

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

**In the Matter of the Accusation
Against**

Xiaoling Zhu, M.D.

**Physician's and Surgeon's
Certificate No. A 98460**

Respondent.

Case No. 800-2019-061224

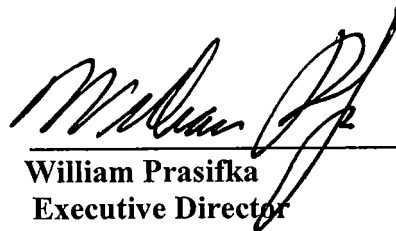
DECISION

The attached Stipulated Surrender of License and 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 JUL 22 2021.

IT IS SO ORDERED JUL 15 2021.

MEDICAL BOARD OF CALIFORNIA



**William Prasifka
Executive Director**

1 ROB BONTA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 THOMAS OSTLY
Deputy Attorney General
4 State Bar No. 209234
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3871
6 *Attorneys for Complainant*

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:
12 **XIAOLING ZHU, M.D.**
13 **225 El Pinto**
Danville, CA 94526-1414
14
15 **Physician's ad Surgeon's Certificate No. A**
98460
16
17 Respondent.

Case No. 800-2019-061224
**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibility of the Medical Board of California of the Department of Consumer
19 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order
20 which will be submitted to the Board for approval and adoption as the final disposition of the
21 Accusation.

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 Rob Bonta, Attorney General of the State of California, by Thomas Ostly, Deputy
26 Attorney General .

27 2. Xiaoling Zhu, M.D. (Respondent) is represented in this proceeding by attorney
28 Robert Hodges, whose address is: 3480 Buskirk Ave #250, Pleasant Hill, CA 94523.

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1 3. On or about December 29, 2006, the Board issued Physician's ad Surgeon's
2 Certificate No. A 98460 to Xiaoling Zhu, M.D. (Respondent). The Physician's ad Surgeon's
3 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
4 No. 800-2019-061224 and is currently suspended pursuant to an Interim Suspension Order issued
5 on May 6, 2021.

6 **JURISDICTION**

7 4. Accusation No. 800-2019-061224 was filed before the Board, and is currently
8 pending against Respondent. The Accusation and all other statutorily required documents were
9 properly served on Respondent on May 31, 2021. A copy of Accusation No. 800-2019-061224 is
10 attached as Exhibit A and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 800-2019-061224. Respondent also has carefully read,
14 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
15 and Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
18 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
19 to the issuance of subpoenas to compel the attendance of witnesses and the production of
20 documents; the right to reconsideration and court review of an adverse decision; and all other
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

24 **CULPABILITY**

25 8. Respondent understands that the charges and allegations in Accusation No. 800-2019-
26 061224, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and
27 Surgeon's Certificate.

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1 9. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation and that those charges constitute cause for discipline.
4 Respondent hereby gives up her right to contest that cause for discipline exists based on those
5 charges.

6 10. Respondent understands that by signing this stipulation she enables the Board to issue
7 an order accepting the surrender of her Physician's ad Surgeon's Certificate without further
8 process.

9 CONTINGENCY

10 11. This stipulation shall be subject to approval by the Board. Respondent understands
11 and agrees that counsel for Complainant and the staff of the Board may communicate directly
12 with the Board regarding this stipulation and surrender, without notice to or participation by
13 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that
14 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
15 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
16 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
17 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
18 be disqualified from further action by having considered this matter.

19 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
20 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
21 thereto, shall have the same force and effect as the originals.

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

24 ORDER

25 IT IS HEREBY ORDERED that Physician's ad Surgeon's Certificate No. A 98460, issued
26 to Respondent Xiaoling Zhu, M.D., is surrendered and accepted by the Board.

27 1. The surrender of Respondent's Physician's ad Surgeon's Certificate and the
28 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

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1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
2 of Respondent's license history with the Board.

3 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
4 California as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.


7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent
9 understands that she may not petition for reinstatement as a physician and surgeon for a period of
10 two (2) years from the effective date of her surrender. Respondent must comply with all the laws,
11 regulations and procedures for reinstatement of a revoked or surrendered license in effect at the
12 time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-
13 2019-061224 shall be deemed to be true, correct and admitted by Respondent when the Board
14 determines whether to grant or deny the petition.

15 5. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 800-2019-061224 shall
18 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict licensure.

20 **ACCEPTANCE**

21 I have carefully read the above Stipulated Surrender of License and Order and have fully
22 discussed it with my attorney Robert Hodges. I understand the stipulation and the effect it will
23 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License
24 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
25 Order of the Medical Board of California.

26
27 DATED: 6/18/2021

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XIAOLING ZHU, M.D.
Respondent

1 I have read and fully discussed with Respondent Xiaoling Zhu, M.D. the terms and
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: 6/18/2021 Robert W. Hodges
5 Robert W. Hodges
6 Attorney for Respondent

7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Medical Board of California of the Department of Consumer Affairs.

10 DATED: June 21, 2021

Respectfully submitted,
11 ROB BONTA
Attorney General of California
12 JANE ZACK SIMON
Supervising Deputy Attorney General

13 /s/ Thomas Ostly
14 THOMAS OSTLY
15 Deputy Attorney General
16 Attorneys for Complainant

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19 Stipulated Surrender of License and Order.docx

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Exhibit A

Accusation No. 800-2019-061224

1 ROB BONTA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 THOMAS OSTLY
Deputy Attorney General
4 State Bar No. 209234
455 Golden Gate Avenue, Suite 11000
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6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 800-2019-061224

12 **Xiaoling Zhu, M.D.**
13 **225 El Pinto**
14 **Danville, CA 94526-1414**

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A 98460,**

Respondent.

17
18
19 **PARTIES**

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

23 2. On or about December 29, 2006, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 98460 to Xiaoling Zhu, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate is renewed and current, with an expiration date of July 31, 2022. An Interim
26 Suspension Order was issued on May 5, 2021 and Respondent's Physician's and Surgeon's
27 license is suspended and will remain suspended until a final decision has been issued by the
28 Medical Board.

JURISDICTION

1
2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 2234 of the Code, states:

6 The board shall take action against any licensee who is charged with
7 unprofessional conduct. In addition to other provisions of this article, unprofessional
8 conduct includes, but is not limited to, the following:

9 (a) Violating or attempting to violate, directly or indirectly, assisting in or
10 abetting the violation of, or conspiring to violate any provision of this chapter

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12 (e) The commission of any act involving dishonesty or corruption that is
13 substantially related to the qualifications, functions, or duties of a physician and
14 surgeon.

15 5. Section 2239 of the Code states:

16 (a) The use or prescribing for or administering to himself or herself, of any
17 controlled substance; or the use of any of the dangerous drugs specified in Section
18 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
19 or injurious to the licensee, or to any other person or to the public, or to the extent that
20 such use impairs the ability of the licensee to practice medicine safely or more than
21 one misdemeanor or any felony involving the use, consumption, or
22 self-administration of any of the substances referred to in this section, or any
23 combination thereof, constitutes unprofessional conduct. The record of the
24 conviction is conclusive evidence of such unprofessional conduct.

25 6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
26 adequate and accurate records relating to the provision of services to their patients constitutes
27 unprofessional conduct.

28 7. Section 2280 of the Code states:

 No licensee shall practice medicine while under the influence of any narcotic
drug or alcohol to such extent as to impair his or her ability to conduct the practice of
medicine with safety to the public and his or her patients. Violation of this section
constitutes unprofessional conduct and is a misdemeanor.

 8. Section 822 of the Code provides that the Board may take action if a licentiate's
ability to practice his or her profession safely is impaired because of mental or physical illness.

 9. Section 2228.1 of the Code provides, in pertinent part, that the Board shall require a

1 licensee who is disciplined based on drug or alcohol abuse to the extent that such use impairs the
2 ability of the licensee to practice safely to disclose to his or her patients information regarding his
3 or her probation status. The licensee is required to disclose: Probation status, the length of the
4 probation, the probation end date, all practice restrictions placed on the license by the Board, the
5 Board's telephone number, and an explanation of how the patient can find further information on
6 the licensee's probation on the Board's Internet Web site.

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10 **FACTUAL ALLEGATIONS**

11 10. In October 2019, Respondent provided psychiatric treatment to a child, who was
12 accompanied by his mother to the appointment. Respondent was late for the scheduled
13 appointment, her eyes were heavy and lidded, her speech was slurred, and she exhibited
14 significant confusion about the patient's condition. That confusion included, among other things,
15 Respondent referring to the patient by the wrong gender and referencing the efficacy of
16 medication the patient was not taking. The patient's mother reported that Respondent was under
17 the influence during the appointment.

18 11. Respondent was arrested on August 29, 2019 for driving under the influence (DUI).
19 The arrest report noted poor driving and Respondent's blood sample taken after the DUI stop
20 tested positive for multiple controlled substances. Two of the substances detected in her blood
21 were prescribed by Respondent to other persons in her household. Prescription bottles for
22 controlled substances prescribed by Respondent to her husband were found in her car. During the
23 traffic stop and investigation Respondent only admitted to police she had taken one medication.

24 12. CURES¹ reports from July 23, 2017 through July 23, 2020 reveal that three persons
25 to whom Respondent prescribed were identified as Respondent's employee and relatives. The
26

27 ¹ The Controlled Substance Utilization Review and Evaluation System (CURES) is a
28 program operated by the California Department of Justice. It tracks controlled substances
prescriptions.

1 CURES report also showed all four individuals obtained prescriptions from various pharmacies in
2 Truckee, CA. The prescriptions were for the same substances found in Respondent's blood
3 sample during her DUI stop.

4 13. Multiple pharmacies expressed concern to Respondent over her prescribing practices,
5 including prescribing opiates and benzodiazepines together and Respondent prescribing to family
6 members. At least one pharmacy refused to fill Respondent's future prescriptions.

7 14. During her interview with the Board investigator, Respondent denied any illicit or
8 recreational drug use, and Respondent did not disclose any form of treatment for drug
9 dependency.

10 15. Respondent underwent an evaluation by a Board-appointed psychiatrist. The
11 evaluator noted that Respondent prescribed large amounts of controlled substances to her family
12 and an employee, and that those prescriptions were for the same drugs Respondent uses. The
13 evaluator further noted that Respondent received prescriptions for many of the same drugs,
14 including opioids and benzodiazepines, that she prescribed to her family and employee, that she
15 took steps to obtain unauthorized refills of her medications, and demonstrated a pattern of using
16 medications without appropriate medical oversight. The evaluator noted that Respondent had
17 not obtained treatment for her substance use, and did not demonstrate insight into her
18 inappropriate use of prescription medication or her inappropriate prescribing to others. The
19 evaluator concluded that Respondent has an Opioid Use Disorder and Sedative Hypnotic or
20 Anxiolytic Use Disorder that, unless appropriately treated, impairs her ability to safely practice
21 medicine.

22 **FIRST CAUSE FOR BOARD ACTION**

23 (Impaired Ability to Safely Practice)

24 16. The allegations of paragraphs 10 through 15 are incorporated by reference as if set
25 out in full. Respondent's certificate is subject to action by the Board pursuant to sections 2227
26 and 822 of the Code in that Respondent is impaired in her ability to safely practice medicine as a
27 result of mental illness and/or substance abuse.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct: Dangerous Use of Drugs and Alcohol)

3 17. The allegations of paragraphs 10 through 15 are incorporated by reference as if set
4 out in full. Respondent’s certificate is subject to Board action for unprofessional conduct
5 pursuant to sections 2234 and/or 2239 of the Code in that her history of drug abuse, obtaining
6 illicit drugs for self-use, and diversion of drugs by use of her prescribing privileges, constitute
7 unprofessional conduct and the use of controlled substances in a manner dangerous to herself and
8 the public.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct: Dishonest Acts)

11 18. The allegations of paragraphs 10 through 15 are incorporated by reference as if set
12 out in full. Respondent’s certificate is subject to Board action for unprofessional conduct
13 pursuant to sections 2234 and/or 2234(e) of the Code for false statements made to the Board
14 investigator regarding her use of narcotics.

15 **THIRD CAUSE FOR DISCIPLINE**

16 (Unprofessional Conduct: Practice While Impaired)

17 19. The allegations of paragraphs 10 through 15 are incorporated by reference as if set
18 out in full. Respondent’s certificate is subject to Board action for unprofessional conduct
19 pursuant to sections 2234 and/or 2280 of the Code for practicing while impaired.

20
21 **PRAYER**


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

- 24 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 98460,
25 issued to Xiaoling Zhu, M.D.;
- 26 2. Revoking, suspending or denying approval of Xiaoling Zhu, M.D.'s authority to
27 supervise physician assistants and advanced practice nurses;

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- 3. Ordering Xiaoling Zhu, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
- 4. Ordering Respondent, if placed on probation, to provide disclosure/patient notification in accordance with Business and Professions Code sections 2228.1; and,
- 5. Taking such other and further action as deemed necessary and proper.

DATED: MAY 28 2021



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

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