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

In the Matter of the Accusation Against: Emil I. Shieh, M.D. Physician's & Surgeon's Certificate No G83344 Respondent	Case No. 800-2016-020684

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 March 18, 2021.

IT IS SO ORDERED February 16, 2021.

MEDICAL BOARD OF CALIFORNIA

By: Richard E. Thorp MD

Richard E. Thorp, M.D., Chair
Panel B

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
ALICE W. WONG
Deputy Attorney General
State Bar No. 160141
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3873
Facsimile: (415) 703-5480
Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case No. 800-2016-020684
EMIL I. SHIEH, M.D. **North Bay Eye Associates** **1310 Prentice Dr., Ste. F** **Healdsburg, CA 95448**	OAH No. 2020060913
Physician's and Surgeon's Certificate No. G 83344	**STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**
Respondent.	

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 Alice W. Wong, Deputy Attorney General.

2. Respondent Emil I. Shieh, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about August 15, 1996, the Board issued Physician's and Surgeon's Certificate No. G 83344 to 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. 800-2016-020684, and will expire on June 30, 2022, unless renewed.

JURISDICTION

4. Accusation No. 800-2016-020684 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 23, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2016-020684 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2016-020684. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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 be represented by counsel at his own expense; 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.

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

CULPABILITY

9. Respondent agrees that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 800-2016-020684 and that he has thereby subjected his Physician's and Surgeon's Certificate to

disciplinary action. Respondent further agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

10. Respondent further agrees that if he fails to successfully complete the education course, which is more fully described below, within the required time, all of the charges and allegations contained in Accusation No. 800-2016-020684, shall be deemed true, correct, and fully admitted by Respondent for purposes of any further proceeding before the Board, and that his failure to complete the education course shall constitute unprofessional conduct and grounds for further disciplinary action.

CONTINGENCY

11. 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. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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.

12. 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.

13. 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 83344 issued to Respondent Emil I. Shieh, M.D., shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code section 2277, subdivision (a)(4). This Public Reprimand is issued in connection with Respondent's care and treatment of two patients, as set forth in Accusation No. 800-2016-020684 (exhibit A).

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 10 hours of educational course(s) aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. Respondent shall successfully complete the 10 hours of educational course(s) not later than six (6) months after Respondent's initial enrollment. The educational course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the education course(s) or not later than 15 calendar days after the effective date of the Decision, whichever is later.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. 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: 11/11/2020

EMIL I. SHIEH, M.D.
Respondent

///

///

ENDORSEMENT

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

DATED: November 12, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

Alice W. Wong

ALICE W. WONG
Deputy Attorney General
Attorneys for Complainant

SF2018200647
FINAL Stipulated Settlementt and Disciplinary Order (Emil Shieh MD).docx

Exhibit A

Accusation No. 800-2016-020684

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
CAROLYNE EVANS
Deputy Attorney General
State Bar No. 289206
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3448
Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 23 20 18
BY Laura Fasion ANALYST

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

In the Matter of the Accusation Against: **Emil I. Shieh, M.D.** **1310 Prentice Drive, Suite F** **Healdsburg, CA 95448** **Physician's and Surgeon's Certificate No. G 83344,** Respondent.	Case No. 800-2016-020684 **A C C U S A T I O N**

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 August 15, 1996, the Medical Board issued Physician's and Surgeon's Certificate Number G 83344 to Emil I. Shieh, 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 June 30, 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 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.

". . . .

"(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. . . . .

". . . ."

FACTS

5. At all times relevant to this matter, Respondent was licensed and practicing ophthalmology in California.

6. On May 13, 2013, Respondent performed cataract surgery on Patient C's[1] left eye. The surgery was complicated by rupture of the posterior capsule requiring Respondent to perform an anterior vitrectomy and to place the intraocular lens in the ciliary sulcus instead of the capsule. The intraocular lens Respondent used was the SA60AT, a single piece acrylic intraocular lens.

7. Post-operatively, Patient C had problems with elevated intraocular pressure and macular edema which she has treated with glaucoma drops and anti-inflammatory drops.

8. On October 22, 2012, Respondent performed cataract surgery on Patient D's left eye. The surgery was complicated by posterior dislocation of a portion of the cataract into the vitreous cavity. Respondent performed an anterior vitrectomy and placed the SA60AT single piece acrylic intraocular lens in the ciliary sulcus instead of the capsule and arranged for a retina

[1] The patients are designated in this document as Patients C and D to protect their privacy. The Board received redacted medical records from The Permanente Medical Group and does not know the identities of the patients.

specialist to see the patient for urgent pars plana vitrectomy surgery to remove the posteriorly displaced lens nucleus.

9. Over the next few months, Patient D had recurrent iritis and the intraocular lens was eventually replaced by the retina specialist.

CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

10. Emil I. Shieh, M.D. is guilty of unprofessional conduct and subject to disciplinary action under section 2234, subdivisions (a) (violating the Medical Practice Act) and (c) (repeated negligent acts), of the Code in that Respondent placed a single piece acrylic intraocular lens in the ciliary sulcus in Patients C and D.

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 83344, issued to Emil I. Shieh, M.D.;

2. Revoking, suspending or denying approval of Emil I. Shieh, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Emil I. Shieh, 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 23, 2018

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

SF2018200647
accusation - mbc.rtf