

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

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

John Patrick Beauclair, M.D.

**Physician's and Surgeon's
Certificate No. G 17614**

Respondent.

Case No.: 800-2018-042136

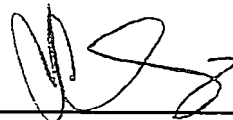
DECISION

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 November 10, 2022.

IT IS SO ORDERED: October 11, 2022.

MEDICAL BOARD OF CALIFORNIA



**Laurie Rose Lubiano, J.D., Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 EDWARD KIM
Supervising Deputy Attorney General
3 CHRISTINA SEIN GOOT
Deputy Attorney General
4 State Bar No. 229094
Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6481
Facsimile: (916) 731-2117
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **JOHN PATRICK BEAUCLAIR, M.D.**
13 **4728 Gould Avenue**
La Canada, CA 91011

14 **Physician's and Surgeon's**
15 **Certificate No. G 17614,**

16 Respondent.

Case No. 800-2018-042136

OAH No. 2021090424

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

20 **PARTIES**

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

25 2. Respondent John Patrick Beauclair, M.D. (Respondent) is representing himself in this
26 proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about November 5, 1969, the Board issued Physician's and Surgeon's
28 Certificate No. G 17614 to Respondent. The Physician's and Surgeon's Certificate was in full

1 force and effect at all times relevant to the charges brought in Accusation No. 800-2018-042136,
2 and will expire on December 31, 2023, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 800-2018-042136 was filed before the Board, and is currently
5 pending against Respondent. The Accusation and all other statutorily required documents were
6 properly served on Respondent on March 3, 2021. Respondent timely filed his Notice of Defense
7 contesting the Accusation.

8 5. A copy of Accusation No. 800-2018-042136 is attached as exhibit A and incorporated
9 herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 800-2018-042136. Respondent has also carefully read,
13 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

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

23 **CULPABILITY**

24 9. Respondent understand and agrees that the charges and allegations in Accusation No.
25 800-2018-042136, if proven at a hearing, constitute cause for imposing discipline upon his
26 Physician's and Surgeon's Certificate. Respondent hereby gives up his right to contest those
27 charges and allegations.

28 10. Respondent does not contest that, at an administrative hearing, Complainant could

1 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
2 No. 800-2018-042 and that he has thereby subjected his license to disciplinary action.

3 11. 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 **RESERVATION**

7 12. The admissions made by Respondent herein are only for the purposes of this
8 proceeding, or any other proceedings in which the Board is involved, and shall not be admissible
9 in any other criminal or civil proceeding.

10 **CONTINGENCY**

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

21 14. Respondent agrees that if he ever petitions for early termination or modification of
22 probation, or if an accusation and/or petition to revoke probation is filed against him before the
23 Board, all of the charges and allegations contained in Accusation No. 800-2018-042136 shall be
24 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or
25 any other licensing proceeding involving Respondent in the State of California.

26 15. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
27 be an integrated writing representing the complete, final and exclusive embodiment of the
28 agreement of the parties in this above entitled matter.

16. 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.

17. 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. G 17614 issued to Respondent John Patrick Beauclair, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years upon the following terms and conditions:

1. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

2. PROFESSIONALISM PROGRAM (ETHICS COURSE): Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom

1 component. The professionalism program shall be at Respondent's expense and shall be in
2 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

3 A professionalism program taken after the acts that gave rise to the charges in the
4 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
5 or its designee, be accepted towards the fulfillment of this condition if the program would have
6 been approved by the Board or its designee had the program been taken after the effective date of
7 this Decision.

8 Respondent shall submit a certification of successful completion to the Board or its
9 designee not later than 15 calendar days after successfully completing the program or not later
10 than 15 calendar days after the effective date of the Decision, whichever is later.

11 3. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
12 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
13 monitor, the name and qualifications of one or more licensed physicians and surgeons whose
14 licenses are valid and in good standing, and who are preferably American Board of Medical
15 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
16 relationship with Respondent, or other relationship that could reasonably be expected to
17 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
18 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
19 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

20 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
21 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
22 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
23 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
24 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
25 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
26 signed statement for approval by the Board or its designee.

