

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

In the Matter of the Accusation
Against:

Carlos Antonio Rivas, M.D.

Physician's and Surgeon's
Certificate No. A 131589

Respondent.

Case No.: 800-2021-079441

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 October 14, 2021.

IT IS SO ORDERED: September 14, 2021.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, M.D., Chair
Panel B

1 ROB BONTA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
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8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2021-079441

12 **CARLOS ANTONIO RIVAS, M.D.**
13 **300 Tadley Ct.**
14 **Redwood City CA 94061-4305**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate No. A**
16 **131589**

17 Respondent.

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

20 **PARTIES**

21 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
22 California (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Rob Bonta, Attorney General of the State of California, by Jane Zack Simon,
24 Supervising Deputy Attorney General.

25 2. Respondent Carlos Antonio Rivas, M.D. (Respondent) is represented in this
26 proceeding by Sanjiv N. Singh, JD, MD, whose address is: 1650 South Amphlett Blvd. Suite 220,
27 San Mateo, CA 94402.

1 3. On July 1, 2014, the Board issued Physician's and Surgeon's Certificate No. A
2 131589 to Carlos Antonio Rivas, M.D. (Respondent). The Physician's and Surgeon's Certificate
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-
4 2021-079441, and will expire on January 31, 2022, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2021-079441 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent, who timely filed his Notice of Defense contesting the
9 Accusation. A copy of Accusation No. 800-2021-079441 is attached as Exhibit A.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 800-2021-079441. Respondent has also carefully read,
13 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

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

23 8. Respondent does not contest that, at an administrative hearing, Complainant could
24 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
25 2021-079441 and that he has thereby subjected his Physician's and Surgeon's Certificate, No. A
26 131589 to disciplinary action.

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1 9. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
2 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
3 Disciplinary Order below.

4 **RESERVATION**

5 10. The admissions made by Respondent herein are only for the purposes of this
6 proceeding, or any other proceedings in which the Medical Board of California or other
7 professional licensing agency is involved, and shall not be admissible in any other criminal or
8 civil proceeding.

9 **CONTINGENCY**

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

20 12. Respondent agrees that if he ever petitions for early termination or modification of
21 probation, or if an accusation and/or petition to revoke probation is filed against him before the
22 Board, all of the charges and allegations contained in Accusation No. 800-2021-079441 shall be
23 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
24 other licensing proceeding involving Respondent in the State of California.

25 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
26 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
27 signatures thereto, shall have the same force and effect as the originals.
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1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
3 enter the following Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 131589 issued
6 to Respondent CARLOS ANTONIO RIVAS, M.D. is revoked. However, the revocation is
7 stayed and Respondent is placed on probation for five (5) years on the following terms and
8 conditions

9 1. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this
10 Decision, Respondent shall submit to the Board or its designee for prior approval the name and
11 qualifications of a California-licensed board certified psychiatrist. Upon approval, Respondent
12 shall undergo and continue regular treatment with his psychiatrist, at intervals recommended by
13 the psychiatrist, throughout the term of probation. Respondent shall comply with treatment and
14 medication recommendations. The treating psychiatrist shall coordinate and oversee care with
15 other medical providers, including any other mental health providers who provide treatment to
16 Respondent, to ensure the development and maintenance of a cohesive treatment plan.

17 The psychotherapist shall consider any information provided by the Board or its designee
18 and any other information the psychotherapist deems relevant and shall furnish a written
19 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
20 psychotherapist with any information and documents that the psychotherapist may deem
21 pertinent.

22 Respondent shall have the treating psychotherapist submit quarterly status reports to the
23 Board or its designee, and the treating psychiatrist shall immediately notify the Board or its
24 designee if Respondent is non-compliant with treatment recommendations or cannot safely
25 practice medicine.

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1 If, prior to the completion of probation, Respondent is found to be mentally unfit to resume
2 the practice of medicine without restrictions, the Board shall retain continuing jurisdiction over
3 Respondent's license and the period of probation shall be extended until the Board determines
4 that Respondent is mentally fit to resume the practice of medicine without restrictions.

5 Respondent shall pay the cost of all psychotherapy.

6 2. PSYCHIATRIC EVALUATION. Over the course of probation, the Board or its
7 designee may require Respondent to undergo and complete psychiatric evaluations (and
8 psychological testing, if deemed necessary) by a Board-appointed board certified psychiatrist,
9 who shall consider any information provided by the Board or designee and any other information
10 the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
11 designee. Respondent shall cooperate fully with the evaluation and provide prompt access to any
12 information or records the evaluator deems necessary. Respondent shall pay the cost of all
13 psychiatric evaluations and testing.

14 Respondent shall comply with all restrictions or conditions recommended by the evaluating
15 psychiatrist within 15 calendar days after being notified by the Board or its designee.

16 3. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in
17 the solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
18 where: 1) Respondent merely shares office space with another licensed physician or physicians,
19 but is not affiliated for purposes of providing patient care, or 2) Respondent is the sole physician
20 practitioner at that location.

21 Respondent shall provide the other physician(s) in his practice with copies of the Decision
22 and Accusation, and at least one of the other physicians in Respondent's practice shall submit a
23 quarterly written report to the Board or its designee which includes an evaluation of Respondent's
24 performance, indicating whether Respondent's practices are within the standards of practice of
25 medicine and whether Respondent is practicing medicine safely. It shall be the sole responsibility
26 of Respondent to ensure that the quarterly written report is submitted to the Board or its designee
27 within 10 calendar days after the end of the preceding quarter.

