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

In the Matter of the Accusation Against: Cody Reeves, M.D. Physician's and Surgeon's Certificate No. G 56265 Respondent.	Case No. 800-2023-103473

DECISION

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

This Decision shall become effective at 5:00 p.m. on March 25, 2025.

IT IS SO ORDERED March 13, 2025.

MEDICAL BOARD OF CALIFORNIA

Reji Varghese
Executive Director

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

In the Matter of the Accusation Against: **CODY REEVES, M.D.** **PO Box 1846** **Nevada City, CA 95959** **Physician's and Surgeon's Certificate No. G 56265** Respondent.	Case No. 800-2023-103473 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 6, 2024, Complainant Reji Varghese, in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs, filed Accusation No. 800-2023-103473 against Cody Reeves, M.D. (Respondent) before the Medical Board of California.

2. On or about October 15, 1985, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. G 56265 to Respondent. The Physician's and Surgeon's Certificate expired on November 30, 2022, and has not been renewed. (Exhibit A: Respondent's Expired Certificate of Licensure.)

3. On or about December 6, 2024, Samuel Guardado, an employee of the Board, served by certified mail, a copy of the Accusation No. 800-2023-103473, Statement to Respondent, Request for Discovery, Notice of Defense, Government Code Section 11507.5, 11507.6, and 11507.7, to Respondent's address of record with the Board, which was and is PO Box 1846 Nevada City, CA 95959. (Exhibit B: Accusation, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7.)

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about January 2, 2025, the Office of the Attorney General, representing the Complainant, served by regular and certified mail, a Courtesy Notice of Default containing Accusation No. 800-2023-103473, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code Section 11507.5, 11507.6, 11507.7, to Respondent's address of record with the Board, which was and is PO Box 1846, Nevada City, CA 95959. (Exhibit C: Courtesy Notice of Default containing Accusation No. 800-2023-103473, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code Section 11507.5, 11507.6, 11507.7.)

6. On or about January 7, 2025, the aforementioned documents were returned by the U.S. Postal Service signed received by Respondent, Cody Reeves M.D., Certified Return Receipt No. 9590 9266 9904 2188 5947 44, Certified mail Article Number 9414 7266 9904 2188 5947 41, addressed to Cody Reeves, M.D., PO Box 1846, Nevada City, CA 95959. (Exhibit D: Certified Return Receipt No. 9590 9266 9904 2188 5947 44, Certified mail Article Number 9414 7266 9904 2188 5947 41.)

7. Respondent failed to file a Notice of Defense within 15 days after service of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2023-103473. (Exhibit E: Declaration of DAG Jannsen Tan.)

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8. Business and Professions Code section 118 states, in pertinent part:

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.

9. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

Respondent failed to file a Notice of Defense within 15 days after service upon male of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2023-103473.

10. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

11. Business and Professions Code section 125.3 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.

12. Section 2227 of the Code states:

(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.

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(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.

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

13. 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.

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(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board no later than 30 calendar days after being notified by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

(h) Any action of the licensee, or another person acting on behalf of the licensee, intended to cause their patient or their patient's authorized representative to rescind consent to release the patient's medical records to the board or the Department of Consumer Affairs, Health Quality Investigation Unit.

(i) Dissuading, intimidating, or tampering with a patient, witness, or any person in an attempt to prevent them from reporting or testifying about a licensee.

14. Section 2220 of the Code states:

Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders, and the board shall have all the powers granted in this chapter for these purposes including, but not limited to:

(a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying a report received pursuant to Section 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining order should be issued. The board shall otherwise provide timely disposition of the reports received pursuant to Section 805 and Section 805.01.

(b) Investigating the circumstances of practice of any physician and surgeon where there have been any judgments, settlements, or arbitration awards requiring the physician and surgeon or his or her professional liability insurer to pay an amount in damages in excess of a cumulative total of thirty thousand dollars ($30,000) with respect to any claim that injury or damage was proximately caused by the physician's and surgeon's error, negligence, or omission.

(c) Investigating the nature and causes of injuries from cases which shall be reported of a high number of judgments, settlements, or arbitration awards against a physician and surgeon.

15. Section 2228.1 of the Code states.

(a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board and the Podiatric Medical Board of California shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information internet web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, in any of the following circumstances:

(1) A final adjudication by the board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:

(A) The commission of any act of sexual abuse, misconduct, or relations with a patient or client as defined in Section 726 or 729.

(B) Drug or alcohol abuse directly resulting in harm to patients or the extent that such use impairs the ability of the licensee to practice safely.

(C) Criminal conviction directly involving harm to patient health.

(D) Inappropriate prescribing resulting in harm to patients and a probationary period of five years or more.

(2) An accusation or statement of issues alleged that the licensee committed any of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a stipulated settlement based upon a nolo contendre or other similar compromise that does not include any prima facie showing or admission of guilt or fact but does include an express acknowledgment that the disclosure requirements of this section would serve to protect the public interest.

(b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

(c) A licensee shall not be required to provide a disclosure pursuant to subdivision (a) if any of the following applies:

(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy.

(2) The visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities.

(3) The licensee who will be treating the patient during the visit is not known to the patient until immediately prior to the start of the visit.

(4) The licensee does not have a direct treatment relationship with the patient.

(d) On and after July 1, 2019, the board shall provide the following information, with respect to licensees on probation and licensees practicing under probationary licenses, in plain view on the licensee's profile page on the board's online license information internet web site.

(1) For probation imposed pursuant to a stipulated settlement, the causes alleged in the operative accusation along with a designation identifying those causes by which the licensee has expressly admitted guilt and a statement that acceptance of the settlement is not an admission of guilt.

(2) For probation imposed by an adjudicated decision of the board, the causes for probation stated in the final probationary order.

(3) For a licensee granted a probationary license, the causes by which the probationary license was imposed.

(4) The length of the probation and end date.

(5) All practice restrictions placed on the license by the board.

(e) Section 2314 shall not apply to this section.

16. Section 2236 of the Code states:

(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.

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

(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.

17. Section 2239 of the Code states:

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

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Medical Board may order discipline of the licensee in accordance with Section 2227 or the Medical Board may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order

granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

18. California Code of Regulations, title 16, section 1360, states:

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

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the crime;

(2) The number of years elapsed since the date of the crime; and

(3) The nature and duties of the profession.

19. Section 820 of the Code states:

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

20. Section 822 of the Code states:

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

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

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

(c) Placing the licentiate on probation.

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

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

21. On or about February 26, 2024, in *People of the State of California v. Reeves, Cody*, Case Number CR0003081, before the Nevada County Superior Court, Respondent pled "No Contest" to violating Vehicle Code § 23152(b). Respondent was sentenced to three (3) years of Summary Probation with various terms and conditions. Respondent received one (1) day in jail and credit for one (1) day. Additionally, Respondent was required to complete a three (3) month DUI program and was ordered to pay various fees/fines. The conviction was based on the following facts and circumstances:

A. On or about October 28, 2023, Respondent was involved in a single vehicle crash.

B. Responding officers observed Respondent sitting at the driver's seat of the crashed vehicle. Officer 1 made contact with Respondent and could smell the odor of an alcoholic beverage emanating from Respondent's breath and person. Officer 1 also observed that Respondent had watery eyes, and seemed to fumble items in his hands while looking for his registration and insurance.

C. Respondent told Officer 1 that he was driving the crashed vehicle. Officer 1 administered Field Sobriety Tests (FST), and Respondent failed to adequately perform the FSTs as explained by Officer 1.

D. Respondent was arrested and agreed to a blood alcohol test. Respondent had a Blood Alcohol Content (BAC) of .09%.

E. On or about November 26, 2023, Respondent was observed to be unconscious while sitting in his running but stalled vehicle by Officer 2.

F. Officer 2 could smell the strong odor of alcohol on Respondent's breath while speaking to him. Respondent asked if he could take a Preliminary Alcohol Screening (PAS) breath test to better determine his blood alcohol level. Officer 2 administered a PAS

screening test for Respondent which resulted in a reading of 0.114% BAC. At the time of arrest, Respondent had a provisional license due to the October 2023 arrest. (Exhibit F: Declaration of Flor Flatley.)

22. Respondent's criminal conviction for violating Vehicle Code § 23152(b) is substantially related to the qualifications, functions or duties as a Physician and Surgeon. As such, his conviction and conduct constitute cause for discipline under sections 2227 and 2234, as defined by section 2236, 2239 of the Code, and section 1360 of Title 16 of the California Code of Regulations.

23. Respondent is also subject to action under sections 820 and 822 of the Code in that Respondent is unable to practice his profession safely because his ability to practice is impaired due to mental illness, or physical illness affecting competency.

24. On or about August 27, 2024, Respondent was interviewed by a Board investigator. Respondent stated that he had been evaluated by the Medical Board in two instances in the past[1]. Respondent stated that he had a medical condition that was caused by an error in medication. He added that the evaluation found him safe to practice medicine. A review of records revealed that Respondent was evaluated in or around July 15, 2021, and May 28, 2019. Respondent was diagnosed with a mental condition that was in remission at the time of the evaluation. Respondent was found safe to practice at the time of the evaluation with the recommendation that he continue ongoing care. (Exhibit F: Declaration of Flor Flatley.)

25. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in the Confidential Default Decision Evidence Packet: Exhibits A, B, C, D, E, and F, finds that the allegations in Accusation No. 800-2023-103473 are true.

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[1] Events prior to November 2021 are alleged herein for historical background purposes only.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Cody Reeves, M.D. has subjected his Physician's and Surgeon's Certificate No. G 56265 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are attached here as Exhibit A.

3. The Board has jurisdiction to adjudicate this case by default.

4. Pursuant to its authority under Government Code section 11520, and based on the evidence before it, the Board hereby finds that the charges and allegations contained in the Accusation No. 800-2023-103473, and the Findings of Fact contained in paragraphs 1 through 26, above and each of them, separately and severally, are true and correct.

5. Pursuant to Business and Professions Code section 125.3, the Board is authorized to order Respondent to pay the Board the reasonable costs of investigation and enforcement of the case prayed for in the Accusation total $17,206.25, based on the Certification of Costs attached as Exhibit G in the Confidential Default Decision Evidence Packet.

6. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations and causes of action alleged in the Accusation:

a. Respondent was convicted of a crime that is substantially related to the qualifications, functions, or duties of a respiratory care practitioner in violation of sections 2227 and 2234, as defined by section 2236 of the Code, and section 1360 of Title 16 of the California Code of Regulations.

b. Respondent used alcoholic beverages to the extent, or in a manner, as to be dangerous to Respondent, another person, or the public in violation of section 2277 and 2234, as defined by section 2239 of the Code.

c. Respondent suffers from a medical condition that is presently not in remission.

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ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. G 56265, heretofore issued to Respondent Cody Reeves, M.D., is revoked. Respondent Cody Reeves, M.D. is ordered to pay the Board the costs of the investigation and enforcement of this case in the amount of $17,206.25.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The Board in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 25, 2025.

It is so ORDERED March 13, 2025.

REJI VARGHESE
EXECUTIVE DIRECTOR
FOR THE MEDICAL BOARD OF
CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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

In the Matter of the Accusation Against: **Cody Reeves, M.D.** **PO Box 1846** **Nevada City, CA 95959** **Physician's and Surgeon's Certificate No. G 56265,** Respondent.	Case No. 800-2023-103473 OAH No. **ACCUSATION**

PARTIES

1. Reji Varghese (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 October 15, 1985, the Medical Board issued Physician's and Surgeon's Certificate No. G 56265 to Cody Reeves, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on November 30, 2022, and has not been 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:

(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.

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

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 no later than 30 calendar days after being notified by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

(h) Any action of the licensee, or another person acting on behalf of the licensee, intended to cause their patient or their patient's authorized representative to rescind consent to release the patient's medical records to the board or the Department of Consumer Affairs, Health Quality Investigation Unit.

(i) Dissuading, intimidating, or tampering with a patient, witness, or any person in an attempt to prevent them from reporting or testifying about a licensee.

6. Section 2220 of the Code states:

Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders, and the board shall have all the powers granted in this chapter for these purposes including, but not limited to:

(a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying a report received pursuant to Section 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining order should be issued. The board shall otherwise provide timely disposition of the reports received pursuant to Section 805 and Section 805.01.

(b) Investigating the circumstances of practice of any physician and surgeon where there have been any judgments, settlements, or arbitration awards requiring the physician and surgeon or his or her professional liability insurer to pay an amount in damages in excess of a cumulative total of thirty thousand dollars ($30,000) with respect to any claim that injury or damage was proximately caused by the physician's and surgeon's error, negligence, or omission.

(c) Investigating the nature and causes of injuries from cases which shall be

reported of a high number of judgments, settlements, or arbitration awards against a physician and surgeon.

7. Section 2228.1 of the Code states.

(a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the board and the Podiatric Medical Board of California shall require a licensee to provide a separate disclosure that includes the licensee's probation status, the length of the probation, the probation end date, all practice restrictions placed on the licensee by the board, the board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the licensee's profile page on the board's online license information internet web site, to a patient or the patient's guardian or health care surrogate before the patient's first visit following the probationary order while the licensee is on probation pursuant to a probationary order made on and after July 1, 2019, in any of the following circumstances:

(1) A final adjudication by the board following an administrative hearing or admitted findings or prima facie showing in a stipulated settlement establishing any of the following:

(A) The commission of any act of sexual abuse, misconduct, or relations with a patient or client as defined in Section 726 or 729.

