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

In the Matter of the Accusation Against:	)	
CAROLINA VELEZ, M.D.	)	**Case No. 800-2015-015490**
Physician's and Surgeon's Certificate No. A 117655	)	
Respondent	)	

DECISION AND ORDER

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 April 22, 2019

IT IS SO ORDERED April 15, 2019 **.**

MEDICAL BOARD OF CALIFORNIA

By: Kimberly Kirchmeyer

Kimberly Kirchmeyer
Executive Director

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General
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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: **CAROLINA VELEZ, M.D.** **4015 S. Lamar Blvd.** **Austin, TX 78704** **Physician's and Surgeon's Certificate No. No. A 117655** Respondent.	Case No. 800-2015-015490 OAH No. 2018030117 **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 Demond L. Philson, Deputy Attorney General.

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2. Carolina Velez, M.D. (Respondent) is represented in this proceeding by attorney John Quincy Brown III, whose address is: 455 Capitol Mall, Suite 200, Sacramento, CA 95814.

3. On or about July 22, 2011, the Board issued Physician's and Surgeon's Certificate No. A 117655 to Carolina Velez, M.D. (Respondent). The Physician's and Surgeon's Certificate No. A 117655 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-015490 and will expire on November 30, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2015-015490 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 16, 2017. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2015-015490 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-015490. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her 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 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.

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

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CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2015-015490 if proven at a hearing, constitute cause for imposing discipline upon her 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 factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up her right to contest that cause for discipline exists based on those charges.

10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Physician's and Surgeon's Certificate No. without further process.

CONTINGENCY

11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board "shall delegate to its executive director the authority to adopt a . . . stipulation for surrender of a license."

12. 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 or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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.

13. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full

force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the Executive Director on behalf of the Board does not, in her discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, respondent will assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

14. 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.

15. 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 117655, issued to Respondent Carolina Velez, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate No. A 117655 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 her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If she ever applies for licensure or petitions 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 licensure in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2015-015490 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. 800-2015-015490 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.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney John Quincy Brown III. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 117655. 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: 3/13/19

CAROLINA VELEZ, M.D.
Respondent

I have read and fully discussed with Respondent Carolina Velez, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 3/15/19

JOHN QUINCY BROWN III
Attorney for Respondent

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: 3/30/2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General

for:
DEMOND L. PHILSON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2015-015490

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO October 16 2017
BY: K. Voong ANALYST

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

In the Matter of the Accusation Against:	Case No. 800-2015-015490
Carolina Velez, M.D. **4015 S. Lamar Blvd.** **Austin, TX 78704** **Physician's and Surgeon's Certificate No. No. A 117655,** Respondent.	**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 July 22, 2011, the Medical Board issued Physician's and Surgeon's Certificate No. A 117655 to Carolina Velez, M.D. (Respondent). The Physician's and Surgeon's Certificate No. A 117655 was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2018, unless renewed.

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 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 which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

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

"(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

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

CAUSE FOR DISCIPLINE

(Repeated Acts of Negligence)

5. Respondent Carolina Velez, M.D. is subject to disciplinary action under section 2234 subdivision (c) of the Code in that she committed repeated negligent acts in the care and treatment of patient Y.B. The circumstances are as follows:

6. The Medical Board of California received a Report of Settlement filed by The Doctors Company, notifying that it had paid a settlement on behalf of Respondent to patient Y.B.'s spouse M.S. for alleged failure to diagnose subarachnoid hemorrhage secondary to ruptured aneurysm[1].

7. Patient Y.B. was a 57-year-old female, and spouse of M.S., who presented to Methodist Hospital Emergency Department by ambulance on April 25, 2012, at 12:06 a.m. with the complaint of a headache. She was picked up by an ambulance (EMS) from her home where she was found lying on the floor. EMS reported she was alert and oriented, but a poor historian and it was difficult to obtain information from her. Patient Y.B. had a past history of hypertension and migraines. Patient Y.B. had a recent three-day history of headache, neck pain, nausea, and vomiting. Patient Y.B.'s initial vital signs included a blood pressure of 113/94, heart rate of 59, respiratory rate of 18, oxygen saturation on room air 100% and a temperature of 98.4 degrees Fahrenheit. Her pain scale was a 10/10.

8. Respondent evaluated the patient with the assistance of a scribe who documented the history and exam findings on a "T-sheet". Later, the chart was dictated by Respondent. Per the T-sheet and dictation, the history included the information that the patient had a severe headache and neck pain for 2-3 days, with nausea, vomiting, and diaphoresis. Patient Y.B. was suffering from unalleviated pain. The pain quality or the description of the onset of symptoms was not obtained. In the review of systems, Patient Y.B. was noted to be crying and was a poor historian. Patient Y.B. had no indication of fever, chest pain, shortness of breath or cough. Patient Y.B.'s

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[1] Subarachnoid hemorrhage (SAH) is a life-threatening type of stroke caused by bleeding into the space surrounding the brain. SAH can be caused by a ruptured aneurysm, arteriovenous malformation, or head injury.

additional history was she had no known drug allergies and was taking Digoxin. Patient Y.B. smoked cigarettes, but there was no alcohol or drug use.

9. During Respondent's examination of Patient Y.B., she had the vital signs noted above, with a general appearance of mild distress, and was described as not opening her eyes voluntarily. Patient Y.B. communicated she did not want to be examined. Respondent's examination of Patient Y.B. showed her pupils being equal, round, and reactive to light, with her extra-ocular movements intact. Respondent's examination also showed Patient Y.B. was mildly sweating, her vision and motor functions were intact, and she moved all four of her extremities, but was non cooperative. The patient had an IV placed and was treated initially with IV fluids, Toradol[2], Zofran[3] and morphine.

10. Patient Y.B. was later re-evaluated by Respondent wherein she was sleepy and still vomiting. Patient Y.B. then received Phenergan IM[4] and more IV fluids. Patient Y.B. began to feel better but she was still sleepy. Patient Y.B.'s records do not show Respondent performed any additional neurologic examination. Patient Y.B.'s pain subsided and she was ordered for discharge. A nurse attempted to discharge the patient but the patient was difficult to arouse. Respondent was made aware of this and she re-evaluated the patient. The patient was not responsive and was found to be bradycardic[5] and pulseless. CPR was initiated and the patient was intubated and taken to the CT scanner and was found to have a massive subarachnoid hemorrhage with brain herniation. Neurosurgery was contacted and the patient was transferred to a higher level of care where she later died.

11. Respondent committed acts of repeated negligence in her care and treatment of patient Y.B., which included, but was not limited to, the following:

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[2] Toradol (ketorolac) is a nonsteroidal anti-inflammatory drug (NSAID). Ketorolac works by reducing hormones that cause inflammation and pain in the body.

[3] Zofran is used alone or with other medications to prevent nausea and vomiting caused by cancer drug treatment (chemotherapy) and radiation therapy. It is also used to prevent and treat nausea and vomiting after surgery. It works by blocking one of the body's natural substances (serotonin) that causes vomiting.

[4] Phenergan is a commonly used injectable product that possesses antihistamine, sedative, anti-motion sickness, and anti-emetic effects.

[5] Bradycardia is a condition wherein an individual has a slow heart rate, typically defined as a heart rate of under 60 beats per minute in adults.

(a) Respondent failed to obtain an adequate history on a patient who presented with a headache and/or history of migraines;

(b) Respondent failed to conduct an adequate physical examination on a patient who presented with a headache and/or history of migraines;

(c) Respondent administered potentially harmful medication with a risk of worsening the patient's condition without adequate historical and examination information to rule out certain dangerous causes of a patient's headache; and

(d) Respondent failed to adequately reassess the patient and the disposition of the patient with a complaint of headache and/or history of migraines.

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. A 117655, issued to Carolina Velez, M.D.;

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

3. Ordering Carolina Velez, 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 16, 2017

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

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