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

In the Matter of the Petition to Revoke Probation Against: Shirley Yezdi Godiwalla, M.D. Physician's and Surgeon's Certificate No. A 44921, Respondent.	Case No. 800-2021-083200

DECISION

The attached Stipulated Surrender of License and 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 4, 2022.

IT IS SO ORDERED February 25, 2022.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
KENDRA S. RIVAS
Deputy Attorney General
State Bar No. 340217
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 229-0112
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 Petition to Revoke Probation Against: **SHIRLEY YEZDI GODIWALLA, M.D.** **W283 N3671 Yorkshire Trace** **Pewaukee, WI 53072-3311** **Physician's and Surgeon's Certificate No. A 44921,** Respondent.	Case No. 800-2021-083200 **STIPULATED SURRENDER OF LICENSE AND 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 Kendra S. Rivas, Deputy Attorney General.

2. Shirley Yezdi Godiwalla, M.D. (Respondent) is represented in this proceeding by attorney Steven H. Zeigen, Esq., whose address is: 10815 Rancho Bernardo Rd., Suite 310 San Diego, CA 92127-2189.

3. On or about June 13, 1988, the Board issued Physician's and Surgeon's Certificate No. A 44921 to Shirley Yezdi Godiwalla, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on October 31, 2021, and has not been renewed.

JURISDICTION

4. Petition to Revoke Probation No. 800-2021-083200 was filed before the Board, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on February 3, 2022. A copy of Petition to Revoke Probation No. 800-2021-083200 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Petition to Revoke Probation No. 800-2021-083200. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her 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.

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

CULPABILITY

8. Respondent understands that the charges and allegations in the Petition to Revoke Probation No. 800-2021-083200 if proven at hearing, constitute cause to revoke probation, and hereby surrenders her Physician's and Surgeon's Certificate No. A 44921 for the Board's formal acceptance.

9. The parties agree that the Petition to Revoke Probation was based exclusively on Respondent's failure to comply with the terms of probation that required her to practice medicine in California during probation, and her failure to maintain a current California license, and not on any acts or conduct which occurred in California. Respondent has no present plans to relocate to or practice medicine in California; she wished to surrender her California license at this time.

10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Physician's and Surgeon's Certificate without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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 Surrender 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.

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

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 44921, issued to Respondent Shirley Yezdi Godiwalla, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a physician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. 800-2021-083200 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Petition to Revoke Probation No. 800-2021-083200 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

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

DATED: 2/23/2022

Shirley Y Godiwalla
SHIRLEY YEZDI GODIWALLA, M.D.
Respondent

I have read and fully discussed with Respondent Shirley Yezdi Godiwalla, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: February 23, 2022

Steven H. Zeigen
STEVEN H. ZEIGEN, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: February 23, 2022

Respectfully submitted,

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

Kendra Rivas

KENDRA S. RIVAS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition to Revoke Probation No. 800-2021-083200

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
KENDRA S. RIVAS
State Bar No. 340217
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E-mail: Kendra.Rivas@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Petition to Revoke Probation Against: **SHIRLEY YEZDI GODIWALLA, M.D.** **W283 N3671 Yorkshire Trace** **Pewaukee, WI 53072-3311** **Physician's and Surgeon's Certificate No. A 44921,** Respondent.	Case No. 800-2021-083200 PETITION TO REVOKE PROBATION

Complainant alleges:

PARTIES

1. William Prasifka (Complainant) brings this Petition to Revoke Probation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On June 13, 1988, the Board issued Physician's and Surgeon's Certificate Number A 44921 to Shirley Yezdi Godiwalla, M.D. (Respondent). The Physician's and Surgeon's Certificate is in delinquent status, having expired on October 31, 2021. The Board has previously taken disciplinary action against Respondent's certificate, as set forth below.

3. On December 2, 2004, Accusation No. 16-2004-160582 was filed against Respondent, alleging cause for discipline based on a disciplinary action imposed on Respondent's medical licenses in Wisconsin. The Board issued a decision in Case No. 16-2004-160582, effective August 8, 2005, revoking Respondent's Physician's and Surgeon's Certificate. However, the revocation was stayed, and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of five (5) years with certain terms and conditions. Attached as Exhibit A is a copy of the decision.

4. In July 2017, Respondent filed a Petition for Modification or Early Termination of Probation. On August 9, 2019, the Board's Decision in Case No, 800-2017-036593, became effective. Attached as Exhibit B is a copy of the decision. The Board denied Respondent's request for early termination of probation but granted Respondent's request to modify certain terms of probation, leaving intact all of the other terms and conditions.

JURISDICTION

5. This Petition to Revoke Probation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

6. Section 2227 of the Code provides that a licensee found guilty under the Medical Practice Act may have their 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.