27 Within 60 calendar days of the effective date of this Decision, and continuing throughout
28 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall

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

3 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
4 date of this Decision, Respondent shall receive a notification from the Board or its designee to
5 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
6 shall cease the practice of medicine until a monitor is approved to provide monitoring
7 responsibility.

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

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

22 After twenty four (24) months of continuous compliance with this condition, if the practice
23 monitor determines, and so states in a written report, that Respondent no longer needs further
24 practice monitoring, and the Board or its designee, in its sole discretion, determines that the
25 further practice monitoring is no longer needed, this condition shall be deemed satisfied and
26 completed, following written notification by the Board or its designee to the practice monitor.

27 In lieu of a monitor, Respondent may participate in a professional enhancement program
28 approved in advance by the Board or its designee that includes, at minimum, quarterly chart

1 review, semi-annual practice assessment, and semi-annual review of professional growth and
2 education. Respondent shall participate in the professional enhancement program at Respondent's
3 expense during the term of probation.

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

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

13 5. SUPERVISION OF ADVANCED PRACTICE NURSES. During probation,
14 Respondent is prohibited from supervising advanced practice nurses.

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

18 7. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
19 ordered to reimburse the Board its costs of investigation and enforcement since 2022, including,
20 but not limited to, expert review, amended accusations, legal reviews, joint investigations, and
21 subpoena enforcement, as applicable, in the amount of \$9,505.00 (nine thousand five hundred
22 five dollars and zero cents). Costs shall be payable to the Medical Board of California. Failure to
23 pay such costs shall be considered a violation of probation.

24 Any and all requests for a payment plan shall be submitted in writing by Respondent to the
25 Board.

26 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
27 to repay investigation and enforcement costs.

28 ///

1 8. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
2 under penalty of perjury on forms provided by the Board, stating whether there has been
3 compliance with all the conditions of probation.

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

6 9. GENERAL PROBATION REQUIREMENTS.

7 Compliance with Probation Unit

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

9 Address Changes

10 Respondent shall, at all times, keep the Board informed of Respondent's business and
11 residence addresses, email address (if available), and telephone number. Changes of such
12 addresses shall be immediately communicated in writing to the Board or its designee. Under no
13 circumstances shall a post office box serve as an address of record, except as allowed by Business
14 and Professions Code section 2021, subdivision (b).

15 Place of Practice

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

19 License Renewal

20 Respondent shall maintain a current and renewed California physician's and surgeon's
21 license.

22 Travel or Residence Outside California

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

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

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

4 11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
5 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
6 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
7 defined as any period of time Respondent is not practicing medicine as defined in Business and
8 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
9 patient care, clinical activity or teaching, or other activity as approved by the Board. If
10 Respondent resides in California and is considered to be in non-practice, Respondent shall
11 comply with all terms and conditions of probation. All time spent in an intensive training
12 program which has been approved by the Board or its designee shall not be considered non-
13 practice and does not relieve Respondent from complying with all the terms and conditions of
14 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
15 on probation with the medical licensing authority of that state or jurisdiction shall not be
16 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
17 period of non-practice.

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

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

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

25 Periods of non-practice for a Respondent residing outside of California will relieve
26 Respondent of the responsibility to comply with the probationary terms and conditions with the
27 exception of this condition and the following terms and conditions of probation: Obey All Laws;
28 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or

1 Controlled Substances; and Biological Fluid Testing.

2 12. COMPLETION OF PROBATION. Respondent shall comply with all financial
3 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
4 completion of probation. Upon successful completion of probation, Respondent's certificate shall
5 be fully restored.

6 13. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
7 of probation is a violation of probation. If Respondent violates probation in any respect, the
8 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
9 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
10 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
11 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
12 the matter is final.

