

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

**In the Matter of the Petition to Revoke
Probation Against:**

Paul Edward Verhoeve, M.D.

**Physician's and Surgeon's
Certificate No. A 45358**

Respondent.

Case No. 800-2022-092254

DECISION

**The attached Stipulated Surrender of License 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 JAN 30 2023.

IT IS SO ORDERED JAN 23 2023.

MEDICAL BOARD OF CALIFORNIA



**Reji Varghese
Deputy Director**

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Petition to Revoke
14 Probation Against:

15 **PAUL EDWARD VERHOEVE, M.D.**
16 **1679 E. Main Street**
El Cajon, CA 92021

17 **Physician's and Surgeon's Certificate**
18 **No. A 45358**

19 Respondent.

Case No. 800-2022-092254

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

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

22 **PARTIES**

23 1. Reji Varghese (Complainant) is the Deputy Director of the Medical Board of
24 California (Board). William Prasifka previously brought this action solely in his official capacity
25 as the Executive Director of the Board.¹ Complainant is represented in this matter by Rob Bonta,
26 Attorney General of the State of California, by Karolyn M. Westfall, Deputy Attorney General.

27 ///

28 ¹ Effective December 31, 2022, William Prasifka retired as Executive Director of the
Board.

2. Paul Edward Verhoeve, M.D. (Respondent) is represented in this proceeding by attorney Dan Bacal, Esq., whose address is: 275 E. Douglas Ave., Suite 114, El Cajon, CA 92020.

3. On or about October 3, 1998, the Board issued Physician's and Surgeon's Certificate No. A 45358 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 800-2022-092254, and will expire on July 31, 2024, unless renewed.

JURISDICTION

4. Petition to Revoke Probation No. 800-2022-092254 was filed before the Board, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on December 7, 2022. A copy of Petition to Revoke Probation No. 800-2022-092254 is attached hereto as Exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Petition to Revoke Probation No. 800-2022-092254. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary 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 Petition to Revoke Probation; 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. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Petition to
3 Revoke Probation No. 800-2022-092254, agrees that cause exists for discipline, and hereby
4 surrenders his Physician's and Surgeon's Certificate No. A 45358 for the Board's formal
5 acceptance.

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

9 **CONTINGENCY**

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

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

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

24 **ORDER**

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 45358, issued
26 to Respondent Paul Edward Verhoeve, M.D., is surrendered and accepted by the Board.

27 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
28 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
2 of Respondent's license history with the Board.

3 2. Respondent shall lose all rights and privileges as a physician and surgeon in
4 California as of the effective date of the Board's Decision and Order.

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

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked or
10 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
11 contained in Petition to Revoke Probation No. 800-2022-092254 shall be deemed to be true,
12 correct and admitted by Respondent when the Board determines whether to grant or deny the
13 petition.

14 5. If Respondent should ever apply or reapply for a new license or certification, or
15 petition for reinstatement of a license, by any other health care licensing agency in the State of
16 California, all of the charges and allegations contained in Petition to Revoke Probation, No. 800-
17 2022-092254 shall be deemed to be true, correct, and admitted by Respondent for the purpose of
18 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

19 ACCEPTANCE

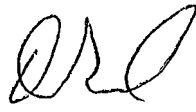
20 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
21 have fully discussed it with my attorney, Dan Bacal, Esq. I understand the stipulation and the
22 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
23 Surrender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

25
26 DATED: 1/4/2023


27 PAUL EDWARD VERHOEVE, M.D.
28 Respondent

1 I have read and fully discussed with Respondent Paul Edward Verhoeve, M.D., the terms
2 and conditions and other matters contained in this Stipulated Surrender of License and
3 Disciplinary Order. I approve its form and content.

4 DATED: 11/4/23


DAN BACAL, ESQ.
Attorney for Respondent

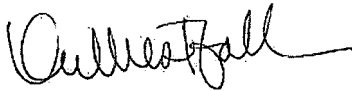
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7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby
9 respectfully submitted for consideration by the Medical Board of California of the Department of
10 Consumer Affairs.

