

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

In the Matter of the Accusation
Against:

Tova Frani Fuller, M.D.

Physician's and Surgeon's
Certificate No. A 158475

Respondent.

Case No.: 800-2022-087968

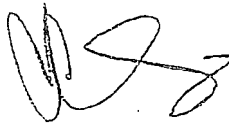
DECISION

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 May 31, 2024.

IT IS SO ORDERED: May 2, 2024.

MEDICAL BOARD OF CALIFORNIA



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

1 ROB BONTA
Attorney General of California
2 MICHAEL C. BRUMMEL
Supervising Deputy Attorney General
3 JANNSEN TAN
Deputy Attorney General
4 State Bar No. 237826
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:
13 **TOVA FRANI FULLER, M.D.**
14 **401 Parnassus Avenue, #448**
San Francisco, CA 94143
15 **Physician's and Surgeon's Certificate No. A**
16 **158475**
17 Respondent.

Case No. 800-2022-087968
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

21 **PARTIES**

22 1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Jannsen Tan, Deputy
25 Attorney General.

26 2. Respondent Tova Frani Fuller, M.D. (Respondent) is represented in this proceeding
27 by attorney Paul Chan, Esq., whose address is: Kravitz Chan, LLP, 1851 Heritage Lane, Suite
28 128 Sacramento, CA 95815.

1 10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case
2 or factual basis for the charges in the Accusation, and that Respondent hereby gives up her right
3 to contest those charges.

4 11. Respondent does not contest that, at an administrative hearing, complainant could
5 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
6 2022-087968, a true and correct copy of which is attached hereto as Exhibit A, and that he has
7 thereby subjected her Physician's and Surgeon's Certificate, No. A 158475 to disciplinary action.

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

11 **RESERVATION**

12 13. The admissions made by Respondent herein are only for the purposes of this
13 proceeding, or any other proceedings in which the Medical Board of California or other
14 professional licensing agency is involved, and shall not be admissible in any other criminal or
15 civil proceeding.

16 **CONTINGENCY**

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

27 15. Respondent agrees that if she ever petitions for early termination or modification of
28 probation, or if an accusation and/or petition to revoke probation is filed against her before the

1 Board, all of the charges and allegations contained in Accusation No. 800-2022-087968 shall be
2 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
3 other licensing proceeding involving Respondent in the State of California.

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

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

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 158475
12 issued to Respondent, Tova Frani Fuller, M.D. is revoked. However, the revocation is stayed and
13 Respondent is placed on probation for three (3) years on the following terms and conditions:

14 1. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
15 Respondent shall submit to the Board or its designee for prior approval the name and
16 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
17 has a doctoral degree in psychology and at least five years of postgraduate experience in the
18 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
19 undergo and continue psychotherapy treatment, including any modifications to the frequency of
20 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

21 The psychotherapist shall consider any information provided by the Board or its designee
22 and any other information the psychotherapist deems relevant and shall furnish a written
23 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
24 psychotherapist with any information and documents that the psychotherapist may deem
25 pertinent.

26 Respondent shall have the treating psychotherapist submit quarterly status reports to the
27 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
28 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of

1 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
2 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
3 period of probation shall be extended until the Board determines that Respondent is mentally fit
4 to resume the practice of medicine without restrictions.

5 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

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

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

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

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

28 (b) Its specimen collectors conform to the current United States Department of

1 Transportation Specimen Collection Guidelines.

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

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

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

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

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

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

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

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

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

24 (l) It employs or contracts with toxicologists that are licensed physicians and have
25 knowledge of substance abuse disorders and the appropriate medical training to interpret
26 and evaluate laboratory biological fluid test results, medical histories, and any other
27 information relevant to biomedical information.

28 (m) It will not consider a toxicology screen to be negative if a positive result is obtained

1 while practicing, even if the Respondent holds a valid prescription for the substance.

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

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

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

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

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

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

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

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

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

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

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

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

24 4. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
25 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
26 Chief Executive Officer at every hospital where privileges or membership are extended to
27 Respondent, at any other facility where Respondent engages in the practice of medicine,
28 including all physician and locum tenens registries or other similar agencies, and to the Chief

1 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
2 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
3 calendar days.

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

5 5. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
6 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
7 advanced practice nurses.

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

11 7. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
12 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
13 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
14 enforcement, as applicable, in the amount of \$28,402.75 (twenty eight thousand four hundred two
15 dollars and seventy five cents). Costs shall be payable to the Medical Board of California. Failure
16 to pay such costs shall be considered a violation of probation.

17 Payment must be made in full within 30 calendar days of the effective date of the Order, or
18 by a payment plan approved by the Medical Board of California. Any and all requests for a
19 payment plan shall be submitted in writing by respondent to the Board. Failure to comply with
20 the payment plan shall be considered a violation of probation.

21 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
22 repay investigation and enforcement costs, including expert review costs.

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

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

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1 9. GENERAL PROBATION REQUIREMENTS.

2 Compliance with Probation Unit

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

4 Address Changes

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

10 Place of Practice

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

14 License Renewal

15 Respondent shall maintain a current and renewed California physician's and surgeon's
16 license.

17 Travel or Residence Outside California

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

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

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

27 11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
28 its designee in writing within 15 calendar days of any periods of non-practice lasting more than

1 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
2 defined as any period of time Respondent is not practicing medicine as defined in Business and
3 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
4 patient care, clinical activity or teaching, or other activity as approved by the Board. If
5 Respondent resides in California and is considered to be in non-practice, Respondent shall
6 comply with all terms and conditions of probation. All time spent in an intensive training
7 program which has been approved by the Board or its designee shall not be considered non-
8 practice and does not relieve Respondent from complying with all the terms and conditions of
9 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
10 on probation with the medical licensing authority of that state or jurisdiction shall not be
11 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
12 period of non-practice.

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

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

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

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

25 12. COMPLETION OF PROBATION. Respondent shall comply with all financial
26 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
27 completion of probation. This term does not include cost recovery, which is due within 30
28 calendar days of the effective date of the Order, or by a payment plan approved by the Medical

1 Board and timely satisfied. Upon successful completion of probation, Respondent's certificate
2 shall be fully restored.

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

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

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

25 16. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
26 a new license or certification, or petition for reinstatement of a license, by any other health care
27 licensing action agency in the State of California, all of the charges and allegations contained in
28 Accusation No. 800-2022-087968 shall be deemed to be true, correct, and admitted by

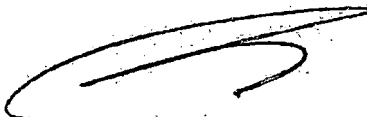
1 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
2 restrict license.

3 **ACCEPTANCE**

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

9 DATED: 1/10/2024 
10 TOVA FRANI FULLER, M.D.
Respondent

11 I have read and fully discussed with Respondent Tova Frani Fuller, M.D. the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14 DATED: 1-26-24 
15 PAUL CHAN ESQ.
Attorney for Respondent

16
17 **ENDORSEMENT**

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

20
21 DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
MICHAEL C. BRUMMEL
Supervising Deputy Attorney General

JANNSEN TAN
Deputy Attorney General
Attorneys for Complainant

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1 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
2 restrict license.

3 **ACCEPTANCE**

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5 discussed it with my attorney, Paul Chan, Esq. I understand the stipulation and the effect it will
6 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
7 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
8 Decision and Order of the Medical Board of California.

9 DATED: _____
10 TOVA FRANI FULLER, M.D.
11 *Respondent*

12 I have read and fully discussed with Respondent Tova Frani Fuller, M.D. the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
14 I approve its form and content.

15 DATED: _____
16 PAUL CHAN ESQ.
17 *Attorney for Respondent*

18 **ENDORSEMENT**

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

21 DATED: 3/5/2024

22 Respectfully submitted,
23 ROB BONTA
24 Attorney General of California
25 MICHAEL C. BRUMMEL
26 Supervising Deputy Attorney General

27 *Jannsen Tan*
28 JANNSEN TAN
Deputy Attorney General
Attorneys for Complainant

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EXHIBIT A

Accusation Case No. 800-2022-087968

1 ROB BONTA
Attorney General of California
2 MICHAEL C. BRUMMEL
Supervising Deputy Attorney General
3 JANNSEN TAN
Deputy Attorney General
4 State Bar No. 237826
1300 I Street, Suite 125
5 P.O. Box 944255
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6 Telephone: (916) 210-7549
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2022-087968

13 **Tova Frani Fuller, M.D.**
14 **1600 Divisadero St., Fl. 7**
San Francisco, CA 94143

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A 158475,**

17 Respondent.

18
19 **PARTIES**

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

23 2. On or about September 7, 2018, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 158475 to Tova Frani Fuller, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on September 30, 2024, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 820 of the Code states:

6 Whenever it appears that any person holding a license, certificate or permit
7 under this division or under any initiative act referred to in this division may be
8 unable to practice his or her profession safely because the licentiate's ability to
9 practice is impaired due to mental illness, or physical illness affecting competency,
10 the licensing agency may order the licentiate to be examined by one or more
11 physicians and surgeons or psychologists designated by the agency. The report of the
12 examiners shall be made available to the licentiate and may be received as direct
13 evidence in proceedings conducted pursuant to Section 822.

14 5. Section 822 of the Code states:

15 If a licensing agency determines that its licentiate's ability to practice his or her
16 profession safely is impaired because the licentiate is mentally ill, or physically ill
17 affecting competency, the licensing agency may take action by any one of the
18 following methods:

19 (a) Revoking the licentiate's certificate or license.

20 (b) Suspending the licentiate's right to practice.

21 (c) Placing the licentiate on probation.

22 (d) Taking such other action in relation to the licentiate as the licensing agency
23 in its discretion deems proper.

24 The licensing section shall not reinstate a revoked or suspended certificate or
25 license until it has received competent evidence of the absence or control of the
26 condition which caused its action and until it is satisfied that with due regard for the
27 public health and safety the person's right to practice his or her profession may be
28 safely reinstated.

COST RECOVERY

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
administrative law judge to 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, with failure of the licensee to comply subjecting the license to not being
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

1 **CAUSE FOR ACTION**

2 **(Impairment)**

3 7. Respondent's Physician's and Surgeon's License No. A 158475, is subject to action
4 under section 822, in that she suffers from mental illness or physical illness affecting competency.
5 The circumstances are as follows:

6 8. On December 4, 2022, Respondent underwent a medical legal evaluation as part of
7 her Medical Board licensure. The Board evaluator found that Respondent has a physical and/or
8 mental condition that requires restrictions and conditions be implemented in order for Respondent
9 to continue to practice safely.

10 9. Respondent's continued unrestricted practice of medicine will endanger the public
11 health, safety, and welfare.

12 **DISCIPLINARY CONSIDERATION**

13 10. On December 26, 2017, Respondent submitted an application for a Physician's and
14 Surgeon's license. On or about August 31, 2018, Respondent was granted a three (3) year
15 probationary Physician's and Surgeon's license with various terms and conditions.

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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. A 158475, issued to Respondent Tova Frani Fuller, M.D.;
2. Revoking, suspending or denying approval of Respondent Tova Frani Fuller, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Tova Frani Fuller, 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: MAR 28 2024

JENNA JONES FOR
REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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