

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

**In the Matter of the Accusation  
Against:**

**Mrunal Bhatt, M.D.**

**Physician's and Surgeon's  
Certificate No. A 84457**

**Case No.: 800-2020-064842**

**Respondent.**

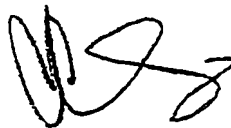
**DECISION**

**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 August 18, 2021.**

**IT IS SO ORDERED: July 19, 2021.**

**MEDICAL BOARD OF CALIFORNIA**



**Laurie Rose Lubiano, J.D., Vice Chair  
Panel A**

1 ROB BONTA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 CHRISTINE A. RHEE  
Deputy Attorney General  
4 State Bar No. 295656  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9455  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **MRUNAL BHATT, M.D.**  
15 **74 Interstellar**  
**Irvine, CA 92618**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 84457,**

18 Respondent.

Case No. 800-2020-064842

OAH No. 2021010023

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

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 Christine A. Rhee, Deputy  
26 Attorney General.

27 ///

28 ///



1 **CULPABILITY**

2 9. Respondent does not contest that, at an administrative hearing, Complainant could  
3 establish a prima facie case with respect to the charges and allegations contained in Accusation  
4 No. 800-2020-064842 and agrees that he has thereby subjected his license to disciplinary action.

5 10. Respondent agrees that if he ever petitions for reinstatement of his license, or if an  
6 accusation and/or petition to revoke probation is filed against him before the Board, all of the  
7 charges and allegations in Accusation No. 800-2020-064842 shall be deemed true, correct, and  
8 fully admitted by Respondent for purposes of any such proceeding or any other licensing  
9 proceeding involving Respondent in the State of California.

10 11. Respondent acknowledges the Disciplinary Order below, requiring the disclosure of  
11 probation pursuant to Business and Professions Code section 2228.1, serves to protect the public  
12 interest.

13 12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
14 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
15 Disciplinary Order below.

16 **RESERVATION**

17 13. The admissions made by Respondent herein are only for the purposes of this  
18 proceeding, or any other proceedings in which the Medical Board of California or other  
19 professional licensing agency is involved, and shall not be admissible in any other criminal or  
20 civil proceeding.

21 **CONTINGENCY**

22 14. This stipulation shall be subject to approval by the Medical Board of California.  
23 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
24 Board of California may communicate directly with the Board regarding this stipulation and  
25 settlement, without notice to or participation by Respondent or his counsel. By signing the  
26 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
27 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
28 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary

1 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
2 action between the parties, and the Board shall not be disqualified from further action by having  
3 considered this matter.

#### 4 **ADDITIONAL PROVISIONS**

5 15. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to  
6 be an integrated writing representing the complete, final, and exclusive embodiment of the  
7 agreements of the parties in the above-listed matter.

8 16. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,  
9 including copies of the signatures of the parties, may be used in lieu of original documents and  
10 signatures and, further, that such copies shall have the same force and effect as originals.

11 17. In consideration of the foregoing admissions and stipulations, the parties agree that  
12 the Board may, without further notice or opportunity to be heard by the Respondent, issue and  
13 enter the following Disciplinary Order:

#### 14 **DISCIPLINARY ORDER**

15 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 84457 issued  
16 to Respondent Mrunal Bhatt, M.D., is revoked. However, the revocation is stayed and  
17 Respondent is placed on probation for five (5) years from the effective date of this Decision on  
18 the following terms and conditions:

19 1. **PATIENT DISCLOSURE**. Before a patient's first visit following the effective date  
20 of this order and while Respondent is on probation, Respondent must provide all patients, or  
21 patient's guardian or health care surrogate, with a separate disclosure that includes Respondent's  
22 probation status, the length of the probation, the probation end date, all practice restrictions  
23 placed on Respondent by the Board, the Board's telephone number, and an explanation of how  
24 the patient can find further information on Respondent's probation on Respondent's profile page  
25 on the Board's website. Respondent shall obtain from the patient, or the patient's guardian or  
26 health care surrogate, a separate, signed copy of that disclosure. Respondent shall not be required  
27 to provide a disclosure if any of the following applies: (1) the patient is unconscious or otherwise  
28 unable to comprehend the disclosure and sign the copy of the disclosure and a guardian or health

1 care surrogate is unavailable to comprehend the disclosure and sign the copy; (2) the visit occurs  
2 in an emergency room or an urgent care facility or the visit is unscheduled, including  
3 consultations in inpatient facilities; (3) Respondent is not known to the patient until immediately  
4 prior to the start of the visit; or (4) Respondent does not have a direct treatment relationship with  
5 the patient.

