

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

**In the Matter of the Petition to
Revoke Probation Against:**

Ravi Kant Gogna, M.D.

Case No. 800-2019-061611

**Physician's and Surgeon's
Certificate No. A 39659**

Respondent

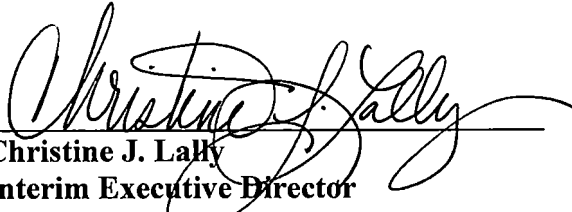
DECISION

**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 February 5, 2020

IT IS SO ORDERED January 29, 2020

MEDICAL BOARD OF CALIFORNIA

By: 
Christine J. Lally
Interim Executive Director

1 XAVIER BECERRA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 RYAN J. YATES
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8 *Attorneys for Complainant*

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

13 In the Matter of the Petition to Revoke
Probation Against:

14 **RAVI KANT GOGNA, M.D.**
15 **1908 Coffee Road, Suite 3**
Modesto, CA 95355

16 **Physician's and Surgeon's Certificate**

17 **No. A 39659**

18 Respondent.

Case No. 800-2019-061611

OAH No. 2019120312

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

19
20 **PARTIES**

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

25 2. Ravi Kant Gogna, M.D. (Respondent) is representing himself in this proceeding and
26 has chosen not to exercise his right to be represented by counsel.

27 3. On or about April 4, 1983, the Board issued Physician's and Surgeon's Certificate
28 No. A 39659 to Respondent. The Physician's and Surgeon's Certificate was in full force and

1 effect at all times relevant to the charges brought in Petition to Revoke Probation No. 800-2019-
2 061611 and will expire on July 31, 2020, unless renewed.

3 **JURISDICTION**

4 4. On or about April 29, 2019, Accusation No. 800-2017-039196 was filed before the
5 Board and properly served on Respondent with all other statutorily required documents.
6 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
7 No. 800-2017-039196 is attached as exhibit A and incorporated herein by reference.

8 5. On or about August 5, 2019, the Medical Board of California, issued a Decision and
9 Order No. 800-2017-039196, effective September 4, 2019, which adopted a Stipulated Settlement
10 and Disciplinary Order, in which Respondent's Physician's and Surgeon's Certificate was
11 revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's
12 Certificate was placed on probation for six (6) years with additional probationary terms and
13 conditions. A copy of the Decision and Order No. 800-2017-039196 is attached as Exhibit B and
14 incorporated by reference.

15 6. Petition to Revoke Probation No. 800-2019-061611 was filed before the Board, and is
16 currently pending against Respondent. The Petition to Revoke Probation and all other statutorily
17 required documents were properly served on Respondent on November 18, 2019. Respondent
18 timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of
19 Petition to Revoke Probation No. 800-2019-061611 is attached as Exhibit C and incorporated by
20 reference.

21 **ADVISEMENT AND WAIVERS**

22 7. Respondent has carefully read, and understands the charges and allegations in Petition
23 to Revoke Probation No. 800-2019-061611. Respondent also has carefully read, and understands
24 the effects of this Stipulated Surrender of License and Order.

25 8. Respondent is fully aware of his legal rights in this matter, including the right to a
26 hearing on the charges and allegations in the Petition to Revoke Probation; the right to be
27 represented by counsel, at his own expense; the right to confront and cross-examine the witnesses
28 against him; the right to present evidence and to testify on his own behalf; the right to the

1 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
2 the right to reconsideration and court review of an adverse decision; and all other rights accorded
3 by the California Administrative Procedure Act and other applicable laws.

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

6 CULPABILITY

7 10. Respondent understands that the charges and allegations in Petition to Revoke
8 Probation No. 800-2019-061611, if proven at a hearing, constitute cause for imposing discipline
9 upon his Physician's and Surgeon's Certificate.

10 11. For the purpose of resolving the Accusation without the expense and uncertainty of
11 further proceedings, Respondent agrees that, at a hearing, complainant could establish a *prima*
12 *facie* case with respect to the charges and allegations contained in Petition to Revoke Probation
13 No. 800-2019-061611 and that those charges constitute cause for discipline. Respondent hereby
14 gives up his right to contest that cause for discipline exists based on those charges.

15 12. Respondent further agrees that if he ever petitions for reinstatement of his Physician's
16 and Surgeon's Certificate No. A 39659, or if an accusation is filed against him before the Medical
17 Board of California, all of the charges and allegations contained in Accusation No. 800-2017-
18 039196 and in Petition to Revoke Probation No. 800-2019-061611 shall be deemed true, correct,
19 and fully admitted by respondent for purposes of any such proceeding or any other licensing
20 proceeding involving respondent in the State of California or elsewhere.

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

24 CONTINGENCY

25 14. This stipulation shall be subject to approval by the Board. Respondent understands
26 and agrees that counsel for Complainant and the staff of the Board may communicate directly
27 with the Board regarding this stipulation and surrender, without notice to or participation by
28 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he

1 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
2 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
3 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
4 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
5 be disqualified from further action by having considered this matter.

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

9 16 In consideration of the foregoing admissions and stipulations, the parties agree that
10 the Board may, without further notice or formal proceeding, issue and enter the following Order:

11 **ORDER**

12 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 39659, issued
13 to Respondent Ravi Kant Gogna, M.D., is surrendered and accepted by the Board.

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

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

18 3. If Respondent ever files an application for licensure or a petition for reinstatement in
19 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
20 comply with all the laws, regulations and procedures for reinstatement of a revoked or
21 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
22 contained in the First Amended Accusation No. 800-2019-061611 shall be deemed to be true,
23 correct and admitted by Respondent when the Board determines whether to grant or deny the
24 petition.

25 4. If Respondent should ever apply or reapply for a new license or certification, or
26 petition for reinstatement of a license, by any other health care licensing agency in the State of
27 California, all of the charges and allegations contained in the First Amended Accusation, No.
28

1 800-2019-061611 shall be deemed to be true, correct, and admitted by Respondent for the
2 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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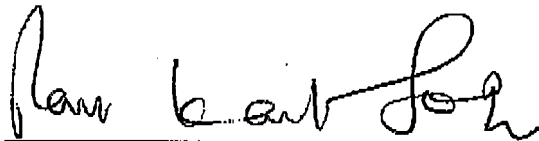
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ACCEPTANCE

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: 1-6-2020



RAVI KANT GOGNA, M.D.
Respondent

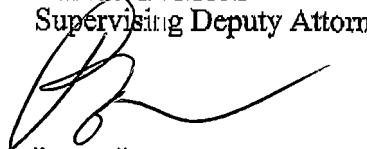
ENDORSEMENT

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: 1/7/2020

Respectfully submitted,

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



RYAN J. YATES
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. 800-2019-061611

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8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Petition to Revoke Probation
Against:

Case No. 800-2019-061611

15 **RAVI KANT GOGNA, M.D.**
16 1908 Coffee Road, Suite 3
17 Modesto, CA 95355

PETITION TO REVOKE
PROBATION

18 Physician's and Surgeon's Certificate No. A 39659

19 Respondent.

20
21 Complainant alleges:

22 **PARTIES**

23 1. Christine J. Lally ("Complainant") brings this Petition to Revoke Probation solely in
24 her official capacity as the Interim Executive Director of the Medical Board of California,
25 Department of Consumer Affairs. ("Board")

26 2. On or about April 4, 1983, the Board issued Physician's and Surgeon's Certificate
27 Number A 39659 to Ravi Kant Gogna, M.D. ("Respondent"). That Certificate was in effect at all
28 times relevant to the charges brought herein and will expire on July 31, 2020, unless renewed.

