

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

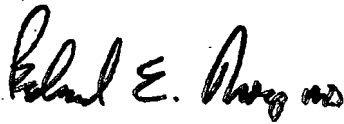
DECISION

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

1 ROB BONTA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 LAWRENCE MERCER
Deputy Attorney General
4 State Bar No. 111898
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3488
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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 First Amended Accusation
Against:

13 **MICHAEL KENNETH AURE MINDORO,**
14 **M.D.**
15 **c/o Litigation Coordinator**
Salinas Valley State Prison
16 **P.O. Box 1020**
Soledad, CA 93960-1020

17 **Physician's and Surgeon's Certificate No. A**
92023

18 Respondent.
19

Case No. 800-2017-037645

OAH No. 2021070436

20 **STIPULATED SETTLEMENT AND**
21 **DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
25 California (Board). He brought this action solely in his official capacity and is represented in this
26 matter by Rob Bonta, Attorney General of the State of California, by Lawrence Mercer, Deputy
27 Attorney General.
28

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

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

9 **JURISDICTION**

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

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

15 **ADVISEMENT AND WAIVERS**

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

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

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

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

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

12 ACCEPTANCE

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

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DATED: 12/16/21

Michael Mindoro
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

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

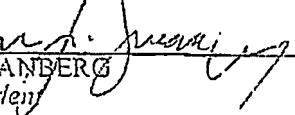
4 Beginning on July 24, 2017, you treated Patient 1, an inmate housed in a
5 California Correctional institution for neuropathic pain to his right hand. Patient 1 had
6 previously been treated for this condition with Gabapentin, a non-formulary drug
7 requiring approval. You filed a new request for the drug, which was denied, and you
8 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,

9 ACCEPTANCE

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

15 DATED: 12/16/21 
16 MICHAEL KENNETH AURE MINDORO, M.D.
17 Respondent

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20
21 I have read and fully discussed with Respondent Michael Kenneth Aure Mindoro, M.D.
22 the terms and conditions and other matters contained in the above Stipulated Settlement and
23 Disciplinary Order. I approve its form and content.

24 DATED: December 15, 2021 
25 CHRISMAN L. SWANBERG
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: 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

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43000379.docx

Exhibit A

First Amended Accusation No. 800-2017-037645

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 LAWRENCE MERCER
Deputy Attorney General
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5 San Francisco, CA 94102-7004
Telephone: (415) 510-3488
6 Facsimile: (415) 703-5480
E-mail: Larry.Mercer@doj.ca.gov
7 *Attorneys for Complainant*

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

13 In the Matter of the First Amended Accusation
Against:

14 **Michael Kenneth Aure Mindoro, M.D.**
15 **92060 Laguna Springs Drive**
16 **Building E**
17 **Elk Grove, CA 95758**

18 **Physician's and Surgeon's Certificate**
19 **No. A 92023,**

20 Respondent.

Case No. 800-2017-037645

OAH No. 2021070436

FIRST AMENDED ACCUSATION

21 **PARTIES**

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

25 2. On July 1, 2005, the Board issued Physician's and Surgeon's Certificate Number A
26 92023 to Michael Kenneth Aure Mindoro, M.D. (Respondent). The Physician's and Surgeon's
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will
28 expire on November 30, 2022, unless renewed.

1 **JURISDICTION**

2 3. This First Amended Accusation is brought before the Board, under the authority of the
3 following laws. All section references are to the Business and Professions Code (Code) unless
4 otherwise indicated.

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

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

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

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

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

23 **COST RECOVERY**

24 6. Effective January 1, 2022, Section 125.3 of the Code provides, in pertinent part, that
25 the Board may request the administrative law judge to direct a licensee found to have committed
26 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
27 investigation and enforcement of the case, with failure of the licensee to comply subjecting the
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1 license to not being renewed or reinstated. If a case settles, recovery of investigation and
2 enforcement costs may be included in a stipulated settlement.

3 FIRST CAUSE FOR DISCIPLINE

4 **Repeated Negligent Acts**

5 7. Respondent first saw Patient P-1¹ on July 24, 2017 as a new patient who recently
6 transferred to Salinas Valley State Prison. Significant history included a 2015 injury to his right
7 hand, and a recent surgery for trigger finger release on the same hand in late March 2017, for
8 which he received morphine during the post-operative period followed by gabapentin thereafter.
9 He was seen by respondent for a 6-week follow-up of an earlier primary case appointment for his
10 right hand. The patient complained of difficulties using his right hand, claiming it was worse than
11 before his March surgery. He indicated that he had problems writing letters and grasping objects
12 using his right hand. Respondent noted his issue with chronic neuropathic pain in the right hand.
13 Respondent's physical exam noted a 4th/5th metacarpals deformity and surgical scars on dorsum
14 of hand and palm, pain-limited decreased grip strength, but no forearm muscle atrophy, and
15 sensation intact to light touch. The patient was using gabapentin and ibuprofen for pain
16 management. Respondent submitted a non-formulary request for a continuation of the patient's
17 gabapentin. The non-formulary request was denied the same day, and an order for its
18 discontinuance was issued with a tapering of his gabapentin. Respondent at that time took no
19 further action to prescribe alternative adjunctive pain medication for the patient. On July 30th, the
20 patient refused to accept his medications when offered that day.

21 8. Respondent next saw the patient on August 14, 2017. In the interim the patient had
22 been seen by another physician on August 3, 2017 who also did not offer any replacement pain
23 medication during the gabapentin taper. The patient also was seen by a nurse on August 7 and 9,
24 2017 with complaints regarding pain and a burning sensation in his right hand. At this second
25 visit with the patient, the Respondent noted the above, and that the patient was concerned about
26 the ongoing paresthesia over his right wrist, which he described as worse since the gabapentin
27 taper. After noting the prior pain medications that had been tried, Respondent discussed with the

28 ¹ Patient name is redacted to protect privacy.

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

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

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

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

15 **PRAYER**

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

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

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

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

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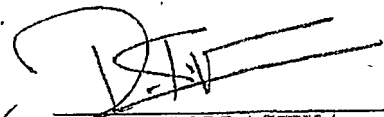
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4. Taking such other and further action as deemed necessary and proper.

DATED: DEC 29 2021


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

Reji Varghese
Deputy Director