

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

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

**John Ramon Rivera, Jr., M.D.**

**Physician's and Surgeon's  
Certificate No. A 65911**

**Case No.: 800-2021-082688**

**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 July 7, 2025.**

**IT IS SO ORDERED: June 5, 2025.**

**MEDICAL BOARD OF CALIFORNIA**



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**Richard E. Thorp, M.D., Chair  
Panel B**

1 ROB BONTA  
2 Attorney General of California  
3 MATTHEW M. DAVIS  
4 Supervising Deputy Attorney General  
5 NICOLE NOONAN-MILLER  
6 Deputy Attorney General  
7 State Bar No. 276951  
8 600 West Broadway, Suite 1800  
9 San Diego, CA 92101  
10 P.O. Box 85266  
11 San Diego, CA 92186-5266  
12 Telephone: (619) 738-9041  
13 Facsimile: (619) 645-2061  
14 E-mail: Nicole.NoonanMiller@doj.ca.gov  
15 *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. 800-2021-082688
<b>JOHN RAMON RIVERA, JR., M.D.</b>	OAH No. 2024090608
<b>765 Medical Center Ct., Suite 201 Chula Vista, CA 91911-6600</b>	<b>STIPULATED SETTLEMENT AND DISCIPLINARY ORDER</b>
<b>Physician's and Surgeon's Certificate No. A 65911</b>	
	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 Nicole Noonan-Miller, Deputy Attorney General.

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1       2. Respondent John Ramon Rivera, Jr., M.D. (Respondent) is represented in this  
2 proceeding by attorney David M. Balfour Esq., whose address is: 655 W. Broadway, Ste. 1600  
3 San Diego, CA 92101-84842.1. On or about July 1, 1998, the Board issued Physician's and  
4 Surgeon's Certificate No. A 65911 to John Ramon Rivera, Jr., M.D. (Respondent). The  
5 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
6 charges brought in Accusation No. 800-2021-082688, and will expire on May 31, 2026, unless  
7 renewed.

## **JURISDICTION**

9       3.     Accusation No. 800-2021-082688 was filed before the Board, and is currently  
10    pending against Respondent. The Accusation and all other statutorily required documents were  
11    properly served on Respondent on June 27, 2024. Respondent timely filed his Notice of Defense  
12    contesting the Accusation.

13       4. A copy of Accusation No. 800-2021-082688 is attached as exhibit A and incorporated  
14      herein by reference.

## **ADVISEMENT AND WAIVERS**

16       5.    Respondent has carefully read, fully discussed with counsel, and understands the  
17 charges and allegations in Accusation No. 800-2021-082688. Respondent has also carefully read,  
18 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and  
19 Disciplinary Order.

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

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

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## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2021-082688.

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

## CONTINGENCY

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

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

21       12. Respondent agrees that if he ever petitions for early termination or modification of  
22 probation, or if an accusation and/or petition to revoke probation is filed against him before the  
23 Board, all of the charges and allegations contained in Accusation No. 800-2021-082688 shall be  
24 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any  
25 other licensing proceeding involving Respondent in the State of California.

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

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

## **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 65911 issued  
6 to Respondent John Ramon Rivera, Jr., M.D. is revoked. However, the revocation is stayed and  
7 Respondent is placed on probation for five (5) years on the following 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

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1 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
2 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
3 basis. The cost of biological fluid testing shall be borne by the Respondent.

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

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

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

1 and will be notified of negative test results within seven (7) business days.

2 (g) Its testing locations possess all the materials, equipment, and technical expertise  
3 necessary in order to test Respondent on any day of the week.

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

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

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

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

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

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

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

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

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

26 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
27 administered to himself or herself a prohibited substance, the Board shall order Respondent to  
28 cease practice and instruct Respondent to leave any place of work where Respondent is practicing

1       medicine or providing medical services. The Board shall immediately notify all of Respondent's  
2       employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
3       provide medical services while the cease-practice order is in effect.