FIRST CAUSE TO REVOKE PROBATION

(Failed to Maintain a Current and Renewed Certificate)

7. Condition 9 of the Board's 2019 Decision required Respondent to maintain a current and renewed California Physician's and Surgeon's certificate. On October 31, 2021, Respondent's Physician's and Surgeon's certificate, No. A44921, expired. Respondent's license is thus in delinquent status because she failed to renew her license prior to October 31, 2021. The 2019 Decision further provided that Respondent's failure to comply with the conditions of her probations would constitute a violation of that probation, for which the Board may revoke

Respondent's probation and carry out the order of license revocation that was stayed. Thus, Respondent's probation is subject to revocation.

SECOND CAUSE TO REVOKE PROBATION

(Respondent's Period of Non-Practice has Exceeded Two Years)

8. Condition 11 of the Board's 2019 Decision indicated that Board would automatically cancel Respondent's license if her periods of temporary or permanent residence or practice outside of California total two years, unless Respondent resided and practiced medicine in another state and was on active probation with the medical license authority of that state, in which case the two-year period shall begin on the date probation is completed or terminated by that state. Respondent's probation is subject to revocation because she failed to comply with Condition 11.

9. Respondent has been in non-practice status since the effective date of the original Decision, Case No. 16-2004-160582. Respondent has not practiced medicine in California at any time since the August 9, 2019 effective date of the Decision in Case No. 800-2017-036593, and has not been on probation with the board of another state. On or about June 23, 2021, the Board's Enforcement Program notified Respondent that her period of non-practice in California started on August 9, 2019, and would reach two years on August 9, 2021 in violation of Condition 11. On August 9, 2021, Respondent's period of non-practice reached two years. Thus, Respondent's probation is subject to revocation.

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 the probation granted in Case No. 800-2017-036593 and imposing the disciplinary order that was stayed, thereby revoking Physician's and Surgeon's Certificate No. A 44921 issued to Shirley Y. Godiwalla, M.D.;

2. Revoking or suspending Physician's and Surgeon's Certificate No. A 44921, issued to Shirley Y. Godiwalla, M.D.;

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3. Ordering Respondent Shirley Y. Godiwalla, M.D., if placed on probation, to pay the Medical Board of California the costs of probation monitoring;

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

DATED: FEB 0 3 2022

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

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Exhibit A

Decision and Order

Medical Board of California Case No. 16-2004-160582

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

In the Matter of the Accusation Against:	)	
	)	
	)	
SHIRLEY YEZDI GODIWALLA, M.D.	)	File No. 16-2004-160582
	)	
Physician's and Surgeon's	)	
Certificate No. A44921	)	
	)	
Respondent.	)	
	)	

DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 8, 2005.

IT IS SO ORDERED July 8, 2005.

MEDICAL BOARD OF CALIFORNIA

By: _____
Ronald L. Morton, M.D., Chair
Panel A
Division of Medical Quality

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is a true and correct copy of the original on file in this office.
S. Wall
Signature
for Custodian of Records
Title
11/9/2021
Date

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

In the Matter of the Accusation Against: SHIRLEY YEZDI GODIWALLA, M.D. Physician and Surgeon's Certificate No. A44921 Respondent.	Case No. 16-2004-160582 OAH No. N2005020594

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on June 2, 2005.

Jane Zack Simon, Deputy Attorney General, represented complainant.

Geoffrey A. Mires, Attorney at Law, represented respondent, who was not present.

The matter was submitted on June 2, 2005.

FACTUAL FINDINGS

1. Complainant David T. Thornton made this accusation in his official capacity as Executive Director of the Medical Board of California.

2. On June 13, 1988, Physician and Surgeon's Certificate No. A44921 was issued by the Board to Shirley Yezdi Godiwalla, M.D. Respondent's certificate is renewed and current with an expiration date of October 31, 2005.

3. On July 27, 2004, the State of Wisconsin Medical Examining Board issued a Final Decision and Order regarding respondent's license to practice medicine in Wisconsin. Under the terms of this decision, respondent's Wisconsin license was limited, and she was prohibited from practicing pediatric urology, including pediatric urological surgery, for an indefinite period of time. Respondent may petition the Wisconsin Board for removal of the license limitation after successful completion of a one year ABMS accredited fellowship in pediatric urology. The decision in Wisconsin was based on findings that respondent, a

urologist who also practiced pediatric urology, departed from the standard of practice in her care and treatment of several pediatric patients. A copy of the Wisconsin decision was attached to the accusation in this matter and admitted into evidence.

4. Respondent's conduct and the action of the State of Wisconsin Medical Examining Board, as set forth in Finding 3, above, constitute unprofessional conduct within the meaning of California law and respondent is subject to discipline within the meaning of that law.

