

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

**In the Matter of the First Amended)
Accusation and Petition to Revoke)
Probation Against:)**

JOHN P.S. JANDA, M.D.)

Case No. 800-2015-010860

**Physician's and Surgeon's)
Certificate No. A37510)**

Respondent)
_____)

DECISION

**The attached Stipulated Surrender of License 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 November 1, 2019

IT IS SO ORDERED October 25, 2019 .

MEDICAL BOARD OF CALIFORNIA

By: 
**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 State Bar No. 235250
2550 Mariposa Mall, Room 5090
4 Fresno, CA 93721
Telephone: (559) 705-2313
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Attorneys for Complainant
6

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

11 In the Matter of the First Amended Accusation
and Petition to Revoke Probation Against:

Case No. 800-2015-010860

OAH No. 2019071030

12 **JOHN P. S. JANDA, M.D.**
PO BOX 26660
Fresno, CA 93729-6660

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

13 **Physician's and Surgeon's Certificate No. A**
14 **37510**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
21 of California (Board). She brought this action solely in her official capacity and is represented in
22 this matter by Xavier Becerra, Attorney General of the State of California, by Steve Diehl,
23 Supervising Deputy Attorney General.

24 2. John P. S. Janda, M.D. (Respondent) is represented in this proceeding by attorney
25 John Quincy Brown III, whose address is: 455 Capitol Mall, Suite 200, Sacramento, CA 95814.

26 3. On or about October 31, 1981, the Board issued Physician's and Surgeon's Certificate
27 No. A 37510 to Respondent. The Physician's and Surgeon's Certificate was on probationary
28 status at all times relevant to the charges brought in First Amended Accusation and Petition to

1 Revoke Probation No. 800-2015-010860, was suspended pursuant to Government Code section
2 11529 on June 1, 2017, and will expire on January 31, 2021, unless renewed.

3 **JURISDICTION**

4 4. First Amended Accusation and Petition to Revoke Probation No. 800-2015-010860
5 was filed before the Board, and is currently pending against Respondent. The First Amended
6 Accusation and Petition to Revoke Probation and all other statutorily required documents were
7 properly served on Respondent on July 20, 2018. The First Amended Accusation and Petition to
8 Revoke Probation was deemed controverted pursuant to Government Code Section 11507. A
9 copy of First Amended Accusation and Petition to Revoke Probation No. 800-2015-010860 is
10 attached as Exhibit A and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in First Amended Accusation and Petition to Revoke Probation No. 800-
14 2015-010860. Respondent also has carefully read, fully discussed with counsel, and understands
15 the effects of this Stipulated Surrender of License and Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the First Amended Accusation and Petition to Revoke
18 Probation; the right to confront and cross-examine the witnesses against him; the right to present
19 evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the
20 attendance of witnesses and the production of documents; the right to reconsideration and court
21 review of an adverse decision; and all other rights accorded by the California Administrative
22 Procedure Act and other applicable laws.

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

25 **CULPABILITY**

26 8. Respondent understands and agrees that the charges and allegations in First Amended
27 Accusation and Petition to Revoke Probation No. 800-2015-010860, if proven at a hearing,
28 constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the First Amended Accusation and Petition to Revoke Probation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima facie factual basis for the charges in the First Amended Accusation and Petition to Revoke Probation, and that Respondent hereby gives up his right to contest those charges. Respondent agrees that if he ever petitions for reinstatement of his Physician's and Surgeon's Certificate No. A 37510, all of the charges and allegations contained in Accusation and Petition to Revoke Probation No. 800-2015-010860 shall be deemed true, correct and fully admitted by Respondent for purposes of that reinstatement proceeding or any other licensing proceeding involving respondent in the State of California.

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

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, 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 Surrender 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. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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

11

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 37510, issued to Respondent John P. S. Janda, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in First Amended Accusation and Petition to Revoke Probation No. 800-2015-010860 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition. Pursuant to Business and Professions Code Section 2307, subdivision (b)(1), Respondent may petition the Board for reinstatement two years after the effective date of this Order.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation and Petition to Revoke Probation, No. 800-2015-010860 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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To:

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney John Quincy Brown III. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: September 26th, 2019

John P. S. Janda, M.D.
Respondent

I have read and fully discussed with Respondent John P. S. Janda, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: September 26, 2019

John Quincy Brown III
Attorney for Respondent

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California

STEVE DIEHL
Supervising Deputy Attorney General
Attorneys for Complainant

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order and have fully
3 discussed it with my attorney John Quincy Brown III. I understand the stipulation and the effect
4 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
5 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: _____

9 JOHN P. S. JANDA, M.D.
Respondent

10 I have read and fully discussed with Respondent John P. S. Janda, M.D. the terms and
11 conditions and other matters contained in this Stipulated Surrender of License and Order. I
12 approve its form and content.

13 DATED: _____

14 JOHN QUINCY BROWN III
Attorney for Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
17 for consideration by the Medical Board of California of the Department of Consumer Affairs.

18
19 DATED: 9/26/19 _____

Respectfully submitted,

20 XAVIER BECERRA
Attorney General of California

21
22 
23 STEVE DIEHL
Supervising Deputy Attorney General
24 Attorneys for Complainant

25
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Exhibit A

First Amended Accusation and Petition to Revoke Probation No. 800-2015-010860

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 STEVE DIEHL
Deputy Attorney General
4 State Bar No. 235250
California Department of Justice
5 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
6 Telephone: (559) 477-1626
Facsimile: (559) 445-5106
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 20 20 18
BY [Signature] ANALYST

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

11 In the Matter of the First Amended Accusation and
12 Petition to Revoke Probation Against:

Case No. 800-2015-010860

13 **JOHN P. S. JANDA, M.D.,**
14 P.O.Box 26660
Fresno, California 93729

**FIRST AMENDED ACCUSATION
AND PETITION TO REVOKE
PROBATION**

15 Physician's and Surgeon's Certificate No. A37510

16 Respondent.
17

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19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation and
22 Petition to Revoke Probation solely in her official capacity as the Executive Director of the
23 Medical Board of California.

24 2. On or about October 13, 1981, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 37510 to John P. S. Janda, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate Number was in full force and effect at all times relevant to the charges brought herein
27 and will expire on January 31, 2019, unless renewed.
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JURISDICTION

3. This First Amended Accusation and Petition to Revoke Probation, which supersedes the Accusation filed on May 17, 2017, in the above entitled matter, is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions 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.”

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1 5. Section 822 of the Code states:

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

5 “(a) Revoking the licentiate’s certificate or license.

6 “(b) Suspending the licentiate’s right to practice.

7 “(c) Placing the licentiate on probation.

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

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

14 6. Section 2052 of the Code states:

15 “(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who
16 advertises or holds himself or herself out as practicing, any system or mode of treating the sick or
17 afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment,
18 blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition
19 of any person, without having at the time of so doing a valid, unrevoked, or unsuspended
20 certificate as provided in this chapter or without being authorized to perform the act pursuant to a
21 certificate obtained in accordance with some other provision of law is guilty of a public offense,
22 punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to
23 subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding
24 one year, or by both the fine and either imprisonment.

25 “(b) Any person who conspires with or aids or abets another to commit any act described in
26 subdivision (a) is guilty of a public offense, subject to the punishment described in that
27 subdivision.

1 “(c) The remedy provided in this section shall not preclude any other remedy provided by
2 law.”

3 7. Section 2234 of the Code states:

4 “The board shall take action against any licensee who is charged with unprofessional
5 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
6 limited to, the following:

7 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
8 violation of, or conspiring to violate any provision of this chapter.

9 “(b) Gross negligence.

