

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

**In the Matter of the Accusation
Against:**

Carl Mikas Preiksaitis, M.D.

**Physician's and Surgeon's
Certificate No. A 163647**

Case No.: 800-2021-076458

Respondent.

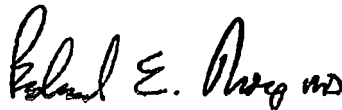
DECISION

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 April 22, 2022.

IT IS SO ORDERED: March 23, 2022.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
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7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2021-076458

12 **CARL MIKAS PREIKSAITIS, M.D.**
13 **900 Welch Rd. Ste. 350**
14 **Palo Alto CA 94304-1807**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate No. A**
16 **163647**

17 Respondent.

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

21 **PARTIES**

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

26 2. Respondent Carl Mikas Preiksaitis, M.D. (Respondent) is represented in this
27 proceeding by attorney Thomas E. Still, Hinshaw, Marsh, Still & Hinshaw, LLP.
28

3. On or about July 18, 2019, the Board issued Physician's and Surgeon's Certificate No. A 163647 to Carl Mikas Preiksaitis, 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. 800-2021-076458, and will expire on July 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 800-2021-076458 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 17, 2021. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2021-076458 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 Accusation No. 800-2021-076458. 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

For the purpose of resolving the charges and allegations in Accusation No. 800-2021-076458, without the expense and uncertainty of further proceedings, Respondent agrees that the charges and allegations in the Accusation, if proven at a hearing, constitute cause for imposing

1 discipline upon his physician's and surgeons' certificate and he agrees to be bound by the Board's
2 imposition of discipline as set in the disciplinary order below.

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

6 ACKNOWLEDGMENT. Respondent acknowledges the Disciplinary Order below,
7 requiring the disclosure of probation pursuant to Business and Professions Code section 2228.1,
8 serves to protect the public interest.

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

12 CONTINGENCY

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

23 12. Respondent agrees that if he ever petitions for early termination or modification of
24 probation, or if an accusation and/or petition to revoke probation is filed against him before the
25 Board, all of the charges and allegations contained in Accusation No. 800-2021-076458 shall be
26 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
27 other licensing proceeding involving Respondent in the State of California.
28

13. 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.

14. 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 163647 issued to Respondent CARL MIKAS PREIKSAITIS, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. The Respondent shall not resume the practice of medicine until the final decision on an accusation and/or a petition to revoke probation is effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30 days of the notification to cease practice. If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within 30 days of the request, unless the Respondent stipulates to a later hearing. the case is heard by an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its decision within 15 days of submission of the case, unless good cause can be shown for the delay. Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for reconsideration, remands and other interlocutory orders issued by the Board. The cessation of practice shall not apply to the

1 reduction of the probationary time period.

2 If the Board does not file an accusation or petition to revoke probation within 30 days of the
3 issuance of the notification to cease practice or does not provide Respondent with a hearing
4 within 30 days of such a request, the notification of cease practice shall be dissolved.

5 2. PSYCHIATRIC/SUBSTANCE ABUSE EVALUATION. At the Board's discretion,
6 and on whatever periodic basis that may be required by the Board or its designee, Respondent
7 shall undergo and complete a psychiatric and/or substance abuse evaluation (and associated
8 testing, if deemed necessary) by a Board-appointed evaluator, who shall consider any information
9 provided by the Board or its designee and any other information the evaluator deems relevant,
10 and shall furnish a written evaluation report to the Board or its designee. Respondent shall
11 cooperate fully with any evaluation, and shall pay the cost of all evaluations and testing.
12 Respondent shall comply with all restrictions or conditions recommended by the evaluator within
13 15 calendar days after being notified by the Board or its designee.

14 3. PATIENT DISCLOSURE. Before a patient's first visit following the effective date
15 of this order and while the Respondent is on probation, the Respondent must provide all patients,
16 or patient's guardian or health care surrogate, with a separate disclosure that includes the
17 Respondent's probation status, the length of the probation, the probation end date, all practice
18 restrictions placed on the Respondent by the Board, the Board's telephone number, and an
19 explanation of how the patient can find further information on the Respondent's probation on the
20 Respondent's profile page on the Board's website. Respondent shall obtain from the patient, or
21 the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.
22 Respondent shall not be required to provide a disclosure if any of the following applies: (1) The
23 patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the
24 disclosure and a guardian or health care surrogate is unavailable to comprehend the disclosure
25 and sign the copy; (2) The visit occurs in an emergency room or an urgent care facility or the visit
26 is unscheduled, including consultations in inpatient facilities; (3) Respondent is not known to the
27 patient until immediately prior to the start of the visit; (4) Respondent does not have a direct
28 treatment relationship with the patient.

1 4. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
2 days of the effective date of this Decision, Respondent shall provide to the Board the names,
3 physical addresses, mailing addresses, and telephone numbers of any and all employers and
4 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
5 worksite monitor, and Respondent's employers and supervisors to communicate regarding
6 Respondent's work status, performance, and monitoring.

7 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
8 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
9 privileges.

10 5. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
11 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
12 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
13 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
14 make daily contact with the Board or its designee to determine whether biological fluid testing is
15 required. Respondent shall be tested on the date of the notification as directed by the Board or its
16 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
17 any time, including weekends and holidays. Except when testing on a specific date as ordered by
18 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
19 basis. The cost of biological fluid testing shall be borne by the Respondent.

20 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
21 During the second year of probation and for the duration of the probationary term, up to five (5)
22 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no
23 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
24 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
25 of random tests to the first-year level of frequency for any reason.

26 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
27 approved in advance by the Board or its designee, that will conduct random, unannounced,
28 observed, biological fluid testing and meets all of the following standards:

- 1 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
2 Association or have completed the training required to serve as a collector for the United
3 States Department of Transportation.
- 4 (b) Its specimen collectors conform to the current United States Department of
5 Transportation Specimen Collection Guidelines.
- 6 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
7 by the United States Department of Transportation without regard to the type of test
8 administered.
- 9 (d) Its specimen collectors observe the collection of testing specimens.
- 10 (e) Its laboratories are certified and accredited by the United States Department of Health
11 and Human Services.
- 12 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
13 of receipt and all specimens collected shall be handled pursuant to chain of custody
14 procedures. The laboratory shall process and analyze the specimens and provide legally
15 defensible test results to the Board within seven (7) business days of receipt of the
16 specimen. The Board will be notified of non-negative results within one (1) business day
17 and will be notified of negative test results within seven (7) business days.
- 18 (g) Its testing locations possess all the materials, equipment, and technical expertise
19 necessary in order to test Respondent on any day of the week.
- 20 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
21 for the detection of alcohol and illegal and controlled substances.
- 22 (i) It maintains testing sites located throughout California.
- 23 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
24 computer database that allows the Respondent to check in daily for testing.
- 25 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
26 access to drug test results and compliance reporting information that is available 24 hours a
27 day.
- 28 (l) It employs or contracts with toxicologists that are licensed physicians and have

1 knowledge of substance abuse disorders and the appropriate medical training to interpret
2 and evaluate laboratory biological fluid test results, medical histories, and any other
3 information relevant to biomedical information.

4 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
5 while practicing, even if the Respondent holds a valid prescription for the substance.

6 Prior to changing testing locations for any reason, including during vacation or other travel,
7 alternative testing locations must be approved by the Board and meet the requirements above.

8 The contract shall require that the laboratory directly notify the Board or its designee of
9 non-negative results within one (1) business day and negative test results within seven (7)
10 business days of the results becoming available. Respondent shall maintain this laboratory or
11 service contract during the period of probation.

12 A certified copy of any laboratory test result may be received in evidence in any
13 proceedings between the Board and Respondent.

14 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
15 administered to himself or herself a prohibited substance, the Board shall order Respondent to
16 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
17 medicine or providing medical services. The Board shall immediately notify all of Respondent's
18 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
19 provide medical services while the cease-practice order is in effect.

20 A biological fluid test will not be considered negative if a positive result is obtained while
21 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
22 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

23 After the issuance of a cease-practice order, the Board shall determine whether the positive
24 biological fluid test is in fact evidence of prohibited substance use by consulting with the
25 specimen collector and the laboratory, communicating with the licensee, his treating physician(s),
26 other health care provider, or group facilitator, as applicable.

27 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
28 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

1 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
2 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
3 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
4 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

5 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
6 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
7 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
8 any other terms or conditions the Board determines are necessary for public protection or to
9 enhance Respondent's rehabilitation.

10 6. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
11 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
12 prior approval, the name of a substance abuse support group which he shall attend for the duration
13 of probation. Respondent shall attend substance abuse support group meetings at least once per
14 week, or as ordered by the Board or its designee. Respondent shall pay all substance abuse
15 support group meeting costs.

16 The facilitator of the substance abuse support group meeting shall have a minimum of three
17 (3) years' experience in the treatment and rehabilitation of substance abuse, and shall be licensed
18 or certified by the state or nationally certified organizations. The facilitator shall not have a
19 current or former financial, personal, or business relationship with Respondent within the last five
20 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
21 the same facilitator does not constitute a prohibited current or former financial, personal, or
22 business relationship.

23 The facilitator shall provide a signed document to the Board or its designee showing
24 Respondent's name, the group name, the date and location of the meeting, Respondent's
25 attendance, and Respondent's level of participation and progress. The facilitator shall report any
26 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
27 or its designee, within twenty-four (24) hours of the unexcused absence.

28 7. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty

1 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
2 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
3 licensed physician and surgeon, other licensed health care professional if no physician and
4 surgeon is available, or, as approved by the Board or its designee, a person in a position of
5 authority who is capable of monitoring the Respondent at work.

6 The worksite monitor shall not have a current or former financial, personal, or familial
7 relationship with Respondent, or any other relationship that could reasonably be expected to
8 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
9 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
10 monitor, this requirement may be waived by the Board or its designee, however, under no
11 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

12 The worksite monitor shall have an active unrestricted license with no disciplinary action
13 within the last five (5) years, and shall sign an affirmation that he has reviewed the terms and
14 conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth by
15 the Board or its designee.

16 Respondent shall pay all worksite monitoring costs.

17 The worksite monitor shall have face-to-face contact with Respondent in the work
18 environment on as frequent a basis as determined by the Board or its designee, but not less than
19 once per week; interview other staff in the office regarding Respondent's behavior, if requested
20 by the Board or its designee; and review Respondent's work attendance.

21 The worksite monitor shall verbally report any suspected substance abuse to the Board and
22 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
23 substance abuse does not occur during the Board's normal business hours, the verbal report shall
24 be made to the Board or its designee within one (1) hour of the next business day. A written
25 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
26 any other information deemed important by the worksite monitor shall be submitted to the Board
27 or its designee within 48 hours of the occurrence.

28 The worksite monitor shall complete and submit a written report monthly or as directed by

1 the Board or its designee which shall include the following: (1) Respondent's name and
2 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
3 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
4 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
5 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
6 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
7 lead to suspected substance abuse by Respondent. Respondent shall complete any required
8 consent forms and execute agreements with the approved worksite monitor and the Board, or its
9 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

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

19 8. VIOlation OF PROBATION CONDITION FOR SUBSTANCE ABUSING
20 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
21 probation.

22 A. If Respondent commits a major violation of probation as defined by section
23 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
24 one or more of the following actions:

25 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
26 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
27 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
28 order issued by the Board or its designee shall state that Respondent must test negative for at least

1 a month of continuous biological fluid testing before being allowed to resume practice. For
2 purposes of determining the length of time a Respondent must test negative while undergoing
3 continuous biological fluid testing following issuance of a cease-practice order, a month is
4 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
5 notified in writing by the Board or its designee that he may do so.

6 (2) Increase the frequency of biological fluid testing.

7 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
8 other action as determined by the Board or its designee.

9 B. If Respondent commits a minor violation of probation as defined by section
10 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
11 one or more of the following actions:

12 (1) Issue a cease-practice order;

13 (2) Order practice limitations;

14 (3) Order or increase supervision of Respondent;

15 (4) Order increased documentation;

16 (5) Issue a citation and fine, or a warning letter;

17 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
18 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
19 Regulations, at Respondent's expense;

20 (7) Take any other action as determined by the Board or its designee.

21 C. Nothing in this Decision shall be considered a limitation on the Board's authority
22 to revoke Respondent's probation if he she has violated any term or condition of probation. If
23 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
24 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
25 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
26 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
27 is final, and the period of probation shall be extended until the matter is final.

28 STANDARD CONDITIONS

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

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

10 10. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
11 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
12 advanced practice nurses.

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

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

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

21 13. GENERAL PROBATION REQUIREMENTS.