3. In a disciplinary action titled "*In the Matter of the Accusation Against Ravi Kant Gogna, M.D.*," Case No. 800-2017-039196, the Medical Board of California, issued a decision, effective September 4, 2019, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of six years with certain terms and conditions. Respondent's probation terms included substance abusing licensee provisions as set forth in Title 16 Code of California Regulations § 1361.5. Paragraph 17 of the Decision and Order in Case No. 800-2017-039196, specifically states, "VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation." A copy of that decision is attached as Exhibit A and is incorporated by reference.

4. On November 5, 2019, the Board issued a Cease Practice Order pursuant to the probation condition 2 contained in the terms and conditions in the disciplinary matter titled "*In the Matter of the Accusation Against Ravi Kant Gogna, M.D.*," Case No. 800-2017-039196. The Cease Practice Order is currently in effect. Pursuant to probation condition 2, the Board must file an Accusation within 15 days of notifying the Respondent that his license is under a cease practice order. Pursuant to probation condition 2, the Board must provide a hearing within 30 days of receipt of Respondent's request for a hearing. The Cease Practice Order shall dissolve if the Board does not meet those timing requirements.

JURISDICTION

5. This Petition to Revoke Probation 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.

6. Section 315.2 of the Code states:

(a) A board, as described in Section 315, shall order a licensee of the board to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee's probation or diversion program.

(b) An order to cease practice under this section shall not be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A cease practice order under this section shall not constitute disciplinary

1 action.

2 (d) This section shall have no effect on the Board of Registered Nursing
3 pursuant to Article 3.1 (commencing with Section 2770) of Chapter 6 of Division 2.

4 7. Section 2004 of the Code states:

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

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

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

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

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

13 "..."

14 8. Section 2234 of the Code, states:

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

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

20 "..."

21 FIRST CAUSE TO REVOKE PROBATION

22 (Use of Alcohol)

23 9. At all times after the effective date of Respondent's probation, Condition 2 stated:

24 "ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from
25 the use of products or beverages containing alcohol.

26 "If Respondent has a confirmed positive biological fluid test for alcohol, Respondent
27 shall receive a notification from the Board or its designee to immediately cease the practice
28 of medicine. Respondent shall not resume the practice of medicine until a final decision on
an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke
probation shall be filed by the Board within 15 days of the notification to cease practice. If
Respondent requests a hearing on the accusation and/or petition to revoke probation, the
Board shall provide Respondent with a hearing within 30 days of the request, unless
Respondent stipulates to a later hearing. A decision shall be received from the
Administrative Law Judge or the Board within 15 days unless good cause can be shown for

1 the delay. The cessation of practice shall not apply to the reduction of the probationary
2 time period.

3 "If the Board does not file an accusation or petition to revoke probation within 15
4 days of the issuance of the notification to cease practice or does not provide Respondent
5 with a hearing within 30 days of such a request, the notification of cease practice shall be
6 dissolved."

7 10. At all times after the effective date of Respondent's probation, Condition 7 stated:

8 "BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
9 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
10 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
11 follicle testing, or similar drug screening approved by the Board or its designee.
12 Respondent shall make daily contact with the Board or its designee to determine whether
13 biological fluid testing is required. Respondent shall be tested on the date of the
14 notification as directed by the Board or its designee. The Board may order Respondent to
15 undergo a biological fluid test on any day, at any time, including weekends and holidays.
16 Except when testing on a specific date as ordered by the Board or its designee, the
17 scheduling of biological fluid testing shall be done on a random basis. The cost of
18 biological fluid testing shall be borne by Respondent.

19 "During the first year of probation, Respondent shall be subject to 52 to 104 random
20 tests. During the second year of probation and for the duration of the probationary term, up
21 to five (5) years, Respondent shall be subject to 36 to 104 random tests per year. Only if
22 there has been no positive biological fluid tests in the previous five (5) consecutive years of
23 probation, may testing be reduced to one (1) time per month. Nothing precludes the Board
24 from increasing the number of random tests to the first-year level of frequency for any
25 reason.

26 "Prior to practicing medicine, Respondent shall contract with a laboratory or service,
27 approved in advance by the Board or its designee, that will conduct random,
28 unannounced, observed, biological fluid testing and meets all the following standards:

(a) Its specimen collectors are either certified by the Drug and Alcohol
Testing Industry Association or have completed the training required to serve as a collector
for the United States Department of Transportation.

(b) Its specimen collectors conform to the current United States
Department of Transportation Specimen Collection Guidelines.

(c) Its testing locations comply with the Urine Specimen Collection
Guidelines published by the United States Department of Transportation without regard to
the type of test administered.

(d) Its specimen collectors observe the collection of testing specimens.

(e) Its laboratories are certified and accredited by the United States
Department of Health and Human Services.

(f) Its testing locations shall submit a specimen to a laboratory within
one (1) business day of receipt and all specimens collected shall be handled pursuant to

1 chain of custody procedures. The laboratory shall process and analyze the specimens and
2 provide legally defensible test results to the Board within seven (7) business days of receipt
of the specimen. The Board will be notified of non-negative results within one (1) business
day and will be notified of negative test results within seven (7) business days.

3 (g) Its testing locations possess all the materials, equipment, and
4 technical expertise necessary in order to test Respondent on any day of the week.

5 (h) Its testing locations are able to scientifically test for urine, blood,
and hair specimens for the detection of alcohol and illegal and controlled substances.

6 (i) It maintains testing sites located throughout California.

7 (j) It maintains an automated 24-hour toll-free telephone system and/or
a secure on-line computer database that allows the respondent to check in daily for testing.

8 (k) It maintains a secure, HIPAA-compliant website or computer
system that allows staff access to drug test results and compliance reporting information
that is available 24 hours a day.

9 (l) It employs or contracts with toxicologists that are licensed
physicians and have knowledge of substance abuse disorders and the appropriate medical
10 training to interpret and evaluate laboratory biological fluid test results, medical histories,
and any other information relevant to biomedical information.

11 (m) It will not consider a toxicology screen to be negative if a positive
12 result is obtained while practicing, even if the respondent holds a valid prescription for the
substance.

13 "Prior to changing testing locations for any reason, including during vacation or other
14 travel, alternative testing locations must be approved by the Board and meet the
requirements above.

15 "The contract shall require that the laboratory directly notify the Board or its designee
16 of non-negative results within one (1) business day and negative test results within seven
17 (7) business days of the results becoming available. Respondent shall maintain this
laboratory or service contract during the period of probation.

18 "A certified copy of any laboratory test result may be received in evidence in any
19 proceedings between the Board and Respondent.

20 "If a biological fluid test result indicates Respondent has used, consumed, ingested, or
21 administered to himself or herself a prohibited substance, the Board shall order Respondent
to cease practice and instruct respondent to leave any place of work where Respondent is
22 practicing medicine or providing medical services. The Board shall immediately notify all
of Respondent's employers, supervisors and work monitors, if any, that Respondent may
23 not practice medicine or provide medical services while the cease-practice order is in effect.

24 "A biological fluid test will not be considered negative if a positive result is obtained
25 while practicing, even if the practitioner holds a valid prescription for the substance. If no
prohibited substance use exists, the Board shall lift the cease-practice order within one (1)
26 business day.

27 "After the issuance of a cease-practice order, the Board shall determine whether the
28 positive biological fluid test is in fact evidence of prohibited substance use by consulting

1 with the specimen collector and the laboratory, communicating with the licensee, his or her
2 treating physician(s), other health care provider, or group facilitator, as applicable.

3 "For purposes of this condition, the terms "biological fluid testing" and "testing"
4 mean the acquisition and chemical analysis of a respondent's urine, blood, breath, or hair.

5 "For purposes of this condition, the term "prohibited substance" means an illegal
6 drug, a lawful drug not prescribed or ordered by an appropriately licensed health care
7 provider for use by Respondent and approved by the Board, alcohol, or any other substance
8 Respondent has been instructed by the Board not to use, consume, ingest, or administer to
9 himself or herself.

10 "If the Board confirms that a positive biological fluid test is evidence of use of a
11 prohibited substance, Respondent has committed a major violation, as defined in section
12 1361.52(a), and the Board shall impose any or all of the consequences set forth in section
13 1361.52(b), in addition to any other terms or conditions the Board determines are necessary
14 for public protection or to enhance Respondent's rehabilitation."

15 11. Respondent's probation is subject to revocation because he failed to comply with
16 Probation Conditions 2 and 7, referenced above. The facts and circumstances regarding this
17 violation are as follows:

18 A. On or about August 25, 2019, Respondent signed a document titled, "Participant
19 Disclosure and Information when Monitoring with EtG/EtS" as part of his enrollment with First
20 Source, a third party testing service that monitors the Board's alcohol and controlled substance
21 testing requirements on behalf of the Board. Respondent's signature represented that he
22 acknowledged and understood his personal responsibilities during testing. This document was
23 incorporated into Respondent's probation file. The document specifically stated,

24 "...

25 "It is YOUR responsibility to limit and avoid exposure to products and substances that
26 contain ethyl alcohol. It is YOUR responsibility to read product labels to know what is
27 contained in the products you use and to inspect these products BEFORE you use them.
28 Terms used to describe alcohol in products that must be avoided include: denatured alcohol,
SD alcohol, ethanol or ethyl alcohol. Use of the products detailed below or any other
product containing alcohol is a *violation of probation and will NOT be allowed* as an
excuse for a positive test result...(emphasis added)

29 "...

1 **“Non-alcohol Beer and Wine:** These beverages (e.g. O’Douls, Metbrau, etc.) contain
2 enough alcohol that they can result in a positive test. While in monitoring you are not
3 permitted to ingest these products.”

4 “...”

5 B. On or about August 28, 2019, Respondent signed a document titled
6 “Acknowledgment of Decision” that states, “Further, your signature acknowledges that I
7 (assigned MBC probation inspector) explained all terms and conditions of your probation and
8 addressed any of your questions and that you understood what is required of you during your term
9 of probation.”

10 C. On or about October 17, 2019, Respondent provided a random urine sample as part of
11 his biological fluid testing requirements outlined above. A Board approved laboratory
12 scientifically examined the sample. On or about October 24, 2019, the laboratory reported that
13 the sample tested positive for alcohol metabolites, in particular the sample contained a positive
14 result of 334 ng./mL. ethyl glucuronide (“EtG”) and a positive result of 93 ng./mL. ethyl sulfate
15 (“EtS”).¹ On or about October 24, 2019, the Board sent a letter to Respondent advising him of
16 the positive test on October 17, 2019, and requested a response. On October 24, 2019, the
17 Respondent sent a signed letter back to the Board and admitted that he had been drinking, “non-
18 alcoholic beer for two weeks,” in direct violation of his probation conditions. That same day, the
19 Board consulted with a Medical Review Officer (“MRO”) who provides clinical and forensic
20 analysis to the Board regarding Respondent’s statement, and the MRO determined that the
21 October 17, 2019, results could be consistent with ingestion of non-alcoholic beer. The MRO
22 recommended that the Board order a blood test to verify Respondent’s statements.

23 D. On or about October 23, 2019, and on or about October 24, 2019, Respondent
24 provided urine samples as part of his biological fluid testing requirements outlined above. A
25 Board approved laboratory scientifically examined the sample. On October 28, 2019, the

26 ¹ Ethyl glucuronide (EtG) is a metabolite of ethanol which is formed in the body by
27 glucuroidation following exposure to ethanol, usually from drinking alcoholic beverages. Ethyl
28 sulfate is a second specific metabolite or biomarker of ethanol. In combination, the detection of
EtG and EtS offers greater sensitivity and accuracy for the determination of recent ethanol
ingestion, than by detection of either biomarker alone.

1 laboratory reported that the October 23, 2019, sample tested positive for alcohol metabolites, in
2 particular the sample contained a positive result of 373 ng./mL. EtG and a positive result of 108
3 ng./mL. EtS. Also on October 28, 2019, the laboratory reported that the October 24, 2019,
4 sample tested positive for alcohol metabolites, in particular the sample contained a positive result
5 of 3786 ng./mL. EtG and a positive result of 757 ng./mL. EtS. On October 28, 2019, the Board
6 sent a letter to Respondent advising him of the positive tests on October 23, 2019, and October
7 24, 2019, and requested a response. On October 28, 2019, the Respondent sent a letter back to
8 the Board that stated in part,

9 "As I explained in my letter last week dated 10-24-2019, I had been drinking non-alcoholic
10 beer without consideration of it, resulting in a positive test. These 2 positive tests are 100%
11 related to that and nothing else. At no time have I drank any alcohol since being tested. As
12 of October 24, 2019, I immediately stopped drinking O'douls (sic) and will not consumer it
any further. I-guarantee this won't happen again, and all future testing will be negative."

13 Respondent signed the letter and attested to the statement's truthfulness. On October 29, 2019,
14 the Board consulted the MRO and he determined that the two results could have been consistent
15 with the Respondent drinking non-alcoholic beers.

16 E. On or about October 29, 2019, the Respondent provided a blood sample as part of his
17 biological fluid testing requirements outlined above. A Board approved laboratory scientifically
18 examined the sample. On November 4, 2019, the laboratory reported that the October 29, 2019,
19 blood sample tested positive for the alcohol metabolite phosphatidyl ethanol (PEth)², in particular
20 a result of 240 ng./mL. On November 5, 2019, the Board consulted with the MRO and he
21 determined that the PEth result is not consistent with the Respondent's statement that he has only
22 been ingesting nonalcoholic beer.

23 12. Respondent's probation is subject to revocation because he consumed alcohol in
24 violation of his probation conditions.

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27 ² Phosphatidyl Ethanol (PEth) is a biomarker that is created in red blood cells where it
28 resides in the cell membrane. This test is accurate in determining past alcohol use and is not
subject to similar false-positive results that can occur with low-level positive results of EtG.

DISCIPLINARY CONSIDERATIONS

13. To determine the degree of discipline, if any, to be imposed on Respondent Ravi Kant Gogna, M.D., Complainant alleges that on or about September 2, 2011, in a prior criminal proceeding entitled *The People of the State of California vs. Ravi Kant Gogna* in El Dorado County Superior Court, Case Number S10CRM0859, Respondent was convicted for violating Section 23152(b) of the California Vehicle Code (driving with a blood alcohol concentration of 0.08% or higher), a misdemeanor, and was ordered to summary probation for four (4) years; to not operate a motor vehicle without a valid driver's license and automobile insurance; to not operate a motor vehicle with any measureable amount of alcohol; to submit to chemical test of blood, breath or urine as directed by law enforcement; to submit to alcohol and field sobriety tests; and attend and to complete a mandatory three (3) month alcohol program. The record of the criminal proceeding is incorporated as if fully set forth herein.

14. Complainant additionally alleges that in a prior disciplinary action entitled Accusation No. 02-2011-214299, before the Board, Respondent's license was placed on three (3) years probation for gross negligence, repeated negligent acts, and failure to maintain adequate and accurate medical records, regarding his care and treatment of multiple patients. As part of a stipulated settlement agreement, effective August 29, 2014, Respondent's license was placed on three (3) years probation. The terms and conditions of probation additionally provide that Respondent complete an education course, enroll and complete a clinical training program, retain a practice/billing monitor, prohibit solo practice, notify employers of his probation, refrain from supervising physician assistants, obey all laws, submit quarterly declarations, and general probation requirements. That decision is now final and is incorporated by reference as if fully set forth herein. On or about August 29, 2017, Respondent's probation period ended.

