

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

In the Matter of the Accusation
Against:

Douglas Joel Abeles, M.D.

Physician's and Surgeon's
Certificate No. G 79953

Respondent.

Case No.: 800-2018-042374


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 November 18, 2021.

IT IS SO ORDERED: October 19, 2021.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS
Deputy Attorney General
4 State Bar No. 237509
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **DOUGLAS JOEL ABELES, M.D.**
14 **21030 Redwood Road**
Castro Valley, CA 94546

15 **Physician's and Surgeon's Certificate No. G**
16 **79953**

17 Respondent.

Case No. 800-2018-042374

OAH No. 2021040054

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

21 **PARTIES**

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

26 2. Respondent Douglas Joel Abeles, M.D. (Respondent) is represented in this
27 proceeding by attorney David T. Shuey, Esq., whose address is: 2030 Franklin Street, Sixth
28 Floor, Oakland, CA 94612.

1 10. 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 allegations in the Accusation. Respondent hereby gives up his right to contest those
4 charges.

5 11. Respondent agrees that if he ever petitions for early termination or modification of
6 probation, or if the Board ever petitions for revocation of probation, all of the charges and
7 allegations contained in Accusation No. 800-2018-042374 shall be deemed true, correct, and fully
8 admitted by Respondent for purposes of that proceeding or any other licensing proceeding
9 involving Respondent in the State of California.

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

13 **CONTINGENCY**

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

24 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
25 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
26 signatures thereto, shall have the same force and effect as the originals.

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1 15. 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. G 79953 issued
6 to Respondent DOUGLAS JOEL ABELES, M.D. is revoked. However, the revocation is stayed
7 and Respondent is placed on probation for 3 years on the following terms and conditions:

8 1. **COMMUNITY SERVICE - FREE SERVICES.** Within 60 calendar days of the
9 effective date of this Decision, Respondent shall submit to the Board or its designee for prior
10 approval a community service plan in which Respondent shall, within the first 2 years of
11 probation, provide 40 hours of free services (e.g., medical or nonmedical) to a community or non-
12 profit organization.

13 Prior to engaging in any community service, Respondent shall provide a true copy of the
14 Decision(s) to the chief of staff, director, office manager, program manager, officer, or the chief
15 executive officer at every community or non-profit organization where Respondent provides
16 community service and shall submit proof of compliance to the Board or its designee within 15
17 calendar days. This condition shall also apply to any change(s) in community service.

18 Community service performed prior to the effective date of the Decision shall not be
19 accepted in fulfillment of this condition.

20 2. **PROFESSIONALISM PROGRAM (ETHICS COURSE).** Within 60 calendar days of
21 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
22 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
23 Respondent shall participate in and successfully complete that program. Respondent shall
24 provide any information and documents that the program may deem pertinent. Respondent shall
25 successfully complete the classroom component of the program not later than six (6) months after
26 Respondent's initial enrollment, and the longitudinal component of the program not later than the
27 time specified by the program, but no later than one (1) year after attending the classroom
28 component. The professionalism program shall be at Respondent's expense and shall be in

1 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

2 A professionalism program taken after the acts that gave rise to the charges in the
3 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
4 or its designee, be accepted towards the fulfillment of this condition if the program would have
5 been approved by the Board or its designee had the program been taken after the effective date of
6 this Decision.

7 Respondent shall submit a certification of successful completion to the Board or its
8 designee not later than 15 calendar days after successfully completing the program or not later
9 than 15 calendar days after the effective date of the Decision, whichever is later.

10 3. MONITORING – BILLING. Within 30 calendar days of the effective date of this
11 Decision, Respondent shall submit to the Board or its designee for prior approval as billing
12 monitor(s) for his orthopedic practice, the name and qualifications of one or more licensed
13 physicians and surgeons whose licenses are valid and in good standing, and who are preferably
14 American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or
15 current business or personal relationship with Respondent, or other relationship that could
16 reasonably be expected to compromise the ability of the monitor to render fair and unbiased
17 reports to the Board, including but not limited to any form of bartering, shall be in Respondent's
18 field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all
19 monitoring costs.

