a third-party physician and surgeon, psychotherapist, or alcohol and drug abuse counselor for treatment, is guilty of sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.

(b) Sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor is a public offense:

(1) An act in violation of subdivision (a) shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(2) Multiple acts in violation of subdivision (a) with a single victim, when the offender has no prior conviction for sexual exploitation, shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(3) An act or acts in violation of subdivision (a) with two or more victims shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(4) Two or more acts in violation of subdivision (a) with a single victim, when the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(5) An act or acts in violation of subdivision (a) with two or more victims, and the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000).

For purposes of subdivision (a), in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

(c) For purposes of this section:

(1) "Psychotherapist" has the same meaning as defined in Section 728.

(2) "Alcohol and drug abuse counselor" means an individual who holds himself or herself out to be an alcohol or drug abuse professional or paraprofessional.

(3) "Sexual contact" means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

(4) "Intimate part" and "touching" have the same meanings as defined in Section 243.4 of the Penal Code.

(d) In the investigation and prosecution of a violation of this section, no person shall seek to obtain disclosure of any confidential files of other patients, clients, or former patients or clients of the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.

(e) This section does not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.

(f) If a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor in a professional partnership or similar group has sexual contact with a patient in violation of this section, another physician and surgeon, psychotherapist, or alcohol and drug abuse counselor in the partnership or group shall not be subject to action under this section solely because of the occurrence of that sexual contact.

9. Section 2234 of the Code, states:

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

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

10. Unprofessional conduct is conduct that breaches the rules or ethical code of a profession or conduct which is unbecoming to a member in good standing of a profession, which demonstrates an unfitness to practice the profession in question. (*Rand v. Board of Podiatry* (2012) 206 Cal.App.4th 565, 582; *Shea v. Board of Medical Examiners* (1978) 83 App.3d 546, 575.)

11. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct 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.

(b) The district attorney, city attorney, or other prosecuting agency shall notify

1 the Medical Board of the pendency of an action against a licensee charging a felony  
2 or misdemeanor immediately upon obtaining information that the defendant is a  
3 licensee. The notice shall identify the licensee and describe the crimes charged and  
4 the facts alleged. The prosecuting agency shall also notify the clerk of the court in  
5 which the action is pending that the defendant is a licensee, and the clerk shall record  
6 prominently in the file that the defendant holds a license as a physician and surgeon.

7 (c) The clerk of the court in which a licensee is convicted of a crime shall,  
8 within 48 hours after the conviction, transmit a certified copy of the record of  
9 conviction to the board. The division may inquire into the circumstances surrounding  
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  
duties of a physician and surgeon.

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

#### REGULATORY PROVISIONS

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

15 (a) For the purposes of denial, suspension or revocation of a license pursuant to  
16 Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime,  
17 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.

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

20 (1) The nature and gravity of the crime;  
21 (2) The number of years elapsed since the date of the crime; and  
22 (3) The nature and duties of the profession.

#### COST RECOVERY

23 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licensee found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
27 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
28

1 included in a stipulated settlement.

2 **FACTUAL ALLEGATIONS**

3 14. On or about August 25, 2022, through December 14, 2023, Respondent, while acting  
4 as a physician and surgeon, engaged in sexual exploitation of a patient, as defined in Code section  
5 729, subdivision (a), when he engaged in an act of sexual intercourse, sodomy, oral copulation,  
6 and sexual contact with a patient, Patient 1.<sup>1</sup>

7 15. On or about November 10, 2022, through December 14, 2023, Respondent knowingly  
8 and maliciously prevented and dissuaded Patient 1, a victim and witness, from attending and  
9 giving testimony at a trial, proceeding, and inquiry authorized by law, as defined in Penal Code  
10 section 136.1, subdivision (a)(1).<sup>2</sup>

11 16. After a preliminary hearing in *People v. Cole*, Ventura County Superior Court Case  
12 No. 2023026457, an Information was filed on January 7, 2025, charging Respondent with the  
13 following: dissuading a witness from testifying, in violation of Penal Code section 136.1,  
14 subdivision (a)(1), a felony; and sexual exploitation of a patient, in violation of Code section 729,  
15 subdivision (a), a misdemeanor.

16 17. On January 9, 2025, Respondent plead guilty to the charges as set forth in the  
17 Information. Respondent signed a Felony Disposition Statement in which he admitted the  
18 following: the victim was particularly vulnerable; Respondent threatened witnesses, unlawfully  
19

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20 <sup>1</sup> The identity of Patient 1 is known to Respondent. She is referred to by number to  
21 protect her privacy.

