

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

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

Lindsay Marie Clark, M.D.

**Physician's and Surgeon's
Certificate No. A 96580**

Respondent.

Case No.: 800-2021-077352

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 January 8, 2026.

IT IS SO ORDERED: December 9, 2025.

MEDICAL BOARD OF CALIFORNIA

 **MD.**

**Veling Tsai, M.D., Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 MACHAELA M. MINGARDI
Supervising Deputy Attorney General
3 C. HAY-MIE CHO
Deputy Attorney General
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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 First Amended Accusation
Against:

12 **LINDSAY MARIE CLARK, M.D.**
13 **3727 Buchanan Street, 4th Flr**
San Francisco, CA 94123

14 **Physician's and Surgeon's Certificate No. A**
15 **96580**

16 Respondent.

Case No. 800-2021-077352

OAH No. 2025030088

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by C. Hay-Mie Cho, Deputy
25 Attorney General.

26 2. Respondent Lindsay Marie Clark, M.D. (Respondent) is represented in this
27 proceeding by attorney Adam Glen Slote, whose address is: 50 California Street, 34th Floor,
28 San Francisco, CA 94111.

3. On or about July 28, 2006, the Board issued Physician's and Surgeon's Certificate No. A 96580 to Lindsay Marie Clark, 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 First Amended Accusation No. 800-2021-077352, and will expire on December 31, 2025, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2021-077352 was filed before the Board and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on January 16, 2024. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of First Amended Accusation No. 800-2021-077352 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 First Amended Accusation No. 800-2021-077352. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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 First Amended
3 Accusation No. 800-2021-077352, if proven at a hearing, constitute cause for imposing discipline
4 upon her Physician's and Surgeon's Certificate.

5 10. Respondent agrees that at an administrative hearing, Complainant could establish a
6 *prima facie* case or factual basis for the charges and allegations contained in First Amended
7 Accusation No. 800-2021-077352 and that she hereby gives up her right 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 First Amended
10 Accusation No. 800-2021-077352, a true and correct copy of which is attached hereto as Exhibit
11 A, and that she has thereby subjected her Physician's and Surgeon's Certificate, No. A 96580 to
12 disciplinary action.

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

16 CONTINGENCY

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

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

15. Respondent agrees that if she ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against her before the Board, all of the charges and allegations contained in First Amended Accusation No. 800-2021-077352 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 Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 96580 issued to Respondent LINDSAY MARIE CLARK, M.D., is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. COMMUNITY SERVICE - FREE SERVICES. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval a community service plan in which Respondent shall provide 200 hours of free services (e.g., medical or nonmedical) to a community or non-profit organization.

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

Community service performed prior to the effective date of the Decision shall not be

1 accepted in fulfillment of this condition.

2 2. EDUCATION COURSE. Within 60 calendar days of the effective date of this
3 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
4 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
5 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
6 correcting any areas of deficient practice or knowledge and shall be Category I certified. The
7 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to
8 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the
9 completion of each course, the Board or its designee may administer an examination to test
10 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
11 hours of CME of which 40 hours were in satisfaction of this condition.

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

21 A prescribing practices course taken after the acts that gave rise to the charges in the
22 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
23 or its designee, be accepted towards the fulfillment of this condition if the course would have
24 been approved by the Board or its designee had the course been taken after the effective date of
25 this Decision.

26 Respondent shall submit a certification of successful completion to the Board or its
27 designee not later than 15 calendar days after successfully completing the course, or not later than
28 15 calendar days after the effective date of the Decision, whichever is later.

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

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

15 Respondent shall submit a certification of successful completion to the Board or its
16 designee not later than 15 calendar days after successfully completing the course, or not later than
17 15 calendar days after the effective date of the Decision, whichever is later.

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

28 A professionalism program taken after the acts that gave rise to the charges in the First

1 Amended Accusation, but prior to the effective date of the Decision may, in the sole discretion of
2 the Board or its designee, be accepted towards the fulfillment of this condition if the program
3 would have been approved by the Board or its designee had the program been taken after the
4 effective date of 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 program or not later
7 than 15 calendar days after the effective date of the Decision, whichever is later.

