

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

In the Matter of the Accusation
Against:

Nigel L. Kent, M.D.

Physician's and Surgeon's
Certificate No. A 43767

Respondent.

Case No. 800-2018-051111

DECISION

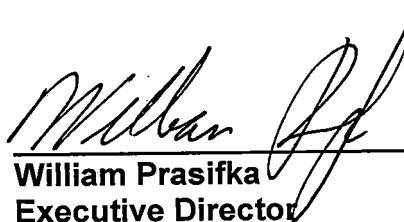
The attached Stipulated Surrender of License and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on

DEC 16 2020

IT IS SO ORDERED DEC 09 2020

MEDICAL BOARD OF CALIFORNIA



William Prasifka
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KEITH C. SHAW
Deputy Attorney General
4 State Bar No. 227029
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
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8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

Case No. 8002018051111

15 **NIGEL L. KENT, M.D.**
16 **1868 Paros Circle**
Costa Mesa, CA 92626

OAH No. 2020030551

17 **Physician's and Surgeon's Certificate No.**
A 43767

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

18 Respondent.

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

22 **PARTIES**

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

27 2. Nigel L. Kent, M.D. (Respondent) is representing himself in this proceeding and has
28 chosen not to exercise his right to be represented by counsel.

1 hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary
2 Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent will
3 assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by
4 its/his review, discussion and/or consideration of this Stipulated Surrender of License and
5 Disciplinary Order, or of any matter or matters related hereto.

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

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

12 **ORDER**

13 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 43767, issued
14 to Respondent Nigel L. Kent, M.D., is surrendered and accepted by the Board.

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

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

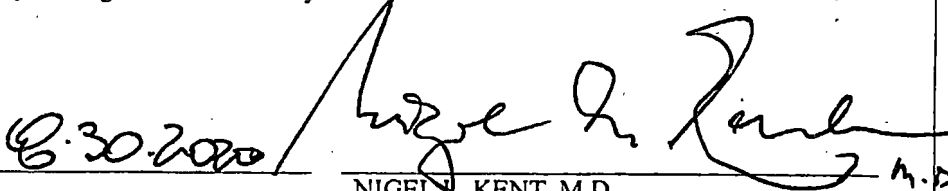
19 3. If Respondent ever files an application for licensure or a petition for reinstatement in
20 the State of California, the Board shall treat it as a petition for reinstatement. Respondent agrees
21 that he will not petition for reinstatement for at least two (2) years following the effective date of
22 the decision. Respondent must comply with all the laws, regulations and procedures for
23 reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all
24 of the charges and allegations contained in Accusation No. 8002018051111 shall be deemed to be
25 true, correct and admitted by Respondent when the Board determines whether to grant or deny the
26 petition.

27 4. If Respondent should ever apply or reapply for a new license or certification, or
28 petition for reinstatement of a license, by any other health care licensing agency in the State of

1 California, all of the charges and allegations contained in Accusation, No. 8002018051111 shall
2 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
3 Issues or any other proceeding seeking to deny or restrict licensure.

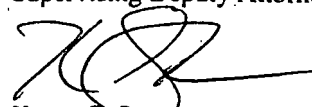
4 **ACCEPTANCE**

5 I have carefully read the Stipulated Surrender of License and Disciplinary Order. I
6 understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate.
7 I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly,
8 and intelligently, and agree to be bound by the Decision and Order of the Medical Board of
9 California.

10
11 DATED: 8.30.2020 
12 NIGEL L. KENT, M.D.
13 *Respondent*

14 **ENDORSEMENT**

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

18 DATED: 9/4/2020
19
20 Respectfully submitted,
21 XAVIER BECERRA
22 Attorney General of California
23 ALEXANDRA M. ALVAREZ
24 Supervising Deputy Attorney General
25 
26 KEITH C. SHAW
27 Deputy Attorney General
28 *Attorneys for Complainant*

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Exhibit A

Accusation No. 8002018051111

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO 8/6/14 20 20
BY Jana Reardon ANALYST

1 XAVIER BECERRA
Attorney General of California
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10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:
15 **NIGEL L. KENT, M.D.**
16 **1868 Paros Circle**
Costa Mesa, CA 92626
17 **Physician's and Surgeon's Certificate**
18 **No. A 43767,**
19
20 Respondent.

Case No. 800-2018-051111
ACCUSATION

22 **PARTIES**

- 23 1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity
24 as the Interim Executive Director of the Medical Board of California, Department of Consumer
25 Affairs (Board).
- 26 2. On or about June 22, 1987, the Medical Board issued Physician's and Surgeon's
27 Certificate No. A 43767 to Nigel L. Kent, M.D. (Respondent). The Physician's and Surgeon's
28 Certificate expired on June 30, 2019, and has not been renewed.

1 JURISDICTION

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

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

9 5. Section 2234 of the Code requires the Board to take action against any licensee who
10 is charged with unprofessional conduct, defined to include “[v]iolating or attempting to violate,
11 directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any
12 provision of this chapter.”

13 6. Section 2236 of the Code states:

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

18 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
19 be a conviction within the meaning of this section and Section 2236.1. The record of
20 conviction shall be conclusive evidence of the fact that the conviction occurred.”

21 7. Section 2239 of the Code states:

22 “(a) The useof alcoholic beverages, to the extent, or in such a manner as to be
23 dangerous or injurious to the licensee, or to any other person or to the public, or to the
24 extent that such use impairs the ability of the licensee to practice medicine safely or more
25 than one misdemeanor or any felony involving the use, consumption, or self-administration
26 of any of the substances referred to in this section, or any combination thereof, constitutes
27 unprofessional conduct. The record of the conviction is conclusive evidence of such
28 unprofessional conduct.