(B) Drug or alcohol abuse directly resulting in harm to patients or the extent that such use impairs the ability of the licensee to practice safely.

(C) Criminal conviction directly involving harm to patient health.

(D) Inappropriate prescribing resulting in harm to patients and a probationary period of five years or more.

(2) An accusation or statement of issues alleged that the licensee committed any of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a stipulated settlement based upon a nolo contendre or other similar compromise that does not include any prima facie showing or admission of guilt or fact but does include an express acknowledgment that the disclosure requirements of this section would serve to protect the public interest.

(b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

(c) A licensee shall not be required to provide a disclosure pursuant to subdivision (a) if any of the following applies:

(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy.

(2) The visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities.

(3) The licensee who will be treating the patient during the visit is not known to

the patient until immediately prior to the start of the visit.

(4) The licensee does not have a direct treatment relationship with the patient.

(d) On and after July 1, 2019, the board shall provide the following information, with respect to licensees on probation and licensees practicing under probationary licenses, in plain view on the licensee's profile page on the board's online license information internet web site.

(1) For probation imposed pursuant to a stipulated settlement, the causes alleged in the operative accusation along with a designation identifying those causes by which the licensee has expressly admitted guilt and a statement that acceptance of the settlement is not an admission of guilt.

(2) For probation imposed by an adjudicated decision of the board, the causes for probation stated in the final probationary order.

(3) For a licensee granted a probationary license, the causes by which the probationary license was imposed.

(4) The length of the probation and end date.

(5) All practice restrictions placed on the license by the board.

(e) Section 2314 shall not apply to this section.

8. Section 2236 of the Code states:

(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.

(b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

(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.

9. Section 2239 of the Code states:

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

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Medical Board may order discipline of the licensee in accordance with Section 2227 or the Medical Board may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

10. California Code of Regulations, title 16, section 1360, states:

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

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the crime;

(2) The number of years elapsed since the date of the crime; and

(3) The nature and duties of the profession.

11. Section 820 of the Code states:

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

12. Section 822 of the Code states:

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

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

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

(c) Placing the licentiate on probation.

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

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

COST RECOVERY

13. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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

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

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

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

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

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

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

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

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

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

FACTUAL ALLEGATIONS

14. Respondent was at all times alleged herein a Physician and Surgeon, Board Certified in Anesthesiology.

15. On or about October 28, 2023, at approximately 0240 hours, Officer 1[1] received a call that a single vehicle crash took place on Patricia Way, east of Virginia Way, Grass Valley, CA. Officer 1 arrived at the scene at approximately 0257 hours.

16. Officer 1 observed the scene and determined that it was a single vehicle crash with property damage. Officer 1 observed Respondent, sitting at the driver's seat of the crashed vehicle. Officer 1 made contact with Respondent and could smell the odor of an alcoholic beverage emanating from within the cab of the crashed vehicle. Officer 1 observed Respondent with watery eyes, and Respondent seemed to fumble items in his hands while looking for registration and insurance. Respondent followed Officer 1 to the front left side of Officer 1's patrol vehicle to provide Respondent's statement. While obtaining Respondent's statement, Officer 1 could smell the odor of an alcoholic beverage from Respondent's breath and person. Officer 1 observed that Respondent was disheveled, and Respondent did not seem to notice that

[1] Names have been redacted and will be provided in discovery.

Respondent's sandal was almost falling off Respondent's foot, and that Respondent's bare foot was on asphalt.

17. Officer 1 asked Respondent if he was driving the crashed vehicle, and Respondent answered yes. Officer 1 asked from where Respondent was driving, and Respondent stated that he was driving to the house he is renting in Alta Sierra. Officer 1 asked if Respondent had consumed any alcoholic beverages, and Respondent stated that he had two Kombuchas earlier in the evening between 2000 and 2130 hours. Officer 1 asked if Respondent had been drinking since the accident and Respondent answered no.

18. Officer 1 asked Respondent a series of Field Sobriety Test (FST) questions. Officer 1 explained and demonstrated FSTs, and Respondent failed to perform as explained and demonstrated. Based on the totality of circumstances, Officer 1 formed the opinion that Respondent was Driving Under the Influence of Alcohol. Respondent was arrested. Respondent subsequently agreed to a blood alcohol level test. The results of the blood alcohol level test revealed that Respondent had a Blood Alcohol Content (BAC) of .09 %.