11 DATED: 1/4/23

Respectfully submitted,

12 ROB BONTA
13 Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

14 
15 KAROLYN M. WESTFALL
16 Deputy Attorney General
17 *Attorneys for Complainant*

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Exhibit A

Petition to Revoke Probation No. 800-2022-092254

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
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8 *Attorneys for Complainant*

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

13 In the Matter of the Petition to Revoke
14 Probation Against:

Case No. 800-2022-092254

15 **PAUL EDWARD VERHOEVE, M.D.**
16 **1679 E. Main Street**
El Cajon, CA 92021

PETITION TO REVOKE PROBATION

17 **Physician's and Surgeon's Certificate**
18 **No. A 45358**

Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. William Prasifka (Complainant) brings this Petition to Revoke Probation solely in his
23 official capacity as the Executive Director of the Medical Board of California (Board),
24 Department of Consumer Affairs.

25 2. On or about October 3, 1998, the Medical Board of California issued Physician's and
26 Surgeon's Certificate No. A 45358 to Paul Edward Verhoeve, M.D. (Respondent). The
27 Physician's and Surgeon's Certificate was in effect at all times relevant to the charges brought
28 herein and will expire on July 31, 2024, unless renewed. On or about September 29, 2022, the

1 Board issued a Cease Practice Order, prohibiting Respondent from practicing medicine until he is
2 notified in writing by the Board, or its designee, that he has completed a clinical diagnostic
3 evaluation and thirty (30) calendar days of continuous negative biological fluid testing.

4 **PRIOR DISCIPLINARY HISTORY**

5 3. In a disciplinary action titled *In the Matter of Accusation Against Paul Edward*
6 *Verhoeve, M.D.*, Case No. 800-2020-069878, the Medical Board of California issued a decision,
7 effective July 15, 2022, in which Respondent's Physician's and Surgeon's Certificate was
8 revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's
9 Certificate was placed on probation for a period of five (5) years, subject to terms and conditions
10 of the Order, including biological fluid testing and abstaining from the use of alcohol. A true and
11 correct copy of that Decision and Order is attached as Exhibit A and is incorporated by reference.

12 **JURISDICTION**

13 4. This Petition to Revoke Probation is brought before the Board, under the authority of
14 the following laws. All section references are to the Business and Professions Code unless
15 otherwise indicated.

16 5. Section 2227 of the Code states, in pertinent part:

17 (a) A licensee whose matter has been heard by an administrative law judge of
18 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
19 Code, or whose default has been entered, and who is found guilty, or who has entered
into a stipulation for disciplinary action with the board, may, in accordance with the
provisions of this chapter:

20 (1) Have his or her license revoked upon order of the board.

21 (2) Have his or her right to practice suspended for a period not to exceed one
22 year upon order of the board.

23 (3) Be placed on probation and be required to pay the costs of probation
monitoring upon order of the board.

24 (4) Be publicly reprimanded by the board. The public reprimand may include a
25 requirement that the licensee complete relevant educational courses approved by the
board.

26 (5) Have any other action taken in relation to discipline as part of an order of
27 probation, as the board or an administrative law judge may deem proper.

28 ...

1 6. At all times after the effective date of the Decision and Order in Case No. 800-2020-
2 069878, Probation Condition No. 1 stated: "Respondent shall abstain completely from the use of
3 products or beverages containing alcohol."

4 7. At all times after the effective date of the Decision and Order in Case No. 800-2020-
5 069878, Probation Condition No. 4 stated, in pertinent part:

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

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

18 ...

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

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

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

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

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

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

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

10 8. At all times after the effective date of the Decision and Order in Case No.
11 800-2020-069878, Probation Condition No. 6 stated:

12 Failure to fully comply with any term or condition of probation is a violation of
13 probation.

14 A. If Respondent commits a major violation of probation as defined by section
15 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board
16 shall take one or more of the following actions:

16 (1) Issue an immediate cease-practice order and order Respondent to undergo a
17 clinical diagnostic evaluation to be conducted in accordance with section 1361.5,
18 subdivision (c)(1), of Title 16 of the California Code of Regulations, at Respondent's
19 expense. The cease-practice order issued by the Board or its designee shall state that
20 Respondent must test negative for at least a month of continuous biological fluid
21 testing before being allowed to resume practice. For purposes of determining the
22 length of time a Respondent must test negative while undergoing continuous
23 biological fluid testing following issuance of a cease-practice order, a month is
24 defined as thirty calendar (30) days. Respondent may not resume the practice of
25 medicine until notified in writing by the Board or its designee that he or she may do
26 so.

