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

In the Matter of the Accusation Against: Frank Javier Goicoechea, M.D. Physician's and Surgeon's Certificate No. G 41001 Respondent.	Case No. 800-2018-040351

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 November 16, 2020.

IT IS SO ORDERED November 19, 2020.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
JASON J. AHN
Deputy Attorney General
State Bar No. 253172
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9433
Facsimile: (619) 645-2061

Attorneys for Complainant

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

In the Matter of the Accusation Against: **FRANK JAVIER GOICOECHEA, M.D.** **3755 Avocado Blvd, #412** **La Mesa, CA 91941-7301** **Physician's and Surgeon's Certificate No. G 41001** Respondent.	Case No. 800-2018-040351 OAH No. 2019080431 **STIPULATED SURRENDER OF LICENSE AND 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). Former Executive Director Kimberly Kirchmeyer brought this action solely in her then official capacity as Executive Director of the Board.[1] William Prasifka is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Jason J. Ahn, Deputy Attorney General.

[1] Kimberly Kirchmeyer became Director of the California Department of Consumer Affairs effective October 28, 2019.

2. Frank Javier Goicoechea, M.D. (Respondent) is represented in this proceeding by attorney Marilyn R. Moriarty, Esq., whose address is: 701 B Street, Suite 1900, San Diego, CA 92101.

3. On or about October 9, 1979, the Board issued Physician's and Surgeon's Certificate No. G 41001 to Frank Javier Goicoechea, 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. 800-2018-040351 and will expire on December 31, 2020, unless renewed.

JURISDICTION

4. On July 17, 2019, Accusation No. 800-2018-040351 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 17, 2019. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2018-040351 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2018-040351. Respondent also has carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of License and Order.

6. 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.

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

///

///

CULPABILITY

8. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-2018-040351 and that he has thereby subjected his license to disciplinary action.

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

10. Respondent further agrees that if he ever petitions for reinstatement of his Physician's and Surgeon's Certificate No. G 41001, or if an accusation is filed against him before the Medical Board of California, all of the charges and allegations contained in First Amended Accusation No. 800-2018-040351 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 or elsewhere.

CONTINGENCY

11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board "shall delegate to its executive director the authority to adopt a . . . stipulation for surrender of a license."

12. This Stipulated Surrender of License and Disciplinary Order shall be subject to approval of the Executive Director on behalf of the Medical Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for her consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

///

///

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

ADDITIONAL PROVISIONS

14. This Stipulated Surrender of License 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.

15. The parties agree that copies of this Stipulated Surrender of License 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.

///

///

///

///

16. 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:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 41001, issued to Respondent Frank Javier Goicoechea, M.D., is surrendered and accepted by the Board.

1. The effective date of this Decision and Order shall be November 16, 2020.

2. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

3. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

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

5. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2018-040351 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2018-040351 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

///

///

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Marilyn R. Moriarty, Esq. I fully 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 fully agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 09/28/2020

FRANK JAVIER GOICOECHEA, M.D.
Respondent

I have read and fully discussed with Respondent Frank Javier Goicoechea, 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: September 28, 2020

MARILYN R. MORIARTY, ESQ.
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: 10/26/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

SD2019700748
82528471.docx

Exhibit A

Accusation No. 800-2018-040351

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 17 2019
BY ANALYST

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
JASON J. AHN
Deputy Attorney General
State Bar No. 253172
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9433
Facsimile: (619) 645-2061

Attorneys for Complainant

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

In the Matter of the Accusation Against: **Frank Javier Goicoechea, M.D.** **3755 Avocado Blvd., #412** **La Mesa, CA 91941-7301** **Physician's and Surgeon's Certificate No. G 41001,** Respondent.	Case No. 800-2018-040351 **ACCUSATION**

Complainant alleges:

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 October 9, 1979, the Medical Board issued Physician's and Surgeon's Certificate No. G 41001 to Frank Javier Goicoechea, 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 December 31, 2020, unless renewed.

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 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."

///

///

///

5. Section 726 of the Code states:

"(a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this or under any initiative act referred to in this division.

"(b) This section shall not apply to consensual sexual contact between a licensee and his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship."

6. 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:

". . .

"(b) Gross negligence.

"(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.

". . ."

///

///

///

7. Section 2228.1 of the Code states:

(a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information Internet Web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, in any of the following circumstances:

(1) A final adjudication by the board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:

(A) The commission of any act of sexual abuse, misconduct, or relations with a patient or client as defined in Section 726 or 729.

"...

(2) An accusation or statement of issues alleged that the licensee committed any of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a stipulated settlement based upon a nolo contendre or other similar compromise that does not include any prima facie showing or admission of guilt or fact but does include an express acknowledgment that the disclosure requirements of this section would serve to protect the public interest.

