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

In the Matter of the First Amended Accusation Against: Michael Kenneth Aure Mindoro, M.D. Physician's and Surgeon's Certificate No. A 92023 Respondent.	Case No. 800-2017-037645

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 March 25, 2022.

IT IS SO ORDERED: February 24, 2022.

MEDICAL BOARD OF CALIFORNIA

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

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
LAWRENCE MERCER
Deputy Attorney General
State Bar No. 111898
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3488
Facsimile: (415) 703-5480
Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **MICHAEL KENNETH AURE MINDORO, M.D.** **c/o Litigation Coordinator** **Salinas Valley State Prison** **P.O. Box 1020** **Soledad, CA 93960-1020** **Physician's and Surgeon's Certificate No. A 92023** Respondent.	Case No. 800-2017-037645 OAH No. 2021070436 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Lawrence Mercer, Deputy Attorney General.

2. Respondent Michael Kenneth Aure Mindoro, M.D. (Respondent) is represented in this proceeding by attorneys Chrisman Swanberg and Carrie Camarena, whose address is: California Correctional Healthcare Services, Office of Legal Affairs, P.O. Box 588500, Elk Grove, CA 95758

3. On or about July 1, 2005, the Board issued Physician's and Surgeon's Certificate No. A 92023 to Michael Kenneth Aure Mindoro, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-037645, and will expire on November 30, 2022, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2017-037645 (also referred to herein as Accusation) was timely filed before the Board and is currently pending against Respondent. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of First Amended Accusation No. 800-2017-037645 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2017-037645. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in First Amended Accusation No. 800-2017-037645, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

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

CONTINGENCY

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 92023 issued to Respondent Michael Kenneth Aure Mindoro, M.D., shall be and hereby is publicly

reprimanded pursuant to Business and Professions Code § 2227(a)(4). This Public Reprimand, which is issued in connection with Respondent's actions as set forth in First Amended Accusation No. 800-2017-037645, is as follows:

> Beginning on July 24, 2017, you treated Patient 1, an inmate housed in a California Correctional institution for neuropathic pain to his right hand. Patient 1 had previously been treated for this condition with Gabapentin, a non-formulary drug requiring approval. You filed a new request for the drug, which was denied, and you began a taper of the patient's Gabapentin at that time. Patient 1 complained of numbness and pain to the hand after the drug was tapered, however, you did not prescribe an alternative medication to address the patient's complaints until September 18, 2017, almost eight weeks after beginning the tapering of Gabapentin.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 12/16/21

MICHAEL KENNETH AURE MINDORO, M.D.
Respondent

I have read and fully discussed with Respondent Michael Kenneth Aure Mindoro, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

CHRISMAN L. SWANBERG
Attorney for Respondent

reprimanded pursuant to Business and Professions Code § 2227(a)(4). This Public Reprimand, which is issued in connection with Respondent's actions as set forth in First Amended Accusation No. 800-2017-037645, is as follows:

> Beginning on July 24, 2017, you treated Patient 1, an inmate housed in a California Correctional institution for neuropathic pain to his right hand. Patient 1 had previously been treated for this condition with Gabapentin, a non-formulary drug requiring approval. You filed a new request for the drug, which was denied, and you began a taper of the patient's Gabapentin at that time. Patient 1 complained of numbness and pain to the hand after the drug was tapered, however, you did not prescribe an alternative medication to address the patient's complaints until September 18, 2017, almost eight weeks after beginning the tapering of Gabapentin.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 12/16/21

MICHAEL KENNETH AURE MINDORO, M.D.
Respondent

I have read and fully discussed with Respondent Michael Kenneth Aure Mindoro, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: December 15, 2021

