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

In the Matter of the Accusation Against: **Monica Jeannemarian Murphy, M.D.** **Physician's & Surgeon's Certificate No. A 49186** **Respondent.**	**Case No. 800-2018-047271**

ORDER

Respondent's Motion to Vacate and Set Aside the Default Decision and Order dated May 21, 2021 is denied.

It is so ORDERED MAY 28 2021.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

Rob Bonta
Attorney General of California
STEVE DIEHL
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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against, **MONICA JEANNEMARIAN MURPHY, M.D.** P. O. Box 1287 Bakersfield, CA 93302-1287 Physician's and Surgeon's Certificate No. A 49186 Respondent.	Case No. 800-2018-047271 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 4, 2021, Complainant William Prasifka, in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed Accusation No. 800-2018-047271 against Monica Jeannemarian Murphy, M.D. before the Medical Board of California.

2. On or about March 4, 1991, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A 49186 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 May 31, 2022, unless renewed. A copy of Respondent's Certificate of Licensure is attached as Exhibit A.

3. On February 4, 2021, Anna Fulton, an employee of the Board served by Certified and First Class Mail a copy of the Accusation No. 800-2018-047271, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7, to Respondent at her address of record with the Board, which was and is P.O. Box 1287, Bakersfield, CA 93302-1287. A copy of the Accusation, the related documents, and Declaration of Service are attached as Exhibit B and are incorporated herein by reference.

4. The Certified Return Receipt for the aforementioned documents was returned by the U.S. Postal Service dated February 10, 2021 and signed "M Murphy." A copy of the Certified Return Receipt is attached as Exhibit C.

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

6. On March 1, 2021, a Courtesy Notice of Default was sent by Certified and First Class Mail to Respondent's address of record listed above. The Courtesy Notice of Default served on Respondent included copies of the Accusation No. 800-2018-047271, Statement to Respondent, Notice of Defense, and Declaration of Service. A copy of the Courtesy Notice of Default, related documents, and Declaration of Service are attached as Exhibit D and are incorporated herein by reference.

7. The Certified Return Receipt for said documents was returned by the U.S. Postal Service dated March 3, 2021, and signed "M Murphy." A copy of the Certified Return Receipt is attached as Exhibit E.

8. 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 her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 800-2018-047271.

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9. 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.

10. Exhibit F, attached and incorporated herein by reference, is a Declaration of Deputy Attorney General Sarah J. Jacobs, which establishes that no Notice of Defense was received by the Board or the Attorney General's office, and further that each Exhibit in the Default Decision Packet is a true and correct copy of the original.

11. Exhibit G, attached and incorporated herein by reference, is a Declaration of Mark H. Sawyer, M.D., the physician who evaluated the care that Respondent rendered to Patient A and Patient B, on behalf of the Medical Board, in order to determine whether her treatment of the patients was within the standard of care. Dr. Sawyer reviewed the medical records of the patients as well as other pertinent information obtained during the Medical Board's investigation into the practices of Respondent. His findings and conclusions in his declaration, establish that Respondent was grossly and repeatedly negligent in her care and treatment of the patients. In addition, Dr. Sawyer's declaration establishes that Respondent failed to maintain adequate and accurate records of Patient A and Patient B.

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 through G, finds that the allegations in Accusation No. 800-2018-047271 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Monica Jeannemarian Murphy, M.D. has subjected her Physician's and Surgeon's Certificate No. A 49186 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached.

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

4. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations alleged in the Accusation:

a. Gross Negligence: Respondent committed gross negligence with respect to her care and treatment of Patients A and B pursuant to sections 2227 and 2234, subdivision (b) of the Business and Professions Code;

b. Repeated Negligent Acts: Respondent committed repeated negligent acts with respect to her care and treatment of Patients A and B pursuant to sections 2227 and 2234, subdivision (c) of the Business and Professions Code; and

c. Failure to Maintain Adequate and Accurate Records: Respondent failed to maintain adequate and accurate records concerning the care and treatment of Patients A and B pursuant to section 2266 of the Business and Professions Code;

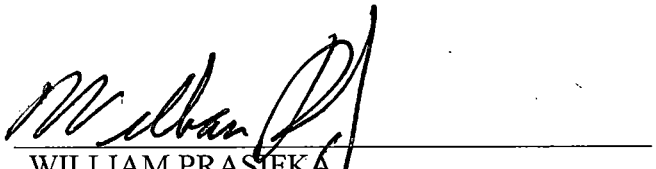
ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 49186, heretofore issued to Respondent Monica Jeannemarian Murphy, 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 June 11, 2021.

It is so ORDERED May 12, 2021.



WILLIAM PRASIFKA
EXECUTIVE DIRECTOR
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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