10 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
11 omissions. An initial negligent act or omission followed by a separate and distinct departure from
12 the applicable standard of care shall constitute repeated negligent acts.

13 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate for
14 that negligent diagnosis of the patient shall constitute a single negligent act.

15 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
16 constitutes the negligent act described in paragraph (1), including, but not limited to, a
17 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
18 applicable standard of care, each departure constitutes a separate and distinct breach of the
19 standard of care.

20 “(d) Incompetence.

21 “(e) The commission of any act involving dishonesty or corruption that is substantially
22 related to the qualifications, functions, or duties of a physician and surgeon.

23 “(f) Any action or conduct that would have warranted the denial of a certificate.

24 “(g) The practice of medicine from this state into another state or country without meeting
25 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
26 apply to this subdivision. This subdivision shall become operative upon the implementation of the
27 proposed registration program described in Section 2052.5.

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1 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
2 participate in an interview by the board. This subdivision shall only apply to a certificate holder
3 who is the subject of an investigation by the board.”

4 **PROBATION CASE**

5 8. In a prior disciplinary action entitled *In the Matter of the Accusation Against John P.*
6 *S. Janda, M.D.* before the Medical Board of California, in Case Number 08-2009-197569, the
7 Board issued a decision, effective October 16, 2015, in which Respondent’s license to practice
8 medicine was revoked. However, the revocation was stayed and Respondent’s license was placed
9 on probation for a period of three (3) years with numerous terms and conditions (Probation
10 Order). That decision is now final, and a copy of the decision is attached as Exhibit A, and is
11 incorporated by reference herein.

12 9. Term and Condition 2 of the Probation Order states:

13 “2. **CLINICAL TRAINING PROGRAM.** Within 60 calendar days of the effective
14 date of this Decision, Respondent shall enroll in a clinical training or educational program
15 equivalent to the Physician Assessment and Clinical Education Program (PACE) offered at the
16 University of California - San Diego School of Medicine (“Program”). Respondent shall
17 successfully complete the Program not later than six (6) months after Respondent’s initial
18 enrollment unless the Board or its designee agrees in writing to an extension of that time.

19 “The Program shall consist of a Comprehensive Assessment program comprised of a two-
20 day assessment of Respondent’s physical and mental health; basic clinical and communication
21 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to
22 Respondent’s area of practice in which Respondent was alleged to be deficient, and at minimum,
23 a 40 hour program of clinical education in the area of practice in which Respondent was alleged
24 to be deficient and which takes into account data obtained from the assessment, Decision(s),
25 Accusation(s), and any other information that the Board or its designee deems relevant.
26 Respondent shall pay all expenses associated with the clinical training program.

27 “Based on Respondent’s performance and test results in the assessment and clinical
28 education, the Program will advise the Board or its designee of its recommendation(s) for the

1 scope and length of any additional educational or clinical training, treatment for any medical
2 condition, treatment for any psychological condition, or anything else affecting Respondent's
3 practice of medicine. Respondent shall comply with all Program recommendations.

4 "At the completion of any additional educational or clinical training, Respondent shall
5 submit to and pass an examination. Determination as to whether Respondent successfully
6 completed the examination or successfully completed the Program is solely within the Program's
7 jurisdiction.

8 "Within 60 days after Respondent has successfully completed the clinical training program,
9 Respondent shall participate in a professional enhancement program equivalent to the one offered
10 by the Physician Assessment and Clinical Education Program at the University of California, San
11 Diego School of Medicine, which shall include quarterly chart review, semi-annual practice
12 assessment, and semi-annual review of professional growth and education. Respondent shall
13 participate in the professional enhancement program at Respondent's expense during the term of
14 probation, or until the Board or its designee determines that further participation is no longer
15 necessary."

16 CAUSE FOR ACTION

17 (Impairment)

18 10. Respondent John P. S. Janda, M.D. is subject to action under section 822 in that he
19 suffers from mental illness or physical illness affecting competency. The circumstances are as
20 follows:

21 11. On or about October 6, 2016, Respondent submitted to a neuropsychological
22 evaluation by a Board-appointed clinical neuropsychologist. The neuropsychologist noted a
23 pattern of deficits including "variable attention and sustained concentration, with deficits in
24 following instructions without external structure or support; impaired sound-symbol association;
25 deficits in visual perceptual processing; impaired visual-motor sequencing for over-learned and
26 novel materials; impaired confrontational naming (dysnomia) with phonemic and semantic
27 paraphasias; impaired verbal spontaneity; limited higher-order nonverbal abstract reasoning; and
28

1 impaired executive functioning including impulsivity and impaired response inhibition,
2 perseveration, and emotional dysregulation.”

3 12. The neuropsychologist concluded that the “results of intellectual testing, and a
4 contrasting measure of predicted premorbid intellectual functioning, suggest that [Respondent]
5 has experienced a diminution of cognitive skills and abilities.” The neuropsychologist stated that
6 the results of the neuropsychological evaluation were “clearly abnormal,” and were “suggestive of
7 a diffuse pattern of cortical pathology. This includes primarily bilateral frontal and parietal lobe
8 structures. These results are indicative of global brain pathology, and may be progressive in
9 nature.” The neuropsychologist recommended a Magnetic Resonance Imaging (MRI) scan to
10 determine the source of Respondent’s apparent brain pathology.

11 13. Respondent’s pattern of deficits would directly impair his ability to practice safely in
12 his specialty of orthopedic surgery.

13 **CAUSE FOR REVOCATION OF PROBATION**

14 **(Violation of Probation: Condition #2, Clinical Training Program)**

15 14. Respondent’s probation is subject to revocation, pursuant to probation condition two
16 of the Probation Order, because he failed to timely complete a Clinical Training Program. The
17 circumstances are as follows:

18 15. On or about December 20, 2016, through December 21, 2016, Respondent
19 participated in Phase I of the Physician Assessment and Clinical Education Program (PACE)
20 offered at the University of California - San Diego School of Medicine. PACE does not consider
21 the two-day Phase I assessment sufficient to make judgments about competence. Completion of
22 PACE requires participation in Phase II of PACE, an approximately five-day program. To date,
23 Respondent has failed to enroll in or complete Phase II of PACE.

24 16. In addition to completion of Phase II, PACE recommended that Respondent
25 “complete a comprehensive fitness for duty neuropsychological evaluation.” To date, Respondent
26 has failed to complete such an examination through PACE.

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FIRST CAUSE FOR DISCIPLINE

(Practicing with a Suspended License)

17. Respondent is subject to disciplinary action under section 2234, subdivision (a), and section 2052, in that he practiced medicine while having a suspended medical license. The circumstances are as follows:

18. On or about June 1, 2017, in a matter entitled "In the Matter of the Petition for Interim Suspension Order: Kimberly Kirchmeyer, Executive Director, Medical Board of California, Petitioner, vs. John Janda M.D., Physician's and Surgeon's Certificate Number A37510, Respondent," California Office of Administrative Hearings case number 2017050084, a Decision and Order was issued suspending Respondent's medical license. Specifically, the Order stated that:

"1. [Respondent] shall be and hereby is immediately restrained and prohibited from practicing or attempting to practice any aspect of medicine in the State of California. The suspension shall continue until such time that PACE has an opportunity to review and consider [the Board-appointed clinical neuropsychologist's] October 6, 2016 neuropsychological evaluation and render its opinion on whether respondent is able to function effectively as a physician, and in a manner conducive to public safety.

"2. If PACE determines that respondent is able to practice safely under the current probation practice restrictions placed on his license, the interim order of suspension shall immediately be stayed. If PACE determines otherwise, and finds that permitting respondent to engage in the practice of medicine will endanger the public health, safety, and welfare, the interim order of suspension shall continue in effect in accordance with the time limits set forth in Government Code section 11529.