13 14. LICENSE SURRENDER. Following the effective date of this Decision, if
14 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
15 the terms and conditions of probation, Respondent may request to surrender his or her license.
16 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
17 determining whether or not to grant the request, or to take any other action deemed appropriate
18 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
19 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
20 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
21 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
22 application shall be treated as a petition for reinstatement of a revoked certificate.

23 15. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
24 with probation monitoring each and every year of probation, as designated by the Board, which
25 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
26 California and delivered to the Board or its designee no later than January 31 of each calendar
27 year.

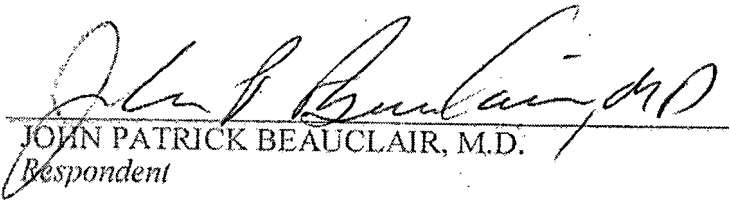
28 ///

1 16. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
2 a new license or certification, or petition for reinstatement of a license, by any other health care
3 licensing action agency in the State of California, all of the charges and allegations contained in
4 Accusation No. 800-2018-042136 shall be deemed to be true, correct, and admitted by
5 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
6 restrict license.

7 ACCEPTANCE

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

12
13 DATED: 5/26/22


14 JOHN PATRICK BEAUCLAIR, M.D.
15 Respondent

16 ENDORSEMENT

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

19
20 DATED: _____

Respectfully submitted,

21 ROB BONTA
22 Attorney General of California
23 EDWARD KIM
24 Supervising Deputy Attorney General

25 CHRISTINA SEIN GOOT
26 Deputy Attorney General
27 Attorneys for Complainant

28
LA2021600664
65103517.docx

1 16. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
2 a new license or certification, or petition for reinstatement of a license, by any other health care
3 licensing action agency in the State of California, all of the charges and allegations contained in
4 Accusation No. 800-2018-042136 shall be deemed to be true, correct, and admitted by
5 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
6 restrict license.

7 **ACCEPTANCE**

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

12
13 DATED: _____

14 JOHN PATRICK BEAUCLAIR, M.D.
15 *Respondent*

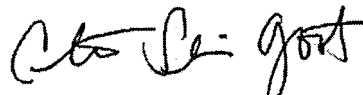
16 **ENDORSEMENT**

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

19
20 DATED: 5/26/22

Respectfully submitted,

21 ROB BONTA
22 Attorney General of California
23 EDWARD KIM
24 Supervising Deputy Attorney General

25 
26 CHRISTINA SEIN GOOT
27 Deputy Attorney General
28 *Attorneys for Complainant*

LA2021600664
65103517.docx

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 State Bar No. 155307
300 So. Spring Street, Suite 1702
4 California Department of Justice
Los Angeles, CA 90013
5 Telephone: (213) 269-6453
Facsimile: (916) 731-2117
6 *Attorneys for Complainant*

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. 800-2018-042136

12 **John Patrick Beauclair, M.D.**
13 **292 East Foothill Blvd., Suite C**
Arcadia, CA 91006

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. G 17614,**

16 Respondent.

17
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 November 5, 1969, the Board issued Physician's and Surgeon's
23 Certificate No. G 17614 to John Patrick Beauclair, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on December 31, 2021, unless renewed.

26 ///

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 125 of the Code states:

Any person, licensed under Division 1 (commencing with Section 100), Division 2 (commencing with Section 500), or Division 3 (commencing with Section 5000) is guilty of a misdemeanor and subject to the disciplinary provisions of this code applicable to them, who conspires with a person not so licensed to violate any provision of this code, or who, with intent to aid or assist that person in violating those provisions does either of the following:

(a) Allows their license to be used by that person.

(b) Acts as their agent or partner.

6. Section 2052 of the Code states:

(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter [Chapter 5, the Medical Practice Act], or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law, is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.

(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense, subject to the punishment described in that subdivision.