1 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
2 deemed to be a conviction within the meaning of this section. The Division of Medical
3 Quality¹ may order discipline of the licensee in accordance with Section 2227 or the
4 Division of Licensing may order the denial of the license when the time for appeal has
5 elapsed or the judgment of conviction has been affirmed on appeal or when an order
6 granting probation is made suspending imposition of sentence, irrespective of a subsequent
7 order under the provisions of Section 1203.4 of the Penal Code allowing such person to
8 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the
9 verdict of guilty, or dismissing the accusation, complaint, information, or indictment.”

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct: Conviction of a Crime)**

12 8. Respondent is subject to disciplinary action under sections 2234 and 2236, in that
13 Respondent engaged in unprofessional conduct and was convicted of a crime. The circumstances
14 are as follows:

15 9. On or about December 8, 2018, at approximately 12:59 a.m., a Costa Mesa Police
16 Department officer observed Respondent’s vehicle unlawfully turn against a red signal arrow.
17 The officer conducted an enforcement stop and made contact with Respondent, who was the sole
18 occupant of the vehicle. Respondent displayed objective signs of alcohol intoxication, including
19 slurred speech, red and watery eyes, flushed face, and the strong odor of alcohol. When the
20 officer asked why he made an illegal left turn at the signal, Respondent replied, “I saw the
21 potential and I went.” Respondent indicated that he had consumed “three, four” beers.
22 Respondent performed a series of field sobriety tests with results that indicated he was under the
23 influence of alcohol. He declined to submit to a preliminary alcohol-screening device.
24 Respondent was placed under arrest for driving under the influence of alcohol. Respondent then
25 submitted to two breath alcohol tests which resulted in 0.171% and 0.166% blood alcohol
26 content, over twice the legal limit.

27
28 ¹ The “Division of Medical Quality” refers to the Board pursuant to Business and Profession Code section 2002.

1 10. Respondent was charged in the Superior Court of California, County of Orange, with
2 two misdemeanor charges: 1) Vehicle Code (VC) section 23152(a) – Driving Under the Influence
3 of Alcohol and; 2) VC section 23152(b) – Driving with a Blood Alcohol Level of 0.08% or More.
4 The Complaint contained an enhancement for Excessive Blood Alcohol pursuant to VC section
5 23578, in that Respondent drove with a blood alcohol content of 0.15% or more. The Complaint
6 also included a special allegation pursuant to VC section 23540, in that Respondent committed a
7 separate DUI offense for which he was convicted within 10 years of the commission of the
8 offense.

9 11. On October 2, 2019, Respondent pled no contest to VC sections 23152(a) and
10 23152(b), and admitted the enhancement for driving with a blood alcohol content of 0.15% or
11 more, as well as the allegation for committing of a separate DUI for which he was convicted
12 within 10 years of the commission of the offense. He was sentenced to the following: five (5)
13 years of court probation, forty-five (45) days in jail, attend the DUI multiple offender eighteen
14 (18) month driving program, not operate a motor vehicle with any measurable amount of alcohol,
15 and obey all laws.

16 12. Respondent's October 2, 2019, criminal convictions for driving under the influence of
17 alcohol are substantially related to the qualifications, functions and duties of a physician and
18 surgeon. As such, his convictions and conduct constitute unprofessional conduct under section
19 2234, and a violation under section 2236 (criminal conviction).

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct: Dangerous Use of Alcohol)**

22 13. Respondent is subject to disciplinary action under section 2239 in that Respondent
23 used alcohol in a dangerous manner. The circumstances are as follows:

- 24 (a) Paragraphs 9 through 12, above, are hereby incorporated by reference
25 and realleged as if fully set forth herein.

26 14. Respondent's conduct involving driving while excessively intoxicated amounts to the
27 use of alcohol in a manner dangerous to both Respondent and the public. As such, his
28 convictions and conduct constitute unprofessional conduct under section 2234, and section 2239.

1 DISCIPLINARY CONSIDERATIONS

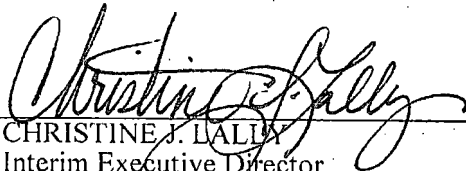
2 15. To determine the degree of discipline, if any, to be imposed on Respondent Nigel L.
3 Kent, M.D., Complainant alleges that on or about February 24, 2010, in the Superior Court of
4 California, County of Orange, in the case entitled, *The People of the State of California v. Nigel*
5 *Leigh Kent*, Respondent was convicted of VC section 23152(a) – Driving Under the Influence of
6 Alcohol. The record of the criminal proceeding is incorporated as if fully set forth herein.

7 PRAYER

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

- 10 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 43767, issued
11 to Nigel L. Kent, M.D.;
- 12 2. Revoking, suspending or denying approval of Nigel L. Kent, M.D.'s authority to
13 supervise physician assistants and advanced practice nurses;
- 14 3. Ordering Nigel L. Kent, M.D., if placed on probation, to pay the Board the costs of
15 probation monitoring; and
- 16 4. Taking such other and further action as deemed necessary and proper.

17 DATED: FEB 14 2020

18 
19 CHRISTINE J. LALLY
20 Interim Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant

23 SD2019703074
24 72090742