5. Respondent has not yet found a one year ABMS accredited program in order to meet the Wisconsin Board's requirements for her to practice pediatric urology. She is still entitled to practice adult urology in the State of Wisconsin. Respondent is still in the process of appealing the Wisconsin decision. Respondent did not present any other evidence of rehabilitation, extenuation or mitigation.

6. Cost recovery for investigation and prosecution of this matter in the amount of $1,112.00 as requested by the Board is reasonable.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Findings 3 and 4, cause for disciplinary action exists pursuant to Business and Professions Code sections 2305 and 141, subdivision (a) (Discipline Imposed by Another State.)

2. Cost recovery in the amount of $1,112.00, as set forth in Finding 6, is allowed pursuant to Business and Professions Code section 125.3.

3. The minimum discipline to be imposed pursuant to the Board guidelines is revocation, with the revocation stayed for a period of five years on probation under terms and conditions that will assure the protection of the public. Under all the circumstances presented in this matter, there is no good cause to deviate from the guidelines. Respondent is required to complete an ABMS accredited fellowship in pediatric urology as a condition precedent to probation in California. The discipline imposed by the State of Wisconsin Medical Examining Board and the other matters set forth in Finding 5 have been considered in making the following order.

ORDER

Certificate No.A44921 issued to respondent Shirley Yezdi Godiwalla, M.D., is revoked. However, revocation stayed and respondent is placed on probation for five years upon the following terms and conditions:

1. Respondent shall not practice medicine until respondent has successfully met all the terms and conditions of her disciplinary order

in Wisconsin. Respondent shall submit written proof that she has satisfied all terms of the Wisconsin disciplinary order to the Division or its designee. Respondent shall not practice medicine in California until she is notified in writing by the Division or its designee that respondent can now commence her probationary period in California.

2. Clinical Training Program

Within 60 calendar days of the effective written notice by the Board or its designee, respondent shall enroll in a clinical training or educational program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California - San Diego School of Medicine ("Program").

The Program shall consist of a Comprehensive Assessment program comprised of a two-day assessment of respondent's physical and mental health; basic clinical and communication skills common to all clinicians; and medical knowledge, skill and judgment pertaining to respondent's specialty or sub-specialty, and at minimum, a 40 hour program of clinical education in the area of practice in which respondent was alleged to be deficient and which takes into account data obtained from the assessment, Decision(s), Accusation(s), and any other information that the Division or its designee deems relevant. Respondent shall pay all expenses associated with the clinical training program.

Based on respondent's performance and test results in the assessment and clinical education, the Program will advise the Division or its designee of its recommendation(s) for the scope and length of any additional educational or clinical training, treatment for any medical condition, treatment for any psychological condition, or anything else affecting respondent's practice of medicine. Respondent shall comply with Program recommendations.

At the completion of any additional educational or clinical training, respondent shall submit to and pass an examination. The Program's determination whether or not respondent passed the examination or successfully completed the Program shall be binding.

Respondent shall complete the Program not later than six months after respondent's initial enrollment unless the Division or its designee agrees in writing to a later time for completion.

Failure to participate in and complete successfully all phases of the clinical training program outlined above is a violation of probation.

Respondent shall not practice medicine until respondent has successfully completed the Program and has been so notified by the Division or its designee in writing, except that respondent may practice in a clinical training program approved by the Division or its designee. Respondent's practice of medicine shall be restricted only to that which is required by the approved training program.

3. Monitoring - Practice/Billing

Within 30 calendar days of written notice by the Board or its designee, respondent shall submit to the Division or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Division, including but not limited to any form of bartering, shall be in respondent's field of practice, and must agree to serve as respondent's monitor. Respondent shall pay all monitoring costs.

The Division or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan.

If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement.

Within 60 calendar days of written notice from the Board, and continuing throughout probation, respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

The monitor(s) shall submit a quarterly written report to the Division or its designee which includes an evaluation of respondent's performance, indicating whether respondent's practices are within the standards of practice of medicine or billing, or both, and whether respondent is practicing medicine safely, billing appropriately or both.

It shall be the sole responsibility of respondent to ensure that the monitor submits the quarterly written reports to the Division or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Division or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement monitor within 60 days of the resignation or unavailability of the monitor, respondent shall be suspended from the practice of medicine until a replacement monitor is approved and prepared to assume immediate monitoring responsibility. Respondent shall cease the practice of medicine within 3 calendar days after being so notified by the Division or designee.

In lieu of a monitor, respondent may participate in a professional enhancement program equivalent to the one offered by the Physician Assessment and Clinical Education Program at the University of California, San Diego School of Medicine, that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at respondent's expense during the term of probation.

Failure to maintain all records, or to make all appropriate records available for immediate inspection and copying on the premises, or to comply with this condition as outlined above is a violation of probation.

4. Solo Practice

Respondent is prohibited from engaging in the solo practice of medicine.

