

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

**In the Matter of the First Amended
Accusation Against:**

Charles Michael Wilkinson, M.D.

**Physician's and Surgeon's
Certificate No. G 50289**

Respondent.

Case No. 800-2017-035749

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 NOV 03 2020.

IT IS SO ORDERED OCT 27 2020.

MEDICAL BOARD OF CALIFORNIA



William Prasifka
Executive Director

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

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

12 In the Matter of the First Amended Accusation
Against:

13 **CHARLES MICHAEL WILKINSON, M.D.**
14 **618 5th Street**
Marysville, CA 95901-5612

15 **Physician's and Surgeon's Certificate**
16 **No. G 50289**

17 Respondent.

Case No. 800-2017-035749

OAH No. 2020061007

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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


21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Xavier Becerra, Attorney General of the State of California, by Ryan J. Yates, Deputy
25 Attorney General.

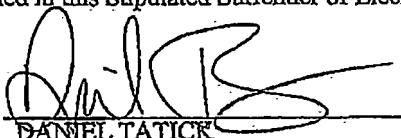
26 2. Charles Michael Wilkinson, M.D. (Respondent) is represented in this proceeding by
27 attorney Daniel Tatick, with Simas & Associates, LTD, whose address is: 354 Pacific Street, San
28 Luis Obispo, CA 93401.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Daniel Tatick. 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: 10/12/20 
CHARLES MICHAEL WILKINSON, M.D.
Respondent

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

DATED: 10/15/2020 
DANIEL TATICK
Attorney for Respondent

ENDORSEMENT

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

DATED: ¹⁵ October 8, 2020

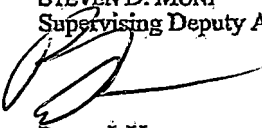
Respectfully submitted,
XAVIER BECERRA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General

RYAN J. YATES
Deputy Attorney General
Attorneys for Complainant

Exhibit A

First Amended Accusation No. 800-2017-035749

1 XAVIER BECERRA
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2 STEVEN D. MUNI
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8 *Attorneys for Complainant*

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

In the Matter of the First Amended Accusation
Against:
Charles Michael Wilkinson, M.D.
618 5th Street
Marysville, CA 95901-5612
Physician's and Surgeon's Certificate No. G 50289,
Respondent.

Case No. 800-2017-035749
FIRST AMENDED ACCUSATION

PARTIES

1. Christine J. Lally (Complainant) brings this First Amended Accusation solely in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).
2. On or about March 16, 2012, the Medical Board issued Physician's and Surgeon's Certificate Number G 50289 to Charles Michael Wilkinson, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2022, unless renewed.

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1 **JURISDICTION**

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

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

9 5. Section 2234 of the Code, states:

10 "The board shall take action against any licensee who is charged with
11 unprofessional conduct.¹ In addition to other provisions of this article, unprofessional
12 conduct includes, but is not limited to, the following:

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

15 6. Section 2236 of the Code states:

16 "(a) The conviction of any offense substantially related to the qualifications,
17 functions, or duties of a physician and surgeon constitutes unprofessional conduct
18 within the meaning of this chapter. The record of conviction shall be conclusive
19 evidence only of the fact that the conviction occurred.

20 "(b) The district attorney, city attorney, or other prosecuting agency shall notify
21 the Division of Medical Quality of the pendency of an action against a licensee
22 charging a felony or misdemeanor immediately upon obtaining information that the
23 defendant is a licensee. The notice shall identify the licensee and describe the crimes
24 charged and the facts alleged. The prosecuting agency shall also notify the clerk of the
25 court in which the action is pending that the defendant is a licensee, and the clerk shall
26 record prominently in the file that the defendant holds a license as a physician and
27 surgeon.

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

"(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is

¹ Unprofessional conduct under California Business and Professions Code section 2234 is
conduct which breaches the rules or ethical code of the medical profession, or conduct which is
unbecoming a member in good standing of the medical profession, and which demonstrates an
unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
575.)

1 deemed to be a conviction within the meaning of this section and Section 2236.1. The
2 record of conviction shall be conclusive evidence of the fact that the conviction
3 occurred.”

4 7. Section 2239 of the Code states:

5 “(a) The use or prescribing for or administering to himself or herself, of any
6 controlled substance; or the use of any of the dangerous drugs specified in Section
7 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
8 or injurious to the licensee, or to any other person or to the public, or to the extent that
9 such use impairs the ability of the licensee to practice medicine safely or more than one
10 misdemeanor or any felony involving the use, consumption, or self-administration of
11 any of the substances referred to in this section, or any combination thereof, constitutes
12 unprofessional conduct. The record of the conviction is conclusive evidence of such
13 unprofessional conduct.

14 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere
15 is deemed to be a conviction within the meaning of this section. The Division of
16 Medical Quality may order discipline of the licensee in accordance with Section 2227
17 or the Division of Licensing may order the denial of the license when the time for
18 appeal has elapsed or the judgment of conviction has been affirmed on appeal or when
19 an order granting probation is made suspending imposition of sentence, irrespective of
20 a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
21 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
22 setting aside the verdict of guilty, or dismissing the accusation, complaint, information,
23 or indictment.”

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

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

29 **FIRST CAUSE FOR DISCIPLINE**

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

32 9. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
33 by section 2236, of the Code, and California Code of Regulations, title 16, section 1360, in that
34 he has been convicted of a crime, to wit: violation of Code of Federal Regulations section 4.23,
35 subdivision (a)(1) [Operating a vehicle under the influence of alcohol or drugs], substantially
36

1 related to the qualifications, functions or duties of a physician and surgeon, as more particularly
2 alleged hereinafter:

3 10. Respondent is a physician whose specialty is General Oncology. He is employed at
4 Rideout Cancer Center in Marysville, California.

5 11. On about July 19, 2017, Respondent went to Sacramento International Airport, in
6 Sacramento, California, for the purpose of travelling to Yellowstone National Park for a vacation.
7 While at the airport, Respondent consumed three (3) alcoholic beverages. Respondent then flew
8 to Salt Lake City International Airport, in Salt Lake City, Utah, for a brief layover, and then to
9 Bozeman Yellowstone International Airport, in Bozeman, Montana. While en route, Respondent
10 consumed alcoholic beverages throughout the trip and became intoxicated.

11 12. Respondent arrived in Bozeman, Montana, on July 20, 2017, at approximately 10:00
12 p.m. He rented a vehicle, and while intoxicated, drove the vehicle for approximately one hour, into
13 Yellowstone National Park. Between leaving the airport and arriving at Yellowstone National Park,
14 Respondent consumed at least one alcoholic beverage, while driving. After Respondent entered the
15 interior of the park, Respondent lost control of the vehicle, which caused it to swerve off of the
16 road, resulting in a rollover crash.

17 13. At or about 2:10 a.m., a Yellowstone National Park Ranger responded to a dispatch
18 notification of a possible single vehicle crash, located on U.S. Highway 191, near milepost 17.5.
19 The Ranger observed that the vehicle driven by Respondent had sustained major damage, consistent
20 with a rollover crash. The Ranger contacted Respondent, who was still located in the driver's seat
21 area of the vehicle, and instructed him to climb out through the rear broken window. The Ranger
22 smelled an odor of an alcoholic beverage emanating from Respondent. He observed two loose
23 unopened cans of "Mikes Hard Lemonade" within the vehicle. The Ranger additionally observed
24 that Respondent swayed and stumbled as he walked from his vehicle towards the roadway and that
25 Respondent's eyes were bloodshot.

26 14. Respondent told the Ranger that he left California on the evening of July 19, 2017, and
27 flew by plane to Bozeman, Montana, where he arrived at approximately 10:00 p.m. Respondent
28 stated he had two alcoholic beverages prior to boarding his plane, between 7:00 p.m. and 8:00 p.m.

1 Respondent additionally admitted to the Ranger that he had consumed two more alcoholic
2 beverages while on the plane, prior to landing in Montana. Respondent further admitted to the
3 Ranger that he had consumed one more alcoholic beverage in his rental vehicle after leaving
4 Bozeman, Montana.

5 15. The Ranger administered a Preliminary Breath Test (PBT) on Respondent. It took
6 Respondent two (2) tries before he was able to provide a sufficient sample. Respondent's breath
7 registered a Blood Alcohol Content (BAC) level of 0.20. The Ranger then administered a series of
8 Field Sobriety Tests (FST), which Respondent was unable to complete as explained and
9 demonstrated.

10 16. At approximately 3:30 a.m., the Ranger placed Respondent under arrest for driving
11 while under the influence of alcohol. At the West Yellowstone police department, Respondent
12 consented to an additional PBT, which occurred shortly after. Respondent's BAC registered at 0.19.

