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

In the Matter of the Accusation Against: **Charles Minh, M.D.** **809 Arlington Cir** **Novato, CA 94947-4978** **Physician's and Surgeon's Certificate No. A 140211,** Respondent.	Case No. 800-2025-117710 **ACCUSATION**

PARTIES

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

2. On or about January 12, 2016, the Medical Board issued Physician's and Surgeon's Certificate Number A 140211 to Charles Minh, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2028, unless renewed.

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JURISDICTION

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

4. Section 2001.1 of the Code provides that, "Protection of the public shall be the highest priority for the Medical Board of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

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.

". . ."

6. Section 2220 of the Code grants the Board authority to "enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders."

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

8. Section 2228.1 of the Code states:

"(a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board and the Podiatric Medical Board of California shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information internet website, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, in any of the following circumstances:

"(1) A final adjudication by the board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:

"(A) The commission of any act of sexual abuse, misconduct, or relations with a patient or client as defined in Section 726 or 729.

"(B) Drug or alcohol abuse directly resulting in harm to patients or the extent that such use impairs the ability of the licensee to practice safely.

"(C) Criminal conviction directly involving harm to patient health.

"(D) Inappropriate prescribing resulting in harm to patients and a probationary period of five years or more.

"(2) An accusation or statement of issues alleged that the licensee committed any of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a stipulated settlement based upon a nolo contendere or other similar compromise that does not include any prima facie showing or admission of guilt or fact but does include an express acknowledgment that the disclosure requirements of this section would serve to protect the public interest.

"(b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

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

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

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

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

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

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

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

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

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

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

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

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

9. Section 2234 of the Code states:

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

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

"(b) Gross negligence.

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

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

"(2) When the standard of care requires a change in the diagnosis, act, or 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 licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"(d) Incompetence.

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

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

". . ."

10. Section 2239(a) provides, in relevant part, that the use of alcoholic beverages in a manner as to be dangerous or injurious to the licensee, to any other person, or to the public, constitutes unprofessional conduct.

11. Section 822 of the Code states:

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

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

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

"(c) Placing the licentiate on probation.

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

"The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the 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."

REGULATORY PROVISIONS

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

"(a) For the purposes of denial, suspension or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes, professional misconduct, or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of state or federal law governing the applicant's or licensee's professional practice.

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

"(1) The nature and gravity of the crime;

"(2) The number of years elapsed since the date of the crime; and

"(3) The nature and duties of the profession."

COST RECOVERY

13. Section 125.3 of the Code states:

"(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the 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.

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

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

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

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

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

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

"(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any 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.

FACTUAL ALLEGATIONS

14. Respondent is an anesthesiologist. On Wednesday, April 23, 2025, at approximately 6:55 p.m., Respondent had completed his shift as an anesthesiologist and was driving home from work. As Respondent drove on Interstate-80 eastbound, west of Powell Street, in the city of Emeryville, he caused two separate collisions within the span of minutes.

15. The California Highway Patrol ("CHP") responded to the scene and interviewed the affected parties. Respondent related that he was driving in the number two lane[1] at approximately sixty miles per hour. He was driving straight and had no recollection of any collision. However, the other affected parties related that as Respondent switched lanes from the number two lane into the number one lane, he sideswiped another vehicle in the number one lane. Traffic was heavy and began to slow down. Moments later, Respondent rear-ended a second vehicle, causing it to continue forward and crash into a third vehicle.

16. When the responding CHP officer contacted Respondent, he immediately noticed that Respondent had slurred speech, watery eyes, droopy eyelids, and slow movements. He also smelled the odor of an alcoholic beverage emitting from inside Respondent's vehicle. Respondent told the officer that he was driving home from work. He denied consuming any alcohol. When Respondent exited his vehicle, he had difficulty walking and lost his balance. The CHP officer

[1] The law enforcement lane numbering system is as follows: the number one lane is the far-left lane, and the numbering increases in numeric order as you move left to right across the freeway. Thus, on a four-lane freeway, the number one lane is the far-left lane, and the number four lane is the far-right lane.

administered a series of Field Sobriety Tests, and Respondent performed consistently with a person under the influence of alcohol.