6 2. CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO  
7 RECORDS AND INVENTORIES. Respondent shall maintain a record of all controlled  
8 substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any  
9 recommendation or approval which enables a patient or patient's primary caregiver to possess or  
10 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health  
11 and Safety Code section 11362.5, during probation, showing all of the following: (1) the name  
12 and address of the patient; (2) the date; (3) the character and quantity of controlled substances  
13 involved; and (4) the indications and diagnosis for which the controlled substances were  
14 furnished.

15 Respondent shall keep these records in a separate file or ledger, in chronological order. All  
16 records and any inventories of controlled substances shall be available for immediate inspection  
17 and copying on the premises by the Board or its designee at all times during business hours and  
18 shall be retained for the entire term of probation.

19 3. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain  
20 completely from the personal use or possession of controlled substances as defined in the  
21 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and  
22 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not  
23 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide  
24 illness or condition.

25 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent  
26 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone  
27 number; medication name, strength, and quantity; and issuing pharmacy name, address, and  
28 telephone number.

1       4.    ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the  
2 use of products or beverages containing alcohol.

3       5.    NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)  
4 days of the effective date of this Decision, Respondent shall provide to the Board the names,  
5 physical addresses, mailing addresses, and telephone numbers of any and all employers and  
6 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
7 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
8 Respondent's work status, performance, and monitoring.

9       For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
10 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
11 privileges.

12       6.    BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
13 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
14 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
15 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
16 make daily contact with the Board or its designee to determine whether biological fluid testing is  
17 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
18 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
19 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
20 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
21 basis. The cost of biological fluid testing shall be borne by the Respondent.

22       During the first year of probation, Respondent shall be subject to 52 to 104 random tests.  
23 During the second year of probation and for the duration of the probationary term, up to five (5)  
24 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no  
25 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing  
26 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number  
27 of random tests to the first-year level of frequency for any reason.

28    ///

1 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
2 approved in advance by the Board or its designee, that will conduct random, unannounced,  
3 observed, biological fluid testing and meets all of the following standards:

4 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
5 Association or have completed the training required to serve as a collector for the United  
6 States Department of Transportation.

7 (b) Its specimen collectors conform to the current United States Department of  
8 Transportation Specimen Collection Guidelines.

9 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
10 by the United States Department of Transportation without regard to the type of test  
11 administered.

12 (d) Its specimen collectors observe the collection of testing specimens. .

13 (e) Its laboratories are certified and accredited by the United States Department of Health  
14 and Human Services.

15 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
16 of receipt and all specimens collected shall be handled pursuant to chain of custody  
17 procedures. The laboratory shall process and analyze the specimens and provide legally  
18 defensible test results to the Board within seven (7) business days of receipt of the  
19 specimen. The Board will be notified of non-negative results within one (1) business day  
20 and will be notified of negative test results within seven (7) business days.

21 (g) Its testing locations possess all the materials, equipment, and technical expertise  
22 necessary in order to test Respondent on any day of the week.

23 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
24 for the detection of alcohol and illegal and controlled substances.

25 (i) It maintains testing sites located throughout California.

26 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
27 computer database that allows the Respondent to check in daily for testing.

28 ///



1 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
2 access to drug test results and compliance reporting information that is available 24 hours a  
3 day.

4 (l) It employs or contracts with toxicologists that are licensed physicians and have  
5 knowledge of substance abuse disorders and the appropriate medical training to interpret  
6 and evaluate laboratory biological fluid test results, medical histories, and any other  
7 information relevant to biomedical information.

8 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
9 while practicing, even if the Respondent holds a valid prescription for the substance.

10 Prior to changing testing locations for any reason, including during vacation or other travel,  
11 alternative testing locations must be approved by the Board and meet the requirements above.

12 The contract shall require that the laboratory directly notify the Board or its designee of  
13 non-negative results within one (1) business day and negative test results within seven (7)  
14 business days of the results becoming available. Respondent shall maintain this laboratory or  
15 service contract during the period of probation.

16 A certified copy of any laboratory test result may be received in evidence in any  
17 proceedings between the Board and Respondent.

