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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 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

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

2. On or about December 12, 1969, the Board issued Physician's and Surgeon's Certificate No. A 23608 to 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. On December 28, 2020, an Interim Order of Suspension was issued

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

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

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

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

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

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

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

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

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

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

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts 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.

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

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

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

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

FINDINGS OF FACT

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

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

Respondent "has quite severe short and long-term memory impairment (i.e. dementia) from Alzheimer's disease and poses a present danger or threat to the public health, welfare and 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.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Seymour Mallis, M.D. has subjected his Physician's and Surgeon's Certificate No. A 23608 to action pursuant to Business and Professions Code section 822.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate No. A 23608.

ORDER

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

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

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

It is so ORDERED March 29, 2021.

WILLIAM PRASIFKA
EXECUTIVE DIRECTOR
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 **ACCUSATION**

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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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 2220 of the Code states:

> Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders, and the board shall have all the powers granted in this chapter for these purposes...

STATUTORY PROVISIONS

5. 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.

6. Section 820 of the Code states:

> Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

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7. Section 822 of the Code states:

> If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:
>
> (a) Revoking the licentiate's certificate or license.
>
> (b) Suspending the licentiate's right to practice.
>
> (c) Placing the licentiate on probation.
>
> (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.
>
> The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

SECTION 822 CAUSE FOR ACTION

(Mental Illness and/or Physical Illness Affecting Competency)

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

On or about November 3, 2020, a forensic psychiatric evaluation of Respondent was conducted by a board-certified psychiatrist with a subspecialty in forensic psychiatry. At the conclusion of the evaluation, Respondent was diagnosed as suffering from a major neurocognitive disorder due to Alzheimer's disease. In the opinion of the board-certified forensic psychiatrist, Respondent "has quite severe short and long-term memory impairment (i.e. dementia) from Alzheimer's disease and poses a present danger or threat to the public health, welfare and 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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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 A 23608, issued to Respondent Seymour Mallis, M.D.;

2. Revoking, suspending or denying approval of Respondent Seymour Mallis, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Taking action as authorized by section 822 of the Code as the Medical Board, in its discretion, deems necessary and proper;

4. Ordering Respondent Seymour Mallis, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: JAN 11 2021

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