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

11 In the Matter of the Accusation Against:

Case No. 800-2024-108960

12 **JUSTIN THOMAS KANE, M.D.**
13 **Riviera Plastic Aesthetic Surg**
34 West Mission Street, Suite B
Santa Barbara, CA 93101

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

14
15 **Physician's and Surgeon's Certificate**
No. A 103884,

16 Respondent.

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19 **FINDINGS OF FACT**

20 1. On or about August 19, 2025, Complainant Reji Varghese, in his official capacity as
21 the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed
22 Accusation No. 800-2024-108960 against Justin Thomas Kane, M.D. (Respondent) before the
23 Medical Board of California.

24 2. On or about May 14, 2008, the Medical Board of California (Board) issued
25 Physician's and Surgeon's Certificate No. A 103884 to Respondent. The Physician's and
26 Surgeon's Certificate expired on May 31, 2024, and has not been renewed. A copy of the
27 Certificate of Licensure is attached as **Exhibit A to the accompanying Evidence Packet.**

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1 3. Business and Professions Code section 118 states, in pertinent part:

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

10 4. On or about August 19, 2025, Merlene Francis, an employee of the Complainant
11 Agency, served by Certified and First Class Mail a copy of the Accusation No. 800-2024-108960,
12 Statement to Respondent; Notice of Defense; Request for Discovery; and Discovery Statutes to
13 Respondent's address of record with the Board, which was and is Riviera Plastic Aesthetic Surg,
14 34 West Mission Street, Suite B, Santa Barbara, CA 93101. A copy of the Accusation, the related
15 documents, and Declaration of Service are attached as **Exhibit B to the accompanying Evidence**
16 **Packet**, and are incorporated herein by reference.

17 5. On or about September 5, 2025, the aforementioned documents that were served via
18 First Class Mail were returned by the U.S. Postal Service (USPS) marked "Unable to Forward."
19 On or about September 23, 2025, the documents that were served via Certified Mail were
20 returned by the USPS marked "Unclaimed/Unable to Forward." Copies of the returned envelopes
21 are attached as **Exhibit C to the accompany Evidence Packet**, and are incorporated herein by
22 reference.

23 6. Service of the Accusation was effective as a matter of law under the provisions of
24 Government Code section 11505, subdivision (c).

25 7. Government Code section 11506 states, in pertinent part:

26 (c) The respondent shall be entitled to a hearing on the merits if the respondent
27 files a notice of defense, and the notice shall be deemed a specific denial of all parts
28 of the accusation not expressly admitted. Failure to file a notice of defense shall
29 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
30 may nevertheless grant a hearing.

31 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
32 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
33 800-2024-108960.

1 9. Additionally, on or about September 9, 2025, Respondent was served a Courtesy
2 Notice of Default to his address of record and his last known residence, which is 681 Circle
3 Drive, Santa Barbara, CA 93108. The Courtesy Notice of Default included a copy of the
4 Accusation and Notice of Defense previously served on Respondent, advising him that if he failed
5 to take action to file a Notice of Defense by September 23, 2025, the Board would enter a Default
6 Decision against his license, which may be revoked without a hearing. (See **Exhibit D to the**
7 **accompany Evidence Packet.**) The USPS attempted to deliver the Courtesy Notice of Default to
8 Respondent's address of record, but the documents were returned "Unclaimed/Unable to
9 Forward." The USPS also attempted to deliver the Courtesy Notice of Default to Respondent's
10 last known residence, but the documents were returned "Unclaimed." (See **Exhibit D.**)

11 10. Despite being served with the Accusation, and related documents, to his address of
12 records, and being served with a Courtesy Notice of Default that enclosed the Accusation and
13 Notice of Defense form, Respondent failed to file a Notice of Defense or give any notice to
14 Complainant of his intent to contest the Accusation. **Exhibit E to the accompanying Evidence**
15 **Packet** is a declaration stating that no Notice of Defense has been received or submitted.

16 11. California Government Code section 11520 states, in pertinent part:

17 (a) If the respondent either fails to file a notice of defense or to appear at the
18 hearing, the agency may take action based upon the respondent's express admissions
19 or upon other evidence and affidavits may be used as evidence without any notice to
20 respondent.

21 12. **Exhibit F to the accompanying Evidence Packet** contains a Declaration of Herbert
22 Cruz, M.D., declaring that Respondent suffers from a mental illness that could impact his ability
23 to practice medicine safely, and Respondent requires monitoring and continued treatment for his
24 mental illness.