15. Complainant additionally alleges that on or about September 22, 2019, Respondent provided a urine sample that tested positive for alcohol metabolites with a 507 ng./mL. EtG and a 125 ng./mL. EtS result. On or about September 27, 2019, Respondent admitted to the Board that he used two over the counter ("OTC") cough medicines, Sudafed and Nyquil. Respondent claimed he was unaware OTC medications could cause positive results despite the fact that he

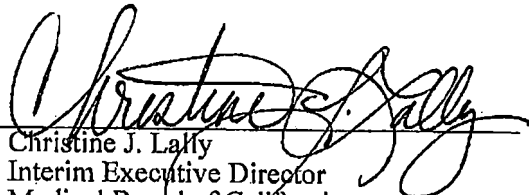
1 signed an August 25, 2019, disclosure form from probation that specifically stated that OTC
2 remedies were prohibited. The disclosure form specifically listed Nyquil as being a prohibited
3 medication. The Board referred this violation for the issuance of a citation.

4 **PRAYER**

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

- 7 1. Revoking the probation that was granted by the Medical Board of California in Case
8 No. 800-2017-039196 and imposing the disciplinary order that was stayed thereby revoking
9 Physician's and Surgeon's Certificate No. A 39659 issued to Ravi Kant Gogna, M.D.;
- 10 2. Revoking or suspending Physician's and Surgeon's Certificate No. A 39659, issued
11 to Ravi Kant Gogna, M.D.;
- 12 3. Revoking, suspending or denying approval of Ravi Kant Gogna, M.D.'s authority, if
13 placed on probation, to supervise physician's assistants, pursuant to section 3527 of the Code;
- 14 4. Ordering Ravi Kant Gogna, M.D., if placed on probation, to pay the costs of
15 probation monitoring; and,
- 16 5. Taking such other and further action as deemed necessary and proper.

17
18
19 DATED: November 18, 2019


Christine J. Lally
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Medical Board of California Case No. 800-2017-039196

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

In the Matter of the Accusation
Against:

Ravi Kant Gogna, M.D.

Physician's and Surgeon's
Certificate No. A 39659

Respondent

Case No. 800-2017-039196

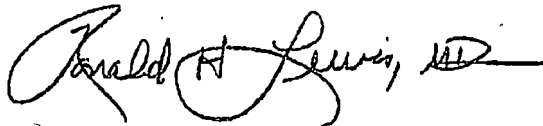
DECISION

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 September 4, 2019.

IT IS SO ORDERED: August 5, 2019.

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

1 XAVIER BECERRA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 RYAN J. YATES
Deputy Attorney General
4 State Bar No. 279257
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6329
Facsimile: (916) 327-2247
7

8 *Attorneys for Complainant*
9

10
11 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 **RAVI KANT GOGNA, M.D.**
16 **7417 Spyglass Drive**
Modesto, CA 95356

17 **Physician's and Surgeon's Certificate**

18 **No. A 39659**

19 Respondent.
20

Case No. 800-2017-039196

OAH No. 2019050407

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
25 of California (Board). She brought this action solely in her official capacity and is represented in
26 this matter by Xavier Becerra, Attorney General of the State of California, by Ryan J. Yates,
27 Deputy Attorney General.

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2. Respondent Ravi Kant Gogna, M.D. (Respondent) is represented in this proceeding by attorney Stephen M. Boreman, whose address is: One Embarcadero Center, Suite 400, San Francisco, CA 94111.

3. On or about April 4, 1983, the Board issued Physician's and Surgeon's Certificate No. A 39659 to Ravi Kant Gogna, 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. 800-2017-039196, and will expire on July 31, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-039196 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 April 29, 2019. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2017-039196 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. 800-2017-039196. 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.

///

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 800-2017-039196, if proven at a hearing, constitute cause for imposing discipline upon his
4 Physician's and Surgeon's Certificate.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
8 those charges.

9 11. Respondent agrees that if he ever petitions for early termination or modification of
10 probation, or if an accusation and/or petition to revoke probation is filed against him, before the
11 Medical Board of California, all of the charges and allegations contained in Accusation No. 800-
12 2017-039196 shall be deemed true, correct and fully admitted by Respondent for purposes of that
13 proceeding or any other licensing proceeding involving Respondent in the State of California.

14 12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
15 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
16 Disciplinary Order below.

17 RESERVATION

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

22 CONTINGENCY

23 14. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
24 submitted to the Board for its consideration in the above-entitled matter and, further, that the
25 Board shall have a reasonable period of time in which to consider and act on this Stipulated
26 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
27 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
28 prior to the time that the Board considers and acts upon it.

15. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by 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 Settlement and Disciplinary Order, 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 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 Board, in its discretion, does not approve and adopt this Stipulated Settlement 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 the Board reject this Stipulated Settlement and Disciplinary Order for any reason, Respondent will assert no claim that the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

16. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.

17. The parties agree that copies of this Stipulated Settlement and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

18. In consideration of the foregoing admissions and stipulations, the parties agree the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 39659 issued to Respondent Ravi Kant Gogna, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for six (6) years on the following terms and conditions.

1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

If Respondent has a confirmed positive biological fluid test for any substance (whether or not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. Respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the notification to cease practice. If Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide Respondent with a hearing within 30 days of the request, unless Respondent stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or the Board within 15 days unless good cause can be shown for the delay. The cessation of practice shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within 15 days of the issuance of the notification to cease practice or does not provide Respondent with a hearing within 30 days of such a request, the notification of cease practice shall be dissolved.

1 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
2 use of products or beverages containing alcohol.

3 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall
4 receive a notification from the Board or its designee to immediately cease the practice of
5 medicine. Respondent shall not resume the practice of medicine until a final decision on an
6 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke
7 probation shall be filed by the Board within 15 days of the notification to cease practice. If
8 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
9 shall provide Respondent with a hearing within 30 days of the request, unless Respondent
10 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or
11 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice
12 shall not apply to the reduction of the probationary time period.

13 If the Board does not file an accusation or petition to revoke probation within 15 days of the
14 issuance of the notification to cease practice or does not provide Respondent with a hearing
15 within 30 days of such a request, the notification of cease practice shall be dissolved.

16 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
17 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
18 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
19 Respondent shall participate in and successfully complete that program. Respondent shall
20 provide any information and documents that the program may deem pertinent. Respondent shall
21 successfully complete the classroom component of the program not later than six (6) months after
22 Respondent's initial enrollment, and the longitudinal component of the program not later than the
23 time specified by the program, but no later than one (1) year after attending the classroom
24 component. The professionalism program shall be at Respondent's expense and shall be in
25 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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1 A professionalism program taken after the acts that gave rise to the charges in the
2 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
3 or its designee, be accepted towards the fulfillment of this condition if the program would have
4 been approved by the Board or its designee had the program been taken after the effective date of
5 this Decision.

6 Respondent shall submit a certification of successful completion to the Board or its
7 designee not later than 15 calendar days after successfully completing the program or not later
8 than 15 calendar days after the effective date of the Decision, whichever is later.

9 4. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
10 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
11 where: 1) Respondent merely shares office space with another physician but is not affiliated for
12 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
13 location.

14 If Respondent fails to establish a practice with another physician or secure employment in
15 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
16 Respondent shall receive a notification from the Board or its designee to cease the practice of
17 medicine within three (3) calendar days after being so notified. Respondent shall not resume
18 practice until an appropriate practice setting is established.

19 If, during the course of the probation, Respondent's practice setting changes and
20 Respondent is no longer practicing in a setting in compliance with this Decision, Respondent
21 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
22 If Respondent fails to establish a practice with another physician or secure employment in an
23 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
24 shall receive a notification from the Board or its designee to cease the practice of medicine within
25 three (3) calendar days after being so notified. Respondent shall not resume practice until an
26 appropriate practice setting is established.

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1 5. CLINICAL DIAGNOSTIC EVALUATIONS AND REPORTS. Within thirty (30)
2 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter as
3 may be required by the Board or its designee, Respondent shall undergo and complete a clinical
4 diagnostic evaluation, including any and all testing deemed necessary, by a Board-appointed
5 board certified physician and surgeon. The examiner shall consider any information provided by
6 the Board or its designee and any other information he or she deems relevant, and shall furnish a
7 written evaluation report to the Board or its designee.