5. Notification

Prior to engaging in the practice of medicine the respondent shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent, at any other facility where respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice

insurance coverage to respondent. Respondent shall submit proof of compliance to the Division or its designee within 15 calendar days.

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

6. Supervision of Physician Assistants

During probation, respondent is prohibited from supervising physician assistants.

7. Obey All Laws

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

8. Quarterly Declarations

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

9. Probation Unit Compliance

Respondent shall comply with the Division's probation unit. Respondent shall, at all times, keep the Division informed of respondent's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Division or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Respondent shall not engage in the practice of medicine in respondent's place of residence. Respondent shall maintain a current and renewed California physician's and surgeon's license.

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

10. Interview with the Division or it's Designee

Respondent shall be available in person for interviews either at respondent's place of business or at the probation unit office, with the Division or its designee upon request at various intervals and either with or without prior notice throughout the term of probation.

11. Residing or Practicing Out-of-State

In the event respondent should leave the State of California to reside or to practice respondent shall notify the Division or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding thirty calendar days in which respondent is not engaging in any activities defined in sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Division or its designee shall be considered as time spent in the practice of medicine within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

Respondent's license shall be automatically cancelled if respondent's periods of temporary or permanent residence or practice outside California totals two years. However, respondent's license shall not be cancelled as long as respondent is residing and practicing medicine in another state of the United States and is on active probation with the medical licensing authority of that state, in which case the two year period shall begin on the date probation is completed or terminated in that state.

Any respondent disciplined under B&P Code sections 141(a) or 2305 (another state discipline) may petition for modification or termination of penalty: 1) if the other state's discipline terms are modified, terminated or reduced; and 2) if at least one year has elapsed from the effective date of the California discipline.

12. Failure to Practice Medicine - California Resident

In the event respondent resides in the State of California and for any reason respondent stops practicing medicine in California, respondent shall notify the Division or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non- practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding thirty calendar days in which respondent is not engaging in any activities defined in sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program which has been approved by the Division or its designee shall be considered time spent in the practice of medicine. For purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with any other condition of probation, shall not be considered a period of non-practice.

Respondent's license shall be automatically cancelled if respondent resides in California and for a total of two years, fails to engage in California in any of the activities described in Business and Professions Code sections 2051 and 2052.

13. Completion of Probation

Respondent shall comply with all financial obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon completion successful of probation, respondent's certificate shall be fully restored.

14. Violation of Probation

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

15. Cost Recovery

Within 90 calendar days from the effective date of the Decision or other period agreed to by the Division or its designee, respondent shall reimburse the Division the amount of $1,112 for its investigative and prosecution costs. The filing of bankruptcy or period of non-practice by respondent shall not relieve the respondent his/her obligation to reimburse the Division for its costs.

16. License Surrender

Following the effective date of this Decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request the voluntary surrender of respondent's license. The Division reserves the right to evaluate respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the Division or its designee and respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action.

If respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

17. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Division, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Division or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

DATED: 6/14/05

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

Exhibit B

Decision and Order

Medical Board of California Case No. 800-2017-036593

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

In the Matter of the Petition for Modification or Early Termination of Probation by:	)	
Shirley Yezdi Godiwalla, M.D.	)	Case No. 800-2017-036593
Physician's and Surgeon's Certificate No. A 44921	)	
Petitioner	)	

DECISION

The attached Proposed Decision 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 August 9, 2019.

IT IS SO ORDERED: July 11, 2019.

MEDICAL BOARD OF CALIFORNIA

Ronald H. Lewis, M.D., Chair
Panel A

MEDICAL BOARD OF CALIFORNIA
I do hereby certify that this document is a true and correct copy of the original on file in this office.
Signature S. Wood
Title For Custodian of Records
Date 11/9/2021

DCU32 (Rev 01-2018)

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

In the Matter of the Petition for Modification or Early Termination of Probation by: SHIRLEY YEZDI GODIWALLA, M.D., Physician's and Surgeon's Certificate No. A 44921, Petitioner.	Case No. 800-2017-036593 OAH No. 2019020847

PROPOSED DECISION

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on May 30, 2019, in Oakland, California.

Attorney Steven Zeigen represented petitioner Shirley Yezdi Godiwalla, M.D., who was present for the hearing.

Deputy Attorney General Brenda P. Reyes appeared for the Department of Justice, Office of the Attorney General, State of California.

The matter was submitted for decision on May 30, 2019.

FACTUAL FINDINGS

1. Petitioner Shirley Yezdi Godiwalla received Physician's and Surgeon's Certificate No. A 44921 on June 13, 1988. As of October 2018, the certificate was active, and was scheduled to expire October 31, 2019. Petitioner was on probation, as described in more detail in Findings 13 through 16, below.