8 6. THREE-DAY ANNUAL SEMINAR IN DERMATOLOGY. Within 90 calendar
9 days of the effective date of this Decision, Respondent shall enroll in a three-day in-person
10 seminar in dermatology, or its equivalent, approved in advance by the Board or its designee.
11 Respondent shall complete this course not later than six (6) months after Respondent's initial
12 enrollment unless the Board or its designee agrees in writing to an extension of that time.
13 Respondent shall enroll in and complete this course each year of probation.

14 7. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective
15 date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a
16 practice and billing monitor(s), the name and qualifications of one or more licensed physicians
17 and surgeons whose licenses are valid and in good standing, and who are preferably American
18 Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current
19 business or personal relationship with Respondent, or other relationship that could reasonably be
20 expected to compromise the ability of the monitor to render fair and unbiased reports to the
21 Board, including but not limited to any form of bartering, shall be in Respondent's field of
22 practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring
23 costs.

24 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
25 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
26 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
27 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
28 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees

1 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
2 signed statement for approval by the Board or its designee.

3 Within 60 calendar days of the effective date of this Decision, and continuing throughout
4 probation, Respondent's practice and billing shall be monitored by the approved monitor.
5 Respondent shall make all records available for immediate inspection and copying on the
6 premises by the monitor at all times during business hours and shall retain the records for the
7 entire term of probation.

8 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
9 date of this Decision, Respondent shall receive a notification from the Board or its designee to
10 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
11 shall cease the practice of medicine until a monitor is approved to provide monitoring
12 responsibility.

13 The monitor(s) shall submit a quarterly written report to the Board or its designee which
14 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
15 are within the standards of practice of medicine and billing, and whether Respondent is practicing
16 medicine safely, billing appropriately, or both. It shall be the sole responsibility of Respondent to
17 ensure that the monitor submits the quarterly written reports to the Board or its designee within
18 10 calendar days after the end of the preceding quarter.

19 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
20 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
21 name and qualifications of a replacement monitor who will be assuming that responsibility within
22 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
23 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
24 notification from the Board or its designee to cease the practice of medicine within three (3)
25 calendar days after being so notified. Respondent shall cease the practice of medicine until a
26 replacement monitor is approved and assumes monitoring responsibility.

27 In lieu of a monitor, Respondent may participate in a professional enhancement program
28 approved in advance by the Board or its designee that includes, at minimum, quarterly chart

1 review, semi-annual practice assessment, and semi-annual review of professional growth and
2 education. Respondent shall participate in the professional enhancement program at Respondent's
3 expense during the term of probation.

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

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

13 9. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
14 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
15 advanced practice nurses.

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

19 11. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
20 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
21 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
22 enforcement, as applicable, in the amount of \$34,131.20. Costs shall be payable to the Medical
23 Board of California. Failure to pay such costs shall be considered a violation of probation.

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

28 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility

1 to repay investigation and enforcement costs, including expert review costs.

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

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

7 13. GENERAL PROBATION REQUIREMENTS.

8 Compliance with Probation Unit

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

10 Address Changes

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

16 Place of Practice

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

20 License Renewal

21 Respondent shall maintain a current and renewed California physician's and surgeon's
22 license.

23 Travel or Residence Outside California

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

27 In the event Respondent should leave the State of California to reside or to practice
28 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of

1 departure and return.

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

5 15. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
6 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
7 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
8 defined as any period of time Respondent is not practicing medicine as defined in Business and
9 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
10 patient care, clinical activity or teaching, or other activity as approved by the Board. If
11 Respondent resides in California and is considered to be in non-practice, Respondent shall
12 comply with all terms and conditions of probation. All time spent in an intensive training
13 program which has been approved by the Board or its designee shall not be considered non-
14 practice and does not relieve Respondent from complying with all the terms and conditions of
15 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
16 on probation with the medical licensing authority of that state or jurisdiction shall not be
17 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
18 period of non-practice.