(c) The remedy provided in this section shall not preclude any other remedy provided by law.

///

///

1 7. Section 2234 of the Code, states, in pertinent part:

2 The board shall take action against any licensee who is charged with
3 unprofessional conduct. In addition to other provisions of this article, unprofessional
4 conduct includes, but is not limited to, the following:

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

7 (b) Gross negligence.

8 ...

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

11 ...

12 8. Section 2261 of the Code states:

13 Knowingly making or signing any certificate or other document directly or
14 indirectly related to the practice of medicine ... which falsely represents the existence
15 or nonexistence of a state of facts, constitutes unprofessional conduct.

16 9. Section 2264 of the Code states:

17 The employing, directly or indirectly, the aiding, or the abetting of any
18 unlicensed person or any suspended, revoked, or unlicensed practitioner to engage in
19 the practice of medicine or any other mode of treating the sick or afflicted which
20 requires a license to practice constitutes unprofessional conduct.

21 10. Section 2286 of the Code states:

22 It shall constitute unprofessional conduct for any licensee to violate, to attempt
23 to violate, directly or indirectly, to assist in or abet the violation of, or to conspire to
24 violate any provision or term of Article 18 (commencing with Section 2400), of the
25 Moscone-Knox Professional Corporation Act (Part 4 commencing with Section
26 13400) of Division 3 of Title 1 of the Corporations Code), or of any rules and
27 regulations duly adopted under those laws.

28 11. Section 2400 of the Code states:

Corporations and other artificial legal entities shall have no professional rights,
privileges, or powers. However, the Division of Licensing may in its discretion, after
such investigation and review of such documentary evidence as it may require, and
under regulations adopted by it, grant approval of the employment of licensees on a
salary basis by licensed charitable institutions, foundations, or clinics, if no charge for
professional services rendered patients is made by any such institution, foundation, or
clinic.

///

///

12. Section 2406 of the Code states:

A medical or podiatry corporation is a corporation which is authorized to render professional services, as defined in Section 13401 of the Corporations Code, so long as that corporation and its shareholders, officers, directors and employees rendering professional services who are physicians and surgeons, psychologists, registered nurses, optometrists, podiatrists, chiropractors, acupuncturists, naturopathic doctors, physical therapists, occupational therapists, or, in the case of a medical corporation only, physician assistants, marriage and family therapists, clinical counselors, or clinical social workers, are in compliance with the Moscone-Knox Professional Corporation Act [Corporations Code section 13400 et seq.], the provisions of this article and all other statutes and regulations now or hereafter enacted or adopted pertaining to the corporation and the conduct of its affairs.

With respect to a medical corporation or podiatry corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the board.

13. Section 2410 of the Code states:

A medical or podiatry corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes and regulations to the same extent as a licensee under this chapter [Chapter 5, the Medical Practice Act].

14. California Code of Regulations, title 16, section 1343 states, in pertinent part:

A professional corporation shall comply with the following provisions:

(a) The corporation is organized and exists pursuant to the general corporation law and is a professional corporation within the meaning of the Moscone-Knox Professional Corporations Act (Corporations Code Section 13400 et seq.).

(b) Each shareholder, director or officer (except as provided in Section 13403 of the Corporations Code and Section 2408 of the code) holds a valid physician's and surgeon's certificate ... provided that, a licensed podiatrist, psychologist, optometrist, physician's assistant, clinical social worker, marriage, family and child counselor, chiropractor or registered nurse may be a shareholder, director or officer of a medical corporation so long as such licensed persons own no more than 49% of the total shares issued by the medical corporation and the number of licensed persons owning shares in the medical corporation does not exceed the number of physicians owning shares in such a corporation...

(c) Each professional employee of the corporation who will practice medicine, podiatry, psychology, optometry, clinical social work, marriage, family and child counselling, chiropractic or nursing, whether or not a director, officer or shareholder, holds a valid license.

...