28 If Respondent fails to establish a practice with another physician or secure employment in

1 an appropriate practice setting within 30 calendar days of the effective date of this Decision,
2 Respondent shall receive a notification from the Board or its designee to cease the practice of
3 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
4 practice until an appropriate practice setting is established.

5 If, during the course of the probation, the Respondent's practice setting changes and the
6 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
7 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
8 If Respondent fails to establish a practice with another physician or secure employment in an
9 appropriate practice setting within 30 calendar days of the practice setting change, Respondent
10 shall receive a notification from the Board or its designee to cease the practice of medicine within
11 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
12 appropriate practice setting is established.

13 4. NOTIFICATION. Within seven (7) days of the effective date of this Decision,
14 the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or
15 the Chief Executive Officer at every hospital where privileges or membership are extended to
16 Respondent, at any other facility where Respondent engages in the practice of medicine,
17 including all physician and locum tenens registries or other similar agencies, and to the Chief
18 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
19 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
20 calendar days. This condition shall apply to any change(s) in hospitals, other facilities or
21 insurance carrier.

22 5. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
23 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
24 advanced practice nurses.

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

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1 7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly
2 declarations under penalty of perjury on forms provided by the Board, stating whether there has
3 been compliance with all the conditions of probation.

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

6 8. GENERAL PROBATION REQUIREMENTS.

7 Compliance with Probation Unit

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

9 Address Changes

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

15 Place of Practice

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

19 License Renewal

20 Respondent shall maintain a current and renewed California physician's and surgeon's
21 license.

22 Travel or Residence Outside California

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

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

1 9. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
2 available in person upon request for interviews either at Respondent’s place of business or at the
3 probation unit office, with or without prior notice throughout the term of probation.

4 10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board
5 or its designee in writing within 15 calendar days of any periods of non-practice lasting more than
6 30 calendar days and within 15 calendar days of Respondent’s return to practice. Non-practice is
7 defined as any period of time Respondent is not practicing medicine as defined in Business and
8 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
9 patient care, clinical activity or teaching, or other activity as approved by the Board. If
10 Respondent resides in California and is considered to be in non-practice, Respondent shall
11 comply with all terms and conditions of probation. All time spent in an intensive training
12 program which has been approved by the Board or its designee shall not be considered non-
13 practice and does not relieve Respondent from complying with all the terms and conditions of
14 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
15 on probation with the medical licensing authority of that state or jurisdiction shall not be
16 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
17 period of non-practice.

18 In the event Respondent’s period of non-practice while on probation exceeds 18 calendar
19 months, Respondent shall successfully complete the Federation of State Medical Boards’ Special
20 Purpose Examination, or, at the Board’s discretion, a clinical competence assessment program
21 that meets the criteria of Condition 18 of the current version of the Board’s “Manual of Model
22 Disciplinary Orders and Disciplinary Guidelines” prior to resuming the practice of medicine.

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1 Respondent's period of non-practice while on probation shall not exceed two (2) years.
2 Periods of non-practice will not apply to the reduction of the probationary term. Periods of non-
3 practice for a Respondent residing outside of California will relieve Respondent of the
4 responsibility to comply with the probationary terms and conditions with the exception of this
5 condition and the following terms and conditions of probation: Obey All Laws; General Probation
6 Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled
7 Substances; and Biological Fluid Testing.

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

12 12. VIOLATION OF PROBATION. Failure to fully comply with any term or
13 condition of probation is a violation of probation. If Respondent violates probation in any
14 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke
15 probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to
16 Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation,
17 the Board shall have continuing jurisdiction until the matter is final, and the period of probation
18 shall be extended until the matter is final.

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

ENDORSEMENT

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

DATED: August 6, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California

Jane Zack Simon

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

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6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:	Case No. 800-2021-079441
12 CARLOS ANTONIO RIVAS, M.D.	A C C U S A T I O N
13 300 Tadley Ct.	
14 Redwood City CA 94061-4305	
15 Physician's and Surgeon's Certificate	
16 No. A 131589,	
17 Respondent.	

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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 July 1, 2014, the Medical Board issued Physician's and Surgeon's Certificate
24 Number A 131589 to Carlos Antonio Rivas, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on January 31, 2022, unless renewed. The certificate was the subject of previous Board
27 discipline by way of a Decision effective October 28, 2020 in Case No. 800-2018-047835.

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1 **JURISDICTION**

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 2227 of the Code provides that a licensee who is found guilty under the
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
7 one year, placed on probation and required to pay the costs of probation monitoring, or such other
8 action taken in relation to discipline as the Board deems proper.

9 5. Business and Professions Code section 822 provides that the Board may take action
10 against a licensee whose ability to safely practice medicine is impaired because of mental illness
11 or physical illness affecting competency.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Impaired Ability to Safely Practice)**

14 6. Respondent underwent an evaluation by a Board-appointed psychiatrist. The
15 evaluator's May 2021 report concluded that Respondent suffers from a condition which impacts
16 his ability to safely practice medicine, and that Respondent requires monitoring and treatment in
17 order to safely practice medicine.

18 7. Respondent is subject to disciplinary action by the Board pursuant to sections 2227
19 and 822 of the Code in he is impaired in his ability to safely practice medicine as a result of
20 mental or physical illness affecting competency.

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 131589,
25 issued to Carlos Antonio Rivas, M.D.;

26 2. Revoking, suspending or denying approval of Carlos Antonio Rivas, M.D.'s authority
27 to supervise physician assistants and advanced practice nurses;

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3. Ordering Carlos Antonio Rivas, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: JUL 15 2021



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

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