18 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
19 administered to himself a prohibited substance, the Board shall order Respondent to cease  
20 practice and instruct Respondent to leave any place of work where Respondent is practicing  
21 medicine or providing medical services. The Board shall immediately notify all of Respondent's  
22 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
23 provide medical services while the cease-practice order is in effect.

24 A biological fluid test will not be considered negative if a positive result is obtained while  
25 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
26 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

27 After the issuance of a cease-practice order, the Board shall determine whether the positive  
28 biological fluid test is in fact evidence of prohibited substance use by consulting with the

specimen collector and the laboratory, communicating with the licensee, his or her treating physician(s), other health care provider, or group facilitator, as applicable.

For purposes of this condition, the terms "biological fluid testing" and "testing" mean the acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

For purposes of this condition, the term "prohibited substance" means an illegal drug, a lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by Respondent and approved by the Board, alcohol, or any other substance the Respondent has been instructed by the Board not to use, consume, ingest, or administer to himself.

If the Board confirms that a positive biological fluid test is evidence of use of a prohibited substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to any other terms or conditions the Board determines are necessary for public protection or to enhance Respondent's rehabilitation.

7. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the Board or its designee, for its prior approval, the name of a substance abuse support group which he shall attend for the duration of probation. Respondent shall attend substance abuse support group meetings at least once per week, or as ordered by the Board or its designee. Respondent shall pay all substance abuse support group meeting costs.

The facilitator of the substance abuse support group meeting shall have a minimum of three (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed or certified by the state or nationally certified organizations. The facilitator shall not have a current or former financial, personal, or business relationship with Respondent within the last five (5) years. Respondent's previous participation in a substance abuse group support meeting led by the same facilitator does not constitute a prohibited current or former financial, personal, or business relationship.

The facilitator shall provide a signed document to the Board or its designee showing Respondent's name, the group name, the date and location of the meeting, Respondent's

attendance, and Respondent's level of participation and progress. The facilitator shall report any unexcused absence by Respondent from any substance abuse support group meeting to the Board, or its designee, within twenty-four (24) hours of the unexcused absence.

8. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a worksite monitor, the name and qualifications of one or more licensed physician and surgeon, or other licensed health care professional if no physician and surgeon is available, or, as approved by the Board or its designee, a person in a position of authority who is capable of monitoring the Respondent at work.

The worksite monitor shall not have a current or former financial, personal, or familial relationship with Respondent, or any other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the Board or its designee. If it is impractical for anyone but Respondent's employer to serve as the worksite monitor, this requirement may be waived by the Board or its designee, however, under no circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

The worksite monitor shall have an active unrestricted license with no disciplinary action within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth by the Board or its designee.

Respondent shall pay all worksite monitoring costs.

The worksite monitor shall have face-to-face contact with Respondent in the work environment on as frequent a basis as determined by the Board or its designee, but not less than once per week; interview other staff in the office regarding Respondent's behavior, if requested by the Board or its designee; and review Respondent's work attendance.

The worksite monitor shall verbally report any suspected substance abuse to the Board and Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected substance abuse does not occur during the Board's normal business hours, the verbal report shall be made to the Board or its designee within one (1) hour of the next business day. A written

1 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and  
2 any other information deemed important by the worksite monitor shall be submitted to the Board  
3 or its designee within 48 hours of the occurrence.

4 The worksite monitor shall complete and submit a written report monthly or as directed by  
5 the Board or its designee which shall include the following: (1) Respondent's name and  
6 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)  
7 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
8 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
9 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
10 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
11 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
12 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
13 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

14 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
15 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
16 approval, the name and qualifications of a replacement monitor who will be assuming that  
17 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
18 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the  
19 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
20 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
21 cease the practice of medicine until a replacement monitor is approved and assumes monitoring  
22 responsibility.

23 9. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
24 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of  
25 probation.

26 A. If Respondent commits a major violation of probation as defined by section  
27 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
28 one or more of the following actions:

1 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
2 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
3 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
4 order issued by the Board or its designee shall state that Respondent must test negative for at least  
5 a month of continuous biological fluid testing before being allowed to resume practice. For  
6 purposes of determining the length of time a Respondent must test negative while undergoing  
7 continuous biological fluid testing following issuance of a cease-practice order, a month is  
8 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until  
9 notified in writing by the Board or its designee that he may do so.

10 (2) Increase the frequency of biological fluid testing.

11 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
12 other action as determined by the Board or its designee.

13 B. If Respondent commits a minor violation of probation as defined by section  
14 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
15 one or more of the following actions:

16 (1) Issue a cease-practice order;

17 (2) Order practice limitations;

18 (3) Order or increase supervision of Respondent;

19 (4) Order increased documentation;

20 (5) Issue a citation and fine, or a warning letter;

21 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
22 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
23 Regulations, at Respondent's expense;

24 (7) Take any other action as determined by the Board or its designee.

25 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
26 to revoke Respondent's probation if he has violated any term or condition of probation. If  
27 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
28 opportunity to be heard, may revoke probation and carry out the disciplinary order that was

1 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
2 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
3 is final, and the period of probation shall be extended until the matter is final.

4 10. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
5 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
6 Chief Executive Officer at every hospital where privileges or membership are extended to  
7 Respondent, at any other facility where Respondent engages in the practice of medicine,  
8 including all physician and locum tenens registries or other similar agencies, and to the Chief  
9 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
10 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
11 calendar days.

12 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

13 11. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
14 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
15 advanced practice nurses.

16 12. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
17 governing the practice of medicine in California and remain in full compliance with any court  
18 ordered criminal probation, payments, and other orders.

19 13. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
20 under penalty of perjury on forms provided by the Board, stating whether there has been  
21 compliance with all the conditions of probation.

22 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
23 of the preceding quarter.

24 14. GENERAL PROBATION REQUIREMENTS.

25 Compliance with Probation Unit

26 Respondent shall comply with the Board's probation unit.

27 ///

28 ///

1       Address Changes

2       Respondent shall, at all times, keep the Board informed of Respondent's business and  
3 residence addresses, email address (if available), and telephone number. Changes of such  
4 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
5 circumstances shall a post office box serve as an address of record, except as allowed by Business  
6 and Professions Code section 2021, subdivision (b).

7       Place of Practice

8       Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
9 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
10 facility.

11       License Renewal

12       Respondent shall maintain a current and renewed California physician's and surgeon's  
13 license.

14       Travel or Residence Outside California

15       Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
16 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
17 (30) calendar days.

18       In the event Respondent should leave the State of California to reside or to practice,  
19 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
20 departure and return.

21       15. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
22 available in person upon request for interviews either at Respondent's place of business or at the  
23 probation unit office, with or without prior notice throughout the term of probation.

24       16. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
25 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
26 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
27 defined as any period of time Respondent is not practicing medicine as defined in Business and  
28 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct

1 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
2 Respondent resides in California and is considered to be in non-practice, Respondent shall  
3 comply with all terms and conditions of probation. All time spent in an intensive training  
4 program which has been approved by the Board or its designee shall not be considered non-  
5 practice and does not relieve Respondent from complying with all the terms and conditions of  
6 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
7 on probation with the medical licensing authority of that state or jurisdiction shall not be  
8 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
9 period of non-practice.

10 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
11 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
12 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
13 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
14 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

15 Respondent's period of non-practice while on probation shall not exceed two (2) years.

16 Periods of non-practice will not apply to the reduction of the probationary term.

17 Periods of non-practice for a Respondent residing outside of California will relieve  
18 Respondent of the responsibility to comply with the probationary terms and conditions with the  
19 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
20 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
21 Controlled Substances; and Biological Fluid Testing..

22 17. COMPLETION OF PROBATION. Respondent shall comply with all financial  
23 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
24 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
25 be fully restored.

26 18. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
27 of probation is a violation of probation. If Respondent violates probation in any respect, the  
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and



1 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
2 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
4 the matter is final.

5 19. LICENSE SURRENDER. Following the effective date of this Decision, if  
6 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
7 the terms and conditions of probation, Respondent may request to surrender his or her license.  
8 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
9 determining whether or not to grant the request, or to take any other action deemed appropriate  
10 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
11 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
12 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
13 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
14 application shall be treated as a petition for reinstatement of a revoked certificate.

15 20. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
16 with probation monitoring each and every year of probation, as designated by the Board, which  
17 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
18 California and delivered to the Board or its designee no later than January 31 of each calendar  
19 year.

20 21. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for  
21 a new license or certification, or petition for reinstatement of a license, by any other health care  
22 licensing action agency in the State of California, all of the charges and allegations contained in  
23 Accusation No. 800-2020-064842 shall be deemed to be true, correct, and admitted by  
24 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or  
25 restrict license.

