

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

In the Matter of the Petition to Revoke
Probation Against:

Benjamin Stuart Wilbur, M.D.

Case No.: 800-2019-055423

Physician's & Surgeon's
Certificate No. A 92956

Respondent.

**DENIAL BY OPERATION OF LAW
PETITION FOR RECONSIDERATION**

No action having been taken on the petition for reconsideration, filed by July 10, 2020, and the time for action having expired at 5:00 p.m. on August 7, 2020, the petition is deemed denied by operation of law.

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

In the Matter of the Petition to Revoke
Probation Against:

Benjamin Stuart Wilbur, M.D.

Physician's & Surgeon's
Certificate No. A 92956

Respondent.

Case No. 800-2019-055423

ORDER GRANTING STAY

(Government Code Section 11521)

The Medical Board of California (Board) has filed a Request for Stay of execution of the Decision in this matter with an effective date of July 30, 2020, at 5:00 p.m..

Execution is stayed until August 7, 2020, at 5:00 p.m.

This stay is granted solely for the purpose of allowing the Board time to review and consider the Petition for Reconsideration.

DATED: July 30, 2020



William Prasifka
Executive Director
Medical Board of California

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

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

Case No. 800-2019-055423

14 **BENJAMIN STUART WILBUR, M.D.**
15 **12672 Limonite Ave., Ste. 3E-235**
Corona, CA 92880-4201

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

16 **Physician's and Surgeon's**
17 **Certificate No. A 92956,**

18 Respondent.

19
20 **FINDINGS OF FACT**

21 1. On or about September 6, 2019, Complainant Kimberly Kirchmeyer, in her official
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer
23 Affairs, filed Petition to Revoke Probation No. 800-2019-055423 against BENJAMIN STUART
24 WILBUR, M.D. (Respondent) before the Medical Board of California.

25 2. On or about September 30, 2005, the Medical Board of California (Board) issued
26 Physician's and Surgeon's Certificate No. A 92956 to Respondent. The Physician's and Surgeon's
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will
28 expire on May 31, 2021, unless renewed. (See Certification of Licensure attached as Exhibit A

1 and incorporated as if fully set forth herein.)

2 3. On or about September 6, 2019, Kristy Voong, an employee of the Complainant
3 Agency, served by Certified Mail a copy of the Petition to Revoke Probation No. 800-2019-
4 055423, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
5 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
6 which was and is 12672 Limonite Ave., Ste. 3E-235, Corona, CA 92880-4201. A copy of the
7 Petition to Revoke Probation, the related documents, and Declaration of Service are attached as
8 Exhibit B, and are incorporated herein by reference.

9 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
10 provisions of Government Code section 11505, subdivision (c).

11 5. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts
14 of the accusation not expressly admitted. Failure to file a notice of defense shall
15 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
16 may nevertheless grant a hearing.

17 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
18 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of
19 Petition to Revoke Probation No. 800-2019-055423.

20 7. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the
22 hearing, the agency may take action based upon the respondent's express admissions
23 or upon other evidence and affidavits may be used as evidence without any notice to
24 respondent.

25 8. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on
27 Respondent's express admissions by way of default and the evidence before it, contained in
28 exhibits A, B, C and D, finds that the allegations in Petition to Revoke Probation No. 800-2019-
055423 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent BENJAMIN STUART

1 WILBUR, M.D. has subjected his Physician's and Surgeon's Certificate No. A 92956 to
2 discipline.

3 2. A copy of the Petition to Revoke Probation and the related documents and
4 Declaration of Service are attached.

5 3. The agency has jurisdiction to adjudicate this case by default.

6 4. The Medical Board of California is authorized to revoke Respondent's Physician's and
7 Surgeon's Certificate based upon the following violations alleged in the Petition to Revoke
8 Probation:

9 a. Failure to comply with Probation Condition 8 by failing to check in with
10 FirstSource on 10 occasions to determine if he was required to provide a biological fluid
11 sample for testing and failure to provide a biological fluid sample on three occasions when
12 he was selected to provide same.

13 b. Failure to pay probation monitoring costs pursuant to Probation Condition 27.

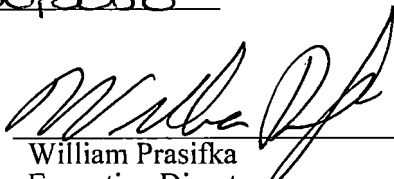
14 **ORDER**

15 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 92956, heretofore
16 issued to Respondent BENJAMIN STUART WILBUR, M.D., is revoked.