25 13. Business and Professions Code section 125.3 states, in pertinent part:

26 (a) Except as otherwise provided by law, in any order issued in resolution of a
27 disciplinary proceeding before any board within the department or before the
28 osteopathic Medical Board, upon request of the entity bringing the proceeding, the
administrative law judge may direct a licensee found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the
investigation and enforcement of the case.

14. **Exhibit G to the accompanying Evidence Packet** contains a Certification of Costs in the amount of \$12,066.00 for the investigation and enforcement of the case. Based on the Certification, the Board finds that the cost amount is reasonable.

15. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A through G finds that the allegations in Accusation No. 800-2024-108960 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Justin Thomas Kane, M.D. has subjected his Physician's and Surgeon's Certificate No. A 103884 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached here as Exhibit B.

3. The Board has jurisdiction to adjudicate this case by default.

4. Pursuant to Business and Professions Code section 125.3, the Board is authorized to order Respondent to pay the Board the reasonable costs of investigation and enforcement of the case prayed for in the Accusation total \$12,066.00, based on the Certification of Costs attached as Exhibit G in the Exhibit Package.

5. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations alleged in the Accusation:

a. Inability to practice medicine safely without conditions, pursuant to Business and Professions Code section 822. (See Exhibit F.)

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1 **ORDER**

2 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 103884, issued to
3 Respondent Justin Thomas Kane, M.D., is revoked.

4 Respondent is ordered to pay the Board the costs of the investigation and enforcement of
5 this case in the amount of \$12,066.00. The filing of bankruptcy by Respondent shall not relieve
6 Respondent of his responsibility to reimburse the Board for its costs. Respondent's Physician's
7 and Surgeon's Certificate may not be renewed or reinstated unless all costs ordered under
8 Business and Professions Code section 125.3 have been paid.

9 If Respondent ever files an application for re-licensure or reinstatement in the State of
10 California, the Board shall treat it as a position for reinstatement of a revoked license.
11 Respondent must comply with all the laws, regulations, and procedures for reinstatement of a
12 revoked license in effect at the time the petition is filed.

13 **Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a**
14 **written motion requesting that the Decision be vacated and stating the grounds relied on**
15 **within seven (7) days after service of the Decision on Respondent.** The Board in its discretion
16 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
17 statute.

18 This Decision shall become effective at 5:00 p.m. on _____

NOV 04 2025

19 It is so ORDERED _____

OCT 23 2025

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22 
23 Reji Varghese
24 Executive Director
25 Medical Board of California
26 Department of Consumer Affairs

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11 In the Matter of the Accusation Against:

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12 **JUSTIN THOMAS KANE, M.D.**
13 **Riviera Plastic Aesthetic Surg**
14 **34 West Mission Street, Suite B**
15 **Santa Barbara, CA 93101**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 103884,**

18 **Respondent.**

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
(Board).

22 2. On or about May 14, 2008, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 103884 to Justin Thomas Kane, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate expired on May 31, 2024, and has not been renewed.

25 **JURISDICTION**

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

1 4. Section 118 of the Code states:

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

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

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

18 5. Section 2004 of the Code states:

19 The board shall have the responsibility for the following:

20 (a) The enforcement of the disciplinary and criminal provisions of the Medical
21 Practice Act.

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

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

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

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

 (f) Approving undergraduate and graduate medical education programs.

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

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

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

 6. Section 2227 of the Code provides that a licensee who is found guilty under the
Medical Practice Act may have his or her license revoked, suspended for a period not to exceed

1 one year, placed on probation and required to pay the costs of probation monitoring, or such other
2 action taken in relation to discipline as the Board deems proper.

3 STATUTORY PROVISIONS

4 7. Section 2234 of the Code states:

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

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

9 (b) Gross negligence.

10 (c) Repeated negligent acts. To be repeated, there must be two or more
11 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.

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

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

17 (d) Incompetence.

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

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

21 (g) The failure by a certificate holder, in the absence of good cause, to attend
22 and participate in an interview by the board no later than 30 calendar days after being
notified by the board. This subdivision shall only apply to a certificate holder who is
the subject of an investigation by the board.

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

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

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1 8. Section 2239 of the Code states:

2 (a) The use or prescribing for or administering to himself or herself, of any
3 controlled substance; or the use of any of the dangerous drugs specified in Section
4 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
5 or injurious to the licensee, or to any other person or to the public, or to the extent that
6 such use impairs the ability of the licensee to practice medicine safely or more than
one misdemeanor or any felony involving the use, consumption, or self-
administration of any of the substances referred to in this section, or any combination
thereof, constitutes unprofessional conduct. The record of the conviction is
conclusive evidence of such unprofessional conduct.

7 (b) A plea or verdict of guilty or a conviction following a plea of nolo
8 contendere is deemed to be a conviction within the meaning of this section. The
9 Division of Medical Quality may order discipline of the licensee in accordance with
10 Section 2227 or the Division of Licensing may order the denial of the license when
11 the time for appeal has elapsed or the judgment of conviction has been affirmed on
12 appeal or when an order granting probation is made suspending imposition of
sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
the Penal Code allowing such person to withdraw his or her plea of guilty and to enter
a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
complaint, information, or indictment.

13 9. Section 822 of the Code states:

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

17 (a) Revoking the licentiate's certificate or license.

18 (b) Suspending the licentiate's right to practice.

19 (c) Placing the licentiate on probation.

20 (d) Taking such other action in relation to the licentiate as the licensing agency
in its discretion deems proper.

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

24 COST RECOVERY

25 10. Section 125.3 of the Code states:

26 (a) Except as otherwise provided by law, in any order issued in resolution of a
27 disciplinary proceeding before any board within the department or before the
28 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
administrative law judge may direct a licensee found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the

1 investigation and enforcement of the case.

2 (b) In the case of a disciplined licensee that is a corporation or a partnership, the
3 order may be made against the licensed corporate entity or licensed partnership.

4 (c) A certified copy of the actual costs, or a good faith estimate of costs where
5 actual costs are not available, signed by the entity bringing the proceeding or its
6 designated representative shall be prima facie evidence of reasonable costs of
7 investigation and prosecution of the case. The costs shall include the amount of
8 investigative and enforcement costs up to the date of the hearing, including, but not
9 limited to, charges imposed by the Attorney General.

10 (d) The administrative law judge shall make a proposed finding of the amount
11 of reasonable costs of investigation and prosecution of the case when requested
12 pursuant to subdivision (a). The finding of the administrative law judge with regard
13 to costs shall not be reviewable by the board to increase the cost award. The board
14 may reduce or eliminate the cost award, or remand to the administrative law judge if
15 the proposed decision fails to make a finding on costs requested pursuant to
16 subdivision (a).

17 (e) If an order for recovery of costs is made and timely payment is not made as
18 directed in the board's decision, the board may enforce the order for repayment in any
19 appropriate court. This right of enforcement shall be in addition to any other rights
20 the board may have as to any licensee to pay costs.

21 (f) In any action for recovery of costs, proof of the board's decision shall be
22 conclusive proof of the validity of the order of payment and the terms for payment.

23 (g) (1) Except as provided in paragraph (2), the board shall not renew or
24 reinstate the license of any licensee who has failed to pay all of the costs ordered
25 under this section.

26 (2) Notwithstanding paragraph (1), the board may, in its discretion,
27 conditionally renew or reinstate for a maximum of one year the license of any
28 licensee who demonstrates financial hardship and who enters into a formal agreement
with the board to reimburse the board within that one-year period for the unpaid
costs.

(h) All costs recovered under this section shall be considered a reimbursement
for costs incurred and shall be deposited in the fund of the board recovering the costs
to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of
the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in
that board's licensing act provides for recovery of costs in an administrative
disciplinary proceeding.

25 FACTUAL ALLEGATIONS

26 11. On or about May 30, 2024, California Highway Patrol (CHP) officers engaged in a
27 pursuit of a vehicle that failed to pull over when instructed to do so. The driver of the vehicle was
28 later identified as Respondent. CHP officers received air support from the San Bernardino

1 Sheriff's Department once it was clear that Respondent was evading the officers. During the
2 pursuit, Respondent was swerving through all lanes of traffic and traveled up to approximately
3 100 miles per hour (mph), almost crashing into other vehicles multiple times. At one point,
4 Respondent slowed down to approximately 30 mph, partially climbed out of the driver side
5 window, and flipped off the officers, nearly losing control of the vehicle and crashing.

6 12. Around 11:17 p.m., Respondent collided into another vehicle, causing the driver to
7 lose control and collide into the median. Respondent also lost control of his vehicle and veered
8 across the highway. His vehicle became disabled and officers initiated the arrest.