#### 26 ACCEPTANCE

27 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
28 discussed it with my attorney, Kevin D. Cauley, Esq. I understand the stipulation and the effect it

1 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
2 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
3 Decision and Order of the Medical Board of California.

4  
5 DATED: 5/4/21

  
MRUNAL BHATT, M.D.  
Respondent

7 I have read and fully discussed with Respondent Mrunal Bhatt, M.D., the terms and  
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
9 I approve its form and content.

10  
11 DATED: May 5, 2021

  
KEVIN D. CAULEY, ESQ.  
Attorney for Respondent

13 **ENDORSEMENT**

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

16  
17 DATED: \_\_\_\_\_

Respectfully submitted,

18 ROB BONTA  
Attorney General of California  
19 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General

20  
21 CHRISTINE A. RHEE  
Deputy Attorney General  
22 *Attorneys for Complainant*  
23  
24  
25

26 SD2020800927  
27 82838205.docx  
28

1 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
2 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
3 Decision and Order of the Medical Board of California.

4  
5 DATED: \_\_\_\_\_ MRUNAL BHATT, M.D.  
6 Respondent

7 I have read and fully discussed with Respondent Mrunal Bhatt, M.D., the terms and  
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
9 I approve its form and content.

10  
11 DATED: \_\_\_\_\_ KEVIN D. CAULEY, ESQ.  
12 Attorney for Respondent

13 **ENDORSEMENT**

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

16  
17 DATED: May 5, 2021 \_\_\_\_\_

Respectfully submitted,

18 ROB BONTA  
19 Attorney General of California  
20 ALEXANDRA M. ALVAREZ  
21 Supervising Deputy Attorney General

22 

23 CHRISTINE A. RHEE  
24 Deputy Attorney General  
25 Attorneys for Complainant

26 SD2020800927  
27 82838205.docx  
28

**Exhibit A**

**Accusation No. 800-2020-064842**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 CHRISTINE A. RHEE  
Deputy Attorney General  
4 State Bar No. 295656  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9455  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

12  
13 In the Matter of the Accusation Against:

Case No. 800-2020-064842

14 **MRUNAL BHATT, M.D.**  
15 **74 Interstellar**  
**Irvine, CA 92618**

**A C C U S A T I O N**

16 **Physician's and Surgeon's Certificate**  
17 **No. A84457,**

18 Respondent.

19  
20 **PARTIES**

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

24 2. On or about August 29, 2003, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. A84457 to Mrunal Bhatt, M.D. (Respondent). Physician's and Surgeon's  
26 Certificate No. A84457 was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on March 31, 2021, unless renewed.

28 ///

3. On or about June 1, 2020, a Stipulation of the Parties re: Interim Order Imposing License Restrictions and Order were issued, placing restrictions on Respondent's Physician's and Surgeon's Certificate No. A84457. These restrictions remain in place as of the date of the filing of this Accusation.

## JURISDICTION

4. 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.

5. Section 2227 of the Code states, in pertinent part:

(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 822 of the Code states, in pertinent part:

If a licensing agency determines that its licensee's ability to practice his or her profession safely is impaired because the licensee 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.

1 (d) Taking such other action in relation to the licensee as the licensing agency  
2 in its discretion deems proper.

3 ...

4 7. Section 2234 of the Code, states, in pertinent part:

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

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

9 ...

10 8. Unprofessional conduct under section 2234 of the code is conduct which breaches the  
11 rules or ethical code of the medical profession, or conduct which is unbecoming to a member in  
12 good standing of the medical profession, and which demonstrates an unfitness to practice  
13 medicine. *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

14 9. Section 2238 of the Code, states:

15 A violation of any federal statute or federal regulation or of any of the statutes  
16 or regulations of this state regulating dangerous drugs or controlled substances  
constitutes unprofessional conduct.

17 10. Section 2239 of the Code states, in pertinent part:

18 (a) The use or prescribing for or administering to himself or herself, of any  
19 controlled substance; or the use of any of the dangerous drugs specified in Section  
20 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous  
or injurious to the licensee, or to any other person or to the public, or to the extent that  
21 such use impairs the ability of the licensee to practice medicine safely or more than  
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  
combination thereof, constitutes unprofessional conduct. The record of the  
conviction is conclusive evidence of such unprofessional conduct.

23 ...