(b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

(c) A licensee shall not be required to provide a disclosure pursuant to subdivision (a) if any of the following applies:

(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy.

(2) The visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities.

(3) The licensee who will be treating the patient during the visit is not known to the patient until immediately prior to the start of the visit.

(4) The licensee does not have a direct treatment relationship with the patient.

"..."

8. Unprofessional conduct under 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.)

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

9. Respondent has subjected his Physician's and Surgeon's Certificate No. G 41001 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of Patient A,[1] as more particularly alleged hereinafter:

10. On or about July 1, 2011, Patient A first presented to Respondent.[2] The reason for the visit was abnormal results from a Pap smear examination[3] conducted by another provider.

[1] References to "Patient A" are used to protect patient privacy.

[2] Conduct occurring more than seven (7) years from the filing date of this Accusation is for informational purposes only and is not alleged as a basis for disciplinary action.

[3] A Pap smear is a procedure to test for cervical cancer in women.

Respondent noted, among other things, that the Pap smear result was "ASCUS"[4] and "positive HPV."[5] Respondent advised Patient A to schedule a colposcopy[6] for evaluation of abnormal Pap smear examination result.

11. On or about July 22, 2011, Patient A returned to Respondent for the colposcopy procedure. The colposcopy was completed and the results were "cervical intraepithelial neoplasial"[7] (CIN 1).

12. On or about August 5, 2011, Patient A visited Respondent to undergo cryosurgery[8] for CIN1/HPV. Respondent completed this procedure and requested Patient A to return in three (3) months. Patient A called and requested pain medications later in the day. On or about August 23, 2011, Patient A called Respondent to inquire about "pink/orange vaginal discharge" but Respondent reassured her that it will go away."

13. On or about November 16, 2011, Patient A returned for her three (3) month follow-up visit and a repeat Pap smear examination. Respondent completed a Pap smear examination and noted, among other things, "low grade squamous intraepithelial lesion (LGSIL)."[9] On or about November 18, 2011, Patient called Respondent inquiring about UTI[10] symptoms. Respondent

---

[4] ASCUS stands for Atypical Squamous Cells of Undetermined Significance and is a term used to report Pap smear findings. It indicates that some flat (squamous) cells look unusual and may or may not be pre-malignant or malignant.

[5] HPV stands for human papillomavirus, and it is the most common sexually transmitted infection.

[6] A colposcopy is a procedure to closely examine a woman's cervix, vagina, and vulva for signs of disease.

[7] Cervical intraepithelial neoplasia refers to the development of abnormal cells in the narrow neck of a woman's uterus (the cervix).

[8] Cryosurgery is the use of extreme cold produced by liquid nitrogen or argon gas to destroy abnormal tissues. Cryosurgery is used to treat external tumors, such as those on the skin.

[9] Low-grade squamous intraepithelial lesion (LGSIL) is a type of pre-cancerous change in the cervix.

[10] Urinary tract infection (UTI) is an infection in any part of your urinary system such as kidneys, ureters, bladder or urethra.

prescribed Macrobid[11] to Patient A.

14. On or about December 9, 2011, Patient A visited Respondent for unresolved burning with urination and itching. Patient A's examination showed moderate tenderness in the bladder area. Urinary analysis was positive and cervical and urine cultures were sent. The records stated, among other things, "Cervical cultures neg" and "urine-Ecoli." Respondent provided ciprofloxacin[12] treatment.

15. On or about January 20, 2012, Patient A returned to Respondent for a possible vaginal infection and itching. The records showed, among other things, that the speculum examination showed positive for "Clue"[13] cells and fungal evidence on the wet mount. The records also stated, among other things, "Genital culture confirmed Yeast." Respondent treated Patient with Cleocin[14] vaginal cream and Diflucan.[15]

16. On or about February 15, 2012, Patient A visited Respondent for a regular pelvic examination. Respondent performed a Pap smear test on Patient A. The records stated, among other things, "PAP result returned LGSIL + HPV." On or about March 7, 2012, Respondent noted Patient A to return in three (3) months for a "repeat PAP [smear test]." On or about April 23, 2012, the records stated, among other things, "Patient treated via phone evaluation for UTI with Macrobid on 4/23/12."

17. On or about June 11, 2012, Patient A returned to Respondent for a "re PAP." The records noted, among other things, "PAP smear was done – results Neg with fungus." Respondent discussed the option of colposcopy, if the PAP results become abnormal again. On

---

[11] Macrobid (Nitrofurantoin) is an antibiotic, which can be used to treat and prevent urinary tract infections.

[12] Ciprofloxacin is an antibiotic, which can be used to treat infections.