///

///

15. Unprofessional conduct under California Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine.¹

FIRST CAUSE FOR DISCIPLINE

(Aiding and Abetting Unlicensed Practice of Medicine)

16. Respondent has subjected his Physician's and Surgeon's Certificate No. G 17614 to disciplinary action under sections 2227, 2264, and 2234, subdivision (a), as defined by sections 2052, subdivision (b), and 125, of the Code, in that he aided and abetted the unlicensed practice of medicine, as more particularly alleged hereinafter:

17. On or about October 1, 2015, C.C., a person who is not licensed as a physician and surgeon in California, formed a professional corporation called, "Envy Aesthetics Center," (Envy) located at 1326 S. Baldwin Ave., Arcadia, California 91007. Neither Respondent, nor any other physician and surgeon is listed on this document.

18. On or about October 19, 2015, J.C., an unlicensed person and the wife of C.C., filed a Statement of Information with the California Secretary of State listing Envy's officers and directors. J.C. listed herself as the Chief Executive Officer, Secretary, Chief Financial Officer, sole Director, and the Agent for Service of Process of Envy. Neither Respondent, nor any other physician and surgeon is listed on this document.

19. On or about August 22, 2016, Respondent signed and submitted under penalty of perjury a Fictitious Name Permit (FNP) to the Board for Envy. On this document, Respondent identified the business type as an individual (sole proprietor) and identified himself as the sole owner. The FNP was issued by the Board on October 7, 2016, with an expiration date of October 31, 2020.

20. On or about November 21, 2018, Respondent signed an agreement with Olympia Compounding Pharmacy that any prescriptions submitted on behalf of Envy would comply with necessary office visit requirements.

¹ *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

1 21. On or about December 1, 2018, J.C. applied for a tenant improvement permit with the
2 City of Arcadia for Envy at 1326 S. Baldwin Ave. On the application, J.C. identified herself as
3 the Director of the business.

4 22. On or about December 1, 2018, The City of Arcadia issued a business license for
5 Envy as a retail cosmetics, laser, injection, facial, and skin care office of physicians. J.C. is
6 identified as the owner on this document.

7 23. On or about November 30, 2019, Patient A² presented at Envy for platelet rich plasma
8 (PRP) therapy.³ Patient A completed a registration form, arbitration form, and a consent form for
9 this treatment. The consent form was witnessed by H.Y., and signed by J.C. as the NP/PA/MA.
10 J.C. performed the PRP on Patient A. Patient A did not see a physician at any time during this
11 visit and her chart does not contain a good faith exam.

12 24. On or about December 1, 2019, the City of Arcadia issued a business license for Envy
13 as a retail cosmetics, laser, injection, facial, and skin care office of physicians. J.C. is identified
14 as the owner on this document.

15 25. On or about February 13, 2020, Respondent signed a Medical Director's Liability
16 Application Form for Envy. On this document, Respondent identified his specialty as
17 ophthalmology and denied having any board certifications. He further indicated that he was an
18 owner of the facility, the medical director for the last three years, and performs good faith exams
19 only.

20 26. On or about February 20, 2020, J.C. signed a medical proof of liability insurance
21 application for Envy. On this document, J.C. indicated that the facility was owned by herself and
22 Respondent, identified Respondent as the medical director, and referred to herself as a registered
23 nurse. In addition, J.C. stated that they use Dermalax dermal filler from Korea, and Vivacy
24 Stylage dermal filler from France, at the facility.

25 ///

26 ² To protect the privacy of the patient involved, the patient's name has not been included
27 in this pleading. Respondent is aware of the identity of the patient referred to herein.

28 ³ Platelet rich plasma (PRP) therapy (also known as a "vampire facial") involves taking
the patient's blood, extracting the plasma, and then injecting it into the patient's face.

1 27. On or about March 2, 2020, Respondent signed a healthcare practitioner authorization
2 form for Medline Industries, Inc., authorizing one account for Envy to purchase prescription
3 drugs and devices utilizing his state medical license and DEA license.

