

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

**In the Matter of the)
First Amended Accusation)
Against:)
)
)
Prakashchandra Patel, M.D.)
)
Physician's and Surgeon's)
Certificate No. A32995)
)
Respondent)
_____)**

Case No. 800-2016-020370

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 February 21, 2020.

IT IS SO ORDERED January 23, 2020.

MEDICAL BOARD OF CALIFORNIA

By: 

**Kristina D. Lawson, J.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 TANN. TRAN
Deputy Attorney General
4 State Bar No. 197775
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6535
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 800-2016-020370

OAH No.: 2019051126

13 **Prakashchandra Patel, M.D.**
14 **395 N. San Jacinto Street, Suite B**
Hemet, CA 92543

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate**
16 **No. A 32995,**

Respondent.

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

19 PARTIES

20 1. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical
21 Board of California. She brought this action solely in her official capacity and is represented in
22 this matter by Xavier Becerra, Attorney General of the State of California, by Tan N. Tran,
23 Deputy Attorney General.

24 2. Respondent Prakashchandra Patel, M.D. (Respondent) is represented in this
25 proceeding by attorney Raymond J. McMahon, whose address is: Doyle Schafer McMahon,
26 LLP, 5440 Trabuco Road, Irvine, California, 92620.

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1 CULPABILITY

2 9. Respondent does not contest that at an administrative hearing, complainant
3 could establish a prima facie case with respect to the charges and allegations contained in
4 First Amended Accusation No. 800-2016-020370, and that he has thereby subjected his
5 Physician's and Surgeon's Certificate No. A 32995 to disciplinary action.

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

9 RESERVATION

10 11. The admissions made by Respondent herein are only for the purposes of this
11 proceeding, or any other proceedings in which the Medical Board of California or other
12 professional licensing agency is involved, and shall not be admissible in any other criminal or
13 civil proceeding.

14 CONTINGENCY

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

25 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
26 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
27 effect as the originals.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Raymond J. McMahon. 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: 11/22/19 *Prakashchandra Patel*
Prakashchandra Patel, M.D.
Respondent

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

DATED: November 25, 2019 *Raymond J. McMahon*
Raymond J. McMahon
Attorney for Respondent

ENDORSEMENT

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

Dated: 11/25/19 Respectfully submitted,
XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
TAN N. TRAN
TAN N. TRAN
Deputy Attorney General
Attorneys for Complainant

Exhibit A

First Amended Accusation No. 800-2016-020370

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 TAN N. TRAN
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO NOV 18 20 19
BY D. GREENA ANALYST

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

11 In the Matter of the First Amended Accusation
12 Against:
13 **Prakashchandra Patel, M.D.**
14 **395 N. San Jacinto St., Ste. B**
15 **Hemet, CA 92543**
16 **Physician's and Surgeon's Certificate**
17 **No. A32995 ,**
18 **Respondent.**

Case No. 800-2016-020370
OAH No.: 2019051126
FIRST AMENDED ACCUSATION

19 Complainant alleges:

20 **PARTIES**

21 1. Christine J. Lally (Complainant) brings this First Amended Accusation solely in her
22 official capacity as the Interim Executive Director of the Medical Board of California,
23 Department of Consumer Affairs (Board).

24 2. On or about October 11, 1978, the Medical Board issued Physician's and Surgeon's
25 Certificate Number A32995 to Prakashchandra Patel, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on July 31, 2020, unless renewed.

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1 **JURISDICTION**

2 3. This First Amended Accusation is brought before the Medical Board of California
3 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2004 of the Code states:

6 "The board shall have the responsibility for the following:

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

9 "(b) The administration and hearing of disciplinary actions.

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

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

14 "(e) Reviewing the quality of medical practice carried out by physician and surgeon
15 certificate holders under the jurisdiction of the board.

16 "(f) Approving undergraduate and graduate medical education programs.

17 "(g) Approving clinical clerkship and special programs and hospitals for the programs in
18 subdivision (f).

19 "(h) Issuing licenses and certificates under the board's jurisdiction.

20 "(i) Administering the board's continuing medical education program."

