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

In the Matter of the Accusation Against:	)	
Kulwant Kaur Buttar, M.D.	)	**Case No. 800-2018-050212**
Physician's and Surgeon's Certificate No. C 52245	)	
Respondent	)	

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 December 27, 2019.

IT IS SO ORDERED November 27, 2019.

MEDICAL BOARD OF CALIFORNIA

Ronald H. Lewis, M.D., Chair
Panel A

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
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Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case No. 800-2018-050212
KULWANT KAUR BUTTAR, M.D, **400 Forest Avenue** **Buffalo, NY 14213** **Physician's and Surgeon's Certificate No. C 52245** Respondent.	**STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Mary Cain-Simon, Supervising Deputy Attorney General.

2. Respondent Kulwant Kaur Buttar, M.D, (Respondent) with the advice and counsel of her Ohio counsel, Richard T. Lobas of Coakley and Lammert, 20600 Chagrin Blvd. Suite 1100, Cleveland, Ohio 44122

3. On or about March 8, 2006, the Board issued Physician's and Surgeon's Certificate No. C 52245 to Kulwant Kaur Buttar, M.D, (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-050212, and will expire on August 31, 2019, unless renewed.

JURISDICTION

Accusation No. 800-2018-050212 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 3, 2019. Respondent timely filed her Notice of Defense contesting the Accusation.

4. A copy of Accusation No. 800-2018-050212 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with her Ohio counsel, and understands the charges and allegations in Accusation No. 800-2018-050212. Respondent has also carefully read, fully discussed with her Ohio counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. Respondent agrees that, based exclusively on the action taken by the College of Physicians and Surgeons of Ontario, Canada, and not on any acts or conduct which occurred in California, Complainant could establish a prima facie case with respect to the charges and

allegations contained in the Accusation, and that she has thereby subjected her Physician's and Surgeon's Certificate to Disciplinary Action. Respondent further agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

Respondent further agrees that if she fails to successfully complete the education program, which is more fully described below, within the required time, all of the charges and allegations contained in Accusation No. 800-2018-050212 shall be deemed true, correct, and fully admitted by Respondent for purposes of any further proceeding before the Board, and that her failure to complete the education program shall constitute unprofessional conduct.

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

CONTINGENCY

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

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

12. 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 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 52245 issued to Respondent Kulwant Kaur Buttar, M.D, shall be and is hereby publicly reprimanded pursuant to California Business and Professions Code § 2227(a)(4). This Public Reprimand, which is issued in connection with Respondent's actions as set forth in Accusation No. 800-2018-050212 is as follows:

On November 19, 2018, Respondent resigned from the College of Physicians and Surgeons of Ontario, Canada, with an UNDERTAKING that was posted on the College of Physicians and Surgeons public website. In the UNDERTAKING, Respondent agreed to resign with an acknowledgement that the College had conducted an investigation (File Number 7215809) into whether Respondent had committed misconduct; Respondent resigned from the College, effective immediately, with an UNDERTAKING that Respondent was not to reapply or attempt to practice medicine in Ontario. The UNDERTAKING further set forth that the College would have the right to proceed with disciplinary action if Respondent breached the UNDERTAKING; and that the College would proceed with the investigation it had terminated as a result of the UNDERTAKING and/or would proceed with a referral of specified allegations to the Disciplinary Committee.

1. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the

Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

If Respondent fails to enroll, participate in, or successfully complete the clinical competence assessment program within the designated time period, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Respondent shall not resume the practice of medicine until enrollment or participation in the outstanding portions of the clinical competence assessment program have been completed. If the Respondent did not successfully complete the medical recordkeeping course, the Board may file a disciplinary action and Respondent shall not resume the practice of medicine until a final decision has been rendered on the accusation.

Respondent understands that failure to submit and/or complete the medical recordkeeping course, as set forth above, would constitute unprofessional conduct and grounds for further disciplinary action.

In consideration for her agreement to complete the medical recordkeeping education course, as set forth above, Respondent shall be publicly reprimanded as set forth in the public letter of reprimand, as set forth above.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my Ohio counsel Richard T. Lobas. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and

Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 10/18/19

KULWANT KAUR BUTTAR, M.D.
Respondent

I have read and fully discussed with Respondent Kulwant Kaur Buttar, M.D, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/18/19

Ohio Counsel Attorney for Respondent

ENDORSEMENT

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

DATED: Oct. 18, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

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Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-050212

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 3 20 19
BY D. Richards ANALYST

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

In the Matter of the Accusation Against: **KULWANT KAUR BUTTAR, M.D.** 400 Forest Avenue Buffalo, NY 14213 Physician's and Surgeon's Certificate No. C 52245, Respondent.	Case No. 800-2018-050212 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about March 8, 2006, the Medical Board issued Physician's and Surgeon's Certificate Number C 52245 to Kulwant Kaur Buttar, M.D, (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2019, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code 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 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

CAUSE FOR DISCIPLINE

(Discipline, Restriction or Limitation Placed by Foreign Jurisdiction)

6. On November 19, 2018, Respondent resigned from the College of Physicians and Surgeons of Ontario, Canada, with an UNDERTAKING that was posted on the College of Physicians and Surgeons public website. In the UNDERTAKING, Respondent agreed to resign with an acknowledgement that the College had conducted an investigation (File Number 7215809) into whether Respondent had committed misconduct; Respondent resigned from the College, effective immediately, with an UNDERTAKING that Respondent was not to reapply or attempt to practice medicine in Ontario. The UNDERTAKING further set forth that the College would have the right to proceed with disciplinary action if Respondent breached the UNDERTAKING; and that the College would proceed with the investigation it had terminated as a result of the UNDERTAKING and/or would proceed with a referral of specified allegations to the Disciplinary Committee. A true and correct copy of the November 19, 2018 UNDERTAKING posted on the public website of the College of Physicians and Surgeons of Ontario is attached as Exhibit A.

7. Respondent's conduct and the action of the Province of Ontario, Canada, College of Physicians and Surgeons, as set forth in paragraph 6, above, constitutes cause for discipline under sections 2227 and 141 in that the UNDERTAKING attached as Exhibit A comprises professional discipline and/or a practice restriction on the grounds of professional misconduct.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 52245, issued to Kulwant Kaur Buttar, M.D,

2. Revoking, suspending or denying approval of Kulwant Kaur Buttar, M.D,'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Kulwant Kaur Buttar, M.D, if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: April 3, 2019

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
("Undertaking")

of

DR. KULWANT KAUR BUTTAR
("Dr. Buttar")

to

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
(the "College")

A. PREAMBLE

(1) In this Undertaking:

"Discipline Committee" means the Discipline Committee of the College;

"OHIP" means the Ontario Health Insurance Plan;

"Public Register" means the College's register that is available to the public.

(2) I, **Dr. Buttar**, certificate of registration number **30939**, am a member of the College.

(3) I, **Dr. Buttar**, acknowledge that the College conducted an investigation bearing File Number 7215809 (the "Investigation") into whether I engaged in professional misconduct.

(4) I, **Dr. Buttar**, acknowledge that there has been no referral to the Discipline Committee in respect of the Investigation and that, after the College receives an original copy of this Undertaking as signed by me, no further action will be taken on the Investigation.

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

(5) I, **Dr. Buttar**, hereby resign from the College effective immediately (the "Effective Date").

(6) I, **Dr. Buttar**, hereby undertake not to apply or re-apply for registration as a physician to practise medicine in Ontario after the Effective Date.

(7) I, **Dr. Buttar**, acknowledge that in the event that the College should become aware that I am in breach of this Undertaking including, but not limited to, becoming aware that I have either applied, re-applied or attempted to apply or re-apply for registration as a physician or for a certificate of registration, or

equivalent, to practise medicine in Ontario after the Effective Date, the College shall, in its sole discretion, have the right to proceed with a disciplinary proceeding on the basis of a breach of this Undertaking and shall have the right to proceed with the Investigation it terminated as a result of this Undertaking and/or to proceed with a referral of specified allegations to the Discipline Committee.

(8) I, **Dr. Buttar**, hereby agree to bear the risk of any prejudice that the passage of time might cause to my ability to make full answer and defence, and waive the right to seek any remedy on the basis of the passage of time, should the College proceed with any allegations that may arise as a result of a breach of this Undertaking and/or pursuant to section (7) above.

(9) I, **Dr. Buttar**, undertake to abide by the College's Policy on Practice Management Considerations for Physicians Who Cease to Practise, Take an Extended Leave of Absence or Close Their Practice Due to Relocation, a copy of which is attached hereto as Appendix "A".

(10) I, **Dr. Buttar**, undertake that upon signing this Undertaking, I shall forward a request to the General Manager of OHIP that my billing number be deactivated for services rendered after the Effective Date.

(11) I, **Dr. Buttar**, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.

(12) I, **Dr. Buttar**, acknowledge and undertake that I shall be solely responsible for payment of all fees, costs, charges, expenses, etc., if any, arising from the implementation of any of the provisions of this Undertaking.

(13) I, **Dr. Buttar**, acknowledge and confirm that I have read and understand the provisions of this Undertaking and that I have obtained independent legal counsel in reviewing and executing this Undertaking, or have waived my right to do so.

(14) I, **Dr. Buttar**, give my irrevocable consent to the College to make appropriate enquiries of OHIP and/or any person who or institution that may have relevant information, in order for the College to monitor my compliance with the provisions of this Undertaking.

(15) I, **Dr. Buttar**, acknowledge that I have executed the OHIP consent form, attached hereto as Appendix "B" and that the consent forms part of this Undertaking.

(16) ***Public Register***

(a) I, **Dr. Buttar**, consent to this Undertaking being posted on the Public Register.

(b) I, **Dr. Buttar**, acknowledge that, in addition to this Undertaking being posted in accordance with section (16)(a) above, the following summary

shall be posted on the Public Register during the time period that this Undertaking remains in effect:

> A College investigation was conducted into whether Dr. Buttar failed to maintain the standard of practice of the profession. During the Investigation, Dr. Buttar resigned from the College and has agreed never to apply or reapply for registration as a physician in Ontario.