"3. A copy of this Decision shall be provided to PACE. Request is respectfully made of PACE to make its determination within 30 days of receipt of this Decision.

"4. All of the terms and conditions of this interim order shall remain in full force and effect until an accusation is issued and a decision is rendered thereon in accordance with Government Code section 11529, subdivision (f), or this matter is otherwise resolved."

19. On or about June 8, 2017, the aforementioned Decision and Order was provided to a representative of the PACE program. The same day, the PACE representative informed the Board that PACE would require its own in-house neuropsychological examination to be conducted prior to issuing any conclusions regarding Respondent's ability to practice medicine safely. This information was immediately forwarded to Respondent through his attorney.

20. To date, Respondent has failed to complete a neuropsychological examination through PACE, as required. His Physician's and Surgeon's Certificate remains suspended.

21. On or about June 27, 2017, Respondent met with his Board probation inspector. During the meeting, Respondent acknowledged that his license was suspended pursuant to the aforementioned Interim Suspension Order.

22. Respondent has continued to practice medicine notwithstanding the suspension of his Physician's and Surgeon's Certificate. Respondent has resided in his medical office, and continued to see patients there, including issuing prescriptions and performing examinations. Patient 1 was seen by Respondent on or about September 1, 2017, at Respondent's medical office, and Respondent reviewed blood test results with this patient. Patient 2 was seen by Respondent in August, 2017, at Respondent's medical office, and Respondent examined the patient's back and knee. Respondent back-dated prescriptions he issued, so that the prescriptions appeared to have been issued prior to the date of his suspension. Respondent told his patients to say, if asked, that they were at his office only to get their medical records.

SECOND CAUSE FOR DISCIPLINE

(Dishonesty)

23. Respondent is subject to disciplinary action under section 2234, subdivision (e), in that he committed an act or acts involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon. The circumstances are set forth in paragraphs 18 through 22, which are incorporated here by reference as if fully set forth.

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11

DISCIPLINARY CONSIDERATIONS

24. To determine the degree of action, if any, to be taken against Respondent John P. S. Janda, M.D., Complainant alleges that on or about October 16, 2015, in a prior disciplinary action entitled *In the Matter of the Accusation Against John P. S. Janda, M.D.* before the Medical Board of California, in Case Number 08-2009-197569, Respondent's license was placed on three years' probation, with various terms and conditions, for gross negligence and repeated negligent acts in his care of two patients. That decision is now final and is incorporated by reference as if fully set forth herein.

25. To determine the degree of action, if any, to be taken against Respondent John P. S. Janda, M.D., Complainant alleges that on or about April 28, 2003, in a prior disciplinary action entitled *In the Matter of the Accusation Against John P. S. Janda, M.D.* before the Medical Board of California, in Case Number 08-2000-110448, Respondent's license was placed on three years' probation, with various terms and conditions, for gross negligence, alteration or modification of a medical record, and inadequate recordkeeping. That decision is now final and is incorporated by reference as if fully set forth herein.

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PRAYER

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

1. Revoking the probation that was granted by the Medical Board of California in case number 08-2009-197569 and imposing the discipline that was stayed, thereby revoking Physicians' and Surgeons' number A37510 issued to John P.S. Janda, M.D.;

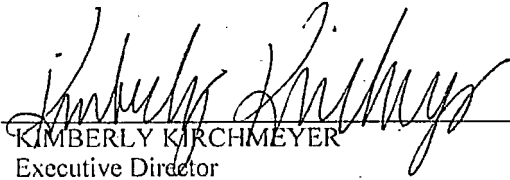
2. Revoking or suspending Physicians' and Surgeons' Certificate A37510, issued to John P.S. Janda, M.D.;

3. Revoking, suspending or denying approval of John P. S. Janda, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code, and advanced practice nurses;

4. Ordering John P. S. Janda, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: July 20, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant

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