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

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

24 B. If Respondent commits a minor violation of probation as defined by section
25 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board
26 shall take one or more of the following actions:

26 (1) Issue a cease-practice order;

27 (2) Order practice limitations;

28 (3) Order or increase supervision of Respondent;

1 (4) Order increased documentation;

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

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

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

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

11 **CAUSE TO REVOKE PROBATION**

12 **(Failure to Abstain from Alcohol)**

13 9. Respondent's probation is subject to revocation because he failed to comply with
14 Probation Condition No. 1 referenced above. The facts and circumstances regarding this
15 violation are as follows:

16 10. Paragraphs 6 through 8, above, are hereby incorporated by reference and realleged as
17 if fully set forth herein;

18 11. On or about September 2, 2022, Respondent provided a biological fluid sample
19 (urine) at an approved testing site, which was analyzed and found to be positive for alcohol.

20 12. On or about September 12, 2022, Respondent submitted a letter of explanation to the
21 Board, claiming he probably tested positive because he had been using 70-90% alcohol to prep
22 his patients for procedures as well as using a good amount of hand gel prior to and after every
23 procedure.

24 13. On or about September 13, 2022, Respondent provided a biological fluid sample
25 (blood) at an approved testing site, which was analyzed and found to be positive for alcohol.

26 14. On or about September 30, 2022, Respondent submitted to a clinical diagnostic
27 evaluation as ordered by the Board. During the evaluation, Respondent claimed he tested positive

28 ///

1 for alcohol because he had "one sip, one ounce" of "FRE wine," which he claimed contains less
2 than .5% alcohol.

3 15. Respondent's probation is subject to revocation because he failed to abstain from
4 alcohol, as required under Probation Condition No. 1 of the Decision and Order in Case No. 800-
5 2020-069878.

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 the probation that was granted by the Medical Board of California in Case
10 No. 800-2020-069878 and imposing the disciplinary order that was stayed thereby revoking
11 Physician's and Surgeon's Certificate No. A 45358 issued to Paul Edward Verhoeve, M.D.;

12 2. Revoking or suspending Physician's and Surgeon's Certificate No. A 45358, issued
13 to Paul Edward Verhoeve, M.D.; and

14 3. Taking such other and further action as deemed necessary and proper.

15
16
17 DATED: **DEC 07 2022**


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

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Exhibit A

Decision and Order

Medical Board of California Case No. 800-2020-069878

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

In the Matter of the First Amended
Accusation Against:

Paul Edward Verhoeve, M.D.

Physician's and Surgeon's
Certificate No. A 45358

Case No.: 800-2020-069878

Respondent.

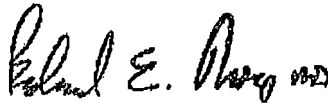
DECISION

The attached Stipulated Settlement 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 July 15, 2022.

IT IS SO ORDERED: June 15, 2022.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9465
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

13 In the Matter of the First Amended Accusation
14 Against:

15 **PAUL EDWARD VERHOEVE, M.D.**
16 **1240 Broadway, Suite 201**
El Cajon, CA 92021

17 **Physician's and Surgeon's Certificate**
18 **No. A 45358,**

18 **Respondent.**

Case No. 800-2020-069878

OAH No. 2021100441

15 **STIPULATED SETTLEMENT AND**
16 **DISCIPLINARY ORDER**

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

22 **PARTIES**

23 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
24 California (Board). He brought this action solely in his official capacity and is represented in this
25 matter by Rob Bonta, Attorney General of the State of California, by Carolyn M. Westfall,
26 Deputy Attorney General.

27 ///

28 ///

2. Respondent Paul Edward Verhoeve, M.D. (Respondent) is represented in this proceeding by attorney Dan Bacal, Esq., whose address is: 275 E. Douglas Ave., Suite 114, El Cajon, CA 92020.