22 Compliance with Probation Unit

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

24 Address Changes

25 Respondent shall, at all times, keep the Board informed of Respondent's business and
26 residence addresses, email address (if available), and telephone number. Changes of such
27 addresses shall be immediately communicated in writing to the Board or its designee. Under no
28 circumstances shall a post office box serve as an address of record, except as allowed by Business

1 and Professions Code section 2021, subdivision (b).

2 Place of Practice

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

6 License Renewal

7 Respondent shall maintain a current and renewed California physician's and surgeon's
8 license.

9 Travel or Residence Outside California

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

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

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

19 15. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
20 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
21 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
22 defined as any period of time Respondent is not practicing medicine as defined in Business and
23 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
24 patient care, clinical activity or teaching, or other activity as approved by the Board. If
25 Respondent resides in California and is considered to be in non-practice, Respondent shall
26 comply with all terms and conditions of probation. All time spent in an intensive training
27 program which has been approved by the Board or its designee shall not be considered non-
28 practice and does not relieve Respondent from complying with all the terms and conditions of

1 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
2 on probation with the medical licensing authority of that state or jurisdiction shall not be
3 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
4 period of non-practice.

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

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

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

12 Periods of non-practice for a Respondent residing outside of California will relieve
13 Respondent of the responsibility to comply with the probationary terms and conditions with the
14 exception of this condition and the following terms and conditions of probation: Obey All Laws;
15 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
16 Controlled Substances; and Biological Fluid Testing..

17 16. COMPLETION OF PROBATION. Respondent shall comply with all financial
18 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
19 completion of probation. Upon successful completion of probation, Respondent's certificate shall
20 be fully restored.

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

28 18. LICENSE SURRENDER. Following the effective date of this Decision, if

1 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
2 the terms and conditions of probation, Respondent may request to surrender his license. The
3 Board reserves the right to evaluate Respondent's request and to exercise its discretion in
4 determining whether or not to grant the request, or to take any other action deemed appropriate
5 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
6 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
7 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
8 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
9 application shall be treated as a petition for reinstatement of a revoked certificate.

10 19. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
11 with probation monitoring each and every year of probation, as designated by the Board, which
12 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
13 California and delivered to the Board or its designee no later than January 31 of each calendar
14 year.

15 FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new
16 license or certification, or petition for reinstatement of a license, by any other health care
17 licensing action agency in the State of California, all of the charges and allegations contained in
18 Accusation No. 800-2021-076458 shall be deemed to be true, correct, and admitted by
19 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
20 restrict license.

21 22 ACCEPTANCE

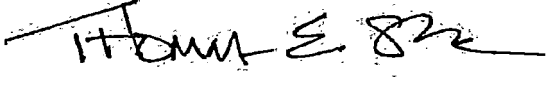
23 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
24 discussed it with my attorney. I understand the stipulation and the effect it will have on my
25 Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary
26 Order voluntarily,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

1 DATED: 1/24/2022


CARL MIKAS PREIKSAITIS, M.D.
Respondent

2
3 I have read and fully discussed with Respondent Carl Mikas Preiksaitis, M.D. the terms and
4 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
5 I approve its form and content.

6 DATED: 1/27/22


Thomas Still
Attorney for Respondent

7
8
9 **ENDORSEMENT**

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

12 DATED: February 15, 2022

13 Respectfully submitted,

14 ROB BONTA
Attorney General of California

15 

16 MARY CAIN-SIMON
17 Supervising Deputy Attorney General
18 Attorneys for Complainant
19
20

21 SF2021401753
22 Preiksaitis Stipulation.docx
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27
28

Exhibit A

1 ROB BONTA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 State Bar No. 113083
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3884
5 Facsimile: (415) 703-5480
Attorneys for Complainant

6
7 **BEFORE THE**
8 **MEDICAL BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2021-076458

12 **CARL MIKAS PREIKSAITIS, M.D.**
13 **900 Welch Rd. Ste., 350**
Palo Alto, CA 94304-1807

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. A 163647**

16 **Respondent.**

17
18
19 **PARTIES**

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

23 2. On July 18, 2019, the Board issued Physician's and Surgeon's Certificate Number A
24 163647 to Carl Mikas Preiksaitis, M.D. (Respondent). The Physician's and Surgeon's Certificate
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 July 31, 2023, unless renewed.

