

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

In the Matter of the Accusation Against:

Robert Franklin Fischer, M.D.

Physician's and Surgeon's
Certificate No. C 36244

Respondent.

Case No. 800-2021-081072

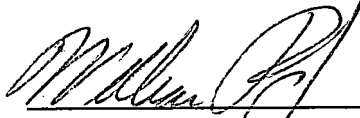
DECISION

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 August 4, 2022.

IT IS SO ORDERED July 28, 2022.

MEDICAL BOARD OF CALIFORNIA



William Prasifka
Executive Director

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 State Bar No. 155307
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 269-6453
5 Facsimile: (916) 731-2117
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. 800-2021-081072

12 **ROBERT FRANKLIN FISCHER, M.D.**
13 **C/O BPW Third Floor**
1123 Chapala Street
Santa Barbara, CA 93101

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Physician's and Surgeon's Certificate**
15 **No. C 36244,**

Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
21 California (Board). He brought this action solely in his official capacity and is represented in this
22 matter by Rob Bonta, Attorney General of the State of California, by Judith T. Alvarado,
23 Supervising Deputy Attorney General.

24 2. Robert Franklin Fischer, M.D. (Respondent) is represented in this proceeding by
25 Mark B. Connely, Esq., whose address is Hall Hieatt & Connely, LLP, 1319 Marsh Street,
26 Second Floor, San Luis Obispo, CA 93401.


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I have read and fully discussed with Respondent ROBERT FRANKLIN FISCHER, 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: July 12, 2022


MARK B. CONNELLY
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: July 12, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
Judith T. Alvarado Digitally signed by Judith T. Alvarado
Date: 2022.07.12 17:19:47 -07'00'
JUDITH T. ALVARADO
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2021-081072

1 ROB BONTA
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14 **1123 Chapala Street**
15 **Santa Barbara, CA 93101**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. C 36244,**

Respondent.

18 **PARTIES**

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

22 2. On or about December 6, 1974, the Medical Board issued Physician's and Surgeon's
23 Certificate Number C 36244 to Robert Franklin Fischer, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate expired on December 31, 2021, and has not been renewed.

25 **JURISDICTION**

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

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4. Section 118, subdivision (b) of the Code provides:

The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restore, reissued, or reinstate, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.

5. Section 2004 of the Code states:

The board shall have the responsibility for the following:

- (a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.
- (b) The administration and hearing of disciplinary actions.
- (c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.
- (d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.
- (e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.
- (f) Approving undergraduate and graduate medical education programs.
- (g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).
- (h) Issuing licenses and certificates under the board's jurisdiction.
- (i) Administering the board's continuing medical education program.

6. 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.

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 **STATUTORY PROVISIONS**

5 8. Section 820 of the Code states:

6 Whenever it appears that any person holding a license, certificate or permit
7 under this division or under any initiative act referred to in this division may be
8 unable to practice his or her profession safely because the licentiate's ability to
9 practice is impaired due to mental illness, or physical illness affecting competency,
10 the licensing agency may order the licentiate to be examined by one or more
11 physicians and surgeons or psychologists designated by the agency. The report of the
12 examiners shall be made available to the licentiate and may be received as direct
13 evidence in proceedings conducted pursuant to Section 822.

14 9. Section 822 of the Code states:

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

- 19 (a) Revoking the licentiate's certificate or license.
20 (b) Suspending the licentiate's right to practice.
21 (c) Placing the licentiate on probation.
22 (d) Taking such other action in relation to the licentiate as the licensing agency
23 in its discretion deems proper.

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

29 **CAUSE FOR DISCIPLINE**

30 **(Inability to Safely Practice Medicine due to Mental/Physical Condition)**

31 10. Respondent Robert Franklin Fischer, M.D. is subject to disciplinary action under
32 section 820 of the Code in that he may be unable to safely practice medicine due to a medical
33 condition.

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1 11. On or about August 24, 2021, the Board received a complaint that Respondent may
2 be unable to safely practice medicine due to the fact that he may be suffering from a medical
3 condition.


4 12. On or about January 14, 2022, Respondent submitted a request to surrender his
5 medical license, Physician's and Surgeon's Certificate Number C 36244, to the Board.

6 **PRAYER**

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

- 9 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 36244,
10 issued to Robert Franklin Fischer, M.D.;
- 11 2. Revoking, suspending or denying approval of Robert Franklin Fischer, M.D.'s
12 authority to supervise physician assistants and advanced practice nurses;
- 13 3. Ordering Robert Franklin Fischer, M.D., to pay the Board the costs of the
14 investigation and enforcement of this case, and if placed on probation, the costs of probation
15 monitoring; and,
- 16 4. Taking such other and further action as deemed necessary and proper.

17
18 DATED: JUN 29 2022



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

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