3. On or about October 3, 1988, the Board issued Physician's and Surgeon's Certificate No. A 45358 to Paul Edward Verhoeve, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 800-2020-069878, and will expire on July 31, 2022, unless renewed.

JURISDICTION

4. On February 17, 2022, First Amended Accusation No. 800-2020-069878, which superseded the Accusation that was filed on September 16, 2021, was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on February 17, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of First Amended Accusation No. 800-2020-069878 is attached hereto as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2020-069878. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended 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.

11

8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth and accuracy of each and every charge and allegation in First Amended Accusation No. 800-2020-069878.

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

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, 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 Settlement 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. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in First Amended Accusation No. 800-2020-069878 shall be deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

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

///

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 45358 issued to Respondent Paul Edward Verhoeve, M.D., is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years from the effective date of the Decision on the following terms and conditions:

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

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

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

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

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

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

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

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

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

1 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
2 Association or have completed the training required to serve as a collector for the United
3 States Department of Transportation.

4 (b) Its specimen collectors conform to the current United States Department of
5 Transportation Specimen Collection Guidelines.

6 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
7 by the United States Department of Transportation without regard to the type of test
8 administered.

9 (d) Its specimen collectors observe the collection of testing specimens.

10 (e) Its laboratories are certified and accredited by the United States Department of Health
11 and Human Services.

12 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
13 of receipt and all specimens collected shall be handled pursuant to chain of custody
14 procedures. The laboratory shall process and analyze the specimens and provide legally
15 defensible test results to the Board within seven (7) business days of receipt of the
16 specimen. The Board will be notified of non-negative results within one (1) business day
17 and will be notified of negative test results within seven (7) business days.

18 (g) Its testing locations possess all the materials, equipment, and technical expertise
19 necessary in order to test Respondent on any day of the week.

20 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
21 for the detection of alcohol and illegal and controlled substances.

22 (i) It maintains testing sites located throughout California.

23 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
24 computer database that allows the Respondent to check in daily for testing.

25 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
26 access to drug test results and compliance reporting information that is available 24 hours a
27 day.

28 (l) It employs or contracts with toxicologists that are licensed physicians and have

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 6. **VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING**
2 **LICENSEES.** Failure to fully comply with any term or condition of probation is a violation of
3 probation.

4 A. If Respondent commits a major violation of probation as defined by section
5 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
6 one or more of the following actions:

7 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
8 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
9 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
10 order issued by the Board or its designee shall state that Respondent must test negative for at least
11 a month of continuous biological fluid testing before being allowed to resume practice. For
12 purposes of determining the length of time a Respondent must test negative while undergoing
13 continuous biological fluid testing following issuance of a cease-practice order, a month is
14 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
15 notified in writing by the Board or its designee that he or she may do so.

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

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

19 B. If Respondent commits a minor violation of probation as defined by section
20 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
21 one or more of the following actions:

22 (1) Issue a cease-practice order;

23 (2) Order practice limitations;

24 (3) Order or increase supervision of Respondent;

25 (4) Order increased documentation;

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

27 ///

28 ///

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

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

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

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

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

21 8. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
22 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
23 advanced practice nurses.

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

27 10. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
28 ordered to reimburse the Board its costs of investigation and enforcement, in the amount of

1 \$436.25 (four hundred thirty-six dollars and twenty-five cents). Costs shall be payable to the
2 Medical Board of California. Failure to pay such costs shall be considered a violation of
3 probation.

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

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

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

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

13 12. GENERAL PROBATION REQUIREMENTS.

14 Compliance with Probation Unit

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

16 Address Changes

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

22 Place of Practice

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

26 License Renewal

27 Respondent shall maintain a current and renewed California physician's and surgeon's
28 license.

1 Travel or Residence Outside California

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

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

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

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

25 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
26 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
27 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
28 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

1 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

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

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

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

20 17. LICENSE SURRENDER. Following the effective date of this Decision, if
21 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
22 the terms and conditions of probation, Respondent may request to surrender his or her license.
23 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
24 determining whether or not to grant the request, or to take any other action deemed appropriate
25 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
26 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
27 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject

28 ///

1 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
2 application shall be treated as a petition for reinstatement of a revoked certificate.