20 The Board or its designee shall provide the approved monitor with copies of the Decision
21 and Accusation, and a proposed monitoring plan. Within 15 calendar days of receipt of the
22 Decision, Accusation, and proposed monitoring plan, the monitor shall submit a signed statement
23 that the monitor has read the Decision and Accusation, fully understands the role of a monitor,
24 and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the
25 proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed
26 statement for approval by the Board or its designee.

27 Within 60 calendar days of the effective date of this Decision, and continuing throughout
28 probation, Respondent's billing shall be monitored by the approved monitor. Respondent shall

1 make all records available for immediate inspection and copying on the premises by the monitor
2 at all times during business hours and shall retain the records for the entire term of probation.

3 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
4 date of this Decision, Respondent shall receive a notification from the Board or its designee to
5 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
6 shall cease the practice of medicine until a monitor is approved to provide monitoring
7 responsibility.

8 The monitor(s) shall submit a quarterly written report to the Board or its designee which
9 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
10 are within the standards of practice of billing, and whether Respondent is billing appropriately. It
11 shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly
12 written reports to the Board or its designee within 10 calendar days after the end of the preceding
13 quarter.

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

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

1 calendar days.

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

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

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

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

11 7. GENERAL PROBATION REQUIREMENTS.

12 Compliance with Probation Unit

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

14 Address Changes

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

20 Place of Practice

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

24 License Renewal

25 Respondent shall maintain a current and renewed California physician's and surgeon's
26 license.

27 Travel or Residence Outside California

28 Respondent shall immediately inform the Board or its designee, in writing, of travel to any

1 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
2 (30) calendar days.

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

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

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

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

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

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

2 Periods of non-practice for a Respondent residing outside of California will relieve
3 Respondent of the responsibility to comply with the probationary terms and conditions with the
4 exception of this condition and the following terms and conditions of probation: Obey All Laws;
5 General Probation Requirements; and Quarterly Declarations.

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

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

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

27 13. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
28 with probation monitoring each and every year of probation, as designated by the Board, which

1 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
2 California and delivered to the Board or its designee no later than January 31 of each calendar
3 year.

4 14. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
5 a new license or certification, or petition for reinstatement of a license, by any other health care
6 licensing action agency in the State of California, all of the charges and allegations contained in
7 Accusation No. 800-2018-042374 shall be deemed to be true, correct, and admitted by
8 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
9 restrict license.

10 ACCEPTANCE

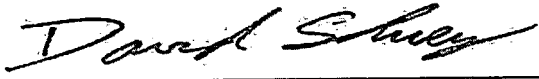
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, David T. Shuey. I understand the stipulation and the effect it will
13 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
15 Decision and Order of the Medical Board of California.

16
17 DATED: October 11, 2021


18 DOUGLAS JOEL ABELES, M.D.
19 Respondent

20 I have read and fully discussed with Respondent Douglas Joel Abeles, M.D. the terms and
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
22 I approve its form and content.

23
24 DATED: October 11, 2021


25 DAVID T. SHUEY
26 Attorney for Respondent

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ENDORSEMENT

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

DATED: October 13, 2021

Respectfully submitted,
ROB BONTA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General



GREG W. CHAMBERS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 800-2018-042374

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS, State Bar No. 237509
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 800-2018-042374

13 **DOUGLAS JOEL ABELES, M.D.**
14 **21030 Redwood Road**
Castro Valley, CA 94546

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. G 79953,**

Respondent.

17
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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 or about October 5, 1994, the Medical Board issued Physician's and Surgeon's
24 Certificate Number G 79953 to Douglas Joel Abeles, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on July 31, 2022, unless renewed.

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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. Section 2234 of the Code, states:

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

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

15 “(b) Gross negligence.

16 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
17 omissions. An initial negligent act or omission followed by a separate and distinct departure from
18 the applicable standard of care shall constitute repeated negligent acts.

19 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate for
20 that negligent diagnosis of the patient shall constitute a single negligent act.

21 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
22 constitutes the negligent act described in paragraph (1), including, but not limited to, a
23 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the
24 applicable standard of care, each departure constitutes a separate and distinct breach of the
25 standard of care.