8 The clinical diagnostic evaluation shall be conducted by a licensed physician and surgeon
9 who holds a valid, unrestricted license, has three (3) years' experience in providing evaluations of
10 physicians and surgeons with substance abuse disorders, and is approved by the Board or its
11 designee. The clinical diagnostic evaluation shall be conducted in accordance with acceptable
12 professional standards for conducting substance abuse clinical diagnostic evaluations. The
13 evaluator shall not have a current or former financial, personal, or business relationship with
14 respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and
15 independent evaluation. The clinical diagnostic evaluation report shall set forth, in the evaluator's
16 opinion, whether respondent has a substance abuse problem, whether Respondent is a threat to
17 himself or herself or others, and recommendations for substance abuse treatment, practice
18 restrictions, or other recommendations related to Respondent's rehabilitation and ability to
19 practice safely. If the evaluator determines during the evaluation process that Respondent is a
20 threat to himself or herself or others, the evaluator shall notify the Board within twenty-four (24)
21 hours of such a determination.

22 In formulating his or her opinion as to whether Respondent is safe to return to either part-
23 time or full-time practice and what restrictions or recommendations should be imposed, including
24 participation in an inpatient or outpatient treatment program, the evaluator shall consider the
25 following factors: Respondent's license type; Respondent's history; Respondent's documented
26 length of sobriety (i.e., length of time that has elapsed since Respondent's last substance use);

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1 Respondent's scope and pattern of substance abuse; Respondent's treatment history, medical
2 history and current medical condition; the nature, duration and severity of Respondent's substance
3 abuse problem or problems; and whether respondent is a threat to himself or herself or the public.

4 For all clinical diagnostic evaluations, a final written report shall be provided to the Board
5 no later than ten (10) days from the date the evaluator is assigned the matter. If the evaluator
6 requests additional information or time to complete the evaluation and report, an extension may
7 be granted, but shall not exceed thirty (30) days from the date the evaluator was originally
8 assigned the matter.

9 The Board shall review the clinical diagnostic evaluation report within five (5) business
10 days of receipt to determine whether Respondent is safe to return to either part-time or full-time
11 practice and what restrictions or recommendations shall be imposed on Respondent based on the
12 recommendations made by the evaluator. Respondent shall not be returned to practice until he or
13 she has at least thirty (30) days of negative biological fluid tests or biological fluid tests indicating
14 that he or she has not used, consumed, ingested, or administered to himself or herself a prohibited
15 substance, as defined in section 1361.51, subdivision (e), of Title 16 of the California Code of
16 Regulations.

17 A clinical diagnostic evaluation before the effective date of this Decision may be accepted
18 towards fulfillment of this requirement. The cost of the clinical diagnostic evaluation, including
19 any and all testing deemed necessary by the examiner, the Board or its designee, shall be borne by
20 the licensee.

21 Respondent shall not engage in the practice of medicine until notified by the Board or its
22 designee that he or she is fit to practice medicine safely. The period of time that Respondent is
23 not practicing medicine shall not be counted toward completion of the term of probation.

24 Respondent shall undergo biological fluid testing as required in this Decision at least two
25 (2) times per week while awaiting the notification from the Board if he or she is fit to practice
26 medicine safely.

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Respondent shall comply with all restrictions or conditions recommended by the examiner conducting the clinical diagnostic evaluation within fifteen (15) calendar days after being notified by the Board or its designee.

6. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7) days of the effective date of this Decision, Respondent shall provide to the Board the names, physical addresses, mailing addresses, and telephone numbers of any and all employers and supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's worksite monitor, and Respondent's employers and supervisors to communicate regarding Respondent's work status, performance, and monitoring.

For purposes of this section, "supervisors" shall include the Chief of Staff and Health or Well Being Committee Chair, or equivalent, if applicable, when Respondent has medical staff privileges.

7. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall make daily contact with the Board or its designee to determine whether biological fluid testing is required. Respondent shall be tested on the date of the notification as directed by the Board or its designee. The Board may order Respondent to undergo a biological fluid test on any day, at any time, including weekends and holidays. Except when testing on a specific date as ordered by the Board or its designee, the scheduling of biological fluid testing shall be done on a random basis. The cost of biological fluid testing shall be borne by Respondent.

During the first year of probation, Respondent shall be subject to 52 to 104 random tests. During the second year of probation and for the duration of the probationary term, up to five (5) years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no positive biological fluid tests in the previous five (5) consecutive years of probation, may testing be reduced to one (1) time per month. Nothing precludes the Board from increasing the number of random tests to the first-year level of frequency for any reason.

1 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
2 approved in advance by the Board or its designee, that will conduct random, unannounced,
3 observed, biological fluid testing and meets all the following standards:

4 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing
5 Industry Association or have completed the training required to serve as a collector for the
6 United States Department of Transportation.

7 (b) Its specimen collectors conform to the current United States Department of
8 Transportation Specimen Collection Guidelines.

9 (c) Its testing locations comply with the Urine Specimen Collection Guidelines
10 published by the United States Department of Transportation without regard to the type of
11 test administered.

12 (d) Its specimen collectors observe the collection of testing specimens.

13 (e) Its laboratories are certified and accredited by the United States
14 Department of Health and Human Services.

15 (f) Its testing locations shall submit a specimen to a laboratory within one (1)
16 business day of receipt and all specimens collected shall be handled pursuant to chain of custody
17 procedures. The laboratory shall process and analyze the specimens and provide legally
18 defensible test results to the Board within seven (7) business days of receipt of the specimen. The
19 Board will be notified of non-negative results within one (1) business day and will be notified of
20 negative test results within seven (7) business days.

21 (g) Its testing locations possess all the materials, equipment, and technical
22 expertise necessary in order to test Respondent on any day of the week.

23 (h) Its testing locations are able to scientifically test for urine, blood, and hair
24 specimens for the detection of alcohol and illegal and controlled substances.

25 (i) It maintains testing sites located throughout California.

26 (j) It maintains an automated 24-hour toll-free telephone system and/or a
27 secure on-line computer database that allows the respondent to check in daily for testing.

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1 (k) It maintains a secure, HIPAA-compliant website or computer system that
2 allows staff access to drug test results and compliance reporting information that is available 24
3 hours a day.

4 (l) It employs or contracts with toxicologists that are licensed physicians and
5 have knowledge of substance abuse disorders and the appropriate medical training to interpret and
6 evaluate laboratory biological fluid test results, medical histories, and any other information
7 relevant to biomedical information.

8 (m) It will not consider a toxicology screen to be negative if a positive result is
9 obtained while practicing, even if the respondent holds a valid prescription for the substance.

10 Prior to changing testing locations for any reason, including during vacation or other travel,
11 alternative testing locations must be approved by the Board and meet the requirements above.

12 The contract shall require that the laboratory directly notify the Board or its designee of
13 non-negative results within one (1) business day and negative test results within seven (7)
14 business days of the results becoming available. Respondent shall maintain this laboratory or
15 service contract during the period of probation.

16 A certified copy of any laboratory test result may be received in evidence in any
17 proceedings between the Board and Respondent.

18 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
19 administered to himself or herself a prohibited substance, the Board shall order Respondent to
20 cease practice and instruct respondent to leave any place of work where Respondent is practicing
21 medicine or providing medical services. The Board shall immediately notify all of Respondent's
22 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
23 provide medical services while the cease-practice order is in effect.

24 A biological fluid test will not be considered negative if a positive result is obtained while
25 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
26 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

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1 After the issuance of a cease-practice order, the Board shall determine whether the positive
2 biological fluid test is in fact evidence of prohibited substance use by consulting with the
3 specimen collector and the laboratory, communicating with the licensee, his or her treating
4 physician(s), other health care provider, or group facilitator, as applicable.

5 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
6 acquisition and chemical analysis of a respondent's urine, blood, breath, or hair.

7 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
8 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
9 Respondent and approved by the Board, alcohol, or any other substance Respondent has been
10 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

11 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
12 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
13 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
14 any other terms or conditions the Board determines are necessary for public protection or to
15 enhance Respondent's rehabilitation.