13 17. Later that day, a Misdemeanor Complaint was filed against Respondent in the matter
14 of *United States of America vs. Charles M. Wilkinson*, United States District Court for the District
15 of Wyoming Court Case No. 5:17-PO-553-MLC. Count One (1) charged Respondent with a
16 violation of the Code of Federal Regulations (CFR), section 4.23, subdivision (a)(1), operating [a
17 vehicle] under the influence of alcohol or drugs. Count Two (2) charged Respondent with a
18 violation of CFR, section 4.23, subdivision (a)(2), operating or in actual physical control of a motor
19 vehicle while alcohol concentration is 0.08 grams or more per 210 liters of breath to wit. Count
20 Three (3) charged Respondent with a violation of CFR, section 4.22, subdivision (b)(3), Failure to
21 maintain control to the degree of control to avoid danger to persons/property/wildlife. Count Four
22 (4) charged Respondent with a violation of CFR, section 4.14, subdivision (b), carry or store open
23 container of an alcoholic beverage within a motor vehicle.

24 18. Respondent, while still in custody, pled guilty and was convicted of Count Two (2), a
25 misdemeanor. Counts One (1), Three (3), and Four (4) were dismissed. The United States District
26 Court sentenced Respondent to probation for a period of one (1) year, without supervision.
27 Respondent was additionally charged a \$750 fine and ordered to enroll in an alcohol treatment
28 program.

1 **SECOND CAUSE FOR DISCIPLINE**

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

4 19. Respondent is additionally subject to disciplinary action under sections 2227 and 2234,
5 as defined by section 2236, of the Code, and California Code of Regulations, title 16, section 1360,
6 in that he has been convicted of a crime, to wit: violation of Code of Federal Regulations section
7 4.23, subdivision (a)(1) [Operating a vehicle under the influence of alcohol or drugs], substantially
8 related to the qualifications, functions or duties of a physician and surgeon, as more particularly
9 alleged hereinafter:

10 20. On or about November 18, 2018, Respondent was at a social gathering in Corvallis,
11 Oregon. While there, Respondent consumed several alcoholic beverages. At approximately 8:00
12 p.m., Respondent got into his rental car and drove around the Oregon State University Campus,
13 then went to a nearby bar and consumed approximately two (2) alcoholic beverages.

14 21. After leaving the bar, Respondent got back into his vehicle and resumed driving. At
15 approximately 10:08 p.m., an Oregon State Police Officer observed Respondent travel outside of
16 the road's fog line and then merge into the road's left lane without using the vehicle's turn signal.
17 The officer then pulled over Respondent's vehicle.

18 22. The officer made contact with Respondent and questioned him regarding his driving.
19 During the conversation, the officer observed that Respondent had multiple indicators of
20 impairment, including bloodshot and watery eyes, slurred and broken speech, a nervous demeanor,
21 and the odor of an alcoholic beverage emitting from the vehicle.

22 23. The officer then administered FST's on Respondent, which Respondent failed.
23 Respondent was then placed under arrest and into the backseat of the officer's patrol car. The officer
24 drove Respondent to the Benton County Law Enforcement Center, arriving at approximately 10:33
25 p.m.

26 24. At or about 10:51 p.m., Respondent consented to an intoxilyzer breathalyzer test, which
27 occurred shortly after. Respondent's BAC registered at 0.12% (The legal limit in the State of
28 Oregon is .08%). Respondent was cited for driving under the influence of alcohol [Oregon Revised

1 Statutes (ORS), chapter 813.010(4)] and reckless driving (ORS 811.140.)—both Class A
2 Misdemeanors. At approximately 11:28 P.M., respondent was released from police custody.

3 25. On or about February 19, 2019, Respondent appeared in the Oregon Circuit Court of
4 Benton County. Respondent pled guilty to Count 1: Driving Under the Influence of Intoxicants
5 (ORS 813.010(4)). Count 2: Reckless Driving, was dismissed. Respondent's sentence was
6 suspended and Respondent was placed on Bench Probation for 24 months, subject to the
7 following conditions:

