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

In the Matter of the Petition to Revoke Probation Against: **MICHAEL F. SCHAFLE, M.D.** **21 Pinecrest Drive** **Fortuna, CA 95540** **Physician's and Surgeon's Certificate** **No. C 42249** **Respondent**	Case No. 800-2022-088483 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On June 15, 2022, Complainant William Prasifka, in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed Petition to Revoke Probation No. 800-2022-088483 against Michael F. Schafle, M.D. (Respondent) before the Medical Board of California.

2. On October 3, 1986, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. C 42249 to Respondent. The Physician's and Surgeon's Certificate

expired on December 31, 2021, and has not been renewed.[1] (Exhibit Package, Exhibit 1, Certificate of Licensure).

3. On June 15, 2022, Sharee Woods, an employee of the Board, served by Certified Mail a copy of the Petition to Revoke Probation No. 800-2022-088483, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 21 Pinecrest Drive, Fortuna, CA 95540. (Exhibit Package, Exhibit 2, Petition to Revoke Probation, related documents, and Declaration of Service).

4. Service of the Petition to Revoke Probation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On July 8, 2022, the aforementioned documents were returned by the U.S. Postal Service marked "Unclaimed." (Exhibit Package, Exhibit 3, returned envelope from the post office).

6. On July 6, 2022, counsel for Complainant served a Courtesy Notice of Default upon Respondent at Respondent's address of record, which was and is 21 Pinecrest Dr., Fortuna, CA 95540. The Courtesy Notice of Default provided Respondent with a copy of the Accusation and the Accusation Packet, which included, the Statement to Respondent, a Notice of Defense, Request for Discovery, Government Code sections 11507.5, 11507.6, and 11507.7, and advised Respondent that he was in default. (Exhibit Package, Exhibit 4, Courtesy Notice of Default and Declaration of Service.)

7. On August 5, 2022, the aforementioned documents sent to Respondent were returned by the U.S. Postal Service marked "Return to Sender, Insufficient Address, Unable to Forward." (Exhibit Package, Exhibit 5, envelope returned by the post office.)

8. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of the Petition to Revoke Probation No. 800-2022-088483.

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[1] The evidence in support of this Default Decision and order is submitted herewith as the Exhibit Package."

STATUTORY AUTHORITY

9. Service of the Petition to Revoke Probation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

10. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

11. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

12. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in **Exhibits 1, 2, 3, 4, and 5** finds the allegations in the Petition to Revoke Probation No. 800-2022-088483 are true.

DETERMINATION OF ISSUES

13. Based on the foregoing findings of fact, Respondent Michael F. Schafle, M.D. has subjected his Physician's and Surgeon's Certificate No. C 42249 to discipline within the meaning of Business and Professions Code section 2227, 2305 and 141.

14. A copy of the Petition to Revoke Probation and the related documents and Declaration of Service are attached.

15. The agency has jurisdiction to adjudicate this case by default.

16. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations alleged in the Petition to Revoke Probation:

a. Respondent failed to provide proof he has maintained a record of all controlled substances ordered, prescribed, dispensed, administered or possessed.

b. Respondent failed to provide proof of enrollment in or successful completion of education courses, a Prescribing Practices course, a Professionalism Program (ethics course) or a Clinical Competence Assessment Program.

c. Respondent failed to provide proof of a practice monitor in place.

d. Respondent failed to provide proof he is not engaging in the solo practice of medicine.

e. Respondent failed to provide proof he has provided the Stipulation and Order and the Accusation to every hospital where he practices and every insurance carrier who extends coverage to him.

f. Respondent failed to submit quarterly declarations for the years 2020, 2021 and through the first quarter of 2022.

g. Respondent failed to maintain a current and renewed California physician's and surgeon's license.

h. Respondent failed to respond to multiple attempts by Board staff to contact him regarding his probation, including the scheduling of interviews.

i. Respondent failed to ensure his period of non-practice did not exceed two years. On March 13, 2022, Respondent's period of non-practice while on probation exceeded two years.

j. Respondent failed to pay his 2020 probation monitoring costs in the amount of $3,856 and his 2021 probation monitoring costs in the amount of $6,843.

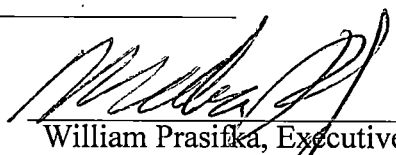
ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C 42249, heretofore issued to Respondent Michael F. Schafle, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on OCT 0 6 2022.

It is so ORDERED SEP 0 6 2022



William Prasifka, Executive Director
FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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