3 18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
4 with probation monitoring each and every year of probation, as designated by the Board, which
5 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
6 California and delivered to the Board or its designee no later than January 31 of each calendar
7 year.

8 ACCEPTANCE

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
10 discussed it with my attorney, Dan Bacal, Esq. I understand the stipulation and the effect it will
11 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
12 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
13 Decision and Order of the Medical Board of California.

14
15 DATED:

3/24/2012 Paul Edward Verhoeve, M.D.
PAUL EDWARD VERHOEVE, M.D.
Respondent

17
18 I have read and fully discussed with Respondent Paul Edward Verhoeve, M.D., the terms
19 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
20 Order. I approve its form and content.

21
22 DATED:

3/24/22 [Signature]
DAN BACAL, ESQ.
Attorney for Respondent

24 ///

25 ///

26 ///

27 ///

28 ///

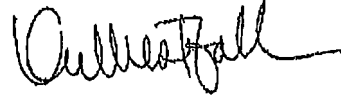
ENDORSEMENT

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

DATED: 3/25/22

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2020-069878

1 ROB BONTA
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the First Amended Accusation
Against:

Case No. 800-2020-069878

FIRST AMENDED ACCUSATION

15 **PAUL EDWARD VERHOEVE, M.D.**
1240 Broadway, Suite 201
16 El Cajon, CA 92021

17 Physician's and Surgeon's Certificate
No. A 45358,

18 Respondent,

19
20 **PARTIES**

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

24 2. On or about October 3, 1988, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 45358 to Paul Edward Verhoeve, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on July 31, 2022, unless renewed.

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4. Section 2227 of the Code states, in pertinent part:

(1) Have his or her license revoked upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(5) Have any other action taken in relation to discipline as part of an order of suspension, as the board or an administrative law judge may deem proper.

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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:

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III

1 7. Section 2236 of the Code states, in pertinent part:

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

7 ...

8 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
9 deemed to be a conviction within the meaning of this section and Section 2236.1.
10 The record of conviction shall be conclusive evidence of the fact that the conviction
11 occurred.

12 8. Section 2239 of the Code states, in pertinent part:

13 (a) The use or prescribing for or administering to himself or herself, of any
14 controlled substance; or the use of any of the dangerous drugs specified in Section
15 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
16 or injurious to the licensee, or to any other person or to the public, or to the extent that
17 such use impairs the ability of the licensee to practice medicine safely or more than
18 one misdemeanor or any felony involving the use, consumption, or
19 self-administration of any of the substances referred to in this section, or any
20 combination thereof, constitutes unprofessional conduct. The record of the
21 conviction is conclusive evidence of such unprofessional conduct.¹

22 ...

23 9. California Code of Regulations, title 16, section 1360, states, in pertinent part:

24 (a) For the purposes of denial, suspension or revocation of a license pursuant to
25 Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime,
26 professional misconduct, or act shall be considered to be substantially related to the
27 qualifications, functions or duties of a person holding a license if to a substantial
28 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.

...
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¹ There is a nexus between a physician's use of alcoholic beverages and his or her fitness to practice medicine, established by the Legislature in section 2239, "in all cases where a licensed physician used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others." (*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407, 1411.)

COST RECOVERY

10. 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.

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

3
4 **FIRST CAUSE FOR DISCIPLINE**

5 (Use of Alcoholic Beverages to the Extent, or in a Manner, as to be Dangerous to
Respondent, Another Person, or the Public)

6 11. Respondent has subjected his Physician's and Surgeon's Certificate No. A 45358 to
7 disciplinary action under sections 2227 and 2234, as defined by section 2239, subdivision (a), of
8 the Code, in that he has used alcoholic beverages to the extent, or in such a manner, as to be
9 dangerous or injurious to himself, another person, or the public, as more particularly alleged
10 hereinafter:

11 12. On or about August 4, 2020, at approximately 7:30 p.m., Respondent was driving
12 home from a restaurant when he crashed his vehicle into four parked cars. When police officers
13 arrived shortly thereafter, they immediately noted Respondent smelled of alcohol, spoke with
14 slurred speech, and had an unsteady gait. Respondent admitted drinking wine prior to driving and
15 informed the officers that he was texting a patient that had a medical emergency at the time of the
16 collision. After performing poorly on field sobriety tests, Respondent was placed under arrest for
17 driving under the influence of alcohol. At approximately 9:13 p.m., two breath samples were
18 obtained from Respondent that indicated he had a blood alcohol content of .21 and .20 percent.