17 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
18 written motion requesting that the Decision be vacated and stating the grounds relied on within
19 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
20 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

21 This Decision shall become effective at 5:00 p.m. on July 30, 2020.

22 It is so ORDERED June 30, 2020

23
24 
25 _____
26 William Prasifka
27 Executive Director
28 For The Medical Board Of California
Department Of Consumer Affairs

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Default Decison Wilbur, Benjamin Stuart, M.D.docx

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 6 20 19
BY K. Young ANALYST

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

In the Matter of the Petition to Revoke
Probation Against:

BENJAMIN STUART WILBUR, M.D.
12672 Limonite Ave, Ste 3E-235
Corona , CA 92880-4201
Physician's and Surgeon's Certificate No. A
92956,

Respondent.

Case No. 800-2019-055423

PETITION TO REVOKE PROBATION

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
2. On or about September 30, 2005, the Medical Board of California issued Physician's and Surgeon's Certificate Number A 92956 to Benjamin Stuart Wilbur, M.D. (Respondent). The Physician's and Surgeon's Certificate was in effect at all times relevant to the charges brought herein and will expire on May 31, 2021, unless renewed.

1 (a) The enforcement of the disciplinary and criminal provisions of the Medical
Practice Act.

2 (b) The administration and hearing of disciplinary actions.

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

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

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

8 (f) Approving undergraduate and graduate medical education programs.

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

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

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

12 REGULATORY PROVISIONS

13 7. California Code of Regulations, title 16, Section 1361.52 states:

14 (a) A licensee who does any of the following shall be deemed to have
15 committed a major violation of his or her probation:

16 (1) Fails to undergo a required clinical diagnostic evaluation;

17 (2) Commits multiple minor violations of probation conditions and terms;

18 (3) Treats a patient or patients while under the influence of a prohibited
19 substance;

20 (4) Engage in any drug or alcohol related act that is a violation of state or
federal law or regulation;

21 (5) Fails to undergo biological fluid testing when ordered;

22 (6) Uses, consumes, ingests, or administers to himself or herself a prohibited
23 substance;

24 (7) Knowingly uses, makes, alters, or possesses any object or product in such a
25 way as to defraud or attempt to defraud a biological fluid test designed to detect the
presence of a prohibited substance; or

26 (8) Fails to comply with any term or condition of his or her probation that
impairs public safety.

27 (b) If a licensee commits a major violation, the Board will take one or more of
28 the following actions:

1 (1) Issue an immediate cease-practice order and order the licensee to undergo a
2 clinical diagnostic evaluation at the expense of the licensee. Any order issued by the
3 Board pursuant to this subsection shall state that the licensee must test negative for at
4 least a month of continuous biological fluid testing before being allowed to resume
5 practice.

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

7 (3) Refer the licensee for further disciplinary action, such as suspension,
8 revocation, or other action as determined by the Board.

9 (c) A licensee who does any of the following shall be deemed to have
10 committed a minor violation of his or her probation:

11 (1) Fails to submit required documentation to the Board in a timely manner;

12 (2) Has an unexcused absence at a required meeting;

13 (3) Fails to contact a worksite monitor as required; or

14 (4) Fails to comply with any term or condition of his or her probation that does
15 not impair public safety.

16 (d) If a licensee commits a minor violation, the Board will take one or more of
17 the following actions:

18 (1) Issue a cease-practice order;

19 (2) Order practice limitations;

20 (3) Order or increase supervision of licensee;

21 (4) Order increased documentation;

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

23 (6) Order the licensee to undergo a clinical diagnostic evaluation at the expense
24 of the licensee;

25 (7) Take any other action as determined by the Board.

26 (e) Nothing in this section shall be considered a limitation on the Board's
27 authority to revoke the probation of a licensee who has violated a term or condition of
28 that probation.

29 **PROBATION ORDER CONDITIONS RE VIOLATION OF PROBATION**

30 8. At all times after the effective date of Respondent's probation, Condition 25 of
31 Respondent's Probation Order stated:

32 "VIOLATION OF PROBATION. Failure to fully comply with any term or condition of
33 probation is a violation of probation. If Respondent violates probation in any respect, the Board,
34 after giving Respondent notice and the opportunity to be heard, may revoke probation and carry

1 out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an
2 Interim Suspension Order is filed against Respondent during probation, the Board shall have
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
4 the matter is final.”

