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

In the Matter of the Accusation Against:	)	
PEDRO EVA, M.D.	)	**Case No. 03-2008-195991**
Physician's and Surgeon's Certificate No. A90222	)	
Respondent	)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 27, 2018.

IT IS SO ORDERED March 29, 2018.

MEDICAL BOARD OF CALIFORNIA

By: _____
Ronald H. Lewis, M.D., Chair
Panel A

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
STEVE DIEHL
Deputy Attorney General
State Bar No. 235250
California Department of Justice
2550 Mariposa Mall, Room 5090
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **PEDRO EVA, M.D.** 65 College Dr. Ventura, CA 93003-3405 **Physician's and Surgeon's Certificate No. No. A 90222** Respondent.	Case No. 03-2008-195991 OAH No. 2017110347 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Steve Diehl, Deputy Attorney General.

2. Respondent Pedro Eva, M.D. (Respondent) is represented in this proceeding by attorney Edward J. Caden, Esq., whose address is: 915 L Street C-158, Sacramento, CA 95814.

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3. On or about February 23, 2005, the Board issued Physician's and Surgeon's Certificate No. A 90222 to Pedro Eva, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 03-2008-195991, and will expire on December 31, 2018, unless renewed.

JURISDICTION

4. Accusation No. 03-2008-195991 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 20, 2017. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 03-2008-195991 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 03-2008-195991. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 03-2008-195991.

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

CIRCUMSTANCES IN MITIGATION

11. Respondent Pedro Eva, M.D. has met all the conditions set forth in the plea agreement referenced in Accusation No. 03-2008-195991, and pursuant to an order entered by the Monterey County Superior Court, criminal charges have been dismissed effective February 8, 2018.

CONTINGENCY

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

13. 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.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 90222 issued to Respondent Pedro Eva, M.D. shall be and is hereby Publicly Reprimanded pursuant to

California Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand is issued in connection with a misdemeanor conviction Respondent incurred, as set forth in Accusation No. 03-2008-195991, and is as follows:

On or about January 8, 2015, Respondent Pedro Eva, M.D. entered a no contest plea to a single misdemeanor violation of Penal Code section 72, Presentation of a Fraudulent Claim, in connection with his billing practices over a four-month period in 2007. This plea constitutes a conviction of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon, within the meaning of Business and Professions Code section 2236.

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ACCEPTANCE

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

DATED: 2-8-18

PEDRO EVA, M.D.
Respondent

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

DATED: February 8, 2018

EDWARD J. CADEN, ESQ.
Attorney for Respondent

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ENDORSEMENT

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

Dated: 2/9/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

STEVE DIEHL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 03-2008-195991

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Oct. 20 2017
BY _____ ANALYST

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

In the Matter of the Accusation Against: **PEDRO EVA, M.D.** 65 College Drive Ventura, CA 93003 **Physician's and Surgeon's Certificate No. A90222,** Respondent.	Case No. 03-2008-195991 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On or about February 23, 2005, the Medical Board issued Physician's and Surgeon's Certificate No. A90222 to Pedro Eva, M.D. (Respondent). The Physician's and Surgeon's Certificate No. was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2018, 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 unless otherwise indicated.

4. Section 2227 of the Code states:

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

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

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

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

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

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

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

5. Section 2236 of the Code states:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"(b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

"(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

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

6. *Krain v. Medical Board* (1999) 71 Cal.App.4th 1416 holds that the Board may impose discipline pursuant to section 2236, notwithstanding a subsequent order in criminal court allowing a defendant to withdraw his or her plea, or dismissing the accusation, complaint, information, or indictment.

CAUSE FOR DISCIPLINE

(Conviction of a Crime)

7. Respondent Pedro Eva, M.D. is subject to disciplinary action under section 2236 in that he was convicted of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon. The circumstances are as follows:

8. On or about July 7, 2006, Respondent entered into a contractual agreement with RPSI, a licensed California corporation, to provide psychiatric services at prison facilities operated by the California Department of Corrections and Rehabilitation (CDCR.) CDCR would pay RPSI $250 per hour that Respondent provided services while on prison grounds, and $50 per

hour when Respondent was off-grounds but on-call. RPSI, in turn, would pay Respondent $200 per hour that Respondent provided services while on prison grounds, and $40 for each on-call hour.

9. Between March 1, 2007, and July 1, 2007, Respondent fraudulently billed CDCR and the State of California for 98.25 hours that he did not work. During the same time period, Respondent knowingly submitted, or caused to be submitted, 31 false and fraudulent claims for services not provided. As a result of Respondent's submission of these false and fraudulent claims, the State of California paid Respondent's employer $24,563 for services not provided.

10. On or about November 20, 2008, a Grand Jury returned an Indictment, filed in the Monterey County Superior Court, Case Number SS082797C, alleging *inter alia* that Respondent violated Penal Code section 72, Presentation of a Fraudulent Claim (two counts); Penal Code section 487(a), Grand Theft by False Pretenses; and Penal Code section 182(a)(a), Conspiracy to Commit Grand Theft; all in connection with his billing to CDCR between May 1, 2007, and June 30, 2007.

11. On or about January 8, 2015, Respondent entered into a plea agreement in Monterey Superior Court Case Number SS082797C, in which he pled no contest to a single count of Penal Code section 72, as a misdemeanor. Pursuant to the plea agreement, Respondent agreed to perform 300 hours of community service, and to comply with all federal and state law for three years. At the conclusion of the three year period, assuming compliance with the agreement, the plea agreement states that "the Indictment in its entirety will be dismissed."

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 No. A90222, issued to Pedro Eva, M.D.;

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

3. Ordering Pedro Eva, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: October 20, 2017

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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