

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 TESSA L. HEUNIS
Deputy Attorney General
4 State Bar No. 241559
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9403
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

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14 In the Matter of the Accusation Against:

Case No. 800-2020-067958

15 **SEYMOUR MALLIS, M.D.**
16 **7051 ALVARADO RD.**
LA MESA CA 91942-8901

**DEFAULT DECISION
AND ORDER**

17 **Physician's and Surgeon's Certificate**
No. A 23608

[Gov. Code, §11520]

18 Respondent.

19
20 **FINDINGS OF FACT**

21 1. On or about January 11, 2021, Complainant William Prasifka, in his official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
23 ("Board"), filed Accusation No. 800-2020-067958 against Seymour Mallis, M.D. ("Respondent")
24 before the Board.

25 2. On or about December 12, 1969, the Board issued Physician's and Surgeon's
26 Certificate No. A 23608 to Respondent. The Physician's and Surgeon's Certificate was in full
27 force and effect at all times relevant to the charges brought herein and will expire on March 31,
28 2022, unless renewed. On December 28, 2020, an Interim Order of Suspension was issued

1 immediately suspending Respondent's Physician's and Surgeon's Certificate No. A 23608 and,
2 following a noticed hearing on December 23, 2020, Respondent remains suspended from the
3 practice of medicine as of the date of the filing of this Default Decision and Order.

4 3. On or about January 11, 2021, an employee of the Board served on Respondent by
5 Certified Mail a copy of the Accusation No. 800-2020-067958, Statement to Respondent, Notice
6 of Defense, Request for Discovery, Government Code sections 11507.5, 11507.6, and 11507.7
7 ("the Accusation packet"), along with a copy of the Manual of Model Disciplinary Orders and
8 Model Disciplinary Guidelines, and Uniform Standards for Substance-Abusing Licensees, at
9 Respondent's address of record with the Board, which was and is 7051 Alvarado Rd., La Mesa,
10 CA 91942-8901 ("address of record"). A copy of the Accusation packet and Declaration of
11 Service are attached as Exhibit A, and are incorporated herein by reference.

12 4. On or about January 19, 2021, the Board received a Certified Mail Return Receipt
13 signed by an unknown person, certifying delivery of the Accusation packet at Respondent's
14 address of record on January 14, 2021. A true and correct copy of the Certified Mail Return
15 Receipt is attached to the Default Decision Evidence Packet as Exhibit B and incorporated herein
16 by reference.

17 5. Service of the Accusation was effective as a matter of law under the provisions of
18 Government Code section 11505, subdivision (c).

19 6. Respondent did not respond to the Accusation and did not submit a Notice of
20 Defense.

21 7. On January 26, 2021, an employee of the Office of the Attorney General served on
22 Respondent by Certified Mail a Courtesy Notice of Default, advising Respondent of the
23 Accusation and providing him with an opportunity to request relief from default. The Courtesy
24 Notice of Default was served on Respondent at both his address of record and at an address
25 believed to be his home address. A copy of the Courtesy Notice of Default and Declaration of
26 Service are attached as Exhibit C, and are incorporated herein by reference.

27 8. A search of the US Postal System online tracking system shows that the Courtesy
28 Notice of Default was served on Respondent at his address of record in La Mesa on January 29,

1 2021, and at his home address in La Jolla on January 30, 2021. A true and correct copy of the
2 tracking results is attached to the Default Decision Evidence Packet as Exhibit D and
3 incorporated herein by reference.

4 9. No Notice of Defense has been received from Respondent.

5 10. Government Code section 11506 states, in pertinent part:

6 (c) The respondent shall be entitled to a hearing on the merits if the respondent
7 files a notice of defense, and the notice shall be deemed a specific denial of all parts
8 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

9 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
10 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-
11 2020-067958.

12 11. California Government Code section 11520 states, in pertinent part:

13 (a) If the respondent either fails to file a notice of defense or to appear at the
14 hearing, the agency may take action based upon the respondent's express admissions
15 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

16 12. Pursuant to its authority under Government Code section 11520, the Board finds
17 Respondent is in default. The Board will take action without further hearing and, based on
18 Respondent's express admissions by way of default and the evidence before it, contained in
19 Exhibits A, B, C and D, makes the following findings of fact based on the allegations in
20 Accusation No. 800-2020-067958:

21 **FINDINGS OF FACT**

22 A. Respondent is subject to action under section 822 of the Code in that his ability to
23 practice medicine safely is impaired because he is mentally ill, or physically ill affecting
24 competency, as more particularly alleged hereinafter:

25 B. On or about November 3, 2020, a forensic psychiatric evaluation of Respondent was
26 conducted by a board-certified psychiatrist with a subspecialty in forensic psychiatry. At the
27 conclusion of the evaluation, Respondent was diagnosed as suffering from a major neurocognitive
28 disorder due to Alzheimer's disease. In the opinion of the board-certified forensic psychiatrist,

1 Respondent "has quite severe short and long-term memory impairment (i.e. dementia) from
2 Alzheimer's disease and poses a present danger or threat to the public health, welfare and safety."
3 Moreover, since Alzheimer's disease is a progressive disease for which there is no effective
4 treatment, there is no monitoring, treatment, oversight or other terms and conditions that would
5 permit Respondent ever to practice medicine safely.