21 5. Section 2227 of the Code provides that a licensee who is found guilty under the
22 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
23 one year, placed on probation and required to pay the costs of probation monitoring, or such other
24 action taken in relation to discipline as the board deems proper.

25 6. Section 2234 of the Code, states:

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

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

3 "(b) Gross negligence.

4 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
5 omissions. An initial negligent act or omission followed by a separate and distinct departure from
6 the applicable standard of care shall constitute repeated negligent acts.

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

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

14 "(d) Incompetence.

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

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

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

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

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1 **CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts- 3 Patients)**

3 7. Respondent is subject to disciplinary action under section 2234, subdivision (c), of
4 the Code for the commission of acts or omissions constituting repeated negligent acts in the care
5 and treatment of Patient 1, Patient 2, and Patient 3.¹ The circumstances are as follows:

6 **Patient 1**

7 8. Patient 1 is a female who treated with respondent since about October 2012 to August
8 2015.² The patient had a history of depression/bipolar disorder, a history of two suicide attempts,
9 and was admitted to psychiatric treatment on at least two occasions (January 2008 and May
10 2015). Patient 1 was on disability and had been treated with multiple benzodiazepines and
11 antidepressants in the past. Patient 1 had also been treated with lithium in 2013, which is a mood
12 stabilizer used to treat major depressive disorder. Records show that in April 2014, Patient 1's
13 creatinine level had increased, and that Respondent had discontinued Patient 1's lithium on or
14 about June 2014.

15 9. Respondent's failure to replace Patient 1's lithium with another mood stabilizer, as
16 well as Respondent's failure to follow up on Patient 1's prior treatment constitute simple
17 departures from the standard of care.³

18 **Patient 2**

19 10. Patient 2 is a 48-year old female who treated with Respondent since about March
20 2012 to May 2014.⁴ Patient 2 was diagnosed with opioid dependence, bipolar disorder, and
21 various phobias. Patient 2 had an extensive history of substance abuse with respect to herself,
22 and with respect to her family members. She had been under treatment for opioid dependence in
23 the past and was on Suboxone, which is an opioid medication used to treat narcotic addiction.

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26 ¹ The patients are identified by number to protect their privacy.

27 ² These are approximate dates, based on the records which were available for review.

28 ³ Apparently, Patient 1 had lab work done by other treating professionals, but Respondent did not obtain, review, or order same because per Respondent, it's "almost impossible" to get lab work or medical records from other doctors.

⁴ These are approximate dates, based on the records which were available for review.

1 11. Respondent's failure to check urine drug screens in Patient 2 (who was on Suboxone
2 and had an extensive history of substance abuse) constitutes a simple departure from the standard
3 of care.

4 **Patient 3**

5 12. Patient 3 is a 52-year old female who treated with respondent since about October
6 2013 to September 2017.⁵ Patient 3 was diagnosed with Attention-Deficit Hyperactivity
7 Disorder (ADHD), hypertension, depression/anxiety, and insomnia. According to the Controlled
8 Substance Utilization Review and Evaluation System (CURES), Respondent prescribed Patient 3
9 Adderall approximately 19 times from November 2013 through December 2015. Patient 3 was
10 also receiving zolpidem (a.k.a. Ambien (a sleep aid)) on a monthly basis from November 2013
11 through December 2015.

12 13. Respondent's failure to take blood pressure measurements on Patient 3, who had
13 hypertension, constitutes a simple departure from the standard of care.

14 **PRAYER**

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

17 1. Revoking or suspending Physician's and Surgeon's Certificate Number A32995,
18 issued to Prakashchandra Patel, M.D.;

19 2. Revoking, suspending or denying approval of Prakashchandra Patel, M.D.'s authority
20 to supervise physician assistants and advanced practice nurses;

21 3. Ordering Prakashchandra Patel, M.D., if placed on probation, to pay the Board the
22 costs of probation monitoring; and

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26 _____
27 ⁵ These are approximate dates, based on the records which were available for review.
28 Also, per the records, during her visit with Respondent on August 2017, Patient 3 reported
hearing music for the last few months, which possibly could represent an amphetamine-induced
psychosis.

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

DATED: November 18, 2019



CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant