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

In the Matter of the Accusation Against: Sunil A. Roy, M.D. Physician's and Surgeon's Certificate No. A 40667 Respondent.	Case No. 800-2019-056885

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 January 27, 2023.

IT IS SO ORDERED January 20, 2023.

MEDICAL BOARD OF CALIFORNIA

Reji Varghese
Deputy Director

ROB BONTA
Attorney General of California
EDWARD KIM
Supervising Deputy Attorney General
BRIAN D. BILL
Deputy Attorney General
State Bar No. 239146
Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6461
Facsimile: (916) 731-2117
Attorneys for Complainant

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

In the Matter of the Accusation Against: **SUNIL A. ROY, M.D.** **13670 Monteverde Drive** **Chino Hills, CA 91709-1358** **Physician's and Surgeon's Certificate No. A 40667,** Respondent.	Case No. 800-2019-056885 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Brian D. Bill, Deputy Attorney General.

2. SUNIL A. ROY, M.D. (Respondent) is represented in this proceeding by attorney Gary Wittenberg, whose address is: 1901 Avenue of the Stars, Suite 1750, Los Angeles, CA 90067.

3. On or about February 21, 1984, the Board issued Physician's and Surgeon's

Certificate No. A 40667 to 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. 800-2019-056885 and will expire on December 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 800-2019-056885 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 February 15, 2022. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2019-056885 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2019-056885. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of 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.

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

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2019-056885, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent gives up his right to contest that, at a hearing, Complainant

could establish a prima facie case with respect to the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

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

CONTINGENCY

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

12. This Stipulated Surrender of License and Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreement of the parties in this above entitled matter

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

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

//

//

//

//

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 40667, issued to Respondent SUNIL A. ROY, M.D., is surrendered and accepted by the Board.

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

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

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2019-056885 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of enforcement in the amount of sixteen thousand five hundred forty seven dollars and fifty cents ($16,547.50) prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2019-056885 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

//

//

//

ACCEPTANCE

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

DATED: Oct 12th 2022

SUNIL A. ROY, M.D.
Respondent

I have read and fully discussed with Respondent SUNIL A. ROY, 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: 10-17-22

GARY WITTENBERG
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: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
EDWARD KIM
Supervising Deputy Attorney General

BRIAN D. BILL
Deputy Attorney General
Attorneys for Complainant

LA2021604544
65479980.docx

ACCEPTANCE

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

DATED: _____ _____
SUNIL A. ROY, M.D.
Respondent

I have read and fully discussed with Respondent SUNIL A. ROY, 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: _____ _____
GARY WITTENBERG
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: October 20, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
EDWARD KIM
Supervising Deputy Attorney General

Brian D. Bill

BRIAN D. BILL
Deputy Attorney General
Attorneys for Complainant

LA2021604544
65479980.docx

Exhibit A

Accusation No. 800-2019-056885

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
CHRISTINE R. FRIAR
Deputy Attorney General
State Bar No. 228421
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6472
Facsimile: (916) 731-2117
Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case No. 800-2019-056885
SUNIL A. ROY, M.D. **13670 Monteverde Drive** **Chino Hills, CA 91709-1358** **Physician's and Surgeon's Certificate No. A 40667,** Respondent.	**A C C U S A T I O N**

PARTIES

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

2. On or about February 21, 1984, the Board issued Physician's and Surgeon's Certificate Number A 40667 to Sunil A. Roy, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2023, unless renewed.

///

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 726 of the Code states:

> (a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this or under any initiative act referred to in this division.
>
> (b) This section shall not apply to consensual sexual contact between a licensee and his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, to his or her spouse or person in an equivalent domestic relationship.

6. Section 729 of the Code states:

> (a) Any physician and surgeon, psychotherapist, alcohol and drug abuse counselor or any person holding himself or herself out to be a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in those acts, unless the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor has referred the patient or client to an independent and objective physician and surgeon, psychotherapist, or alcohol and drug abuse counselor recommended by a third-party physician and surgeon, psychotherapist, or alcohol and drug abuse counselor for treatment, is guilty of sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.
>
> (b) Sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor is a public offense:
>
> (1) An act in violation of subdivision (a) shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.
>
> (2) Multiple acts in violation of subdivision (a) with a single victim, when the offender has no prior conviction for sexual exploitation, shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars ($1,000), or by both that imprisonment and fine.

...

For purposes of subdivision (a), in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

(c) For purposes of this section:

...

(3) "Sexual contact" means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

(4) "Intimate part" and "touching" have the same meanings as defined in Section 243.4 of the Penal Code.

....

7. 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.

...

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

....

///

8. California Code of Regulations, title 16, section 1360, subdivision (a), states:

For the purposes of denial, suspension or revocation of a license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes, professional misconduct, or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of state or federal law governing the applicant's or licensee's professional practice.

COST RECOVERY

9. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may 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 enforcement of the case.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

FACTUAL ALLEGATIONS

10. During the relevant time period, Respondent was employed as a primary care physician at Southern California Permanente Medical Group, Baldwin Park Medical Center ("SCPMG"), located in Baldwin Hills, California. Respondent specializes in Family Medicine.

11. Patient 1[1] and her husband were long-time primary care patients of Respondent at SCPMG. After Patient 1's husband passed away in or about 2000, she continued to receive care and treatment from Respondent.

12. In 2014, Patient 1 made plans to move from California to Hawaii. Patient 1 wanted her dog to be able to fly with her on the plane. Through SCPMG, Patient 1 asked Respondent, as her long-time primary care physician, to write her a letter stating that she needed to have her dog with her as an "emotional service animal."

13. Respondent agreed to write the letter for Patient 1. When it was ready, Patient 1 planned to return to SCPMG to pick up the letter.

14. Instead, on or about the morning of June 19 or 20, 2014, Respondent arrived at Patient 1's home with the letter. The letter is dated June 19, 2014. When he arrived at her house, Respondent entered Patient 1's house and suggested that she have sexual intercourse with him in exchange for the letter. Patient 1 and Respondent then had sexual intercourse in her home.

///

[1] The patient whose care and treatment is at-issue in this charging document is designated by number to address privacy concerns. The patient's identity is known to Respondent and will be further disclosed during discovery.

15. Respondent returned to Patient 1's home on one other occasion. Respondent and Patient 1 had sexual intercourse again.

16. After engaging in sexual intercourse with Patient 1, Respondent continued to provide medical care and treatment to Patient 1 as her primary care physician, until at least October of 2018.

17. In 2019, after her dog died, Patient 1 reported the incidents of sexual intercourse with Respondent to SCPMG and the Los Angeles County Sheriff's Department. Patient 1 reported that both incidents were non-consensual sexual assaults perpetrated by force.

18. Both SCPMG and the Sheriff's Department conducted investigations into Patient 1's allegations against Respondent. When interviewed by SCPMG as part of its investigation, Respondent admitted to going to Patient 1's home on two occasions. He further admitted to engaging in consensual sexual activity with Patient 1 on one occasion and to calling her many times afterward. Respondent also admitted that he continued to provide care and treatment to Patient 1 after having sexual intercourse with her.

19. After SCPMG concluded its investigation into Patient 1's allegations, on June 4, 2019, Respondent submitted a letter of resignation to SCPMG, which SCPMG accepted effective immediately.

20. On or about October 8, 2020, detectives at the Los Angeles County Sheriff's Department received a letter of the same date from Respondent's counsel in response to their request for a statement from Respondent regarding Patient 1's allegations of sexual assault. The letter was written on behalf of Respondent and states, in pertinent part, "any interactions between [Respondent] and [Patient 1] were consensual." The letter further admitted that "[f]ollowing their brief interaction, [Patient 1] continued to be treated by [Respondent] until June 2019, for <u>five</u> more years...When Kaiser Permanente learned of the interaction, [Respondent] resigned as an emeritus physician..."

21. On or about May 20, 2021, Respondent was interviewed by an investigator for the Medical Board regarding his relationship with Patient 1. Respondent asserted his Fifth Amendment privilege in response to all of the investigator's questions.

RELEVANT STANDARD OF CARE

22. The standard of care in the medical community provides that physicians are to preserve the boundaries of the physician-patient relationship. Boundaries of the physician-patient relationship dictate that the physician avoid unprofessional conduct, which includes sexual relations with a patient or former patient. Both consensual and non-consensual sexual activity with a current or former patient are considered sexual misconduct.

23. In May 2015, the American Medical Association (AMA) opined on physician boundaries in the AMA Journal of Ethics in an article entitled, "AMA Code of Medical Ethics' Opinions on Observing Professional Boundaries and Meeting Professional Responsibilities" (with previous versions issued in December 1989, updated in March 1992, based on the report "Sexual Misconduct in the Practice of Medicine," adopted December 1990). Opinion 8.14 states, in pertinent part, as follows:

> Sexual contact that occurs concurrent with the patient-physician relationship constitutes sexual misconduct. Sexual or romantic interactions between physicians and patients detract from the goals of the physician-patient relationship, may exploit the vulnerability of the patient, may obscure the physician's objective judgment concerning the patient's health care, and ultimately may be detrimental to the patient's well-being.
>
> If a physician has reason to believe that non-sexual contact with a patient may be perceived as or may lead to sexual contact, then he or she should avoid the non-sexual contact. At a minimum, a physician's ethical duties include terminating the physician-patient relationship before initiating dating, romantic, or sexual relationship with a patient.
>
> ...

24. The California Medical Board's policy regarding sexual activity between a physician and patient was articulated in its April 1996 Action report, Policy Statement: Medical Practitioners and Sexual Misconduct, which states, in pertinent part: "It is the policy of the Medical Board of California that a medical practitioner who engages in sexual activity with a current patient is guilty of unprofessional conduct."

///

///

///

FIRST CAUSE FOR DISCIPLINE

(Sexual Misconduct)

25. Respondent Sunil A. Roy, M.D. is subject to disciplinary action under Code section 726, in that he committed acts of sexual abuse and/or sexual misconduct with a patient when he engaged in sexual activity with Patient 1 while she was a patient under his care. The circumstances are as follows:

26. Paragraphs 10 through 24 herein are incorporated by reference as if fully set forth.

27. Respondent's acts and/or omissions as set forth in paragraph 26, inclusive above, whether proven individually, jointly, or in any combination thereof, constitute sexual abuse and/or sexual misconduct with a patient pursuant to Code section 726. As such, cause for discipline exists.

SECOND CAUSE FOR DISCIPLINE

(Sexual Exploitation)

28. Respondent Sunil A. Roy, M.D. is subject to disciplinary action under Code sections 2234, subdivision (a), and 729, in that he committed sexual exploitation of a patient when he engaged in sexual activity with Patient 1. The circumstances are as follows:

29. Paragraphs 10 through 24 herein are incorporated by reference as if fully set forth.

30. Respondent's acts and/or omissions as set forth in paragraph 29, inclusive above, whether proven individually, jointly, or in any combination thereof, constitute sexual exploitation of a patient pursuant to Code sections 2234, subdivision (a), and 729. As such, cause for discipline exists.

THIRD CAUSE FOR DISCIPLINE

(Gross Negligence)

31. Respondent Sunil A. Roy, M.D. is subject to disciplinary action under section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of Patient 1. The circumstances are as follows:

32. Paragraphs 10 through 24 herein are incorporated by reference as if fully set forth.

33. Respondent committed an extreme departure from the standard of care when he

engaged in sexual activity with an active patient, thus violating the boundaries of the physician-patient relationship.

34. Respondent's acts and/or omissions as set forth in paragraphs 32 and 33, inclusive above, whether proven individually, jointly, or in any combination thereof, constitute gross negligence pursuant to Code section 2234, subdivision (b). As such, cause for discipline exists.

FOURTH CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

35. Respondent Sunil A. Roy, M.D. is subject to disciplinary action under section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his care and treatment of Patient 1. The circumstances are as follows:

36. Paragraphs 10 through 24 and 33 herein are incorporated by reference as if fully set forth.

37. Respondent's acts and/or omissions as set forth in paragraph 36, inclusive above, whether proven individually, jointly, or in any combination thereof, constitute repeated negligent acts pursuant to Code section 2234, subdivision (c). As such, cause for discipline exists.

FIFTH CAUSE FOR DISCIPLINE

(Dishonest and Corrupt Acts)

38. Respondent Sunil A. Roy, M.D. is subject to disciplinary action under section 2234, subdivision (e), of the Code, in that Respondent committed dishonest and corrupt acts substantially related to the qualifications, functions, or duties of a physician and surgeon during the course of his care and treatment of Patient 1. The circumstances are as follows:

39. Paragraphs 10 through 24 and 33 herein are incorporated by reference as if fully set forth.

40. More specifically, during the course of his care and treatment of Patient 1, Respondent engaged in sexual activity with Patient 1 in her home while she was a patient under his care.

41. Respondent's acts and/or omissions as set forth in paragraphs 39 and 40, inclusive above, whether proven individually, jointly, or in any combination thereof, constitute dishonest

and corrupt acts substantially related to the qualifications, functions, or duties of a physician and surgeon pursuant to Code section 2234, subdivision (e). As such, cause for discipline exists.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

42. Respondent Sunil A. Roy, M.D. is subject to disciplinary action under section 2234 of the Code, in that he committed unprofessional conduct during the course of his care and treatment of Patient 1. The circumstances are as follows:

43. Paragraphs 10 through 24 and 33 herein are incorporated by reference as if fully set forth.

44. Respondent's acts and/or omissions as set forth in paragraph 43, inclusive above, whether proven individually, jointly, or in any combination thereof, constitute unprofessional conduct pursuant to Code section 2234. As such, cause for discipline exists.

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 Number A 40667, issued to Respondent Sunil A. Roy, M.D.;

2. Revoking, suspending or denying approval of Respondent Sunil A. Roy, M.D.'s authority to supervise physician assistants and advanced practice nurses.

3. Ordering Respondent Sunil A. Roy, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

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

DATED: FEB 15 2022

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