#### 24 FACTUAL ALLEGATIONS

25 11. On or about January 5, 2020, Respondent was working on a laparoscopic  
26 cholecystectomy in the operating room of a hospital as the anesthesiologist. During the  
27 procedure, Respondent and the surgeon stepped out of the operating room for x-rays to be taken.  
28 After the x-rays were completed, Respondent did not return to the operating room. Attempts

1 were made to find Respondent by calling the doctor's lounge and paging Respondent over the  
2 intercom.

3 12. A short period of time later, Respondent returned to the operating room. A nurse  
4 observed that Respondent was slurring his speech, had difficulty keeping his eyes open, and had  
5 an unsteady gait. The nurse had to shout at Respondent and clap her hands multiple times to  
6 wake Respondent up. The patient was extubated and the surgery was completed. The nurse  
7 reported Respondent's irregular behavior to the hospital's management and filed an incident  
8 report.

9 13. Later that day, two physicians from Respondent's practice group met Respondent at  
10 his home to take him to the hospital to take a drug test. Respondent told them that he had used  
11 fentanyl.<sup>1</sup> One of the physicians saw fresh needle marks in Respondent's arm. According to  
12 Respondent, Respondent took a leave of absence from his practice group.

13 14. On or about June 12, 2020, the Board ordered Respondent to submit to physical and  
14 mental examinations pursuant to Business and Professions Code section 820.

15 15. On or about June 26, 2020, Respondent submitted to a mental examination conducted  
16 by M.N., M.D., a psychiatrist who is Board-certified in addiction medicine. Respondent told  
17 M.N., M.D., that he had started self-injecting fentanyl in 2019 for gout-related pain and that his  
18 use escalated from June 2019 to January 2020. By January 2020, Respondent was injecting  
19 between 250 to 750 micrograms of fentanyl every two or three days. He admitted to injecting  
20 fentanyl at work one time prior to the January 5, 2020, incident. Respondent also told M.N.,  
21 M.D., that he had told his colleagues that he had been diverting fentanyl from the operating room  
22 when they confronted him on or about January 5, 2020. Following this incident, Respondent  
23 went to inpatient rehab, and at the time of his interview with M.N., M.D., Respondent was in  
24 outpatient recovery.

25 16. After interviewing Respondent on or about June 26, 2020, and reviewing the Board's  
26 investigative documents and the results of Respondent's psychiatric testing, M.N., M.D., opined

27  
28 <sup>1</sup> Fentanyl is an opioid and a Schedule II controlled substance pursuant to Health and  
Safety Code section 11055, subdivision (b).



1 that Respondent has opioid use disorder in early remission and that his disorder affects his ability  
2 to practice medicine safely.

3 **FIRST CAUSE FOR ACTION**  
4 **(Mental Illness Affecting Competency)**

5 17. Respondent's Physician's and Surgeon's Certificate No. A84457 is subject to action  
6 under section 822 of the Code, in that Respondent has a mental illness affecting competency, as  
7 more particularly alleged in paragraphs 11 through 16, above, which are hereby incorporated by  
8 reference and re-alleged as if fully set forth herein.

9 **FIRST CAUSE FOR DISCIPLINE**  
10 **(Use or Administering to Himself of Any Controlled Substance)**

11 18. Respondent's Physician's and Surgeon's Certificate No. A84457 is subject to  
12 disciplinary action under sections 2227 and 2234, as defined by and section 2239, of the Code, in  
13 that Respondent administered a controlled substance to himself, as more particularly alleged in  
14 paragraphs 11 through 16, above, which are hereby incorporated by reference and re-alleged as if  
15 fully set forth herein.

16 **SECOND CAUSE FOR DISCIPLINE**  
17 **(Violating State Statutes Regulating Controlled Substances)**

18 19. Respondent's Physician's and Surgeon's Certificate No. A84457 is further subjected  
19 to disciplinary action under sections 2227 and 2234, as defined by and section 2238, of the Code,  
20 in that Respondent violated state statutes regulating controlled substances, as more particularly  
21 alleged in paragraphs 11 through 18, above, which are hereby incorporated by reference and re-  
22 alleged as if fully set forth herein.

23 **PRAYER**

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

26 1. Revoking or suspending Physician's and Surgeon's Certificate No. A84457, issued to  
27 Respondent Mrunal Bhatt, M.D.;

28 ///

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

3           3.    Ordering Respondent Mrunal Bhatt, M.D., if placed on probation, to pay the Board  
4 the costs of probation monitoring;

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

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

8  
9   DATED:    **NOV 25 2020**

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

10  
11  
12  
13  
14   SD2020800927  
15   82489031.docx  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28