6 **DETERMINATION OF ISSUES**

- 7 1. Based on the foregoing findings of fact, Respondent Seymour Mallis, M.D. has
8 subjected his Physician's and Surgeon's Certificate No. A 23608 to action pursuant to Business
9 and Professions Code section 822.
- 10 2. The agency has jurisdiction to adjudicate this case by default.
- 11 3. The Medical Board of California is authorized to revoke Respondent's Physician's
12 and Surgeon's Certificate No. A 23608.

13 **ORDER**

14 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 23608, heretofore
15 issued to Respondent Seymour Mallis, M.D., is revoked.

16 **Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a**
17 **written motion requesting that the Decision be vacated and stating the grounds relied on**
18 **within seven (7) days after service of the Decision on Respondent.** The agency in its
19 discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in
20 the statute.

21 This Decision shall become effective at 5:00 p.m. on April 28, 2021.

22 It is so ORDERED March 29, 2021.

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25
26 WILLIAM PRASIFKA
27 EXECUTIVE DIRECTOR
28 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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

In the Matter of the Accusation Against:

SEYMOUR MALLIS, M.D.
7051 Alvarado Rd
La Mesa, CA 91942-8901

Physician's and Surgeon's Certificate
No. A 23608,

Respondent.

Case No. 800-2020-067958

A C C U S A T I O N

PARTIES

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

2. On or about December 12, 1969, the Medical Board issued Physician's and Surgeon's Certificate Number A 23608 to Seymour Mallis, 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 March 31, 2022, unless renewed.

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1 7. Section 822 of the Code states:

2 If a licensing agency determines that its licentiate's ability to practice his or her
3 profession safely is impaired because the licentiate is mentally ill, or physically ill
4 affecting competency, the licensing agency may take action by any one of the
5 following methods:

6 (a) Revoking the licentiate's certificate or license.

7 (b) Suspending the licentiate's right to practice.

8 (c) Placing the licentiate on probation.

9 (d) Taking such other action in relation to the licentiate as the licensing agency
10 in its discretion deems proper.

11 The licensing section shall not reinstate a revoked or suspended certificate or
12 license until it has received competent evidence of the absence or control of the
13 condition which caused its action and until it is satisfied that with due regard for the
14 public health and safety the person's right to practice his or her profession may be
15 safely reinstated.

16 SECTION 822 CAUSE FOR ACTION

17 **(Mental Illness and/or Physical Illness Affecting Competency)**

18 8. Respondent Seymour Mallis, M.D.'s Certificate No. A 23608 is subject to action
19 under section 822 of the Code in that his ability to practice medicine safely is impaired because
20 he is mentally ill, or physically ill affecting competency, as more particularly alleged hereinafter:

21 On or about November 3, 2020, a forensic psychiatric evaluation of
22 Respondent was conducted by a board-certified psychiatrist with a subspecialty in
23 forensic psychiatry. At the conclusion of the evaluation, Respondent was diagnosed
24 as suffering from a major neurocognitive disorder due to Alzheimer's disease. In
25 the opinion of the board-certified forensic psychiatrist, Respondent "has quite
26 severe short and long-term memory impairment (i.e. dementia) from Alzheimer's
27 disease and poses a present danger or threat to the public health, welfare and
28 safety." Moreover, since Alzheimer's disease is a progressive disease for which
there is no effective treatment, there is no monitoring, treatment, oversight or other
terms and conditions that would permit Respondent ever to practice medicine
safely.


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1 PRAYER

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

- 4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 23608,
5 issued to Respondent Seymour Mallis, M.D.;
- 6 2. Revoking, suspending or denying approval of Respondent Seymour Mallis, M.D.'s
7 authority to supervise physician assistants and advanced practice nurses;
- 8 3. Taking action as authorized by section 822 of the Code as the Medical Board, in its
9 discretion, deems necessary and proper;
- 10 4. Ordering Respondent Seymour Mallis, M.D., if placed on probation, to pay the Board
11 the costs of probation monitoring; and
- 12 5. Taking such other and further action as deemed necessary and proper.

13
14 DATED: JAN 11 2021



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant