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

In the Matter of the Accusation Against: **Nalini Garg Prasad, M.D.** **Physician's & Surgeon's Certificate No. G 50473** **Respondent.**	**Case No. 800-2016-024783**

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 NOV 25 2020

IT IS SO ORDERED OCT 29 2020

MEDICAL BOARD OF CALIFORNIA

Kristina D. Lawson

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

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

In the Matter of the Accusation Against: **NALINI GARG PRASAD, M.D.** **1650 Lead Hill Blvd., Ste. 400** **Roseville, CA 95661** **Physician's and Surgeon's Certificate No. G 50473** Respondent.	Case No. 800-2016-024783 OAH No. 2019110815 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Jannsen Tan, Deputy Attorney General.

2. Respondent Nalini Garg Prasad, M.D. (Respondent) is represented in this proceeding by attorney Vanessa Raven, Esq., whose address is: 2150 River Plaza Drive, Suite 250 Sacramento, CA 95833.

3. On or about July 1, 1983, the Board issued Physician's and Surgeon's Certificate No. G 50473 to Nalini Garg Prasad, 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. 800-2016-024783, and will expire on October 31, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2016-024783 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 July 26, 2019. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2016-024783 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. 800-2016-024783. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

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CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2016-024783, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

11. Respondent does not contest that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations in Accusation No. 800-2016-024783, a true and correct copy of which is attached hereto as Exhibit A, and that she has thereby subjected her Physician's and Surgeon's Certificate, No. G 50473 to disciplinary action.

12. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

13. Respondent agrees that if an Accusation in the future is filed against her before the Board, all of the charges and allegations contained in Accusation No. 800-2016-024783, shall be deemed true, correct, and fully admitted by respondent for purposes of any such proceeding or any other licensing proceeding involving respondent in the State of California.

CONTINGENCY

14. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal

action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 71046 issued to Respondent Nalini Garg Prasad, M.D., shall be and is hereby publicly reprimanded pursuant to California Business and Professions Code, section 2227, subdivision (a)(4.) This public reprimand, which is issued in connection with Respondent's care and treatment of Patient A, as set forth in Accusation No. 800-2016-024783, is as follows:

"You failed to document an adequate history for Patient A. You failed to document an objective assessment for the cause of Patient A's alopecia. You also failed to supervise technicians and/or allowed technicians to perform most of the FUE grafting procedure."

B. EDUCATION COURSE Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval, educational program(s) or course(s) which shall not be less than 40 hours, in addition to the 25 hours required for license renewal. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Within 12 months of the effective date of this Decision,

Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

Failure to successfully complete and provide proof of attendance to the Board or its designee of the educational program(s) or course(s) within 12 months of the effective date of this Decision, unless the Board or its designee agrees in writing to an extension of time, shall constitute general unprofessional conduct and may serve as the grounds for further disciplinary action.

C. **MEDICAL RECORD KEEPING COURSE** Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure and the coursework requirements as set forth in Condition B of this stipulated settlement.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later. Failure to provide proof of successful completion to the Board or its designee within twelve (12) months of the effective date of this Decision, unless the Board or its designee agrees in writing to an extension

of that time, shall constitute general unprofessional conduct and may serve as the grounds for further disciplinary action.

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

Failure to provide proof of successful completion to the Board or its designee within twelve (12) months of the effective date of this Decision, unless the Board or its designee agrees in writing to an extension of that time, shall constitute general unprofessional conduct and may serve as the grounds for further disciplinary action.

ACCEPTANCE

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

DATED: 8-14-20

NALINI GARG PRASAD, M.D.
Respondent

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

DATED: 8/14/20

VANESSA RAVEN
Attorney for Respondent

ENDORSEMENT

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

DATED: 8/17/2020

Respectfully submitted,

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

JANNSEN TAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-024783

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 26 2019
BY: Patricia Arego ANALYST

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

In the Matter of the Accusation Against: **NALINI GARG PRASAD, M.D.** 1650 Lead Hill Blvd., Ste. 400 Roseville, CA 95661 **Physician's and Surgeon's Certificate No. G 50473,** Respondent.	Case No. 800-2016-024783 **ACCUSATION**

PARTIES

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

2. On or about July 1, 1983, the Medical Board issued Physician's and Surgeon's Certificate Number G 50473 to Nalini Garg Prasad, 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 October 31, 2020, unless renewed.

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JURISDICTION

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

4. Section 2227 of the Code states:

> (a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:
>
> (1) Have his or her license revoked upon order of the board.
>
> (2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.
>
> (3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.
>
> (4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.
>
> (5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.
>
> (b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

STATUTORY PROVISIONS

5. Section 2234 of the Code, states:

> The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
>
> (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
>
> (b) Gross negligence.

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

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

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

(d) Incompetence.

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

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

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

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

6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

FACTUAL ALLEGATIONS

FIRST CAUSE FOR DISCIPLINE
(Gross Negligence - Patient A)

7. Respondent has subjected her Physician's and Surgeon's Certificate No. G 50473 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that Respondent committed gross negligence in her care and treatment of Patient A[1], as more particularly alleged hereinafter:

[1] To protect the privacy of the patient involved, the patient's name has not been included in this pleading. Respondent is aware of the identity of the patient referred to herein.

8. Respondent is a physician and surgeon, board certified in Family Medicine, who at all times alleged herein practiced at Laser Esthetica, Roseville, CA.

9. On or about August 22, 2014, Patient A presented to Respondent's office, with complaints of alopecia and sparse eyebrows. She was diagnosed with traction alopecia by Respondent and was scheduled to undergo follicular unit extraction{FUE) grafting to her hairline from a posterior scalp donor site. Respondent failed to document a thorough history and physical. Respondent failed to document a review of systems, past medical history, past surgical history, medication, allergies or family history. Respondent failed to perform any objective assessment or laboratory tests to accurately diagnose cause for Patient A's alopecia.

10. On or about November 11, 2014, Respondent performed the procedure using the Neograft FUE device with the aid of "technicians" and a total of 1924 follicles were grafted. Respondent failed to have Patient A sign and date her informed consent form; the anesthesia consent form and intraoperative note. The informed consent form did not mention that the procedure would be performed by anyone other than Respondent. The patient had an uneventful recovery. Respondent failed to supervise the surgery and left the treatment room during most of the procedure. Respondent allowed the technicians to perform most of the FUE grafting procedure on Patient A.

11. On or about March 8, 2016, Patient A emailed Respondent stating her results were asymmetric and she had less hair at the donor site. She attributed this to the trainee working on one side and "Master tech" on the other side. The area on her right temple did not receive sufficient grafts. She asked for touchup.

12. On or about June 10, 2016, Patient A emailed Respondent's office again stating, "outcome is unacceptable." Patient stated she was unaware that Respondent would not be performing the procedure. Since that time, Patient A was diagnosed with Hashimoto's thyroiditis by other physicians with resulting total alopecia.

13. Respondent committed gross negligence in her care and treatment of Patient A when Respondent failed to supervise her technicians and/or allowed technicians to perform most of the FUE grafting procedure.

SECOND CAUSE FOR DISCIPLINE
(Repeated Negligent Acts)

14. Respondent is further subject to discipline under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that Respondent committed repeated negligent acts in her care and treatment of Patient A, as more particularly alleged hereinafter. Paragraphs 7 through 13, above, are hereby incorporated by reference and realleged as if fully set forth herein.

15. Respondent committed repeated negligent acts in her care and treatment of Patient A when:

A. Respondent failed to supervise her technicians and/or allowed technicians to perform most of the FUE grafting procedure.

B. Respondent failed to perform and/or document a thorough history and physical.

C. Respondent failed to perform and/or document an objective assessment or perform laboratory tests to accurately diagnose the cause for Patient A's alopecia.

D. Respondent failed to document an informed consent that mentions that the procedure was to be performed by anyone other than Respondent; the anesthesia consent and intraoperative note were not signed and dated.

E. Respondent was absent on several occasions during the procedure.

THIRD CAUSE FOR DISCIPLINE
(Failure to Maintain Adequate and Accurate Medical Records)

16. Respondent is further subject to discipline under sections 2227 and 2334, as defined by section 2266, of the Code, in that she failed to maintain adequate and accurate medical records in the care and treatment of Patient A as more particularly alleged hereinafter. Paragraphs 7 through 13, above, are hereby incorporated by reference and realleged as if fully set forth herein.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 50473, issued to Nalini Garg Prasad, M.D.;

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

3. Ordering Nalini Garg Prasad, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: July 26, 2019

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

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