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

In the Matter of the Accusation Against:	)	
DON DONGCHEUL CHO, M.D.	)	**Case No. 800-2017-030568**
Physician's and Surgeon's Certificate No. A40341	)	
Respondent	)	

DECISION

The attached Stipulated Surrender of License and 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 MARCH 19, 2019 **.**

IT IS SO ORDERED MARCH 12, 2019 **.**

MEDICAL BOARD OF CALIFORNIA

By: Kimberly Kirchmeyer

Kimberly Kirchmeyer
Executive Director

XAVIER BECERRA
Attorney General of California
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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: DON DONGCHEUL CHO, M.D. 12614 Oland Street Norwalk, CA 90650-7334 Physician's and Surgeon's Certificate No. A 40341, Respondent.	Case No. 800-2017-030568 **STIPULATED SURRENDER OF LICENSE AND 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 Chris Leong, Deputy Attorney General.

2. Don Dongcheul Cho, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about August 15, 1983, the Board issued Physician's and Surgeon's Certificate No. A 40341 to Respondent. The Physician's and Surgeon's Certificate was in full force and

effect at all times relevant to the charges brought in Accusation No. 800-2017-030568 and will expire on February 28, 2019, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-030568 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 February 15, 2019. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2017-030568 is attached as Exhibit A and is incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2017-030568. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. 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 be represented by counsel, at his own expense; 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.

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

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2017-030568, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima facia case for the charges in the Accusation and that those charges constitute cause for discipline.

Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. 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 Surrender 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.

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

13. 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 Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 40341, issued to Respondent Don Dongcheul Cho, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2017-030568 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2017-030568 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 2-16-2019

DON DONGCHEUL CHO, M.D.
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 2/19/2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

CHRIS LEONG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-030568

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Feb. 15 2019
BY [illegible] ANALYST

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

In the Matter of the Accusation Against: DON DONGCHEUL CHO, M.D. 12614 Oland Street Norwalk, California 90650-7334 Physician's and Surgeon's Certificate No. A 40341, Respondent.	Case No. 800-2017-030568 **ACCUSATION**

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 (Board).

2. On August 15, 1983, the Board issued Physician and Surgeon's Certificate No. A 40341 to Don Dongcheul Cho, M.D. (Respondent). That license was in effect at all times relevant to the charges brought herein and will expire on February 28, 2019, 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 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 cost of probation monitoring, or such other action taken, in relation to discipline as the Board deems proper.

5. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

6. Section 822 of the Code states, in pertinent part:

"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 agency 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 reinstated."

7. Section 824 of the Code states: "The licensing agency may proceed against a licentiate under Sections 820, or 822, or both."

8. Section 825 of the Code states: "As used in this article with reference to persons holding licenses as physicians and surgeons, 'licensing agency' means a panel of the Division of Medical Quality."[1]

9. Section 826 of the Code states: "The proceedings under Sections 821 and 822 shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the licensing agency and the licentiate shall have all the rights and powers granted therein. As used in this article with reference to persons holding licenses as physicians and surgeons, 'licensing agency' means a panel of the Division of medical Quality."

CAUSE FOR DISCIPLINE

(Mental Condition Affecting Ability to Practice Medicine)

10. Respondent is subject to disciplinary action pursuant to section 822 of the Code in that his ability to practice medicine safely is impaired because of a mental condition, affecting his competency.

11. On July 17, 2017, Respondent was interviewed by an investigator and a medical consultant. During the interview, Respondent demonstrated memory lapses and other alarming behavior such as inability to focus and concentrate, and demonstrated confusion. For example, he was unable to answer simple questions such as the ages of his children and the names of the schools he attended.

12. On September 17, 2018, a Petition to Compel the Mental and Physical Examination of Respondent was filed in Case No. 800-2017-030568. On October 10, 2018, the Board issued an Order Compelling Respondent to undergo mental and physical examinations, including psychological testing, by a psychologist and/or by one or more physicians and surgeons in order

[1] Pursuant to Business and Professions Code section 2002, references to the Division of Medical Quality are deemed to refer to the Board.

to determine whether he is impaired due to a physical and/or mental illness that affects his competency to safely practice medicine, pursuant to Business and Professions Code section 820.

13. On October 19, 2018, Respondent underwent a Comprehensive Psychiatric Evaluation, which included psychological testing, by Dr. N.L. On October 22, 2018, Dr. N.L, a Board certified specialist in psychiatry and neurology, opined that Respondent suffers from a severe cognitive impairment (Unspecified Neurocognitive Disorder, Severe). Dr. N.L. opined in part that:

> "ASSESSMENT:
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> "...my evaluation is indicative that **he suffers from severe cognitive impairment**. The cognitive screening administered (Folstein Mini Mental Status Examination) indicated severe cognitive impairment. Moreover, my mental status examination is indicative of persistent memory problems, an inability to focus and concentrate and confusion.... Also he displays behaviors that are commonly found in individuals with dementia.
>
> "...As such, following current nomenclature of the DSM-5, I would offer an unspecific **diagnosis of Unspecified Neurocognitive Disorder, Severe**. This is the type of diagnostic assessment made when the cognitive impairments are notable and easily quantifiable as they are severe, but the etiology is unclear.
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> "...**Considering his severe cognitive impairment, I do not believe in his current mental state he has the ability to safely engage in the practice of medicine.**" (Emphasis added.)

14. Dr. N.L. concluded that Respondent cannot practice medicine safely and competently due to Respondent having severe cognitive impairment, persistent memory problems, and behaviors that are found in individuals with dementia.

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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 40341, issued to Don Dongcheul Cho, M.D.;

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

3. If placed on probation, ordering Don Dongcheul Cho, M.D. to pay the Board the costs of probation monitoring; and

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

DATED: February 15, 2019

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

Complainant

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