5 9. At all times after the effective date of Respondent's probation, Condition 12 of
6 Respondent's Probation Order stated:

7 “VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
8 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
9 probation.

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

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

22 “(2) Increase the frequency of biological fluid testing.

23 “(3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
24 other action as determined by the Board or its designee.

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

28 “(1) Issue a cease-practice order;

1 cost of biological fluid testing shall be borne by the Respondent.

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

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

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

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

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

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

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

21 “(f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
22 of receipt and all specimens collected shall be handled pursuant to chain of custody procedures.
23 The laboratory shall process and analyze the specimens and provide legally defensible test results
24 to the Board within seven (7) business days of receipt of the specimen. The Board will be
25 notified of non-negative results within one (1) business day and will be notified of negative test
26 results within seven (7) business days.

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

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

3 “(i) It maintains testing sites located throughout California.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 11. Respondent's probation is subject to revocation because he failed to comply with
20 Probation Condition 8, referenced above. The facts and circumstances regarding this violation
21 are as follows:

22 A. On or about August 17, 2017, the Board sent Respondent a letter informing him that
23 *FirstSource Solutions* ("*FirstSource*") was the Board's approved laboratory service. In that letter
24 the Board directed Respondent to enroll in *FirstSource* to enable *FirstSource* to conduct the
25 random biological fluid testing required as part of the terms and conditions of his Probation
26 Order.

27 B. In the Board's August 17, 2017, letter, the Board also notified Respondent that he
28 needed to check the *FirstSource* system daily to determine if *FirstSource* required him to submit

1 a biological sample for testing that day.

2 C. On September 7, 2017, Respondent met with the Board's probation inspector who
3 provided Respondent with a copy of the Probation Order, effective September 8, 2017, in Case
4 No. 800-2015-016182, which placed Respondent on probation for a period of seven (7) years
5 with certain terms and conditions. The Board's probation inspector reviewed each and every term
6 and condition of Respondent's Probation Order with him.

7 D. On September 7, 2017, after reviewing the Probation Order with the probation
8 inspector Respondent signed an "Acknowledgement of Decision" to indicate he understood the
9 terms and conditions of his Probation Order.

10 E. Respondent failed to check-in with *FirstSource* thereby committing multiple "minor"
11 violations of Condition 8 of his Probation Order on the following 10 dates:

- 12 October 31, 2017
- 13 November 11, 2017
- 14 May 3, 2018
- 15 May 22, 2018
- 16 September 24, 2018
- 17 October 9, 2018
- 18 November 4, 2018
- 19 January 25, 2019
- 20 February 2, 2019
- 21 March 23, 2019

22 F. Respondent failed to provide a sample when selected thereby committing multiple
23 "major" violations of Condition 8 of his Probation Order on the following three dates:

- 24 October 31, 2017
- 25 November 26, 2017
- 26 February 13, 2019

27 12. Respondent's multiple failures to check-in with *FirstSource* daily and his
28 multiple failures to provide a biological fluid sample when selected demonstrate a pattern of

1 continuous non-compliance with the biological fluid testing probation condition.

2 **SECOND CAUSE TO REVOKE PROBATION**

3 (Failure to Pay Costs)

4 13. At all times after the effective date of Respondent's probation, Condition 27 of
5 Respondent's Probation Order stated:

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

10 14. Respondent's probation is subject to revocation because he failed to comply with
11 Probation Condition 27, referenced above. The facts and circumstances regarding this violation
12 are as follows:

13 A. On September 7, 2017, Respondent met with the Board's probation inspector who
14 provided Respondent with a copy of the Probation Order, effective September 8, 2017, in Case
15 No. 800-2015-016182, which placed Respondent on probation for a period of seven (7) years
16 with certain terms and conditions. The Board's probation inspector reviewed each and every term
17 and condition of Respondent's Probation Order with him.

18 B. During the September 7, 2017, meeting Respondent entered into a payment plan with
19 the Board. The payment plan required Respondent to pay \$357.25 each quarter for his probation
20 monitoring fees.

21 C. On September 7, 2017, after reviewing the decision with the probation inspector
22 Respondent signed an "Acknowledgement of Decision" to indicate he understood the terms and
23 conditions of his Probation Order.