[13] Clue cells refer to vaginal cells covered with bacteria that are a sign of bacterial vaginosis. Bacterial vaginosis refers to a type of inflammation caused by the overgrowth of bacteria naturally found in the vagina, which upsets the natural balance.

[14] Cleocin (Clindamycin) is an antibiotic, which can be used to treat various types of infections, including skin and vaginal infections.

[15] Diflucan (Fluconazole) is an antifungal, which can be used to treat and prevent fungal infections.

the Pap results, the notation dated June 20, 2012 indicated treating Patient A with Diflucan. On or about July 31, 2012, Patient A called Respondent complaining of urinary frequency, urgency, and voiding difficulty. Respondent treated Patient A via telephone with Macrobid and indicated that Patient A should follow up with Respondent if there was no improvement.

18. On or about September 10, 2012, Patient A returned to Respondent for another "re PAP." Patient A complained of dysuria[16] and irritation. Respondent conducted a urinalysis and gave Patient A Ciprofloxacin. The records noted, among other things, "PAP done – results Neg."; "Genital culture normal." On or about September 18, 2012, Patient A called Respondent and stated that she still had urinary symptoms. Respondent instructed Patient A to provide another urine sample and provided Ciprofloxacin to Patient A. The records noted, among other things, "Urine culture 9/19/12 E Coli sensitive to Cipro."

19. On or about December 17, 2012, Patient A returned to Respondent for another "re PAP." The notes indicated, among other things, "PAP done –results Neg." Respondent instructed Patient A to return in three (3) months.

20. On or about March 25, 2013, Patient A visited Respondent for "an annual exam." Respondent performed another Pap smear test on Patient A. The records indicated, among other things, "dysmenorrhea[17] controlled with Motrin.[18]" Lungs, heart, abdominals, breasts, exterior, neuro and pelvic examination were normal. The records indicated, among other things, "PAP done –results Neg." Respondent informed Patient A that a Pap smear test is not recommended. The records showed, among other things, "Genital culture normal." Respondent instructed Patient A to follow up in one (1) year.

21. On or about April 11, 2016, Patient A returned to Respondent for her "annual examination." Patient A complained of low back pain from her employment. Respondent

---

[16] Dysuria refers to discomfort, pain, or burning when urinating.

[17] Dysmenorrhea refers to menstrual cramps, which are caused by uterine contractions.

[18] Motrin (Ibuprofen) is a non-steroidal anti-inflammatory drug, which can be used to treat fever and mild to severe pain.

conducted a physical examination and nothing out of the ordinary was noted. Respondent instructed Patient A to return in one (1) year.

22. On or about January 30, 2017, Patient A presented to Respondent with complaints of abnormal vaginal odor. Patient A stated that she has been treated with Flagyl[19] in the past, without relief. Respondent conducted a physical examination of Patient A. After the physical examination, Respondent rubbed Patient A's back, then kissed her on the lips. Patient A protested and attempted to pull away. Respondent then grabbed Patient A's body towards his own and rubbed and/or rocked and/or gyrated his hips against Patient A's groin area, and rubbed his chest against Patient A's breasts, asking, "Doesn't it feel good?"

23. Respondent committed gross negligence in his care and treatment of Patient A, which included, but was not limited to, the following:

(a) Respondent inappropriately kissed and/or touched Patient A.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

24. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 41001 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his care and treatment of Patient A, as more particularly alleged herein:

(a) Paragraphs 9 through 23, above, are hereby incorporated by reference and realleged as if fully set forth herein;

(b) Respondent inappropriately touched and/or kissed Patient A; and

(c) Respondent ordered excessive and/or unnecessary follow-up Pap smear tests.

///

///

///

///

[19] Flagyl (Metronidazole) is an antibiotic, which can be used to treat various infections, including certain types of vaginal infections.

THIRD CAUSE FOR DISCIPLINE

(Sexual Misconduct)

25. Respondent has subjected his Physician's and Surgeon's Certificate No. G 41001 to disciplinary action under section 726, of the Code, in that he engaged in sexual misconduct with Patient A, as more particularly alleged hereinafter:

26. Paragraph 22, above, is hereby incorporated by reference and realleged as if fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

27. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 41001 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 9 through 26, above, which are hereby incorporated by reference 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 41001, issued to Frank Javier Goicoechea, M.D.;

2. Revoking, suspending or denying approval of Frank Javier Goicoechea, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Frank Javier Goicoechea, M.D., if placed on probation, to pay the Board the costs of probation monitoring;

4. Ordering Frank Javier Goicoechea, M.D., if placed on probation, to provide patient disclosures pursuant to Business and Professions Code section 2228.1; and

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

///

DATED:

July 17, 2019

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

SD2019700748
82186539.docx