19 13. On or about January 20, 2021, the San Diego City Attorney filed a criminal
20 complaint against Respondent in the matter of *The People of the State of California v. Paul*
21 *Edward Verhoeve*, San Diego County Superior Court Case No. M272570. The complaint
22 charged Respondent with three misdemeanors, including (1) driving under the influence of
23 alcohol, in violation of Vehicle Code section 23152, subdivision (a), (2) driving with a blood
24 alcohol content level of 0.08 percent or more, in violation of Vehicle Code section 23152,
25 subdivision (b), and (3) driving without a valid driver's license, in violation of Vehicle Code
26 section 12500, subdivision (a).

27 ///

28 ///

1 14. On or about April 7, 2021, Respondent pled guilty to driving with a blood alcohol
2 content level of 0.08 percent or more, in violation of Vehicle Code section 23152, subdivision (b),
3 and was sentenced to five (5) years of probation, subject to various terms and conditions.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Conviction of a Crime Substantially Related to the Qualifications,
6 Functions, or Duties of a Physician and Surgeon)**

7 15. Respondent has further subjected his Physician's and Surgeon's Certificate No.
8 A 45358 to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the
9 Code, in that he has been convicted of a crime substantially related to the qualifications,
10 functions, or duties of a physician and surgeon, as more particularly alleged in paragraphs 11
11 through 14, above, which are hereby incorporated by reference and realleged as if fully set forth
12 herein.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(General Unprofessional Conduct)**

15 16. Respondent has further subjected his Physician's and Surgeon's Certificate No.
16 A 45358 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged
17 in conduct which breaches the rules or ethical code of the medical profession, or conduct which is
18 unbecoming to a member in good standing of the medical profession, and which demonstrates an
19 unfitness to practice medicine, as more particularly alleged in paragraphs 11 through 15, above,
20 which are hereby incorporated by reference and realleged as if fully set forth herein.

21 **DISCIPLINARY CONSIDERATIONS**

22 17. To determine the degree of discipline, if any, to be imposed on Respondent, Paul
23 Edward Verhoeve, M.D., Complainant alleges that on or about January 2, 2003, in a prior
24 disciplinary action entitled, *In the Matter of the Accusation Against Paul E. Ver Hoeve, M.D.*,
25 Case No. 10-2001-124677, before the Medical Board of California, Respondent's license was
26 suspended for a period of ninety (90) days, and placed on probation for a period of five (5) years
27 subject to various terms and conditions of probation. Respondent completed probation in Case

28 ///

1 No. 10-2001-124677 on or about January 1, 2008, and that Decision is now final and incorporated
2 by reference as if fully set forth herein,

3 PRAYER

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

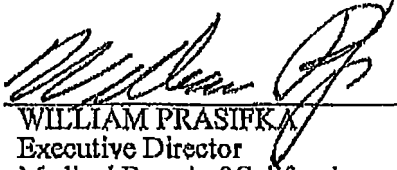
6 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 45358, issued
7 to Respondent, Paul Edward Verhoeve, M.D.;

8 2. Revoking, suspending or denying approval of Respondent, Paul Edward Verhoeve,
9 M.D.'s authority to supervise physician assistants and advanced practice nurses;

10 3. Ordering Respondent, Paul Edward Verhoeve, M.D., to pay the Board the costs of the
11 investigation and enforcement of this case, and if placed on probation, to pay the Board the costs
12 of probation monitoring; and

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

14 DATED: FEB 17 2022
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16 
17 WILLIAM PRASIFKA
18 Executive Director
19 Medical Board of California
20 Department of Consumer Affairs
21 State of California
22 Complainant
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