19. On or about November 26, 2023, at approximately 0313 hours, Officer 2 contacted Respondent who was identified through prior contacts. Officer 2 observed that Respondent appeared to be unconscious, sitting in the driver seat of his running vehicle, while parked at the intersection of Broad Street and Union Street, Grass Valley, CA. Officer 2 observed Respondent's vehicle running with the keys sitting on the center console.

20. Officer 2 observed that Respondent appeared unconscious as his chin was rested against his chest and his eyes were closed. After knocking on the driver side window of the vehicle Respondent appeared to regain consciousness. Officer 2 asked Respondent to turn off the vehicle. Officer 2 asked Respondent what Respondent was doing inside the vehicle. Respondent stated he was waiting until he was safe to drive, and he believed he was below a 0.08% BAC. Officer 2 asked Respondent why the vehicle was running to which Respondent stated he was cold.

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21. Officer 2 could smell the strong odor of alcohol on Respondent's breath while he was speaking with Respondent. Officer 2 observed Respondent with bloodshot watery eyes and slurred speech.

22. Officer 2 asked Respondent to step out of the vehicle where he was placed in handcuffs. Respondent asked if he could take a Preliminary Alcohol Screening (PAS) breath test to better determine his blood alcohol level. Officer 2 administered a PAS screening test for Respondent which resulted in a reading of 0.114% BAC. At the time of arrest, Respondent had a provisional license due to the October 2023 arrest.

23. Officer 2 noted in his report that he had contacted Respondent on two separate occasions for the same circumstances in the last month[2]. Respondent was charged for public intoxication, but the charges were subsequently dropped.

24. On or about February 26, 2024, in *People of the State of California v. Reeves, Cody*, Case Number CR0003081, before the Nevada County Superior Court, Respondent pled "No Contest" to violating Vehicle Code § 23152(b). Respondent was sentenced to three (3) years of Summary Probation with various terms and conditions. Respondent received one (1) day in jail and credit for one (1) day. Additionally, Respondent was required to complete a three (3) month DUI program and was ordered to pay various fees/fines.

25. On or about August 27, 2024, Respondent was interviewed by a Board investigator. Respondent stated that he had been evaluated by the Medical Board in two instances in the past[3]. Respondent stated that he had a medical condition that was caused by an error in medication. He added that the evaluation found him safe to practice medicine. A review of records revealed that Respondent was evaluated in or around July 15, 2021, and May 28, 2019. Respondent was diagnosed with a mental condition that was in remission at the time of the evaluation. Respondent was found safe to practice at the time of the evaluation with the recommendation that he continue ongoing care.

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[2] Report 2311090014 provides: "BROAD ST/SO PINE ST... [Respondent] ASLEEP AT THE WHEEL... VEH OCCUPIED W/ONE. Report 2311230025 provides: "211 BROAD ST...NATIONAL HOTEL...RUNNING AND OCCUPIED BY 1."

[3] Events prior to November 2021 are alleged herein for historical background purposes only.

FIRST CAUSE FOR DISCIPLINE

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

26. Respondent has subjected his Physician's and Surgeon's Certificate No. G 56265 to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, and section 1360 of Title 16 of the California Code of Regulations, in that Respondent has been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly alleged in paragraphs 14 through 25, above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

SECOND CAUSE FOR DISCIPLINE

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

27. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 56265 to disciplinary action under sections 2227 and 2239 of the Code, in that Respondent used alcoholic beverages to the extent, or in a manner, as to be dangerous to Respondent, another person, or the public, as more particularly alleged in paragraphs 14 through 25, above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

CAUSE FOR ACTION

(Mental Illness and/or Physical Illness Affecting Competency)

28. Respondent is subject to action under sections 820 and 822 of the Code in that Respondent appears that he may be unable to practice his profession safely because his ability to practice is impaired due to mental illness, or physical illness affecting competency. Paragraphs 14 through 25, above, are hereby incorporated by reference and realleged 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 56265, issued to Respondent Cody Reeves, M.D.;

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

3. Ordering Respondent Cody Reeves, 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;

4. Ordering Respondent Cody Reeves, M.D., if placed on probation, to provide patient notification in accordance with Business and Professions Code section 2228.1; and

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

DATED: DEC 0 6 2024

Jenna Jones for
REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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