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

In the Matter of the Accusation Against:	Case No. 800-2021-074424
SIMONE MELISSA GOLD, M.D. **8805 Tamiami Trl N #139** **Naples, FL 34108-2525** **Physician's and Surgeon's Certificate No. G 70224,** Respondent.	**A C C U S A T I O N**

PARTIES

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

2. On or about November 5, 1990, the Board issued Physician's and Surgeon's Certificate No. G 70224 to Simone Melissa Gold, 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 November 30, 2024, unless renewed.

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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 states, in pertinent part:

> (a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government 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:
>
> (1) Have his or her license revoked upon order of the board.
>
> (2) Have his or her right to practice suspended for a period not to exceed one year 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.
>
> (4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.
>
> (5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.
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> ...

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

> 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.
>
> ...

6. Unprofessional conduct under Section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

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

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

...

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

8. Section 2236.2 of the Code states:

(a) Notwithstanding Article 9 (commencing with Section 700) of Chapter 1 of Division 2 or any other provision of law, a physician's and surgeon's certificate shall be automatically placed on inactive status during any period of time that the holder of the certificate is incarcerated after conviction of a misdemeanor.

(b) A physician and surgeon's certificate placed on inactive status pursuant to subdivision (a) shall be returned by the board to its prior appropriate status within five business days of receiving notice that the physician and surgeon is no longer incarcerated. The board shall adopt regulations that specify the type of notice required to be submitted to the board.

(c) The reason for the inactive status described in subdivision (a) shall be disclosed on the board's Internet Web site.

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

(a) For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes, 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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COST RECOVERY

10. Section 125.3 of the Code states, in pertinent part:

(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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(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

11. In or around January 2021, Respondent, a founder of America's Frontline Doctors, was giving public speeches on COVID-19-related lockdowns, COVID-19 vaccinations, and the use of ivermectin and hydroxychloroquine as potential treatments. On or about January 6, 2021, Respondent was scheduled to speak outside the United States Capitol building in Washington, D.C.

12. On or about January 6, 2021, while the United States Congress met to certify the vote count for the 2020 presidential election, riots and civil disorder broke out in or around the Capitol grounds. During this period of time, at approximately 2:27 p.m., Respondent entered the east side of the Capitol building with her security guard. At the time she entered the Capitol building, Respondent knew that she did not have lawful authority to enter.

13. At approximately 2:55 p.m., Respondent gave a speech in the Statuary Hall, stating her opposition to the COVID-19 vaccine mandates and government-imposed lockdowns. Multiple law enforcement officers had to intervene before Respondent stopped her speech and left the Statuary Hall. She exited the Capitol building at approximately 3:16 p.m.

14. On or about January 13, 2021, in United States District Court for the District of Columbia, a criminal complaint was filed charging Respondent with entering or remaining in a restricted building or grounds, in violation of Title 18, United States Code, section 1752(a), and violent entry or disorderly conduct, in violation of Title 50, United States Code, section 5104(e)(2).

15. On or about February 5, 2021, in the United States District Court for the District of Columbia, an Indictment charged Respondent with the following: (1) obstruction of an official proceeding and aiding and abetting, a violation of Title 18, United States Code, section 1512(c)(2); (2) entering and remaining in a restricted building or grounds, a violation of Title 18, United States Code, section 1752(a)(1); (3) disorderly or disruptive conduct in a restricted building or grounds, a violation of Title 18, United States Code, section 1752(a)(2); (4) disorderly

conduct in a Capitol building, a violation of Title 40, United States Code, section 5104(e)(2)(D); and (5) parading, demonstrating, or picketing in a Capitol building, in violation of Title 50, United States Code, section 5104(e)(2)(G). All the criminal charges in the Indictment were alleged to have occurred on or about January 6, 2021.

16. On or about February 8, 2022, Respondent signed a plea agreement with federal prosecutors. In the agreement, Respondent agreed to plead guilty to entering and remaining in a restricted building or grounds in violation of Title 18, United States Code, section 1752(a)(1), a misdemeanor offense.

17. On or about March 3, 2022, in United States District Court for the District of Columbia Case No. 21-CR-85-2, Respondent pled guilty to the aforementioned charge in open court.

18. On or about June 21, 2022, in United States District Court for the District of Columbia Case No. 21-CR-85-2, the Court sentenced Respondent to 60 days in the custody of the Federal Bureau of Prisons with credit for time served, followed by 12 months of supervised release with various terms and conditions. Respondent was ordered to pay approximately $10,025.00 in criminal monetary penalties.

19. On or about July 26, 2022, Respondent began her period of incarceration with the Federal Bureau of Prisons. As a result, on or about July 27, 2022, Respondent's Physician's and Surgeon's Certificate No. G 70224 was automatically placed on inactive status pursuant to Code section 2236.2. On or about October 28, 2022, after receiving notification of her release from federal custody, the Board placed Respondent's Physician's and Surgeon's Certificate back in active status.

FIRST CAUSE FOR DISCIPLINE

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

20. Respondent has subjected her Physician's and Surgeon's Certificate No. G 70224 to disciplinary action under sections 2227, 2234, and 2236, of the Code, and section 1360 of title 16 of the California Code of Regulations, in that she was convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly alleged in

paragraphs 11 through 19, above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

SECOND CAUSE FOR DISCIPLINE
(General Unprofessional Conduct)

21. Respondent has further subjected her Physician's and Surgeon's Certificate No. G 70224 to disciplinary action under sections 2227 and 2234 of the Code, in that she committed general unprofessional conduct, as more particularly alleged in paragraphs 11 through 19, above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. G 70224, issued to Respondent Simone Melissa Gold, M.D.;

2. Revoking, suspending or denying approval of Respondent Simone Melissa Gold, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Simone Melissa Gold, 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: JAN 30 2023

Jenni Jones for
REJI VARGHESE
Deputy Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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