9 13. Upon making contact with Respondent, officers observed that Respondent's speech
10 was extremely repetitive and loud. When questioned, Respondent indicated that he had "smoked
11 a joint" and consumed mushrooms. Officers did not conduct any field sobriety tests but believed
12 that Respondent had objective signs and symptoms of drug impairment due to their experience
13 and observations, Respondent's demeanor and behavior, and Respondent's own admission.
14 Officers asked Respondent to submit to a blood test and he agreed. Respondent's blood test
15 detected the presence of Cannabinoids, but no other drugs.

16 14. On or about August 29, 2024, in the case of The People of the State of California vs.
17 Justin Thomas Kane, Superior Court of California for the County of Riverside, case number
18 BAF2400932, Respondent was charged with driving under the influence of any drug, in violation
19 of Vehicle Code section 23152, subdivision (f), a misdemeanor. Respondent was also charged
20 with evading arrest, in violation of Vehicle Code section 2800.2, a felony.

21 15. As of the date of this filing, the criminal charges against Respondent are still pending.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Use of Drugs in a Dangerous Manner)**

24 16. Respondent Justin Thomas Kane, M.D. is subject to disciplinary action under Code
25 section 2239, subdivision (a), in that Respondent used drugs to the extent, or in such a manner, as
26 to be dangerous or injurious to himself and to the public, as more particularly alleged in
27 paragraphs 11 through 15, above, which are incorporated herein by reference as if fully set forth.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 17. Respondent Justin Thomas Kane, M.D. is subject to disciplinary action under Code
4 section 2234 in that Respondent engaged in unprofessional conduct as more particularly alleged
5 in paragraphs 11 through 16, above, which are incorporated by reference as if fully set forth
6 herein.

7 **THIRD CAUSE FOR ACTION**

8 **(Inability to Practice Without Conditions)**

9 18. Respondent Justin Thomas Kane, M.D. is subject to action under Code section 822 in
10 that Respondent has a mental and/or physical condition that requires monitoring and practice
11 restrictions. The circumstances are as follows:

12 19. On or about June 3, 2024, the Board received notice that Respondent was arrested.

13 20. On or about September 17, 2024, a Board investigator mailed Respondent a request
14 for voluntary agreement to undergo mental and physical evaluations. On or about October 8,
15 2024, it was determined that the mail was not delivered. As such, the Board investigator emailed
16 Respondent and later spoke with him regarding the agreements. Respondent agreed to sign the
17 voluntary agreement forms. On or about October 15, 2024, the signed voluntary agreement forms
18 were received.

19 21. On or about November 6, 2024, Respondent underwent a physical examination. The
20 physician who performed the physical examination found that Respondent does not have a
21 physical illness or condition that makes him unable to practice medicine safely. However, the
22 physician found that Respondent has been previously diagnosed with bipolar disorder¹ and, as
23 long as Respondent is under the care of his psychiatrist, he could practice medicine safely. The
24 physician recommended that Respondent continue his treatment under the supervision of a
25 psychiatrist.

26
27 ¹ Bipolar affective disorder is a lifelong mood disorder and mental health condition that
28 causes intense shifts in mood, energy levels, thinking patterns, and behavior. Type 1 bipolar
disorder is characterized by manic episodes in which you have a period of abnormally elevated or
irritable mood.

22. Following his mental examination on November 7, 2024, it was determined that Respondent was previously diagnosed with bipolar affective disorder, type 1, by his treating physicians, and he suffered a manic episode during his May 30, 2024, arrest. The physician who performed the mental examination found that Respondent does have a mental illness that could impact his ability to engage in the practice of medicine. While the examiner found that Respondent did not presently demonstrate any signs and symptoms of bipolar disorder or substance use disorder, he noted that both disorders are sporadic, intermittent, and episodic.

23. The examiner found that Respondent is able to practice medicine safely but would require ongoing monitoring. Specifically, the examiner recommended that Respondent be treated by a board-certified psychiatrist well-versed in co-occurring illness, who should review any and all treatment. The examiner also recommended that Respondent submit to random urine toxicology screenings and monthly management of bipolar illness.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 103884,
issued to Respondent Justin Thomas Kane, M.D.;

2. Revoking, suspending or denying approval of Respondent Justin Thomas Kane, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Justin Thomas Kane, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

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

DATED: AUG 19 2025

RE: J. VARGHESE
REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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