CHRISMAN L. SWANBERG
Attorney for Respondent

ENDORSEMENT

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

DATED: Dec 17 2021

Respectfully submitted,

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

LAWRENCE MERCER
Deputy Attorney General
Attorneys for Complainant

SF2020400576
43000379.docx

Exhibit A

First Amended Accusation No. 800-2017-037645

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
LAWRENCE MERCER
Deputy Attorney General
State Bar No. 111898
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3488
Facsimile: (415) 703-5480
E-mail: Larry.Mercer@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **Michael Kenneth Aure Mindoro, M.D.** **92060 Laguna Springs Drive** **Building E** **Elk Grove, CA 95758** **Physician's and Surgeon's Certificate No. A 92023,** Respondent.	Case No. 800-2017-037645 OAH No. 2021070436 **FIRST AMENDED ACCUSATION**

PARTIES

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

2. On July 1, 2005, the Board issued Physician's and Surgeon's Certificate Number A 92023 to Michael Kenneth Aure Mindoro, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2022, unless renewed.

JURISDICTION

3. This First Amended 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.

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

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

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

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

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

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

COST RECOVERY

6. Effective January 1, 2022, Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the

license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

Repeated Negligent Acts

7. Respondent first saw Patient P-1[1] on July 24, 2017 as a new patient who recently transferred to Salinas Valley State Prison. Significant history included a 2015 injury to his right hand, and a recent surgery for trigger finger release on the same hand in late March 2017, for which he received morphine during the post-operative period followed by gabapentin thereafter. He was seen by respondent for a 6-week follow-up of an earlier primary case appointment for his right hand. The patient complained of difficulties using his right hand, claiming it was worse than before his March surgery. He indicated that he had problems writing letters and grasping objects using his right hand. Respondent noted his issue with chronic neuropathic pain in the right hand. Respondent's physical exam noted a 4th/5th metacarpals deformity and surgical scars on dorsum of hand and palm, pain-limited decreased grip strength, but no forearm muscle atrophy, and sensation intact to light touch. The patient was using gabapentin and ibuprofen for pain management. Respondent submitted a non-formulary request for a continuation of the patient's gabapentin. The non-formulary request was denied the same day, and an order for its discontinuance was issued with a tapering of his gabapentin. Respondent at that time took no further action to prescribe alternative adjunctive pain medication for the patient. On July 30th, the patient refused to accept his medications when offered that day.

8. Respondent next saw the patient on August 14, 2017. In the interim the patient had been seen by another physician on August 3, 2017 who also did not offer any replacement pain medication during the gabapentin taper. The patient also was seen by a nurse on August 7 and 9, 2017 with complaints regarding pain and a burning sensation in his right hand. At this second visit with the patient, the Respondent noted the above, and that the patient was concerned about the ongoing paresthesia over his right wrist, which he described as worse since the gabapentin taper. After noting the prior pain medications that had been tried, Respondent discussed with the

[1] Patient name is redacted to protect privacy.

patient a trial of tricyclic medication (TCA), but indicated his desire to discuss possible drug interaction with the patient's treating psychiatrist. Respondent scheduled a 6-week follow-up to discuss further medication changes, but made no effort to provide any other medication relief at that time. Respondent next saw the patient on September 18, 2017 at which time he ordered a trial of amitriptyline along with a baseline EKG, which the patient later refused.

9. Respondent is subject to disciplinary action, and is guilty of unprofessional conduct, under section 2234, subdivisions (b), (c) and (d) of the Code in that his acts and omissions comprised gross negligence and/or repeated negligent acts and/or incompetence in his care and treatment of Patient P-1, as described in Paragraphs 7-8, above, including but not limited to the following:

A. Respondent failed to treat Patient P-1's right hand neuropathic pain to a tolerable level with either medication or other treatment modality.

B. Respondent failed to prescribe an alternative neuropathic pain medication for approximately eight weeks as Patient P-1 reported worsening pain and numbness in his hand.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 92023, issued to Respondent Michael Kenneth Aure Mindoro, M.D.;

2. Revoking, suspending or denying approval of Respondent Michael Kenneth Aure Mindoro, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Michael Kenneth Aure Mindoro, M.D. to reimburse the Board for its costs of investigation and prosecution and, if placed on probation, to pay the Board the costs of probation monitoring;

//

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

DATED: DEC 29 2021

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

Reji Varghese
Deputy Director