27 ///

28 ///

JURISDICTION

3. This 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 that a licensee who is found guilty under the Medical Practice Act may have his or her 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:

"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:

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

(b) Gross negligence.

(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.

(d) Incompetence.

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

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

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

1 6. Section 2236 of the Code states:

2 “(a) The conviction of any offense substantially related to the qualifications,
3 functions, or duties of a physician and surgeon constitutes unprofessional conduct
4 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
5 of conviction shall be conclusive evidence only of the fact that the conviction
6 occurred.

7 (b) The district attorney, city attorney, or other prosecuting agency shall notify
8 the Division of Medical Quality of the pendency of an action against a licensee
9 charging a felony or misdemeanor immediately upon obtaining information that the
10 defendant is a licensee. The notice shall identify the licensee and describe the crimes
11 charged and the facts alleged. The prosecuting agency shall also notify the clerk of
12 the court in which the action is pending that the defendant is a licensee, and the clerk
13 shall record prominently in the file that the defendant holds a license as a physician
14 and surgeon.

15 (c) The clerk of the court in which a licensee is convicted of a crime shall,
16 within 48 hours after the conviction, transmit a certified copy of the record of
17 conviction to the board. The division may inquire into the circumstances surrounding
18 the commission of a crime in order to fix the degree of discipline or to determine if
19 the conviction is of an offense substantially related to the qualifications, functions, or
20 duties of a physician and surgeon.

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

25 7. Section 2239 of the Code states:

26 “(a) The use or prescribing for or administering to himself or herself, of any
27 controlled substance; or the use of any of the dangerous drugs specified in Section
28 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
29 or injurious to the licensee, or to any other person or to the public, or to the extent that
30 such use impairs the ability of the licensee to practice medicine safely or more than
31 one misdemeanor or any felony involving the use, consumption, or
32 self-administration of any of the substances referred to in this section, or any
33 combination thereof, constitutes unprofessional conduct. The record of the
34 conviction is conclusive evidence of such unprofessional conduct.

35 (b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
36 deemed to be a conviction within the meaning of this section. The Division of Medical
37 Quality may order discipline of the licensee in accordance with Section 2227 or the
38 Division of Licensing may order the denial of the license when the time for appeal has
39 elapsed or the judgment of conviction has been affirmed on appeal or when an order
40 granting probation is made suspending imposition of sentence, irrespective of a subsequent
41 order under the provisions of Section 1203.4 of the Penal Code allowing such person to
42 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the
43 verdict of guilty, or dismissing the accusation, complaint, information, or indictment.”

44 ///

45 ///

1 8. California Code of Regulations, title 16, section 1360, states:

2 "For the purposes of denial, suspension or revocation of a license, certificate or
3 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act
4 shall be considered to be substantially related to the qualifications, functions or duties of a
5 person holding a license, certificate or permit under the Medical Practice Act if to a
6 substantial degree it evidences present or potential unfitness of a person holding a license,
7 certificate or permit to perform the functions authorized by the license, certificate or permit
8 in a manner consistent with the public health, safety or welfare. Such crimes or acts shall
9 include but not be limited to the following: violating or attempting to violate, directly or
10 indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision
11 of the Medical Practice Act."

12 9. Section 822 of the Code states:

13 "If a licensing agency determines that its licentiate's ability to practice his or her profession
14 safely is impaired because the licentiate is mentally ill, or physically ill affecting
15 competency, the licensing agency may take action by any one of the following methods:

16 "(a) Revoking the licentiate's certificate or license.

17 "(b) Suspending the licentiate's right to practice.

18 "(c) Placing the licentiate on probation.

19 "(d) Taking such other action in relation to the licentiate as the licensing agency in its
20 discretion deems proper.

21 "The licensing agency shall not reinstate a revoked or suspended certificate or license until
22 it has received competent evidence of the absence or control of the condition which caused
23 its action and until it is satisfied that with due regard for the public health and safety the
24 person's right to practice his or her profession may be safely reinstated."

25 FACTS

26 10. On March 22, 2021, the Medical Board received a Criminal Action Pending
27 Reporting Form from Respondent stating that he had pleaded no contest to a charge of violating
28 Vehicle Code section 23103.5 (wet reckless) a misdemeanor, on March 9, 2021, in the Santa
Clara County Superior Court. The court documents obtained by the Board showed that
Respondent had a blood alcohol content (BAC) of .21% blood alcohol at the time of his arrest.
The Board commenced an investigation during which Respondent was interviewed by a Medical
Board Investigator and by a Medical Board District Medical Consultant. Respondent also
voluntarily submitted to a mental evaluation by a licensed physician designated by the Board.

