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

In the Matter of the Accusation Against: Jonathan Edward Perley, M.D. Physician's & Surgeon's Certificate No. A 76527 Respondent.	Case No. 800-2018-048124

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on March 3, 2023.

IT IS SO ORDERED: February 3, 2023.

MEDICAL BOARD OF CALIFORNIA

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

ROB BONTA
Attorney General of California
EDWARD KIM
Supervising Deputy Attorney General
JONATHAN NGUYEN
Deputy Attorney General
State Bar No. 263420
Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6434
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: **JONATHAN EDWARD PERLEY, M.D.** **3650 South Street, Suite 408** **Lakewood, CA 90712** **Physician's and Surgeon's Certificate No. A 76527** Respondent.	Case No. 800-2018-048124 OAH No. 2021030500 **STIPULATED SETTLEMENT AND DISCIPLINARY 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 Jonathan Nguyen, Deputy Attorney General.

2. Respondent Jonathan Edward Perley, M.D. (Respondent) is represented in this proceeding by attorney Peter R. Osinoff, whose address is: 355 South Grand Avenue, Suite 1750 Los Angeles, CA 90071-1562.

3. On or about September 14, 2001, the Board issued Physician's and Surgeon's Certificate No. A 76527 to Jonathan Edward Perley, 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 Accusation No. 800-2018-048124, and will expire on May 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 800-2018-048124 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 January 28, 2021. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2018-048124 is attached 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 Accusation No. 800-2018-048124. 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 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.

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

CULPABILITY

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent admits the facts alleged in Accusation No. 800-2018-048124 and that those facts constitute a basis for disciplinary action, and Respondent hereby gives up his right to contest the Accusation.

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 imposition of discipline 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. This Stipulated Settlement and Disciplinary 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 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 the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 76527 issued to Respondent JONATHAN EDWARD PERLEY, M.D. is publicly reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4), and it is further ordered that Respondent comply with the following attendant terms and conditions.

///

A. **PUBLIC REPRIMAND**.

The Public Reprimand issued in connection with Accusation No. 800-2018-048124, against Respondent Jonathan Edward Perley, M.D. is as follows:

"On September 11, 2018, you made an incision on the wrong side of patient A's groin, immediately realized you were on the wrong side, closed the incision, and performed the surgery on the correct side without further incident. Making a wrong-side incision was a violation of California Business and Professions Code sec. 2234."

B. **EDUCATION COURSE**.

Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified, and shall include at least one course that will address surgery and precautions to prevent wrong-site surgery and at least one course on professionalism and communication enhancement in the work place. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

C. **CUSTOM WORKSHOP ON IMPROVING PHYSICIAN AND STAFF COMMUNICATION**.

Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval of a custom workshop, focused on improving physician and staff communication in the operating room, which shall not be less than 8 hours. The custom workshop shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure and in addition to the education courses required to be taken pursuant to Condition B of this Order. Following the completion of the custom workshop, the Board or its designee may administer an examination to test

Respondent's knowledge of the course. Respondent shall provide proof of attendance for 73 hours of CME of which 8 hours were in satisfaction of this condition.

D. INVESTIGATION/ENFORCEMENT COST RECOVERY.

Respondent is hereby ordered to reimburse the Board its costs of investigation and enforcement in the year of 2022, including, but not limited to, expert review, pleadings, legal reviews, as applicable, in the amount of $5,000 (Five thousand dollars). Costs shall be payable to the Medical Board of California. Costs shall be payable to the Medical Board of California within two (2) days from the effective date of this Decision.

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

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

E. FAILURE TO COMPLY

Failure to comply with any of the terms of this Disciplinary Order shall constitute general unprofessional conduct and may serve as grounds for further disciplinary action.

ACCEPTANCE

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

DATED: 5-31-22

JONATHAN EDWARD PERLEY, M.D.
Respondent

I have read and fully discussed with Respondent Jonathan Edward Perley, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary

Order. I approve its form and content.

DATED: 5/31/2022

PETER R. OSINOFF, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: 5/31/2022

Respectfully submitted,

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

JONATHAN NGUYEN
Deputy Attorney General
Attorneys for Complainant

LA2020603895
65157704.docx

Exhibit A

Accusation No. 800-2018-048124

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
EDWARD KIM
Deputy Attorney General
State Bar No. 195729
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6000
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. 800-2018-048124
JONATHAN EDWARD PERLEY, M.D. **3650 South Street, Suite 408** **Lakewood, CA 90712-1510** **Physician's and Surgeon's Certificate No. A 76527,** 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 September 14, 2001, the Medical Board issued Physician's and Surgeon's Certificate Number A 76527 to Jonathan Edward Perley, 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 May 31, 2021, 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.

STATUTORY PROVISIONS

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 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.
>
> (d) Incompetence.
>
> (e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.
>
> (f) Any action or conduct that would have warranted the denial of a certificate.
>
> (g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

///

///

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

6. Respondent Jonathan Edward Perley, M.D. is subject to disciplinary action under section 2234, subdivision (b), of the Code in that he was grossly negligent in the care and treatment of a patient. The circumstances are as follows:

Factual Allegations re: Patient A[1]

7. On or about August 20, 2018, Patient A, a twenty-six (26) year-old man, first presented to Respondent with complaints of discomfort in the left groin. He was diagnosed with a left varicocele[2] which is a dilation of the venous plexus around the left testicle. Respondent conducted a patient history, and ordered an ultrasound, urinalysis and hormone panel.

8. On or about September 5, 2018, Respondent saw the patient again and scheduled the surgery after discussion about options for pain relief. The surgery was scheduled for September 11, 2018, at the R.S. Surgery Center.

9. On or about September 11, 2018, Patient A was brought into the operating room at R.S. Surgery Center. The medical records indicate that the site of the surgery was marked. According to Respondent, the patient was draped on the right side. Respondent began the surgery by making an incision on the right side Patient A's groin (which carried through the superficial fat tissue). Upon realizing that he was operating on the wrong side of Patient A, Respondent closed the patient's right groin, and made an incision on the left side of the patient. The procedure was then performed and completed on Patient A without incident.

10. As the surgeon, Respondent was required to take steps to ensure that the surgery on Patient A was performed at the correct location, including, marking the patient's correct side for the procedure during the preoperative period. In addition, prior to draping the patient, the location of the procedure and correct side are required to be announced.

---

[1] Letters are used in lieu of names to address privacy concerns. The identity of the patients is known to the Respondent and will be further provided in response to an appropriate Request for Discovery.

[2] This can result in chronic left testicular pain (treated with surgical ligation of the testicular vein, a varicocelectomy) due to the process of venous pressure building up as the left testicle drains into the left renal vein.

11. On or about September 11, 2018, Respondent committed gross negligence when he performed surgery on Patient A by making an incision on the wrong side of the patient's body.

SECOND CAUSE FOR DISCIPLINE

(Incompetence)

12. Respondent Jonathan Edward Perley, M.D. is subject to disciplinary action under section 2234, subdivision (d), of the Code in that he was incompetent in the care and treatment of a patient. The circumstances are as follows:

13. The facts and allegations set forth in the First Cause for Discipline above are incorporated here as if fully set forth.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

14. Respondent Jonathan Edward Perley, M.D. is subject to disciplinary action under section 2234 of the Code, generally, in that he engaged in unprofessional conduct in the care and treatment of a patient. The circumstances are as follows:

15. The facts and allegations set forth in the First and Second Causes for Discipline above are incorporated here as if fully set forth.

///

///

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 76527, issued to Jonathan Edward Perley, M.D.;

2. Revoking, suspending or denying approval of Jonathan Edward Perley, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Jonathan Edward Perley, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: JAN 28 2021

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

LA2020603895
63916806.docx