

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

In the Matter of the Accusation Against:

Virender S. Kaleka, M.D.

Physician's & Surgeon's
Certificate No. A 43546

Respondent.

Case No. 800-2022-086592

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 August 11, 2025.

IT IS SO ORDERED: July 10, 2025.

MEDICAL BOARD OF CALIFORNIA

Michelle A. Bholat, MD

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

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 SARAH J. JACOBS
Deputy Attorney General
4 State Bar No. 255899
2550 Mariposa Mall, Room 5090
5 Fresno, CA 93721
Telephone: (559) 705-2320
6 Facsimile: (559) 445-5106
E-mail: Sarah.Jacobs@doj.ca.gov
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **VIRENDER S. KALEKA, M.D.**
13 **14393 Killarney Drive**
Madera, CA 93636

14 **Physician's and Surgeon's Certificate No. A**
15 **43546**

16 Respondent.

Case No. 800-2022-086592

OAH No. 2025010101

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Medical Board of California of the Department of Consumer
21 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
22 which will be submitted to the Board for approval and adoption as the final disposition of the
23 Accusation.

24 **PARTIES**

25 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
26 California (Board). He brought this action solely in his official capacity and is represented in this
27 matter by Rob Bonta, Attorney General of the State of California, by Sarah J. Jacobs, Deputy
28 Attorney General.

2. Respondent Virender S. Kaleka, M.D. (Respondent) is represented in this proceeding by attorney David M. Balfour Esq., whose address is: 655 W. Broadway, Ste. 1600, San Diego, CA 92101-8484.

3. On or about April 13, 1987, the Board issued Physician's and Surgeon's Certificate No. A 43546 to Virender S. Kaleka, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2022-086592, and will expire on October 31, 2026, unless renewed.

JURISDICTION

4. Accusation No. 800-2022-086592 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 August 22, 2024. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2022-086592 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2022-086592. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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.

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

///

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2022-086592, if proven at hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case
6 or factual basis for the charges in the Accusation, and that Respondent hereby gives up his right
7 to contest those charges.

8 11. Respondent does not contest that, at an administrative hearing, complainant could
9 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
10 2022-086592, a true and correct copy of which is attached hereto as Exhibit A, and that he has
11 thereby subjected his Physician's and Surgeon's Certificate, No. A 43546 to disciplinary action.

12 12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
13 discipline and agrees to be bound by the Board's imposition of discipline as set forth in the
14 Disciplinary Order below.

15 **CONTINGENCY**

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

26 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
27 be an integrated writing representing the complete, final and exclusive embodiment of the
28 agreement of the parties in this above entitled matter.

15. Respondent agrees that if he ever petitions for modification of the Board's Disciplinary Order or if an Accusation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2022-086592 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

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

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

DISCIPLINARY ORDER

1. PUBLIC REPRIMAND. IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 43546 issued to Respondent VIRENDER S. KALEKA, M.D. shall be and is hereby publicly reprimanded pursuant to California Business and Professions Code, section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Accusation No. 800-2022-086592, is as follows: "In 2017-2018, Respondent inappropriately prescribed controlled substances to a patient without an appropriate medical examination or indication."

2. PREScribing PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A prescribing practices course taken after the acts that gave rise to the charges in the

1 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
2 or its designee, be accepted towards the fulfillment of this condition if the course would have
3 been approved by the Board or its designee had the course been taken after the effective date of
4 this Decision.

5 Respondent shall submit a certification of successful completion to the Board or its
6 designee not later than 15 calendar days after successfully completing the course, or not later than
7 15 calendar days after the effective date of the Decision, whichever is later.

8 3. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
9 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
10 advance by the Board or its designee. Respondent shall provide the approved course provider
11 with any information and documents that the approved course provider may deem pertinent.
12 Respondent shall participate in and successfully complete the classroom component of the course
13 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
14 complete any other component of the course within one (1) year of enrollment. The medical
15 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing
16 Medical Education (CME) requirements for renewal of licensure.

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

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

25 4. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
26 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
27 limited to expert review, amended accusations, legal reviews, investigation(s), and subpoena
28 enforcement, as applicable in the amount of \$41,067.75 (forty-one thousand, sixty-seven dollars

1 and seventy-five cents). Costs shall be payable to the Medical Board of California. Failure to pay
2 such costs shall be considered a violation of probation.

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

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

9 5. 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. 800-2022-086592 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 a license.

15 6. FAILURE TO COMPLY

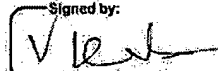
16 If Respondent fails to enroll in, participate in, or successfully complete the educational
17 program(s) and/or course(s), and/or complete the term(s) and condition(s) as described in
18 conditions 2 and 3, within the designated time period as set forth in the Decision and Order,
19 Respondent shall receive and comply with a notification from the Board or its designee to cease
20 the practice of medicine within three (3) calendar days after being so notified. Respondent shall
21 not resume the practice of medicine until enrollment or participation or fulfillment in the
22 educational program(s) and/or course(s), and/or completion of the term(s) and condition(s) has
23 been provided to the Board as required by the express language of the Decision and Order. In
24 addition, failure to successfully complete the educational program(s) and/or course(s), and/or
25 complete the term(s) and condition(s) outlined above shall also constitute separate grounds for
26 general unprofessional conduct and will be grounds for further immediate disciplinary action
27 against Respondent's license.