16 8. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
17 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
18 prior approval, the name of a substance abuse support group which he or she shall attend for the
19 duration of probation. Respondent shall attend substance abuse support group meetings at least
20 once per week, or as ordered by the Board or its designee.

21 Respondent shall pay all substance abuse support group meeting costs.

22 The facilitator of the substance abuse support group meeting shall have a minimum of
23 three (3) years' experience in the treatment and rehabilitation of substance abuse, and shall be
24 licensed or certified by the state or nationally certified organizations. The facilitator shall not
25 have a current or former financial, personal, or business relationship with Respondent within
26 the last five (5) years. Respondent's previous participation in a substance abuse group support
27 meeting led by the same facilitator does not constitute a prohibited current or former financial,
28 personal, or business relationship.

1 The facilitator shall provide a signed document to the Board or its designee showing
2 Respondent's name, the group name, the date and location of the meeting, Respondent's
3 attendance, and Respondent's level of participation and progress. The facilitator shall report any
4 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
5 or its designee, within twenty-four (24) hours of the unexcused absence.

6 9. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
7 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
8 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
9 licensed physician and surgeon, other licensed health care professional if no physician and
10 surgeon is available, or, as approved by the Board or its designee, a person in a position of
11 authority who is capable of monitoring Respondent at work.

12 The worksite monitor shall not have a current or former financial, personal, or familial
13 relationship with Respondent, or any other relationship that could reasonably be expected to
14 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
15 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
16 monitor, this requirement may be waived by the Board or its designee, however, under no
17 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

18 The worksite monitor shall have an active unrestricted license with no disciplinary action
19 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
20 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
21 by the Board or its designee.

22 Respondent shall pay all worksite-monitoring costs.

23 The worksite monitor shall have face-to-face contact with Respondent in the work
24 environment on as frequent a basis as determined by the Board or its designee, but not less than
25 once per week; interview other staff in the office regarding Respondent's behavior, if requested
26 by the Board or its designee; and review Respondent's work attendance.

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1 The worksite monitor shall verbally report any suspected substance abuse to the Board and
2 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
3 substance abuse does not occur during the Board's normal business hours, the verbal report shall
4 be made to the Board or its designee within one (1) hour of the next business day. A written
5 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
6 any other information deemed important by the worksite monitor shall be submitted to the Board
7 or its designee within 48 hours of the occurrence.

8 The worksite monitor shall complete and submit a written report monthly or as directed by
9 the Board or its designee which shall include the following: (1) Respondent's name and
10 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
11 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
12 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
13 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
14 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
15 lead to suspected substance abuse by Respondent. Respondent shall complete any required
16 consent forms and execute agreements with the approved worksite monitor and the Board, or its
17 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

18 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
19 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
20 approval, the name and qualifications of a replacement monitor who will be assuming that
21 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
22 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
23 monitor, Respondent shall receive a notification from the Board or its designee to cease the
24 practice of medicine within three (3) calendar days after being so notified. Respondent shall
25 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
26 responsibility.

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1 10. NOTIFICATION. Within seven (7) days of the effective date of this Decision,
2 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
3 Chief Executive Officer at every hospital where privileges or membership are extended to
4 Respondent, at any other facility where Respondent engages in the practice of medicine,
5 including all physician and locum tenens registries or other similar agencies, and to the Chief
6 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
7 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
8 calendar days.

9 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

10 11. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
11 governing the practice of medicine in California and remain in full compliance with any court
12 ordered criminal probation, payments, and other orders.

13 12. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
14 under penalty of perjury on forms provided by the Board, stating whether there has been
15 compliance with all the conditions of probation.

16 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
17 of the preceding quarter.

18 13. GENERAL PROBATION REQUIREMENTS.

19 Compliance with Probation Unit

20 Respondent shall comply with the Board's probation unit and all terms and conditions of
21 this Decision.

22 Address Changes

23 Respondent shall, at all times, keep the Board informed of Respondent's business and
24 residence addresses, email address (if available), and telephone number. Changes of such
25 addresses shall be immediately communicated in writing to the Board or its designee. Under no
26 circumstances shall a post office box serve as an address of record, except as allowed by Business
27 and Professions Code section 2021(b).

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1 Place of Practice

2 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
3 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
4 facility.

5 License Renewal

6 Respondent shall maintain a current and renewed California physician's and surgeon's
7 license.

8 Travel or Residence Outside California

9 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
10 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
11 (30) calendar days.

12 In the event Respondent should leave the State of California to reside or to practice
13 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
14 departure and return.

15 14. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
16 available in person upon request for interviews either at Respondent's place of business or at the
17 probation unit office, with or without prior notice throughout the term of probation.

18 15. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
19 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
20 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
21 defined as any period of time Respondent is not practicing medicine in California as defined in
22 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
23 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
24 time spent in an intensive training program which has been approved by the Board or its designee
25 shall not be considered non-practice. Practicing medicine in another state of the United States or
26 Federal jurisdiction while on probation with the medical licensing authority of that state or
27 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
28 not be considered as a period of non-practice.

1 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
2 months, Respondent shall successfully complete a clinical training program that meets the criteria
3 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
4 Disciplinary Guidelines" prior to resuming the practice of medicine.

5 Respondent's period of non-practice while on probation shall not exceed two (2) years.

6 Periods of non-practice will not apply to the reduction of the probationary term.

7 Periods of non-practice will relieve Respondent of the responsibility to comply with the
8 probationary terms and conditions with the exception of this condition and the following terms
9 and conditions of probation: Obey All Laws; and General Probation Requirements.

10 16. COMPLETION OF PROBATION. Respondent shall comply with all financial
11 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
12 completion of probation. Upon successful completion of probation, Respondent's certificate shall
13 be fully restored.

14 17. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
15 of probation is a violation of probation.

16 A. If Respondent commits a major violation of probation as defined by section
17 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall
18 take one or more of the following actions:

19 (1) Issue an immediate cease-practice order and order Respondent to undergo a
20 clinical diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision
21 (c)(I), of Title 16 of the California Code of Regulations, at Respondent's expense. The cease-
22 practice order issued by the Board or its designee shall state that Respondent must test negative
23 for at least a month of continuous biological fluid testing before being allowed to resume practice.
24 For purposes of the determining the length of time Respondent must test negative while
25 undergoing continuous biological fluid testing following issuance of a cease-practice order, a
26 month is defined as thirty calendar (30) days. Respondent may not resume the practice of
27 medicine until notified in writing by the Board or its designee that he or she may do so.

28 (2) Increase the frequency of biological fluid testing.

1 (3) Refer Respondent for further disciplinary action, such as suspension,
2 revocation, or other action as determined by the Board or its designee. (Cal. Code Regs., tit. 16, §
3 1361.52, subd. (b).)

4 B. If Respondent commits a minor violation of probation as defined by section
5 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
6 one or more of the following actions:

7 (1) Issue a cease-practice order;

8 (2) Order practice limitations;

9 (3) Order or increase supervision of Respondent;

10 (4) Order increased documentation;

11 (5) Issue a citation and fine, or a warning letter;

12 (6) Order Respondent to undergo a clinical diagnostic evaluation to be
13 conducted in accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California
14 Code of Regulations, at Respondent's expense;

15 (7) Take any other action as determined by the Board or its designee. (Cal.
16 Code Regs., tit. 16, § 1361.52, subd. (d).)

17 C. Nothing in this Decision shall be considered a limitation on the Board's
18 authority to revoke Respondent's probation if he or she has violated any term or condition of
19 probation. (See Cal. Code Regs., tit. 16, § 1361.52, subd. (e).) If Respondent violates probation in
20 any respect, the Board, after giving Respondent notice and the opportunity to be heard, may
21 revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or
22 Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during
23 probation, the Board shall have continuing jurisdiction until the matter is final, and the period of
24 probation shall be extended until the matter is final.