19 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
20 months, Respondent shall successfully complete the Federation of State Medical Boards' Special
21 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
22 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
23 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.
24 Respondent's period of non-practice while on probation shall not exceed two (2) years. Periods
25 of non-practice will not apply to the reduction of the probationary term. Periods of non-practice
26 for a Respondent residing outside of California will relieve Respondent of the responsibility to
27 comply with the probationary terms and conditions with the exception of this condition and the
28 following terms and conditions of probation: Obey All Laws; General Probation Requirements;

1 and Quarterly Declarations.

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

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

15 18. LICENSE SURRENDER. Following the effective date of this Decision, if
16 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
17 the terms and conditions of probation, Respondent may request to surrender his or her license.
18 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
19 determining whether or not to grant the request, or to take any other action deemed appropriate
20 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
21 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
22 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
23 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
24 application shall be treated as a petition for reinstatement of a revoked certificate.

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

1 year.

2 20. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
3 a new license or certification, or petition for reinstatement of a license, by any other health care
4 licensing action agency in the State of California, all of the charges and allegations contained in
5 First Amended Accusation No. 800-2021-077352 shall be deemed to be true, correct, and
6 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding
7 seeking to deny or restrict license.

8 ACCEPTANCE

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
10 discussed it with my attorney, Adam Glen Slote. I understand the stipulation and the effect it will
11 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
12 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
13 Decision and Order of the Medical Board of California.

14
15 DATED: 10 / 14 / 2025


16 LINDSAY MARIE CLARK, M.D.
Respondent

17 I have read and fully discussed with Respondent Lindsay Marie Clark, M.D. the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
19 I approve its form and content.

20
21 DATED: 10 / 14 / 2025


22 ADAM GLEN SLOTE
Attorney for Respondent

ENDORSEMENT

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

DATED: October 14, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
MACHAELA M. MINGARDI
Supervising Deputy Attorney General

C. Hay-Mie Cho

C. HAY-MIE CHO
Deputy Attorney General
Attorneys for Complainant

SF2023401158
44826723

Exhibit A

Accusation No. 800-2021-077352

1 ROB BONTA
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2 MACHAELA M. MINGARDI
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Attorneys for Complainant
6

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

11 In the Matter of the First Amended Accusation
Against:

Case No. 800-2021-077352

FIRST AMENDED ACCUSATION

12 **Lindsay Marie Clark, M.D.**
13 **1250 Newell Ave., #200**
14 **Walnut Creek, CA 94596-5380**

15 **Physician's and Surgeon's Certificate**
No. A 96580,

16 Respondent.

17
18
19 **PARTIES**

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

23 2. On July 28, 2006, the Medical Board issued Physician's and Surgeon's Certificate
24 Number A 96580 to Lindsay Marie Clark, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2025, unless renewed.

27 //

28 //

JURISDICTION

3. This First Amended 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 2001.1 of the Code provides that the Board's highest priority shall be public protection.

5. Section 2004 of the Code states:

The board shall have the responsibility for the following:

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

(b) The administration and hearing of disciplinary actions.

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

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

(e) Reviewing the quality of medical practice carried out by physician and 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 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

1 Code, or whose default has been entered, and who is found guilty, or who has entered
2 into a stipulation for disciplinary action with the board, may, in accordance with the
3 provisions of this chapter:

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

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

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

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

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

14 7. Section 2234 of the Code, states:

15 The board shall take action against any licensee who is charged with unprofessional
16 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
17 limited to, the following:
18

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

21 (b) Gross negligence.

22 (c) Repeated negligent acts. To be repeated, there must be two or more
23 negligent acts or omissions. An initial negligent act or omission followed by a
24 separate and distinct departure from the applicable standard of care shall constitute
25 repeated negligent acts.
26
27
28

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

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

9
10 (d) Incompetence.

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

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

15 (g) The failure by a certificate holder, in the absence of good cause, to attend
16 and participate in an interview by the board. This subdivision shall only apply to a
17 certificate holder who is the subject of an investigation by the board.