2. Petitioner sought modification or termination of her probation in July 2017.

Professional History

3. Petitioner received her medical degree in 1976. She has extensive post-graduate training in general surgery and in urology, in India, the United States, and England. Although petitioner's practice has emphasized urology, the evidence did not establish that petitioner ever has been board-certified as a urology specialist.

4. Early in her career, between specialty residencies and fellowships, petitioner worked in emergency care. She opened a private urology practice in Wisconsin in 1997. Initially, she treated patients of all ages.

5. After the disciplinary action described below in Findings 9 and 10, petitioner continued her private practice, treating only adults. She made some unsuccessful efforts between 2005 and 2012 to arrange a training fellowship in pediatric urology, to satisfy the retraining requirement stated below in Finding 9. The evidence did not detail those efforts, however, or explain why they were not successful.

6. In August 2012, petitioner began what she expected would be a two-year fellowship in pediatric urology at the University of Oklahoma Health Sciences Center. She conducted laboratory research during the first year, and had intended to spend the second year in clinical training. The faculty members who would have supervised her left the school abruptly, however, leaving no one there qualified to give petitioner advanced clinical training in pediatric urology.

7. Petitioner had closed her Wisconsin practice to relocate to Oklahoma for her fellowship. After the fellowship ended prematurely, she did not return to Wisconsin. Instead, petitioner practiced emergency and hospital care in rural Oklahoma between late 2013 and late 2015.

8. Between late 2015 and mid-2016, petitioner practiced internal medicine and urology at the Federal Medical Center in Rochester, Minnesota. She resigned this position in mid-2016 for personal reasons. When she filed the petition described above in Finding 2, petitioner was not working; she did not testify at the hearing to any current employment as a physician.

Wisconsin Disciplinary Order

9. In July 2004, the State of Wisconsin Medical Examining Board (Wisconsin Board) entered an order restricting petitioner's authority to practice pediatric urology in Wisconsin. Specifically, this order states that petitioner "shall be prohibited from practicing pediatric urology, including pediatric urological surgery, [for] patients aged eighteen (18) and younger." The order imposes this practice limit indefinitely, but states that the Wisconsin Board will consider a petition to restore petitioner's authority to treat children upon proof "that she has successfully completed a one (1) year ABMS accredited fellowship in pediatric urology."

10. The Wisconsin Board imposed the restriction described in Finding 9 because it found that petitioner had provided substandard care to three children.[1] For two of these patients, the Wisconsin Board found that petitioner had misidentified normal anatomical structures as abnormal, and had performed unnecessary and potentially damaging surgery because of her misidentification. In the third patient, the Wisconsin Board found that petitioner had diagnosed an abnormal condition correctly, but had recommended and performed surgery that was not necessary to treat that condition.

11. Petitioner remains confident that she did not err in treating any of the three patients whose care prompted the Wisconsin Board's order. She accepts the Wisconsin Board's authority, however, and has complied with its order by limiting her practice in the manner the Wisconsin Board has required.

12. Petitioner asked the Wisconsin Board in 2005, in 2012, and in 2014 to restore her authority to practice pediatric urology without requiring her to complete a one-year ABMS-accredited pediatric urology fellowship. The Wisconsin Board denied each request.

California Disciplinary Order

13. Acting in his official capacity as the (former) Executive Director of the Medical Board of California (California Board), David T. Thornton brought an accusation against petitioner in December 2004. After a hearing that petitioner's counsel attended without petitioner, the California Board entered an order effective August 8, 2005, placing petitioner on probation in California for five years.

14. Condition 1 of the California Board's order prohibits petitioner from practicing medicine in California, in any practice area or for patients of any age, until she "has successfully met all the terms and conditions of her disciplinary order in Wisconsin." It states no exception to this prohibition.

15. In addition, Condition 2 of the California Board's order requires that before petitioner practices medicine in California she must complete a "clinical training or educational program equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the University of California San Diego School of Medicine." The order states as an exception to this requirement that petitioner "may practice in a clinical training program approved by [the California Board]," but only to the extent "required by the approved training program."

16. The California Board's order states other requirements that would apply to petitioner during her probation term if and when she practices medicine in California. Petitioner has not practiced medicine in California since the California Board entered its disciplinary order, however. For this reason, her five-year probation term has not yet begun.

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[1] The Wisconsin Board also found that petitioner had not provided substandard care to a fourth patient.

Additional Evidence

17. When the Wisconsin Board made the order described above in Finding 9, petitioner held medical licenses in New York, Washington, and California. In response to the Wisconsin Board's order, the medical regulatory authorities in New York and Washington limited petitioner's medical practice in the same manner as the Wisconsin Board had limited her practice.