17. At approximately 8:00 p.m., the officer administered a preliminary alcohol screening ("PAS") test to determine Respondent's blood alcohol content ("BAC"). Respondent's BAC measured 0.254 percent and 0.262 percent. Respondent was arrested for driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivisions (a) and (b). At approximately 9:10 p.m., Respondent underwent a blood draw to further determine his BAC. An independent forensic laboratory tested Respondent's blood sample and measured Respondent's BAC to be 0.307 percent, which is nearly four times the legal limit. Respondent also tested positive for a marijuana metabolite.

18. On or about April 28, 2025, the Medical Board of California ("Board") received notice of Respondent's arrest. A few days later, the matter was sent to the Department of Consumer Affairs, Division of Investigation, Health Quality Investigation Unit ("HQIU") for further investigation. On October 3, 2025, the Board interviewed Respondent, who related that on the day of the collision, he worked as an anesthesiologist in Walnut Creek from 7:30 a.m. until 5:30 p.m. He ate dinner and drank mixed cocktails at a restaurant near work. He could not recall how many drinks he had.[2] He left the restaurant and drove to a house viewing in Novato. He has no recollection of the collisions but recalls bits and pieces of his interaction with CHP. As for the marijuana detected in his blood, Respondent stated that he had used marijuana gummies approximately a week before the DUI collision to help him sleep.

19. On December 17, 2025, Respondent underwent a voluntary mental examination by Dr. M.N., a Board-certified psychiatrist. Dr. M.N. evaluated Respondent and reviewed Respondent's medical and therapeutic records, which indicated that Respondent struggled with significant alcohol abuse, consumed alcohol daily, and blacked out approximately five to six times over the past year. Respondent related to his therapist that he was drinking several shots of whiskey daily for a long time prior to the DUI collision and that his drinking interfered with his

[2] In a therapy session, Respondent disclosed to his therapist that he consumed four-five gin and tonic drinks.

relationships and work. Dr. M.N. opined that at the time of the collision, Respondent likely was in a blackout state. Dr. M.N. diagnosed Respondent with Alcohol Use Disorder, Persistent Depressive Disorder with Anxious Stress, and Cannabis Use Disorder. Dr. M.N. opined that Respondent is unable to practice safely, and that his continued practice poses a present danger and threat to the public health, safety, and welfare.

20. The Board sought an Interim Order of Suspension ("ISO"). The ISO hearing occurred on May 12, 2026. At hearing, Respondent stipulated that he suffers from alcohol use disorder but argued that since the DUI collision, he has engaged in significant rehabilitation efforts, including enrolling in a virtual, out-patient treatment program, therapy, and Alcoholics Anonymous; and undergoing alcohol testing through Soberlink, all of which have been negative for alcohol. On May 12, 2026, Administrative Law Judge Juliet Cox issued an Interim Practice Restriction Order by which Respondent must abstain from the use or possession of controlled substances and alcohol; he must undergo random, unannounced, and observed biological fluid testing to confirm his abstinence; he must have a worksite monitor; he must provide the Board with the contact information for all employers and supervisors; and he must provide consent for his employers and supervisors to communicate with the Board regarding his work status, performance, and monitoring.

21. Respondent requires continued monitoring, oversight, and treatment to ensure his continued abstinence from alcohol and any other substances, and to ensure that he can practice medicine safely.

CAUSE FOR ACTION

(Impaired Ability to Practice Medicine Safely)

22. The allegations contained in paragraphs 14 through 21 are incorporated by reference.

23. Respondent is subject to action under sections 822 and/or 2234 of the Code, in that Respondent's ability to practice medicine safely is impaired by a mental health condition.

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CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Excessive Use of Alcohol)

24. The allegations contained in paragraphs 14 through 21 are incorporated by reference.

25. Respondent is subject to disciplinary action under sections 2234 and/or 2239(a) of the Code, and/or CCR title 16, section 1360, in that Respondent drove while under the influence of alcohol, and his blood alcohol content measured 0.30 percent, which is nearly four times the legal limit.

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 140211, issued to Respondent Charles Minh, M.D.;

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

3. Ordering Respondent Charles Minh, 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;

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

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

DATED: JUN 09 2026

for

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

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