25 18. LICENSE SURRENDER. Following the effective date of this Decision, if
26 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy

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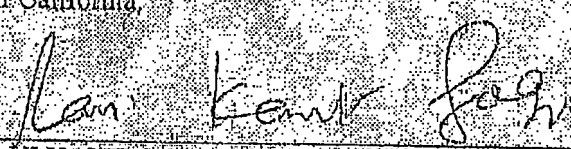
1 the terms and conditions of probation, Respondent may request to surrender his or her license.
2 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
3 determining whether or not to grant the request, or to take any other action deemed appropriate
4 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
5 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
6 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
7 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
8 application shall be treated as a petition for reinstatement of a revoked certificate.

9 19. PROBATION MONITORING COSTS Respondent shall pay the costs associated
10 with probation monitoring each and every year of probation, as designated by the Board, which
11 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
12 California and delivered to the Board or its designee no later than January 31 of each calendar
13 year.

14 ACCEPTANCE

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorney, Stephen M. Boreman. I understand the stipulation and the effect it
17 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
18 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
19 Decision and Order of the Medical Board of California.

20
21 DATED: 6-11-19


22 RAVI KANT GOGNA, M.D.
Respondent

23 I have read and fully discussed with Respondent Ravi Kant Gogna, M.D., the terms and
24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
25 I approve its form and content.

26
27 DATED: 6-12-19


28 STEPHEN M. BOREMAN
Attorney for Respondent

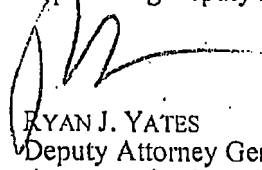
1 ENDORSEMENT

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

4 Dated:

Respectfully submitted,

5 XAVIER BECERRA
6 Attorney General of California
7 STEVEN D. MUNI
8 Supervising Deputy Attorney General

9 
10 RYAN J. YATES
11 Deputy Attorney General
12 *Attorneys for Complainant*
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Exhibit A

Accusation No. 800-2017-039196

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 RYAN J. YATES
Deputy Attorney General
4 State Bar No. 279257
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6329
Facsimile: (916) 327-2247

7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 29 20 19
BY K. Wong ANALYST

10 BEFORE THE
11 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2017-039196

14 Ravi Kant Gogna, M.D.
15 1908 Coffee Rd., Ste. 3
16 Modesto, CA 95355

ACCUSATION

17 Physician's and Surgeon's Certificate
No. A 39659,

18 Respondent.

19
20 Complainant alleges:

21 PARTIES

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

25 2. On or about April 4, 1983, the Medical Board issued Physician's and Surgeon's
26 Certificate No. A 39659 to Ravi Kant Gogna, M.D. (Respondent). The Physician's and
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
28 herein and will expire on July 31, 2020, unless renewed.

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1 prosecuting agency shall also notify the clerk of the court in which the action is pending that the
2 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
3 a license as a physician and surgeon.

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

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

12 7. Section 2239 of the Code states:

13 "(a) The use or prescribing for or administering to himself or herself, of any controlled
14 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
15 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
16 any other person or to the public, or to the extent that such use impairs the ability of the licensee
17 to practice medicine safely or more than one misdemeanor or any felony involving the use,
18 consumption, or self-administration of any of the substances referred to in this section, or any
19 combination thereof, constitutes unprofessional conduct. The record of the conviction is
20 conclusive evidence of such unprofessional conduct.

21 "(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
22 deemed to be a conviction within the meaning of this section. The Division of Medical Quality
23 may order discipline of the licensee in accordance with Section 2227 or the Division of Licensing
24 may order the denial of the license when the time for appeal has elapsed or the judgment of
25 conviction has been affirmed on appeal or when an order granting probation is made suspending
26 imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4

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1 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of
2 not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint,
3 information, or indictment."²

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

5 "For the purposes of denial, suspension or revocation of a license, certificate or permit
6 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
7 considered to be substantially related to the qualifications, functions or duties of a person holding
8 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
9 evidences present or potential unfitness of a person holding a license, certificate or permit to
10 perform the functions authorized by the license, certificate or permit in a manner consistent with
11 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
12 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
13 violation of, or conspiring to violate any provision of the Medical Practice Act."

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Use of Alcohol in a Dangerous or Injurious Manner)**

16 9. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
17 by section 2239, of the Code, and California Code of Regulations, title 16, section 1360, in that
18 he has used alcoholic beverages to the extent, or in such a manner, as to be dangerous or injurious
19 to himself, or to any other person or to the public, as more particularly alleged hereinafter:

20 **November 21, 2017, Arrest for Driving Under the Influence of Alcohol.**

21 10. On or about November 21, 2017, at approximately 6:46 P.M., a California Highway
22 Patrol officer (CHP) responded to a call reporting a property damage hit-and-run traffic collision
23 on Tully Road, in Modesto, California.

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26 ² There is a nexus between a physician's use of alcoholic beverages and his or her fitness
27 to practice medicine, established by the Legislature in section 2239, "in all cases where a licensed
28 physician used alcoholic beverages to the extent or in such a manner as to pose a danger to
himself or others." (Watson v. Superior Court (Medical Board) (2009) 176 Cal.App.4th 1407,
1411.)

1 11. Upon arrival at the scene of the accident, approximately ten (10) minutes later, the
2 CHP officer made contact with two individuals (Witness 1 and Victim 1), who proceeded to
3 converse with him about the events leading up to the accident, which occurred at approximately
4 6:00 P.M.

5 12. When asked what had happened, Victim 1 stated that he was driving his vehicle
6 northbound on Tully Road, south of Palmdale Avenue, in Modesto, California. As he was
7 stopped at a stoplight for approximately thirty (30) seconds, his car was rear ended by a vehicle,
8 later determined to be driven by Respondent. Following the collision, Victim 1 and Respondent
9 exited their cars, at which point Victim 1 observed Respondent stumbling in the street.
10 Respondent walked around his car, looked at the damage, then began to walk away from the
11 scene of the accident on northbound Tully Road.

12 13. When asked by the CHP officer about the collision, Witness 1 responded that prior to
13 the collision, he was in his vehicle at a stoplight before the intersection of Snyder Road and Tully
14 Road, next to the vehicle being driven by Respondent, approximately 0.1 miles from the scene of
15 the accident. Witness 1 observed that Respondent appeared to be visibly intoxicated. This
16 behavior included Respondent swaying back and forth in the driver's seat, as he was trying to
17 reach for his seatbelt.

18 14. As the traffic light turned green, Respondent's vehicle accelerated, then hit the
19 vehicle being driven by Victim 1, without braking. After the accident, Witness 1 observed
20 Respondent exit the vehicle, where he could smell the scent of alcohol emanating from
21 Respondent. Respondent then wobbled back and forth while attempting to pick up pieces of his
22 car. Witness 1 then observed Respondent attempt to walk away from the scene of the collision.
23 Witness 1 pursued Respondent, where he witnessed Respondent stumble into oncoming traffic
24 and fall numerous times.

25 15. At approximately 7:23 P.M., the CHP officer made contact with Respondent at Bangs
26 Avenue and Tully Road (approximately 0.2 miles from the scene of the accident), and detained
27 Respondent in his patrol vehicle. While questioning Respondent, the CHP officer observed that
28 Respondent's speech was slow and slurred, his eyes were red and watery, and smelled the odor of

1 alcohol emanating from Respondent's breath and person. The CHP officer asked Respondent
2 what happened at the time of the collision. Respondent replied, "I have no idea how the crash
3 happened," or words to that effect. Respondent was then asked why he left the scene of the
4 accident after the collision. Respondent replied, "I didn't know what to do," or words to that
5 effect. After being asked how much he had to drink, Respondent replied, "just two (2) vodka
6 shots," or words to that effect.

7 16. The CHP officer administered a series of Field Sobriety Tests (FSTs) which
8 Respondent was unable to complete as explained and demonstrated. At approximately 8:10 P.M.,
9 Respondent was placed under arrest. While under arrest, Respondent consented to providing a
10 blood sample. Respondent was then transported to The Doctors Medical Center, in Modesto,
11 California. At approximately 9:15 P.M., Respondent's blood was drawn. Following the chemical
12 test, Respondent was transported to the Stanislaus County Public Safety Center, in Modesto,
13 California, where he was booked for violations of California Vehicle Code, sections 23152(a)
14 (Driving under the influence of alcohol) and 20002(a) (Hit-and-run causing property damage
15 only).