18. Petitioner testified that she had assumed until about 2010 that the California Board's probation order also permitted her to practice adult urology, and to practice other types of medicine. She realized that the California Board's order barred her from all medical practice in California only when she was considering a move to California and learned from a potential employer that she could not practice medicine here. This testimony is credible, although petitioner's misunderstanding of the California Board's order was unreasonable.

19. Petitioner applied for medical licensure in Oklahoma before practicing there (as described above in Findings 6 and 7). The Oklahoma State Board of Medical Licensure and Supervision has not restricted her medical practice.

20. In her practice between 2004 and 2016, as described in Findings 5 through 8, petitioner did not experience any further professional discipline (aside from the Washington and New York discipline described above in Finding 17 and the California discipline described above in Finding 13, all deriving from her Wisconsin discipline).

21. Petitioner has not completed the PACE program or any similar program.

22. Several teaching hospitals in California offer pediatric urology fellowships, and petitioner has applied to some. She testified that she has been unable to enroll in any California pediatric urology fellowship program, however, because of her California probation.

23. Petitioner has completed training and has received federal approval to prescribe buprenorphine.

24. Condition 15 of the California Board order described above in Findings 13 through 16 required petitioner to reimburse the Board $1,112 for its investigation and prosecution costs. She has done so.

Reference Letters

25. Petitioner offered reference letters from three physicians who worked alongside her in Wisconsin, and who have confidence in her medical skills despite knowledge of her Wisconsin practice restriction.

a. Alvaro Aleman, M.D., is a family physician in Milwaukee who has known petitioner for many years and has referred patients to her.

b. Charles Holmburg, M.D., is an internist who also has referred patients to petitioner.

c. John D. Riesch, M.D., is a general surgeon who has worked alongside petitioner in surgery. He considers her an "outstanding physician."

26. Petitioner also offered reference letters from two medical school classmates (Imtiaz Basrai, M.D., and Veerinder Anand, M.D.), both of whom now practice in California. They describe petitioner as having been a good student, and they believe she should be able to practice medicine in California.

27. Theodore Affue, M.D., is a urologist in California who has known petitioner since about 2012. He believes petitioner to be skillful and competent, and would like to take her on as a colleague to practice adult urology.

28. Petitioner presented a positive reference letter from Hsueh-Kung Lin, Ph.D., who supervised petitioner's laboratory research during the fellowship year described above in Finding 6.

LEGAL CONCLUSIONS

1. The matters stated in Findings 1, 2, and 13 establish petitioner's eligibility to apply for modification or termination of her probation. (Bus. & Prof. Code, § 2307, subds. (b)(1), (b)(2).) In evaluating this petition, the Board may "consider all activities of the petitioner since the disciplinary action was taken, the offense for which the petitioner was disciplined, the petitioner's activities during the time the certificate was in good standing, and the petitioner's rehabilitative efforts, general reputation for truth, and professional ability." (*Id.*, subd. (e).) Petitioner bears the burden of proving, using clear and convincing evidence, that her probation should change or end.

2. The matters stated in Findings 5 through 28 do not constitute cause to terminate petitioner's probation.

3. Nevertheless, the matters stated in Findings 14, 15, and 22 do demonstrate that some of the conditions of petitioner's probation should be reconsidered. In particular, whereas a requirement that petitioner undergo retraining in pediatric urology before resuming this practice is reasonable in light of the matters stated in Findings 9 through 12, Condition 1 (described in Finding 14) effectively requires petitioner to undergo such retraining before undertaking medical practice in California that involves neither children nor urology. Moreover, Condition 1 simultaneously precludes petitioner's receiving pediatric urology retraining in California, because (unlike Condition 2, described in Finding 15) it

includes no exception from its practice prohibition for clinical training. And because Condition 1 requires petitioner to complete pediatric urology retraining before undertaking any medical practice of any kind in California, it also effectively requires petitioner to complete this specialty retraining before enrolling in the PACE program (as required by Condition 2) and undergoing any more basic retraining that program may recommend.

4. Revision of Conditions 1 and 2 is appropriate. The matters stated in Findings 7 through 12 confirm that a requirement for petitioner to complete the PACE program or its equivalent remains reasonable for public welfare. Upon completing such a program, assuming petitioner receives confirmation that she generally is capable of safe medical practice, petitioner should be able to practice medicine under the same restriction that has applied to her practice in Wisconsin (and that would apply in Washington and New York). Relief from that restriction should occur, if at all, only after petitioner has completed further pediatric urology training. Because the Board has no mechanism other than probation to enforce a practice restriction, however, petitioner must confirm that she can practice safely in every practice area she may contemplate by completing a pediatric urology fellowship before her probation ends.

5. The matters stated in Finding 24 show that petitioner has satisfied Condition 15 of the California Board's 2005 order.

6. The matters stated in Findings 5 through 28 do not constitute cause to modify any conditions of petitioner's probation other than Conditions 1, 2, and 15.