18
19 8. Section 2236 of the Code states:

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

25
26

27 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
28

1 deemed to be a conviction within the meaning of this section and Section 2236.1.

2 The record of conviction shall be conclusive evidence of the fact that the conviction
3 occurred.

4 9. Section 2266 of the Code states that the "failure of a physician and surgeon to
5 maintain adequate and accurate records relating to the provision of services to their patients
6 constitutes unprofessional conduct."

7 COST RECOVERY

8 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
13 included in a stipulated settlement.

14 FACTUAL ALLEGATIONS

15 Conviction:

16 11. On April 1, 2021, Respondent was indicted by a federal grand jury and was charged
17 in the United States District Court, Northern District of California, with Count One as follows:
18 "21 U.S.C. sections 331(c), 333(a)(2), Receipt in interstate commerce of drugs that are
19 misbranded, and devices that are misbranded and adulterated, and the delivery and proffered
20 delivery thereof for pay or otherwise, with intent to defraud and mislead."¹

21 12. On November 22, 2022, Respondent pled guilty to Count One of the Indictment,
22 Receipt in Interstate Commerce of Adulterated and Misbranded Drugs and Devices, in violation
23 of 21 U.S.C. sections 331(c), 333(a)(1), as a misdemeanor. In her signed plea agreement,
24 Respondent admitted the following:

25 "From at least April 1, 2016, until no earlier than June 3, 2020, I obtained and injected
26 patients with prescription drugs and devices that were not the subject of an FDA biologics
27

28 ¹ *United States of America v. Lindsay Marie Clark*, Case No. 3:21-CR-00132 SI, Indictment.

1 license, drug approval, or Class III device approval, from foreign sources, primarily by ordering
2 the drugs and devices over the phone and internet. I took steps to conceal this conduct from
3 patients, Allergan and the FDA.”²

4 13. In her plea agreement, Respondent admitted that her practice purchased at least
5 \$270,951 in products from these illegitimate suppliers, and that her practice received at least
6 \$1,069,880 in revenue from services rendered in connection with these products.³ Respondent
7 agreed that her medical corporation would plead guilty to felony level crimes for the same acts
8 for which Respondent pleaded guilty. At the time of the conviction, there was sufficient unity of
9 interest, ownership, and control that the separate personalities of the Respondent and the
10 corporate entities no longer existed.

11 14. Respondent admitted that the botulinum toxin drugs received by her practice from
12 online sources and delivered to patients were misbranded. She admitted that the injectable
13 hyaluronic acid devices received by her practice were adulterated and misbranded.⁴

14 15. Respondent admitted that she “injected misbranded and adulterated botulinum toxin
15 drugs and hyaluronic acid devices into patients.”⁵

16 16. On April 20, 2023, Respondent was sentenced by the United States District Court.
17 Respondent was placed on federal criminal probation for a period of three years and ordered to
18 pay restitution in the amount of \$1,069,880.

19 //

20 //

21 //

22 //

23 ² Plea Agreement, 3:21-CR-00132-SI, pp. 2-3.

24 ³ Plea Agreement, 3:21-CR-00132-SI, p. 3.

25 ⁴ *Id.* at 10-11. The botulinum toxin drugs were misbranded in that their labeling was false
and misleading (21 U.S.C. sec. 352(a)), lacked adequate directions for their intended use (21
U.S.C. sec. 352(f)(1)), and failed to bear “Rx only” on their label (21 U.S.C. sec. 353(b)(4)(A)).

26 ⁵ *Id.* at 25-26. The devices were adulterated in that they were Class III devices that
27 required, but lacked, FDA approval (21 U.S.C. sec. 351(f)(1)(B)), and were misbranded in that
28 their labeling was false and misleading (21 U.S.C. sec. 352(a)), and they lacked adequate
directions for their intended uses (21 U.S.C. sec. 352(f)(1)).