28 ///

ACCEPTANCE

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

DATED: 5/2/2025

Signed by:


VIRENDER S. KALEKA, M.D.
Respondent

I have read and fully discussed with Respondent Virender S. Kaleka, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/2/2025


DAVID M. BALFOUR ESQ.
Attorney for Respondent

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ENDORSEMENT

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

DATED: 5/2/2025

Respectfully submitted,

ROB BONTA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General



SARAH J. JACOBS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2022-086592

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
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*

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

12 In the Matter of the Accusation Against:

Case No. 800-2022-086592

13 **Virender S. Kaleka, M.D.**
14 **2057 High Street**
Selma, CA 93662-3512

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A 43546,**

17 **Respondent.**

18
19 **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 April 13, 1987, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 43546 to Virender S. Kaleka, 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 October 31, 2024, unless renewed.

27 ///

28 ///

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

4 4. Section 2227 of the Code provides, in pertinent part, that a licensee who is found
5 guilty under the Medical Practice Act may have his or her license revoked, suspended for a period
6 not to exceed one year, placed on probation, and required to pay the costs of probation
7 monitoring, or such other action taken in relation to discipline as the Board deems proper.

8 5. Section 2234 of the Code states:

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

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

13 (b) Gross negligence.

14 (c) Repeated negligent acts. To be repeated, there must be two or more
15 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.

16 (1) An initial negligent diagnosis followed by an act or omission medically
17 appropriate for that negligent diagnosis of the patient shall constitute a single
negligent act.

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

21 (d) Incompetence.

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

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

25 (g) The failure by a certificate holder, in the absence of good cause, to attend
26 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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1 this device to sale by or on the order of a _____, 'Rx only,' or words of
2 similar import, the blank to be filled in with the designation of the practitioner
3 licensed to use or order use of the device.

4 (c) Any other drug or device that by federal or state law can be lawfully
5 dispensed only on prescription or furnished pursuant to Section 4006.

6 9. Section 725 of the Code states:

7 (a) Repeated acts of clearly excessive prescribing, furnishing, dispensing, or
8 administering of drugs or treatment, repeated acts of clearly excessive use of
9 diagnostic procedures, or repeated acts of clearly excessive use of diagnostic or
10 treatment facilities as determined by the standard of the community of licensees is
11 unprofessional conduct for a physician and surgeon, dentist, podiatrist, psychologist,
12 physical therapist, chiropractor, optometrist, speech-language pathologist, or
13 audiologist.

14 (b) Any person who engages in repeated acts of clearly excessive prescribing or
15 administering of drugs or treatment is guilty of a misdemeanor and shall be punished
16 by a fine of not less than one hundred dollars (\$100) nor more than six hundred
17 dollars (\$600), or by imprisonment for a term of not less than 60 days nor more than
18 180 days, or by both that fine and imprisonment.

19 (c) A practitioner who has a medical basis for prescribing, furnishing,
20 dispensing, or administering dangerous drugs or prescription controlled substances
21 shall not be subject to disciplinary action or prosecution under this section.

22 (d) No physician and surgeon shall be subject to disciplinary action pursuant to
23 this section for treating intractable pain in compliance with Section 2241.5.

24 COST RECOVERY

25 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 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.

29 DEFINITIONS

30 11. Tramadol – Generic name for the drug Ultram. Tramadol is an opioid pain
31 medication used to treat moderate to moderately severe pain. Effective August 18, 2014,
32 Tramadol was placed into Schedule IV of the Controlled Substances Act pursuant to Code of
33 Federal Regulations Title 21 section 1308.14(b). It is a dangerous drug pursuant to Business and
34 Professions Code section 4022.

1 **FACTUAL ALLEGATIONS**

2 12. Respondent is the owner of several medical clinics in California's Central Valley,
3 where he practices in general medicine and psychiatry.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Repeated Negligent Acts)**

6 13. Respondent has subjected his Physician's and Surgeon's Certificate No. A 43546 to
7 disciplinary action under Code section 2234, subdivision (c), in that he committed repeated
8 negligent acts during the care and treatment of Patient A. The circumstances are as follows:

9 **Patient A¹**

10 14. Patient A is a 68-year-old male. Beginning in 2003, Respondent and Physician
11 Assistants under the supervision of Respondent regularly treated Patient A. Patient A was
12 prescribed the following medications by Respondent during the relevant period:

13

Date Filled	Drug Name	Dosage	Quantity	Schedule
9/1/2017	Tramadol HCL	50 mg	60 tablets	IV
10/21/2017	Tramadol HCL	50 mg	60 tablets	IV
11/22/2017	Tramadol HCL	50 mg	60 tablets	IV
12/23/2017	Tramadol HCL	50 mg	60 tablets	IV
1/22/2018	Tramadol HCL	50 mg	60 tablets	IV

19

20 15. Between on or about September 1, 2017, and on or about January 22, 2018,
21 Respondent inappropriately prescribed Tramadol to Patient A, despite an increased risk of
22 negative health outcomes. During this prescription regimen, Respondent failed to adequately
23 provide an ongoing assessment to Patient A. Although Respondent prescribed and refilled
24 Tramadol to Patient A on five occasions, Respondent failed to perform and/or document an initial
25 and ongoing history, examination, evaluation, and risk mitigation. Respondent failed to obtain
26 and/or document appropriate Informed Consent and perform and/or document necessary ongoing
27 monitoring. Respondent further failed to perform and/or document a risk stratification, pertaining

28 ¹ Patient names have been redacted to protect patient privacy.

1 to Patient A. During the aforementioned prescribing period, Respondent failed to appropriately
2 monitor Patient A's compliance with the prescribing regimen. Specifically, Respondent failed to
3 include any toxicological screens for illicit drug use, pill counts, and/or review of the CURES
4 system.

5 16. Throughout Respondent's care and treatment of Patient A, Respondent engaged in
6 inadequate record keeping. It is impossible to determine which medications are being prescribed
7 to Patient A, when they are being prescribed, for what indication, with what instructions, and in
8 what quantities, without the assistance of CURES data. Additionally, the records are often absent,
9 brief, handwritten, and sometimes unintelligible.

10 17. Respondent committed repeated negligent acts in his care and treatment of Patient A,
11 which included, but were not limited to, the following:

- 12 A. Improper initiation of opioid prescription regimen to Patient A;
- 13 B. Improper monitoring of Patient A's tramadol prescription; and
- 14 C. Failure to document adequate and accurate medical records.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Prescribing Controlled Substances Without an Appropriate Examination or** 17 **Medical Indication)**

18 18. Respondent's Physician's and Surgeon's Certificate No. A 43546 is subject to
19 disciplinary action under Code section 2242, in that Respondent prescribed controlled substances
20 and dangerous drugs to Patient A without an appropriate examination or medical indication as
21 more particularly alleged in paragraphs 14 through 17, above, and those paragraphs are
22 incorporated by reference as if fully set forth herein.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Excessive Prescribing)**

25 19. Respondent's Physician's and Surgeon's Certificate No. A 43546 is subject to
26 disciplinary action under section 725 of the Code, in that he engaged in the excessive prescribing
27 of controlled substances and dangerous drugs to Patient A, as more particularly alleged in
28

1 paragraphs 14 through 17 above, which are hereby incorporated by reference and realleged as if
2 fully set forth herein.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Maintain Adequate Records)**

5 20. Respondent's Physician's and Surgeon's Certificate No. A 43546 is subject to
6 disciplinary action under Code section 2266, in that he failed to maintain adequate and accurate
7 medical records relating to his care and treatment of Patient A, as more particularly alleged in
8 paragraphs 14 through 17 above, which are hereby incorporated by reference and realleged as if
9 fully set forth herein.

10 **DISCIPLINE CONSIDERATIONS**

11 21. To determine the degree of discipline, if any, to be imposed on Respondent,
12 Complainant alleges that on or about March 30, 2016, in a prior disciplinary action entitled *In the*
13 *Matter of the Accusation Against Virender S. Kaleka, M.D.* (Accusation No. 08-2012-224252)
14 before the Medical Board of California, Respondent's license was placed on probation for three
15 years. That decision is now final and is incorporated by reference as if fully set forth.

16 22. To determine the degree of discipline, if any, to be imposed on Respondent,
17 Complainant alleges that on or about March 16, 1995, in a prior disciplinary action entitled *In the*
18 *Matter of the Accusation Against Virender S. Kaleka, M.D.* (Accusation No. D-5561) before the
19 Medical Board of California, Respondent's license was placed on probation for five years and
20 suspended for thirty days. That decision is now final and is incorporated by reference as if fully
21 set forth.

22 23. To determine the degree of discipline, if any, to be imposed on Respondent,
23 Complainant alleges that on or about September 25, 2014, a public letter of reprimand (Case No.:
24 08-2012-225850) was issued to Respondent.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Medical Board of California issue a decision:
28

1 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 43546,
2 issued to Respondent Virender S. Kaleka, M.D.;

3 2. Revoking, suspending or denying approval of Respondent Virender S. Kaleka,
4 M.D.'s authority to supervise physician assistants and advanced practice nurses;

5 3. Ordering Respondent Virender S. Kaleka, M.D., to pay the Board the costs of the
6 investigation and enforcement of this case, and if placed on probation, the costs of probation
7 monitoring; and

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

9 DATED: AUG 22 2024

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

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