24 D. Respondent failed to pay his 2017 and 2018 probation monitoring fees to the Board
25 and is in arrears to the Board for the 2017 and 2018 probation monitoring fees in the amount of
26 \$4,749.00.

27 **DISCIPLINE CONSIDERATIONS**

28 15. To determine the degree of discipline, if any, to be imposed on Respondent,

1 Complainant alleges that in a disciplinary action entitled, "*In the Matter of First Amended*
2 *Accusation Against Benjamin Stuart Wilbur, M.D.*," Case No. 800-2015-016182, the Medical
3 Board of California, issued a decision, effective September 8, 2017, in which Respondent's
4 Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and
5 Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of seven
6 (7) years with certain terms and conditions. The 2017 Decision is now final and is incorporated
7 by reference as if fully set forth.

8 16. To determine the degree of discipline, if any, to be imposed on Respondent,
9 Complainant alleges that on or about April 1, 2016, in a prior disciplinary action entitled, *In the*
10 *Matter of the Petition for Interim Suspension Order Against Benjamin Stuart Wilbur, M.D.*,
11 before the Medical Board of California, in Case No. 800-2015-016182, Respondent's license was
12 suspended. That decision is now final and is incorporated by reference as if fully set forth.

13 17. To determine the degree of discipline, if any, to be imposed on Respondent,
14 Complainant alleges that on or about October 21, 2015, in a prior criminal proceeding entitled,
15 *People of the State of California v. Benjamin Stuart Wilbur M.D.*, in San Bernardino Superior
16 Court, Case Number FWV1503800, an Order was issued pursuant to Penal Code section 23
17 restricting Respondent from practicing medicine during the pendency of the criminal action.

18 18. To determine the degree of discipline, if any, to be imposed on Respondent,
19 Complainant alleges that on or about January 13, 2016, in a prior criminal proceeding entitled,
20 *People of the State of California v. Benjamin Stuart Wilbur*, in San Bernardino Superior Court,
21 Case Number FWV1503800, Respondent was convicted for violating Health and Safety Code
22 section 11370.1, subdivision (a) [unlawful possession of a controlled substance], as a felony.
23 Respondent was placed on probation for three years and, inter alia, ordered to serve 279 days in a
24 local jail and to pay fines and make restitution. The record of the criminal proceeding is
25 incorporated as if fully set forth.

26 19. To determine the degree of discipline, if any, to be imposed on Respondent,
27 Complainant alleges that on or about May 18, 2016, in a prior criminal proceeding entitled,
28 *People of the State of California v. Benjamin Stuart Wilbur*, in San Bernardino Superior Court,

1 Case Number RIF1502537, Respondent was convicted for violating Vehicle Code section 10851,
2 subdivision (a) [unlawful taking or driving of another's vehicle], as a misdemeanor. Respondent
3 was placed on probation for three years and, inter alia, ordered to pay fines and make restitution.
4 The record of the criminal proceeding is incorporated as if fully set forth.

5 20. To determine the degree of discipline, if any, to be imposed on Respondent,
6 Complainant alleges that on November 14, 2017, the Medical Board of California issued Citation
7 Number 800-2017-038448 to Respondent in the amount of \$350.00 for his violation of his
8 Probation Order terms and conditions.

9 21. To determine the degree of discipline, if any, to be imposed on Respondent,
10 Complainant alleges that on November 16, 2018, the Medical Board of California issued Citation
11 Number 800-2018-049193 to Respondent in the amount of \$700.00 for his violation of his
12 Probation Order terms and conditions.

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PRAYER

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

1. Revoking the probation that was granted by the Medical Board of California in Case No. 800-2015-016182 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate No. A 92956 issued to Benjamin Stuart Wilbur, M.D.;
2. Revoking or suspending Physician's and Surgeon's Certificate No. A 92956, issued to Benjamin Stuart Wilbur, M.D.;
3. Revoking, suspending or denying approval of Benjamin Stuart Wilbur, M.D.'s authority to supervise physician assistants and advanced practice nurses;
4. Ordering Benjamin Stuart Wilbur, M.D. to pay the Medical Board of California the outstanding costs of probation monitoring;
5. Ordering Benjamin Stuart Wilbur, M.D., if placed on probation, to pay the Medical Board of California the costs of probation monitoring; and
6. Taking such other and further action as deemed necessary and proper.

DATED: September 6, 2019



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

LA2019501614
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