4 28. On or about August 12, 2020, Investigator K.O. from the Division of Investigations
5 contacted Envy by FaceTime for a consultation. Investigator K.O. posed as a potential patient
6 and spoke with J.C.⁴ During this video call, J.C. explained various procedures in detail, including
7 Botox⁵, thread lift,⁶ PRP therapy, Ultherapy,⁷ and Thermage.⁸ J.C. informed Investigator K.O.
8 how much these procedures would cost and some risks and benefits of each. J.C. further
9 informed Investigator K.O. that all injections were performed by the physician assistant, J.L., and
10 that she just handles the consultation. When Investigator K.O. asked if people can get burned
11 with Ultherapy, J.C. responded, "of course, this is medical."

12 29. On or about September 15, 2020, Investigator K.O. contacted Envy by FaceTime for
13 a second consultation and spoke with J.C. During this video call, J.C. explained the thread lift
14 and PRP procedures. J.C. recommended Investigator K.O. receive the thread lift procedure, as
15 well as PRP, Juvederm⁹ filler, and Ultherapy. J.C. informed Investigator K.O. that she does not
16 perform injections, but admitted she performs the laser, Ultherapy, and Thermage.

17 30. On or about September 17, 2020, Envy's website located at www.envyff.com
18 identified three separate clinic locations, including 1326 Baldwin Ave. in Arcadia. The

19 ⁴ During this call, J.C. referred to herself as "Diane Wang," but was later identified as J.C.

20 ⁵ Botox (Botulinum Toxin Type-A) is a purified protein produced by clostridium
21 botulinum bacterium, which reduces the activity of the muscles that cause frown lines and
22 wrinkles to form over time when injected under the skin. Botox is a dangerous drug pursuant to
Business and Professions Code section 4022, and can only be dispensed upon a prescription.

23 ⁶ A thread lift is a type of procedure wherein temporary sutures are used to produce a
subtle but visible "lift" in the skin.

24 ⁷ Ultherapy uses ultrasound technology and heat to stimulate collagen production and to
25 tighten the skin.

26 ⁸ Thermage uses radiofrequency technology and heat to stimulate collagen production and
to tighten the skin.

27 ⁹ Juvéderm is an injectable filler composed of largely hyaluronic acid. It is used to soften
28 deep folds and reduce wrinkles in the faces of patients. Juvéderm is a dangerous drug pursuant to
Business and Professions Code section 4022, and can only be dispensed upon a prescription.

1 advertised services offered at Envy included, but were not limited to, injectables (Botox, Dysport,
2 Juvederm Voluma, Kybella, Restalyne, PDO Thread Lift, Sculptra, PRP Microneedling, PRP
3 Mesotherapy, and Filora Mesotherapy), laser treatment, body contouring, and skin rejuvenation.
4 A photograph of Respondent is depicted on the website, identifying him as a board certified
5 surgeon. Respondent does not hold any board certifications.

6 31. On or about September 17, 2020, Envy's website located at
7 www.envymedspa.wpcomstaging.com identified two clinic locations, including at 1326 Baldwin
8 Ave. in Arcadia. The advertised services offered at Envy included, but were not limited to,
9 medical aesthetics (injections, Botox, PiQo4, Ultherapy, Thread Lift, and Stem Cell Therapy),
10 facials, eyelash extensions, and hair removal. A testimonial posted on the website stated in
11 pertinent part, "Did ultherapy with Jennifer last month. The result is really good..."

12 32. On or about September 30, 2020, Investigator K.O. contacted J.C. and made an
13 appointment to receive a Thermage treatment on October 9, 2020.