ORDER

The petition by Shirley Yezdi Godiwalla, M.D., for modification or early termination of probation (Physician's and Surgeon's Certificate No. A 44921) is granted, to modify but not to terminate petitioner's probation. Certificate No. A 44921 remains revoked. Revocation is stayed, however, and petitioner remains on probation for five years upon the following modified and restated terms and conditions.

1. Clinical Competence Assessment Program

   Within 60 calendar days after the effective date of this decision, petitioner shall enroll in a clinical competence assessment program approved in advance by the Board or its designee. Petitioner shall successfully complete the program not later than six months after petitioner's initial enrollment unless the Board or its designee agrees in writing to an extension of that time.

   The program shall consist of a comprehensive assessment of petitioner's physical and mental health and the six general domains of clinical competence as defined by the Accreditation Council on Graduate Medical Education and American Board of Medical Specialties (ABMS) pertaining to petitioner's

current or intended area of practice. The program shall take into account data obtained from the pre-assessment, self-report forms and interview, and the decisions, accusation, and any other information that the Board or its designee deems relevant. The program shall require petitioner's on-site participation for a minimum of three and no more than five days as determined by the program for the assessment and clinical education evaluation. Petitioner shall pay all expenses associated with the clinical competence assessment program.

At the end of the evaluation, the program will submit a report to the Board or its designee which states unequivocally whether petitioner has demonstrated the ability to practice safely and independently. Based on petitioner's performance on the clinical competence assessment, the program will advise the Board or its designee of its recommendation(s) for the scope and length of any additional educational or clinical training, evaluation or treatment for any medical condition or psychological condition, or anything else affecting petitioner's practice of medicine. Petitioner shall comply with the program's recommendations.

Determination as to whether petitioner successfully completed the clinical competence assessment program is solely within the program's jurisdiction.

Petitioner shall not practice medicine until petitioner has successfully completed the program and has been so notified by the Board or its designee in writing, except that petitioner may practice in a clinical training program approved by the Board or its designee, to the extent required by the program.

2. Prohibited Practice

During probation, petitioner is prohibited from urology practice involving patients 18 years old or younger, except that petitioner may practice pediatric urology in a clinical training program approved by the Board or its designee, to the extent required by the program. After the effective date of this decision, all patients being treated by petitioner in any context other than a clinical training program shall be notified that she may not practice pediatric urology. Any new patients must receive this notification at the time of their initial appointments.

Petitioner shall maintain a log of all patients to whom the required oral notification was made. The log shall contain: (1) the patient's name, address and phone number; (2) the patient's medical record number, if available; (3) the full name of the person making the notification; (4) the date the notification was made; and (5) a description of the notification given. Petitioner shall keep this log in a separate file or ledger, in chronological order; shall make the log available for immediate inspection and copying on

the premises at all times during business hours by the Board or its designee; and shall retain the log for the entire term of probation.

During her probation term, petitioner must enroll in and complete a one-year fellowship in pediatric urology, accredited by the ABMS. Before commencing such a fellowship, petitioner shall submit a description of the training program to the Board or its designee for approval. Upon completion of the approved training program, petitioner shall submit a complete report and evaluation of her performance to the Board or its designee for consideration. The Board or its designee may release petitioner from this practice limitation upon receipt of this complete report and evaluation; but petitioner's practice shall remain limited as described in this Condition 2 until petitioner both has successfully completed an approved pediatric urology fellowship and has been notified by the Board or its designee in writing that she may resume the practice of pediatric urology.

3. Practice Monitor

While on probation in California, petitioner shall practice medicine outside a clinical training program only with a practice monitor as described in this Condition 3.

Before beginning medical practice in California outside any clinical training program, petitioner shall submit to the Board or its designee, for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably ABMS-certified. A monitor shall have no prior or current business or personal relationship with petitioner, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering; shall be in petitioner's field of practice; and must agree to serve as petitioner's monitor. Petitioner shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the accusation, the 2005 decision, and this decision, and a proposed monitoring plan. Within 15 calendar days of receipt of the decisions, accusation, and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the decisions and accusation, fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Continuing throughout probation, as long as petitioner practices outside a clinical training program, petitioner's practice shall be monitored by the

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

If petitioner fails to obtain approval of a monitor as required by this Condition 3, petitioner shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified. Petitioner shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor shall submit a quarterly written report to the Board or its designee which includes an evaluation of petitioner's performance, indicating whether petitioner's practices are within the standards of medical practice and whether petitioner is practicing medicine safely. It shall be the sole responsibility of petitioner to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, petitioner shall, within five calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If petitioner fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, petitioner shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days. After being so notified, petitioner shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

In lieu of a monitor, petitioner may participate in a professional enhancement program approved in advance by the Board or its designee that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Petitioner shall participate in the professional enhancement program at petitioner's expense during the term of probation.