16 17. On or about December 1, 2017, the California Department of Justice, Bureau of
17 Forensic Services, issued a forensic report with a complete analysis of the December 21, 2017,
18 blood draw on Respondent. The blood test results revealed that Respondent had tested positive
19 for 0.303 grams of alcohol per 100 milliliters of blood, with a measurement uncertainty of
20 plus/minus 0.014 grams of alcohol per 100 milliliters of blood.

21 18. On or about April 19, 2018, a Criminal Complaint was filed against Respondent in
22 the matter of The People of the State of California vs. Ravi Kant Gogna, Case No. CR18000203.
23 Respondent was charged with the following:

24 "COUNT I: On or about November 21, 2017, defendant did commit a
25 misdemeanor, DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL,
26 violation of Section 23152(a) of the California Vehicle Code, in that the defendant
27 did willfully and unlawfully drive a vehicle while under the influence of an
28 alcoholic beverage.

1 **SEPARATE VIOLATION:** It is further alleged that within ten years of the
2 commission of the above offense, said defendant committed a violation of Vehicle
3 Code Section 23152(b) on or about the 20th day of August, 2010, and was duly
4 convicted in the Superior Court, County of El Dorado, State of California. (Docket
5 #100859)

6 **SPECIAL ALLEGATION:** It is further alleged that the defendant had a blood
7 alcohol content of .15% or higher, within the meaning of Vehicle Code Section
8 23578.

9 **COUNT II:** On or about November 21, 2017, defendant did commit a
10 misdemeanor, DRIVING WITH BLOOD ALCOHOL LEVEL OF 0.08% OR
11 ABOVE, violation of Section 23152(b) of the California Vehicle Code, in that the
12 defendant did willfully and unlawfully drive a vehicle while having 0.08 percent or
13 more, to wit, .30% by weight, of alcohol in his blood.

14 **SEPARATE VIOLATION:** It is further alleged that within ten years of the
15 commission of the above offense, said defendant committed a violation of Vehicle
16 Code Section 23152(b) on or about the 20th day of August, 2010, and was duly
17 convicted in the Superior Court, County of El Dorado, State of California. (Docket
18 #100859)

19 **SPECIAL ALLEGATION:** It is further alleged that the defendant had a blood
20 alcohol content of .15% or higher, within the meaning of Vehicle Code Section
21 23578.

22 **COUNT III:** On or about November 21, 2017, defendant did commit a
23 misdemeanor, HIT AND RUN, violation of Section 20002(a) of the California
24 Vehicle Code, in that the defendant was the driver of the vehicle involved in an
25 accident resulting in damage to property, who did willfully and unlawfully fail,
26 refuse and neglect to locate and notify the owner or person in charge of such
27 property and did willfully and unlawfully fail, refuse and neglect to leave in a
28 conspicuous place on the property damaged a written notice giving the name and

1 address of the driver and of the owner of the vehicle involved and a statement of
2 the circumstances thereof and without unnecessary delay notify the police
3 department and local headquarters of the Department of the California Highway
4 Patrol of the place where the collision occurred."

5 19. On October 5, 2018, Respondent pled Nolo Contendere to Count No. 2, violation of
6 Section 23152(b) of the California Vehicle Code (driving with a blood alcohol concentration of
7 0.08% or higher). Respondent's sentence was as follows:

- 8 a. Serve sixty (60) consecutive days in jail, with two (2) days credit, followed by
9 informal misdemeanor probation for thirty-six (36) months;
10 b. Make full restitution in an amount and manner to be ordered by the Court;
11 c. Do not knowingly use or possess any alcoholic beverages or be in or about any
12 place of business where the primary item sold is alcoholic beverages for
13 consumption on the premises;
14 d. Do not knowingly drive with a measurable amount of alcohol in your blood;
15 e. Submit person, residence & vehicle to search anytime by any Peace Officer for
16 alcohol;
17 f. Enroll in and complete the enhanced, level two (2) Drinking Driver Program;
18 and
19 g. Do not knowingly drive unless properly licensed and insured.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of**
22 **Physician and Surgeon)**

23 20. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
24 defined by section 2236, of the Code, and California Code of Regulations, title 16, section 1360,
25 in that he has been convicted of a crime, to wit: violation of Section 23152(b) of the California
26 Vehicle Code (driving with a blood alcohol concentration of 0.08% or higher), 2nd offense, a

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1 misdemeanor, which is substantially related to the qualifications, functions or duties of a
2 physician and surgeon, as more particularly alleged in paragraphs 9 through 18, above, which are
3 hereby realleged and incorporated by reference as if fully set forth herein.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Violation of the State Medical Practice Act)**

6 21. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
7 defined by section 2234, subdivision (a), of the Code, and California Code of Regulations, title
8 16, section 1360, in that he has violated a provision or provisions of the Medical Practice Act, as
9 more particularly alleged in paragraphs 9 through 19, above, which are hereby realleged and
10 incorporated by reference as if fully set forth herein.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(General Unprofessional Conduct)**

13 22. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
14 defined by section 2234, of the Code, in that he has engaged in conduct which breaches the rules
15 or ethical code of the medical profession, or conduct which is unbecoming a member in good
16 standing of the medical profession, and which demonstrates an unfitness to practice medicine, as
17 more particularly alleged in paragraphs 9 through 20, above, which are hereby realleged and
18 incorporated by reference as if fully set forth herein.

19 **DISCIPLINARY CONSIDERATIONS**

20 23. To determine the degree of discipline, if any, to be imposed on Respondent Ravi Kant
21 Gogna, M.D., Complainant alleges that on or about September 2, 2011, in a prior criminal
22 proceeding entitled *The People of the State of California vs. Ravi Kant Gogna* in El Dorado
23 County Superior Court, Case Number S10CRM0859, Respondent was convicted for violating
24 Section 23152(b) of the California Vehicle Code (driving with a blood alcohol concentration of
25 0.08% or higher), a misdemeanor, and was ordered to summary probation for four (4) years; to
26 not operate a motor vehicle without a valid driver's license and automobile insurance; to not
27 operate a motor vehicle with any measureable amount of alcohol; to submit to chemical test of

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1 blood, breath or urine as directed by law enforcement; to submit to alcohol and field sobriety
2 tests; and attend and to complete a mandatory three (3) month alcohol program. The record of the
3 criminal proceeding is incorporated as if fully set forth herein.

4 24. Complainant additionally alleges that in a prior disciplinary action entitled
5 Accusation No. 02-2011-214299, before the Board, Respondent's license was placed on three (3)
6 years probation for gross negligence, repeated negligent acts, and failure to maintain adequate and
7 accurate medical records, regarding his care and treatment of multiple patients. As part of a
8 stipulated settlement agreement, effective August 29, 2014, Respondent's license was placed on
9 three (3) years probation. The terms and conditions of probation additionally provide that
10 Respondent complete an education course, enroll and complete a clinical training program, retain
11 a practice/billing monitor, prohibit solo practice, notify employers of his probation, refrain from
12 supervising physician assistants, obey all laws, submit quarterly declarations, and general
13 probation requirements. That decision is now final and is incorporated by reference as if fully set
14 forth herein. On or about August 29, 2017, Respondent's probation period ended.

15 **PRAYER**

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

- 18 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 39659, issued
19 to Ravi Kant Gogna, M.D.;
- 20 2. Revoking, suspending or denying approval of Ravi Kant Gogna, M.D.'s authority to
21 supervise physician assistants and advanced practice nurses;
- 22 3. Ordering Ravi Kant Gogna, M.D., if placed on probation, to pay the Board the costs
23 of probation monitoring; and
- 24 4. Taking such other and further action as deemed necessary and proper.

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DATED: April 29, 2019


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

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