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

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

11      For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
12      acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

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

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

22      4. COMMUNITY SERVICE - FREE SERVICES. Within 60 calendar days of the  
23      effective date of this Decision, Respondent shall submit to the Board or its designee for prior  
24      approval a community service plan in which Respondent shall, within the first 2 years of  
25      probation, provide 60 hours of free services (e.g., medical or nonmedical) to a community or non-  
26      profit organization. If the term of probation is designated for 2 years or less, the community  
27      service hours must be completed not later than 6 months prior to the completion of probation.

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1        Prior to engaging in any community service, Respondent shall provide a true copy of the  
2 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief  
3 executive officer at every community or non-profit organization where Respondent provides  
4 community service and shall submit proof of compliance to the Board or its designee within 15  
5 calendar days. This condition shall also apply to any change(s) in community service.

6        Community service performed prior to the effective date of the Decision shall not be  
7 accepted in fulfillment of this condition.

8        5. **PROFESSIONALISM PROGRAM (ETHICS COURSE)**. Within 60 calendar days of  
9 the effective date of this Decision, Respondent shall enroll in a professionalism program, that  
10 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
11 Respondent shall participate in and successfully complete that program. Respondent shall  
12 provide any information and documents that the program may deem pertinent. Respondent shall  
13 successfully complete the classroom component of the program not later than six (6) months after  
14 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
15 time specified by the program, but no later than one (1) year after attending the classroom  
16 component. The professionalism program shall be at Respondent's expense and shall be in  
17 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

18        A professionalism program taken after the acts that gave rise to the charges in the  
19 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
20 or its designee, be accepted towards the fulfillment of this condition if the program would have  
21 been approved by the Board or its designee had the program been taken after the effective date of  
22 this Decision.

23        Respondent shall submit a certification of successful completion to the Board or its  
24 designee not later than 15 calendar days after successfully completing the program or not later  
25 than 15 calendar days after the effective date of the Decision, whichever is later.

26        6. **PSYCHIATRIC EVALUATION**. Within 30 calendar days of the effective date of  
27 this Decision, and on whatever periodic basis thereafter may be required by the Board or its  
28 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological

1 testing, if deemed necessary) by a Board-appointed board certified psychiatrist specializing in  
2 addiction medicine, who shall consider any information provided by the Board or designee and  
3 any other information the psychiatrist deems relevant, and shall furnish a written evaluation report  
4 to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the  
5 Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay  
6 the cost of all psychiatric evaluations and psychological testing.

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

9 7. **PSYCHOTHERAPY.** Within 60 calendar days of the effective date of this Decision,  
10 Respondent shall submit to the Board or its designee for prior approval the name and  
11 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who  
12 has a doctoral degree in psychology and at least five years of postgraduate experience in the  
13 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall  
14 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
15 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

16 The psychotherapist shall consider any information provided by the Board or its designee  
17 and any other information the psychotherapist deems relevant and shall furnish a written  
18 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
19 psychotherapist with any information and documents that the psychotherapist may deem  
20 pertinent.

21 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
22 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
23 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
24 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
25 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
26 period of probation shall be extended until the Board determines that Respondent is mentally fit  
27 to resume the practice of medicine without restrictions.

28 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

1        8. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
2        LICENSEES . Failure to fully comply with any term or condition of probation is a violation of  
3        probation.

4        A.        If Respondent commits a major violation of probation as defined by section  
5        1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
6        one or more of the following actions:

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

16                (2) Increase the frequency of biological fluid testing.  
17                (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
18      other action as determined by the Board or its designee.

19        B.        If Respondent commits a minor violation of probation as defined by section  
20        1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
21        one or more of the following actions:

22                (1) Issue a cease-practice order;  
23                (2) Order practice limitations;  
24                (3) Order or increase supervision of Respondent;  
25                (4) Order increased documentation;  
26                (5) Issue a citation and fine, or a warning letter;  
27                (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
28      accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of

1      Regulations, at Respondent's expense;

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

3                    C.        Nothing in this Decision shall be considered a limitation on the Board's authority  
4        to revoke Respondent's probation if he or she has violated any term or condition of probation. If  
5        Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
6        opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
7        stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
8        against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
9        is final, and the period of probation shall be extended until the matter is final.

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

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

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

22                  11.      INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby  
23        ordered to reimburse the Board its costs of investigation and enforcement, including, but not  
24        limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena  
25        enforcement, as applicable, in the amount of \$34,803 (thirty four thousand eight hundred three  
26        dollars). Costs shall be payable to the Medical Board of California. Failure to pay such costs  
27        shall be considered a violation of probation.

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

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

7        12. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
8 under penalty of perjury on forms provided by the Board, stating whether there has been  
9 compliance with all the conditions of probation.

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

12      13. GENERAL PROBATION REQUIREMENTS.

13      Compliance with Probation Unit

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

15      Address Changes

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

21      Place of Practice

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

25      License Renewal

26      Respondent shall maintain a current and renewed California physician's and surgeon's  
27 license.

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1        Travel or Residence Outside California

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

5        In the event Respondent should leave the State of California to reside or to practice  
6        Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
7        departure and return.

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

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

25       In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
26       months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
27       Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
28       that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

1       Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

3       Periods of non-practice will not apply to the reduction of the probationary term. Periods of non-  
4       practice for a Respondent residing outside of California will relieve Respondent of the  
5       responsibility to comply with the probationary terms and conditions with the exception of this  
6       condition and the following terms and conditions of probation: Obey All Laws; General Probation  
7       Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and Controlled  
8       Substances; and Biological Fluid Testing.

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

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

22       18. **LICENSE SURRENDER.** Following the effective date of this Decision, if  
23      Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
24      the terms and conditions of probation, Respondent may request to surrender his or her license.  
25      The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
26      determining whether or not to grant the request, or to take any other action deemed appropriate  
27      and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
28      shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its

1 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
2 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
3 application shall be treated as a petition for reinstatement of a revoked certificate.

4       19. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
5 with probation monitoring each and every year of probation, as designated by the Board, which  
6 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
7 California and delivered to the Board or its designee no later than January 31 of each calendar  
8 year.

9       20. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for  
10 a new license or certification, or petition for reinstatement of a license, by any other health care  
11 licensing action agency in the State of California, all of the charges and allegations contained in  
12 Accusation No. 800-2021-082688 shall be deemed to be true, correct, and admitted by  
13 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or  
14 restrict license.

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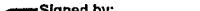
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## **ACCEPTANCE**

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

7  
8 DATED: 2/3/2025 Signed by:  
  
B62BF2E2D8A347E  
9 JOHN RAMON RIVERA, JR., M.D.  
*Respondent*

10 I have read and fully discussed with Respondent John Ramon Rivera, Jr., M.D. the terms  
11 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
12 Order. I approve its form and content.

13  
14 DATED: February 3, 2025 David M. Balfour  
15 DAVID M. BALFOUR ESQ.  
*Attorney for Respondent*

## **ENDORSEMENT**

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

Respectfully submitted,

ROB BONTA  
Attorney General of California  
MATTHEW M. DAVIS  
Supervising Deputy Attorney General

*Nicole Noonan Miller*  
NICOLE NOONAN-MILLER  
Deputy Attorney General  
*Attorneys for Complainant*

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1 ROB BONTA  
2 Attorney General of California  
3 MATTHEW M. DAVIS  
4 Supervising Deputy Attorney General  
5 NICOLE NOONAN-MILLER  
6 Deputy Attorney General  
7 State Bar No. 276951  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
6 P.O. Box 85266  
7 San Diego, CA 92186-5266  
Telephone: (619) 738-9041  
Facsimile: (619) 645-2061

8 || Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 800-2021-082688

14 John Ramon Rivera, Jr., M.D.  
655 Euclid Ave., Suite 409  
15 National City, CA 91950-2981

## ACCUSATION

16 Physician's and Surgeon's Certificate  
No. A 65911.

**Respondent.**

## PARTIES

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

23       2. On or about July 1, 1998, the Medical Board issued Physician's and Surgeon's  
24       Certificate Number A 65911 to John Ramon Rivera, Jr., M.D. (Respondent). The Physician's and  
25       Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26       herein and will expire on May 31, 2026, unless renewed.

27

28

## **JURISDICTION**

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

4. Section 2227 of the Code states:

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

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

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

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

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

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

11

5. Section 2234 of the Code states:

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

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

1

6. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

1       7. Section 2236 of the Code states:

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

5       ...

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

10      8. Section 2239 of the Code states:

11      (a) The use or prescribing for or administering to himself or herself, of any  
12       controlled substance; or the use of any of the dangerous drugs specified in Section  
13       4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous  
14       or injurious to the licensee, or to any other person or to the public, or to the extent that  
15       such use impairs the ability of the licensee to practice medicine safely or more than  
16       one misdemeanor or any felony involving the use, consumption, or  
17       self-administration of any of the substances referred to in this section, or any  
18       combination thereof, constitutes unprofessional conduct. The record of the  
19       conviction is conclusive evidence of such unprofessional conduct.

15       ...

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

17      For the purposes of denial, suspension or revocation of a license, certificate or  
18       permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime  
19       or act shall be considered to be substantially related to the qualifications, functions or  
20       duties of a person holding a license, certificate or permit under the Medical Practice  
21       Act if to a substantial degree it evidences present or potential unfitness of a person  
22       holding a license, certificate or permit to perform the functions authorized by the  
23       license, certificate or permit in a manner consistent with the public health, safety or  
24       welfare. Such crimes or acts shall include but not be limited to the following:  
25       Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
26       violation of, or conspiring to violate any provision of the Medical Practice Act.

22      **COST RECOVERY**

23      10. 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       ///

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of an Offense Substantially Related to the Qualifications, Functions, or Duties  
5 of a Physician and Surgeon)**

6 11. Respondent has subjected his Physician's and Surgeon's Certificate No. A 65911 to  
7 disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, and  
8 California Code of Regulations, title 16, section 1360, in that Respondent has been convicted of  
9 an offense substantially related to the qualifications, functions, or duties of a physician and  
10 surgeon, as more particularly alleged hereinafter:

11 12. On or about October 10, 2021, San Diego Police officers responded to a report of a  
12 solo-vehicle collision at Pacific Coast Highway and Witherby Street in the City of San Diego.  
13 When officers arrived they observed that a Toyota 4Runner had collided with a guardrail on the  
14 west curb line of the southbound lane of traffic, causing significant damage to the vehicle and the  
15 guardrail. A witness on scene reported that she had been driving behind the 4Runner, and that,  
16 despite it being dark outside, the 4Runner did not have its lights on. The witness said she flashed  
17 her lights to alert the other driver, and the 4Runner began to weave back and forth, almost hitting  
18 a wall, and ultimately driving into the curb and guardrail. As the witness was calling 911, she  
19 observed an older male with gray hair and a white watch exit the vehicle on the driver's side and  
20 leave the area on foot. Officers located Respondent, matching the witness' description, sitting on  
21 the south hillside of Witherby Street, behind a tree, approximately two hundred yards from the  
22 collision site. The witness positively identified Respondent as the driver of the 4Runner.  
23 Respondent had the odor of alcohol on his breath, had red watery eyes, and his speech was  
24 slurred. When questioned by the officer about what had happened, Respondent gave limited  
25 answers if any at all, never admitting to have driven or have been involved in the collision.  
26 Respondent refused to participate in field sobriety tests and was unable to complete the  
27 Preliminary Alcohol Screening (PAS) test as he failed to follow instructions. At police  
28 headquarters, Respondent refused to submit to chemical testing, requiring the officer to obtain a

1 warrant to take Respondent's blood by force. Based on the fact Respondent was involved in a  
2 vehicle collision where Respondent fled the scene and had objective symptoms of intoxication,  
3 Respondent was placed under arrest for driving under the influence of alcohol, driving under the  
4 influence of alcohol with a Blood Alcohol Content (BAC) of 0.08% or higher, and misdemeanor  
5 hit and run.

6           13. On or about October 13, 2021, Respondent's blood sample was tested which resulted  
7 in a BAC of 0.189%.

8       14. On or about March 18, 2022, in *The People of the State of California v. Juan R.*  
9       *Rivera*, San Diego Superior Court Case No. M279976, Respondent was charged with the  
10      following: (1) one count of a violation of Vehicle Code section 23152, subdivision (a), for driving  
11      under the influence of alcohol; (2) one count of a violation of Vehicle Code section 23152,  
12      subdivision (b), for driving with a blood alcohol concentration of .08% or more; and (3) one  
13      count of a violation of Vehicle Code section 20002, subdivision (a), for hit and run driving.