26 “(d) Incompetence.

27 “(e) The commission of any act involving dishonesty or corruption which is substantially
28 related to the qualifications, functions, or duties of a physician and surgeon.

1 “(f) Any action or conduct which would have warranted the denial of a certificate.

2 “(g) The failure by a certificate holder, in the absence of good cause, to attend and
3 participate in an interview by the board. This subdivision shall only apply to a certificate holder
4 who is the subject of an investigation by the board.”

5 6. Section 2236 of the Code states in pertinent part:

6 “(a) The conviction of any offense substantially related to the qualifications, functions, or
7 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
8 chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction
9 occurred.

10 “. . . (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed
11 to be a conviction within the meaning of this section and Section 2236.1. The record of
12 conviction shall be conclusive evidence of the fact that the conviction occurred.”

13 7. California Code of Regulations, title 16, section 1360, states:

14 “For the purposes of denial, suspension or revocation of a license, certificate or permit
15 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
16 considered to be substantially related to the qualifications, functions or duties of a person holding
17 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
18 evidences present or potential unfitness of a person holding a license, certificate or permit to
19 perform the functions authorized by the license, certificate or permit in a manner consistent with
20 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
21 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
22 violation of, or conspiring to violate any provision of the Medical Practice Act.”

23 FACTS

24 8. Respondent has owned or controlled and operated at least four medical-related
25 businesses, including Redwood Laboratory Associates, LLC; Physicians RX Network, Inc.
26 (“Corp.”); PRXN Toxicology, LLC (“LLC”); and Physicians RX Network, L.P. (“LP”). On or
27 about December 16, 2014, in a criminal proceeding entitled *People v. Douglas Joel Abeles and*
28 *Gabriela Cuevas*, Alameda County Superior Court, Case No. 459864, the District Attorney filed a

1 First Amended Complaint against Respondent and his employee, relating to the billing practices
2 of the LLC and Redwood Laboratory Management LP ("RLM"). The First Amended Complaint
3 alleged 43 counts against Respondent. The felony counts against Respondent included the
4 following:

- 5 • 12 counts of Grand Theft;
- 6 • 3 counts of Conspiracy to Commit a Crime;
- 7 • 11 counts of Insurance Fraud;
- 8 • 6 counts of False and Fraudulent Claims;
- 9 • 10 counts of False Impersonation of Another.

10 9. On or about September 29, 2017, Respondent resolved the criminal case against him
11 by way of a plea agreement. In exchange for the dismissal of the criminal matter against him and
12 his employee, Respondent consented to the filing of a separate criminal Complaint, alleging
13 insurance fraud, against the LLC that he owned or controlled and operated. In that case, *People v.*
14 *PRXN Toxicology LLC*, Alameda County Superior Court, Case No. 17-CR-026758, the LLC
15 subsequently pleaded "No Contest" to one count of violating Penal Code section 550(b)(3)
(Insurance Fraud) and was ultimately convicted. The plea was entered through the LLC's
16 attorney of record, who was so authorized by Respondent.¹²³

17 CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct – Criminal Conviction)

19 10. Paragraphs 8 through 9 are incorporated by reference as if fully set forth.

20 11. Respondent is subject to disciplinary action under sections 2234 and 2236 of the
21 Code, and California Code of Regulations, title 16, section 1360. The circumstances are as
22 follows:

23 ¹ The LLC was managed by the LP. Respondent was President of the LP and authorized the
24 LLC's attorney of record to enter the criminal plea. The Corp. was the General Partner of the LP
25 at the time of the LLC's plea and conviction. Respondent was the Chief Executive Officer, the
Chief Financial Officer, the Secretary, and the sole Director of the Corp. at the time of the LLC's
plea and conviction.

26 ² Respondent was also the sole manager of Redwood Laboratory Associates LLC, which
27 managed RLM, an entity, along with the LLC, which was referenced in the original criminal
complaint against Respondent and his employee.

28 ³ At the time of the LLC's plea and conviction, the LLC, the LP, and the Corp., along with
Redwood Laboratory Associates LLC and RLM, all had the same business address registered
with California's Secretary of State.