- 8 • Immediately surrender to the Court any licenses, tags and permits suspended or revoked
9 in this case.
- 10 • Install an approved ignition interlock device in all vehicles you operate when you have
11 driving privileges.
- 12 • Not operate a motor vehicle without a valid driver license or permit and insurance.
- 13 • Contact a representative with Benton County Department of Probation within 48 hours
14 to schedule a substance abuse evaluation/screening interview. Enroll in, actively
15 participate in and successfully complete an approved treatment program recommended
16 by the evaluator. Pay all costs of evaluation and treatment fees and expenses as
17 directed. Provide the Court proof of completion of treatment through a properly
18 licensed treatment provider not later than 60 days prior to the expiration of probation.
- 19 • Sign any and all releases necessary for probation officer or the Court to ensure
20 defendant's compliance with any and all terms of probation. Said release(s) shall
21 include, but not be limited to, release(s) related to all details of the defendant's
22 compliance with any probation officer directed or Court ordered evaluation or
23 treatment. Waive all psychotherapist/patient, physician/patient and counselor/client
24 privileges in regards to any treatment program ordered as a condition of probation.
- 25 • Submit to blood, breath, saliva and/or urinalysis tests at the direction of the treatment
26 provider, probation officer or the Court to determine compliance with the conditions of
27 probation or if probable cause exists to believe that defendant has consumed alcohol or
28 controlled substances or upon request of a law enforcement officer having a reasonable
suspicion defendant committed the offense of driving under the influence of
intoxicants. Pay all costs of testing as directed.
- Not consume or possess alcoholic beverage.
- Not enter bars, taverns, OLCC outlets or other establishments where alcohol is the
primary item of sale, unless actually employed and on duty therein.
- Not use or possess controlled substances or intoxicating inhalants unless lawfully
prescribed by a licensed medical professional.
- Not use, possess or attempt to use or possess any drug paraphernalia.
- Not associate with any person known to use, sell, manufacture, deliver, or possess
unlawful controlled substances or narcotics.

- 1 • Not knowingly be present at any place where unlawful controlled substances are used,
2 kept, sold, grown, manufactured or distributed.
- 3 • Not serve as a "designated primary care giver" as that term is defined under the Oregon
4 Medical Marijuana Act.
- 5 • Vehicle registration is suspended for 60 days.
- 6 • In lieu of 15 days jail, Defendant shall perform 120 hours of community service.
7 Community service is to be completed by August 31, 2020. Provide written proof of
8 completion from the agency to probation officer or the Court by the completion date.
9 Community service is work done without pay and arranged through a non-profit
10 organization or public entity.
- 11 • Successfully complete the Benton County Victim Impact Panel (VIP) and pay all costs.
12 Report to the VIP on March 14, 2019. Provide proof of attending the VIP to probation
13 officer or the Court within 10 days of completion.
- 14 • Respondent was additionally fined \$1,855.00.

THIRD CAUSE FOR DISCIPLINE
(Use of Alcohol in a Dangerous or Injurious Manner)

13 26. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
14 defined by section 2239, of the Code, and California Code of Regulations, title 16, section 1360,
15 in that he has used alcoholic beverages, to the extent, or in such a manner as to be dangerous or
16 injurious to himself, or to any other person or to the public, as more particularly alleged in
17 paragraphs 9 through 25, above, which are hereby realleged and incorporated by reference as if
18 fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE
(General Unprofessional Conduct)

19 27. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
20 defined by section 2234, of the Code, in that he has engaged in conduct which breaches the rules
21 or ethical code of the medical profession, or conduct which is unbecoming a member in good
22 standing of the medical profession, and which demonstrates an unfitness to practice medicine, as
23 more particularly alleged in paragraphs 9 through 26, above, which are hereby realleged and
24 incorporated by reference as if fully set forth herein.

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1 **FIFTH CAUSE FOR DISCIPLINE**
2 **(Violation of the State Medical Practice Act)**

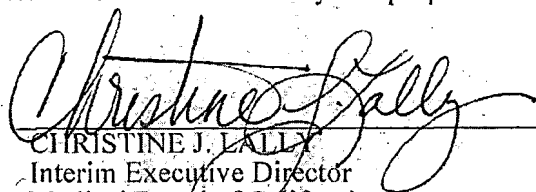
3 28. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
4 defined by section 2234, subdivision (a), of the Code, and California Code of Regulations, title 16,
5 section 1360, in that he has violated a provision or provisions of the Medical Practice Act, as more
6 particularly alleged in paragraphs 9 through 27, above, which are hereby realleged and incorporated
7 by reference as if fully set forth herein.

8 **PRAYER**

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

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 50289,
12 issued to Respondent Charles Michael Wilkinson, M.D.;
- 13 2. Revoking, suspending or denying approval of Respondent Charles Michael
14 Wilkinson, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the
15 Code;
- 16 3. Ordering Respondent Charles Michael Wilkinson, M.D. to pay the Medical Board of
17 California the costs of probation monitoring, if probation is imposed; and
- 18 4. Taking such other and further action as deemed necessary and proper.

19
20 DATED: MAR 17 2020


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

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