1 11. Respondent disclosed that beginning in 2019, he sought treatment for depression and
2 anxiety. By around early 2020, though, due to various stressors, including the onset of the Covid-
3 19 pandemic, he began drinking heavily.

4 12. Respondent continued to drink heavily throughout 2020, at home and at social events,
5 during his off-work hours. On the day of his DUI arrest, October 16, 2020, Respondent had
6 attended a social event where he drank heavily and became extremely intoxicated. Respondent
7 then decided to sleep in his car, and when he woke up, decided to drive home. Palo Alto police
8 officers stopped Respondent for running a red light, and found him to be under the influence of
9 alcohol, with multiple alcoholic beverage containers inside his vehicle.

10 13. Following his arrest, Respondent attempted to gain sobriety, with repeated relapses.
11 Respondent was evaluated by an addiction medicine specialist who recommended inpatient
12 treatment. Respondent was admitted to the Betty Ford Clinic in late November 2020 and stayed
13 for 18 days until a Covid-19 outbreak forced his premature discharge. Respondent was assessed
14 by a physician and cleared to return to work, but Respondent suffered subsequent relapses in his
15 efforts to maintain sobriety. Respondent was readmitted to the residential treatment program in
16 June 2021, and was cleared to return to work, with monitoring and other conditions necessary to
17 manage his condition and allow for his safe practice of medicine.

18 14. Respondent has been diagnosed with severe Alcohol Use Disorder; and is considered
19 at high risk for relapse, so that he requires monitoring and other conditions to assure his safe
20 practice of medicine.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Excessive Use of Alcohol)**

23 15. Respondent Carl Mikas Preiksaitis, M.D. is subject to disciplinary action under Code
24 section 2234 (unprofessional conduct); Code section 2236, California Code of Regulations, title
25 16, section 1360 (criminal conviction); and/or code section 2239 (dangerous use of alcohol), in
26 that he used alcoholic beverages, as described above, to the extent that it was dangerous to
27 himself and others when he drove a car with a blood alcohol content (BAC) of .21%; and to the
28 extent that such use impaired his ability to practice medicine safely.

1 SECOND CAUSE FOR DISCIPLINE

2 (Conviction of Substantially-Related Offense)

3 16. Respondent Carl Mikas Preiksaitis, M.D. is subject to disciplinary action under Code
4 section 2236 (conviction of a substantially-related offense) and California Code of Regulations,
5 title 16, section 1360 (criminal conviction), in that on March 9, 2021, in a Santa Clara County
6 Superior Court criminal proceeding entitled *People of the State of California v. Carl Mikas*
7 *Preiksaitis*, Case No. B2003141, Respondent was convicted by a no contest plea of violating
8 California Vehicle Code Section 23103.5 (wet reckless), a misdemeanor.

9 THIRD CAUSE FOR DISCIPLINE

10 (Impairment Due to Alcohol Dependency)

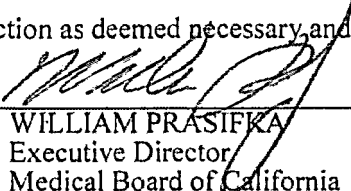
11 17. Respondent Carl Mikas Preiksaitis M.D. is subject to disciplinary action under
12 section 822 of the Code in that, unless he remains abstinent from alcohol with ongoing addiction
13 treatment, his alcohol dependency will affect his ability to practice medicine safely.

14 PRAYER

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

- 17 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 163647,
18 issued to Respondent Carl Mikas Preiksaitis, M.D.;
- 19 2. Revoking, suspending or denying approval of Respondent Carl Mikas Preiksaitis,
20 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 21 3. Ordering Respondent Carl Mikas Preiksaitis, M.D., if placed on probation, to pay the
22 Board the costs of probation monitoring; and
- 23 4. Taking such other and further action as deemed necessary and proper.

24 DATED: NOV 17 2021

25 
26 WILLIAM PRASIFKA
27 Executive Director
28 Medical Board of California
Department of Consumer Affairs
State of California
Complainant