Patient One:

17. On April 21, 2023, Patient One, a registered nurse, filed a complaint with the Board.⁶ In 2017, Patient One sought Botox and Juvéderm injections from Respondent. On January 13, 2017, Patient One received injections in her face from Respondent. Respondent informed Patient One that she had injected Patient One's face with Botox and Juvéderm, however, Respondent had in fact injected Patient One's face with non-FDA approved products that Respondent purchased from an overseas supplier.

18. During her interview with the Board, Respondent admitted that she injected Patient One's face with drugs that she obtained from an overseas supplier.

19. At no time was Patient One informed of, or did she consent to, these unknown drugs being injected into her face.

20. Respondent's medical records for Patient One contain signed consent forms for Patient One to receive Botox and Juvéderm. Respondent's medical records for Patient One do not accurately reflect the medical treatment that was actually provided to Patient One, as set forth above.

21. Following Respondent's injections into Patient One's lips, Patient One's lips were swollen and lumpy. Patient One tried to massage the lumps, but the lumps did not dissipate. Patient One informed Respondent of the situation and requested that a reversal agent be injected into her lips. Patient One received three injections of the reversal agent, but her lips did not heal. The lumps caused by Respondent are still visible today.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct/Dishonest or Corrupt Acts)

22. The allegations set for in Paragraphs 11 through 21 are incorporated by reference as if fully set out herein.

⁶ The Patient's name is not used in this First Amended Accusation to maintain patient confidentiality. The patient's identity is known to Respondent or will be disclosed to Respondent upon a duly issued request for discovery and in accordance with Government Code section 11507.6.

1 23. Respondent Lindsay Marie Clark, M.D., is subject to disciplinary action under
2 sections 2234 and/or 2234(e) of the Code, in that she repeatedly injected misbranded and
3 adulterated botulinum toxin drugs and hyaluronic acid devices into patients. Respondent's
4 conduct constitutes unprofessional conduct, and/or dishonest, fraudulent and corrupt acts in
5 violation of Code sections 2234 and/or 2234(e).

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Gross Negligence)**

8 24. The allegations set for in Paragraphs 11 through 23 are incorporated by reference as if
9 fully set out herein.

10 25. Respondent Lindsay Marie Clark, M.D., is subject to disciplinary action under
11 sections 2234, 2234(b) and/or 2234(e) of the Code, in that she injected Patient One's face with
12 drugs that Respondent bought from an overseas supplier, while falsely informing Patient One that
13 she was receiving FDA-approved Botox and Juvéderm. Respondent's conduct constitutes
14 unprofessional conduct, gross negligence, and/or dishonest, fraudulent and corrupt acts in
15 violation of Code sections 2234, 2234(b) and/or 2234(e).

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Conviction)**

18 26. The allegations set for in Paragraphs 11 through 25 are incorporated by reference as if
19 fully set forth herein.

20 27. Respondent Lindsay Marie Clark, M.D., is subject to disciplinary action under section
21 2236 of the Code in that she has entered guilty pleas to, and has been convicted of, federal crimes
22 involving fraud, dishonesty and/or corruption.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Medical Record Keeping)**

25 28. The allegations set for in Paragraphs 11 through 27 are incorporated by reference as if
26 fully set forth herein.

1 29. Respondent Lindsay Marie Clark, M.D., is subject to disciplinary action under section
2 2266 in that she failed to keep accurate medical records in regard to her care and treatment of
3 Patient One, as described herein.

4 **PRAYER**

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

7 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 96580,
8 issued to Respondent Lindsay Marie Clark, M.D.;

9 2. Revoking, suspending or denying approval of Respondent Lindsay Marie Clark,
10 M.D.'s authority to supervise physician assistants and advanced practice nurses;

11 3. Ordering Respondent Lindsay Marie Clark, M.D., to pay the Board the costs of the
12 investigation and enforcement of this case, and if placed on probation, the costs of probation
13 monitoring;

14 4. Ordering Respondent Lindsay Marie Clark, M.D., if placed on probation, to provide
15 patient notification in accordance with Business and Professions Code section 2228.1; and

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

17
18 DATED: JAN 16 2024

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

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