14        15. On or about July 22, 2022, Respondent pled guilty to Count Two, a violation of  
15        Vehicle Code section 23152, subdivision (b), for driving with a blood alcohol concentration of  
16        .08% or more, a misdemeanor. On or about the same day, Respondent was sentenced to three (3)  
17        years summary probation with standard alcohol conditions, ordered to attend and complete a three  
18        (3) month DUI First Conviction Program, ordered to pay restitution, and ordered to pay fines and  
19        fees.

## **SECOND CAUSE FOR DISCIPLINE**

21 (Use of Alcoholic Beverages to the Extent, or in Such a Manner, as to be Dangerous or  
22 Injurious to Himself, Another Person, or the Public)

23        16. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
24        A65911 to disciplinary action under sections 2227 and 2234, as defined by section 2239,  
25        subdivision (a), of the Code, in that Respondent has used alcoholic beverages to the extent, or in  
26        such a manner, as to be dangerous or injurious to himself, another person, or the public as more  
27        particularly alleged in paragraphs 11 through 15, above, which are hereby incorporated by  
28        reference and realleged as if fully set forth herein.

### **THIRD CAUSE FOR DISCIPLINE**

### **(General Unprofessional Conduct)**

3       17. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
4       A65911 to disciplinary action under sections 2227 and 2234 of the Code, in that Respondent has  
5       engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct  
6       which is unbecoming a member in good standing of the medical profession, and which  
7       demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 11  
8       through 16, above, which are hereby incorporated by reference and realleged as if fully set forth  
9       herein.

## **FOURTH CAUSE FOR DISCIPLINE**

**(Violations of Provisions of the Medical Practice Act)**

12        18. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
13        A65911 to disciplinary action under sections 2227 and 2234, as defined by section 2234,  
14        subdivision (a), of the Code, in that Respondent violated provisions of the Medical Practice Act,  
15        as more particularly alleged in paragraphs 11 through 17, above, which are hereby incorporated  
16        by reference and realleged as if fully set forth herein.

## **DISCIPLINARY CONSIDERATIONS**

18        19. To determine the degree of discipline, if any, to be imposed on Respondent,  
19 Complainant alleges that on or about February 24, 2012, in a prior disciplinary action titled *In the*  
20 *Matter of the Accusation Against John Ramon Rivera, Jr., M.D.*, Medical Board Case No. 10-  
21 2008-196394, the Board revoked Respondent's Physician's and Surgeon's Certificate No.  
22 A65911, stayed the revocation, and placed Respondent on probation for thirty-five (35) months as  
23 a result of Respondent's conviction of a crime, to wit, Vehicle Code sections 23103, subdivision  
24 (a), pursuant to section 23103.5 ("Wet Reckless"), a misdemeanor. That Decision is now final and  
25 is incorporated by reference as if fully set forth herein.

26       20. To determine the degree of discipline, if any, to be imposed on Respondent,  
27 complainant alleges that on or about May 28, 2003, in a prior disciplinary action entitled *In the*  
28 *Matter of the Accusation Against John Ramon Rivera, Jr., MD.*, Medical Board Case No. 10-

1 2001-125390, the Board revoked Respondent's Physician's and Surgeon's Certificate No.  
2 A65911, stayed the revocation, and placed Respondent on probation for three years as a result of  
3 Respondent's conviction of a crime, to wit, Health and Safety Code section 11550, subdivision (a)  
4 (Under the Influence of a Controlled Substance, namely "Ecstasy"). That Decision is now final  
5 and is incorporated by reference as if fully set forth herein.

6 **PRAYER**

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

- 9 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 65911,  
10 issued to Respondent John Ramon Rivera, Jr., M.D.;
- 11 2. Revoking, suspending or denying approval of Respondent John Ramon Rivera, Jr.,  
12 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 13 3. Ordering Respondent John Ramon Rivera, Jr., M.D., to pay the Board the costs of the  
14 investigation and enforcement of this case, and if placed on probation, the costs of probation  
15 monitoring; and
- 16 4. Taking such other and further action as deemed necessary and proper.

17  
18 DATED: JUN 27 2024

19  
20   
21 REJI VARGHESE  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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