14 33. On or about October 9, 2020, Investigator K.O. presented to Envy at 1326 Baldwin
15 Ave. in Arcadia for her Thermage treatment, and met with J.C. No other medical personnel was
16 present during this encounter at any time. J.C. explained the process of Thermage and the
17 potential side effects to Investigator K.O. J.C. provided Investigator K.O. with paperwork to
18 complete, including a registration form, an arbitration agreement, and a consent form. These
19 forms were not countersigned by any other person. J.C. then escorted Investigator K.O. to an
20 exam room where the procedure was to be performed. J.C. then brought the Thermage machine
21 into the room and explained that she would need to apply a numbing cream to her face before
22 initiating the procedure. Investigator K.O. informed J.C. that she did not want the numbing
23 cream and left the clinic. Shortly thereafter, a team of investigators entered Envy and executed a
24 search warrant on the facility.

25 34. On or about October 9, 2020, investigators from the Division of Investigations
26 searched the Envy facility. During this search, investigators found, among other things, expired
27 medications, foreign-sourced medications, and bottles of tranexamic acid for office use that had
28 been prescribed by Respondent.

35. On or about October 9, 2020, J.C. was interviewed by an investigator from the Division of Investigations. During this interview, J.C. claimed that Respondent owns the business, but he does not come in. She initially claimed to only work the front desk and denied performing any procedures at Envy. J.C. later admitted performing minor procedures like hair removal, admitted having no licenses with any licensing board in California, and then refused to answer any more questions.

SECOND CAUSE FOR DISCIPLINE

(Violation of the Laws Regarding Medical Corporations)

36. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 17614 to disciplinary action under sections 2227, 2234, and 2286, as defined by sections 2400, 2406, and 2410, and 3541, of the Code, and California Code of Regulations, title 16, section 1343, in that he violated or assisted in or abetted the violation of the Moscone-Knox Professional Corporation Act (Part 4 commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or of any rules and regulations duly adopted under those laws, as more particularly alleged in paragraphs 16 through 35, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Dishonesty or Corruption)

37. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 17614 to disciplinary action under sections 2227, and 2234, subdivisions (e), of the Code, in that he engaged in an act or acts of dishonesty that are substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly alleged in paragraphs 16 through 35, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

///

///

///

///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 38. Respondent has further subjected his Physician's and Surgeon's Certificate No.
4 G 17614 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
5 subdivision (b), of the Code, in that he was grossly negligent, as more particularly alleged
6 hereinafter:

7 (a) Paragraphs 16 through 35, above, are incorporated by reference and realleged as if
8 fully set forth herein.

9 (b) Respondent committed gross negligence as the Medical Director of Envy, by
10 permitting the use of foreign-sourced and/or non-FDA-approved medical products in the
11 facility.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 **(False Representations)**

14 39. Respondent has further subjected his Physician's and Surgeon's Certificate No.
15 G 17614 to disciplinary action under sections 2227, 2234, and 2261, of the Code, in that he
16 knowingly signed a document related to the practice of medicine which falsely represents the
17 existence of a state of facts, as more particularly alleged in paragraphs 16 through 35, above,
18 which are hereby incorporated by reference and realleged as if fully set forth herein.

19 **SIXTH CAUSE FOR DISCIPLINE**

20 **(General Unprofessional Conduct)**

21 40. Respondent has further subjected his Physician's and Surgeon's Certificate No.
22 G 17614 to disciplinary action under sections 2227, 2234, and 2234, subdivision (a), of the Code,
23 in that he engaged in conduct which breached the rules or ethical code of the medical profession
24 or which was unbecoming a member in good standing of the medical profession, and which
25 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 16
26 through 35, above, which are hereby incorporated by reference and realleged as if fully set forth
27 herein.

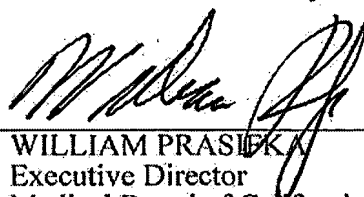
28 ///

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 or suspending Physician's and Surgeon's Certificate No. G 17614, issued to Respondent, John Patrick Beauclair, M.D.;
2. Revoking, suspending or denying approval of Respondent, John Patrick Beauclair, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent, John Patrick Beauclair, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: MAR 03 2021



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

LA2021600664
BEAUCLAIR ACCUSATION-MBC EDITS.docx