21 <sup>2</sup> Penal Code section 136.1, subdivision (a) provides:

22 Except as provided in subdivision (c), any person who does any of the following is guilty  
23 of a public offense and shall be punished by imprisonment in a county jail for not more than one  
24 year or in the state prison:

25 (1) Knowingly and maliciously prevents or dissuades any witness or victim from  
26 attending or giving testimony at any trial, proceeding, or inquiry authorized by law.

27 (2) Knowingly and maliciously attempts to prevent or dissuade any witness or victim from  
28 attending or giving testimony at any trial, proceeding, or inquiry authorized by law.

27 (3) For purposes of this section, evidence that the defendant was a family member who  
28 interceded in an effort to protect the witness or victim shall create a presumption that the act was  
without malice.

1 prevented or dissuaded witnesses from testifying, suborned perjury, or in any other way illegally  
2 interfered with the judicial process; and he took advantage of a position of trust or confidence to  
3 commit the crime. According to the Felony Disposition Statement, the felony violation of  
4 dissuading a witness would be reduced from a felony to a misdemeanor at the time of sentencing.  
5 Further, Respondent agreed to a permanent revocation of his medical license and “agrees to never  
6 practice medicine again.” The court accepted the plea.

7       18. A sentencing hearing was held on February 21, 2025. The court found a factual basis  
8 for the guilty plea to the charges in the Information and reduced the charge of dissuading a  
9 witness from testifying to a misdemeanor. The court suspended the imposition of sentence and  
10 placed Respondent on 12 months of conditional release. The court ordered as follows: "TERRY  
11 LESTER COLE is prohibited from engaging in the practice of medicine and that he permanently  
12 surrender his medical license to the Medical Board of California."

## **FIRST CAUSE FOR DISCIPLINE**

### **(Sexual Exploitation)**

15       19. Respondent Terry Lester Cole, M.D. is subject to disciplinary action under Code  
16 section 729, subdivision (a), in that he sexually exploited Patient 1. The circumstances are as  
17 follows:

18        20. The factual allegations of Paragraphs 14 through 18 are incorporated and realleged as  
19 if fully set forth.

## **SECOND CAUSE FOR DISCIPLINE**

## **(Dissuading a Patient/Witness from Reporting or Testifying)**

21. Respondent Terry Lester Cole, M.D. is subject to disciplinary action under Code  
22 section 2234, subdivision (i), in that he prevented or dissuaded Patient 1 from reporting or  
23  
24 testifying about him as a licensed physician and surgeon.

25       22. The factual allegations of Paragraphs 14 through 18 are incorporated and realleged as  
26 if fully set forth.

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### **THIRD CAUSE FOR DISCIPLINE**

**(Conviction of a Crime)**

3       23. Respondent Terry Lester Cole, M.D. is subject to disciplinary action under Code  
4       section 2236 and California Code of Regulations, title 16, section 1360, in that he was convicted  
5       of crimes substantially related to the qualifications, functions or duties of a physician and  
6       surgeon. The circumstances are as follows:

7       24. The factual allegations of Paragraphs 14 through 18 are incorporated and realleged as  
8 if fully set forth.

9       25. Respondent was convicted by guilty plea of sexual exploitation of a patient, as  
10      defined in Code section 729, subdivision (a).

11           26. Respondent was convicted by his guilty plea of preventing or dissuading a witness,  
12           Patient 1, in violation of Penal Code section 136.1, subdivision (a)(1).

## **FOURTH CAUSE FOR DISCIPLINE**

### **(Unprofessional Conduct)**

15       27. Respondent Terry Lester Cole, M.D. has further subjected his license to disciplinary  
16 action under Code section 2334, in that he has engaged in conduct that breaches the rules or  
17 ethical code of the profession or conduct which is unbecoming to a member in good standing of  
18 the profession, and which demonstrates an unfitness to practice as a physician and surgeon. The  
19 allegations of the First, Second, and Third Causes for discipline are incorporated and realleged as  
20 if fully set forth.

## 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:

24       1. Revoking or suspending Physician's and Surgeon's Certificate Number G 29666,  
25 issued to Respondent Terry Lester Cole, M.D.;

26       2. Revoking, suspending or denying approval of Respondent Terry Lester Cole, M.D.'s  
27 authority to supervise physician assistants and advanced practice nurses;

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1       3. Ordering Respondent Terry Lester Cole, M.D., to pay the Board the costs of the  
2 investigation and enforcement of this case, and if placed on probation, the costs of probation  
3 monitoring;

4       4. Ordering Respondent Terry Lester Cole, M.D., if placed on probation, to provide  
5 patient notification in accordance with Business and Professions Code section 2228.1; and

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

7  
8       DATED: APR 02 2025



9  
10      REJI VARGHESE  
11      Executive Director  
12      Medical Board of California  
13      Department of Consumer Affairs  
14      State of California  
15      *Complainant*

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