4. Solo Practice

Petitioner is prohibited from engaging in the solo practice of medicine.

5. Notification

Prior to engaging in the practice of medicine, petitioner shall provide a true copy of the accusation, the 2005 California Board decision, and this decision to the Chief of Staff or the Chief Executive Officer at every hospital where

privileges or membership are extended to petitioner; at any other facility where petitioner engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies; and to the Chief Executive Officer at every insurance carrier that extends malpractice insurance coverage to petitioner. Petitioner shall submit proof of compliance to the Board or its designee within 15 calendar days.

6. Supervision of Physician Assistants

During probation, petitioner is prohibited from supervising physician assistants.

7. Obey All Laws

Petitioner shall obey all federal, state, and local laws, and all rules governing medical practice in California. Petitioner shall remain in full compliance with any court-ordered criminal probation, payments, and other orders.

8. Quarterly Declarations

Petitioner shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation. Petitioner shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

9. Probation Unit Compliance

Petitioner shall comply with the Board's probation unit. Petitioner shall at all times keep the Board informed of petitioner's business and residence addresses. Changes of address shall immediately be communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021, subdivision (b).

Petitioner shall not engage in the practice of medicine in petitioner's residence. Petitioner shall maintain a current and renewed California physician's and surgeon's license.

Petitioner immediately shall inform the Board of its designee, in writing, of any travel to areas outside the jurisdiction of California that lasts, or that is contemplated to last, more than 30 calendar days.

10. Interview With the Board or its Designee

Petitioner shall be available in person for interviews with the Board or its designee, either at her place of business or at the probation unit office, upon request at various intervals and either with or without prior notice throughout the term of probation.

11. Residing or Practicing Out of State

In the event petitioner should leave California to reside or to practice, petitioner shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding 30 calendar days in which petitioner is not engaging an any activities defined in sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program outside California that has been approved by the Board or its designee shall be considered as time spent in the practice of medicine within the state. A Board-ordered suspension of practice shall not be considered to be a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve petitioner of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following other terms and conditions of probation: Obey All Laws and Probation Unit Compliance.

Petitioner's license automatically shall be cancelled if petitioner's periods of temporary or permanent residence or practice outside California total two years. However, petitioner's license shall not be cancelled as long as petitioner is residing and practicing medicine in another state of the United States and is on active probation with the medical licensing authority of that state, in which case the two-year period shall begin on the date probation is completed or terminated in that state.

Petitioner may petition for modification or termination of probation if her Wisconsin license restriction is modified or terminated.

12. Failure to Practice Medicine (California Resident)

In the event petitioner resides in California and for any reason stops practicing medicine in California, petitioner shall notify the Board or its designee within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve petitioner

of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding 30 calendar days during which petitioner is not engaging in any activities defined in sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program that has been approved by the Board or its designee shall be considered time spent in the practice of medicine. For purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with any other condition of probation shall not be considered a period of non-practice.

Petitioner's license automatically shall be cancelled if she resides in California and for a total of two years fails to engage in California in any of the activities described in Business and Professions Code sections 2051 and 2052.

13. Completion of Probation

Petitioner shall comply with all financial obligations (e.g., cost recovery, probation costs) not later than 120 calendar days prior to completion of probation. Upon successful completion of probation, petitioner's certificate shall be fully restored.

14. Violation of Probation

Failure to comply fully with any term or condition of probation is a probation violation. If petitioner violates probation in any respect, the Board, after notice and the opportunity for hearing, may revoke probation and carry out the disciplinary order that was stayed. If an accusation, a petition to revoke probation, or a petition for an interim suspension order is filed against petitioner during probation, the Board shall have continuing jurisdiction until the matter is final and petitioner's period of probation shall be extended until the matter is final.

15. License Surrender

Following the effective date of this decision, if petitioner ceases practicing due to retirement or health, or is otherwise unable to satisfy the terms and conditions of probation, she may request voluntary surrender of her certificate. The Board reserves the right to evaluate any such request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of surrender, petitioner shall within 15 calendar days deliver her wallet card and wall certificate to the Board or its designee, and petitioner shall no longer practice medicine. Petitioner will no longer be subject to the

terms and conditions of probation, and surrender of petitioner's certificate shall be deemed disciplinary action.

If petitioner re-applies for a medical license, the application will be treated as a petition for reinstatement of a revoked certificate.

16. Probation Monitoring Costs

Petitioner shall pay the costs associated with probation monitoring each and every year of probation, as designed by the Board. Costs may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

DATED: June 7, 2019

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Juliet E. Cox
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JULIET E. COX
Administrative Law Judge
Office of Administrative Hearings