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

In the Matter of the Accusation Against: **John F. Kirby, Jr., M.D.** **5680 N. Fresno Street, Suite 107** **Fresno, CA 93710** **Physician's and Surgeon's Certificate No. G 15922** Respondent.	**Case No. 800-2016-025104** **AGREEMENT FOR SURRENDER OF LICENSE**

TO ALL PARTIES:

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

1. Complainant, William Prasifka, is the Executive Director of the Medical Board of California, Department of Consumer Affairs ("Board").

2. John F. Kirby, Jr., M.D. ("Respondent") has carefully read and fully understands the effect of this Agreement.

3. Respondent understands that by signing this Agreement he is enabling the Board to issue this order accepting the surrender of license without further process. Respondent understands and agrees that Board staff and counsel for complainant may communicate directly with the Board regarding this Agreement, without notice to or participation by Respondent. The Board will not be disqualified from further action in this matter by virtue of its consideration of this Agreement.

///

///

4. Respondent acknowledges there is current disciplinary action against his license, that on August 8, 2019, an Accusation was filed against him, and on July 14, 2021, a Decision was rendered wherein his license was revoked, with the revocation stayed, and placed on probation for thirty-five (35) months with various standard terms and conditions.

5. The current disciplinary action provides in pertinent part, "Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his license." (Condition #13).

6. Upon acceptance of the Agreement by the Board, Respondent understands he will no longer be permitted to practice as a physician and surgeon in California, and also agrees to surrender his wallet certificate, wall license and any D.E.A. Certificate(s) for an address in California.

7. Respondent fully understands and agrees that if Respondent ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a Petition for Reinstatement of a revoked license in effect at the time the Petition is filed. In addition, any Medical Board Investigation Report(s), including all referenced documents and other exhibits, upon which the Board is predicated, and any such Investigation Report(s), attachments, and other exhibits, that may be generated subsequent to the filing of this Agreement for Surrender of License, shall be admissible as direct evidence, and any time-based defenses, such as laches or any applicable statute of limitations, shall be waived when the Board determines whether to grant or deny the Petition.

///

ACCEPTANCE

I, John F. Kirby, Jr., M.D. have carefully read the above Agreement and enter into it freely and voluntarily, with the optional advice of counsel, and with full knowledge of its force and effect, do hereby surrender Physician's and Surgeon's Certificate No. G 15922, to the Medical Board of California for its acceptance. By signing this Agreement for Surrender of License, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a Physician and Surgeon in the State of California and that I have delivered to the Board my wallet certificate and wall license.

John F. Kirby, Jr., M.D.	2/8/2022 Date
Vicki L. Clarkson Attorney or Witness	2/8/2022 Date
William Prasifka Executive Director Medical Board of California	FEB 15 2022 Date

///

///

///