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

In the Matter of the Second Amended Accusation Against:	)	
John Joe Estrada, M.D.	)	**Case No. 800-2017-030875**
Physician's and Surgeon's Certificate No. C27180	)	
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 January 30, 2020.

IT IS SO ORDERED January 23, 2020.

MEDICAL BOARD OF CALIFORNIA

By: Christine J. Lally
Christine J. Lally
Interim Executive Director

XAVIER BECERRA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General
VLADIMIR SHALKEVICH
Deputy Attorney General
State Bar No. 173955
California Department of Justice
300 So. Spring Street, Suite 1702
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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 Second Amended Accusation Against: JOHN JOE ESTRADA, M.D. 1245 Wilshire Boulevard, #817 Los Angeles, California 90017 Physician's and Surgeon's Certificate C 27180, Respondent.	Case No. 800-2017-030875 OAH No. 2019060373 **STIPULATED SURRENDER OF LICENSE AND 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. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical Board of California (Board). She brings this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Vladimir Shalkevich, Deputy Attorney General.

2. John Joe Estrada, M.D. (Respondent) is represented in this proceeding by attorney Henry R. Fenton of the Fenton Law Group, 1990 South Bundy Drive, Suite 777 Los Angeles, California 90025.

3. On June 29, 1965, the Board issued Physician's and Surgeon's Certificate No. C 27180 to John Joe Estrada, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought in Second Amended Accusation No. 800-2017-030875 and will expire on December 31, 2020, unless renewed.

JURISDICTION

4. The Second Amended Accusation No. 800-2017-030875 is currently pending against Respondent. The Second Amended Accusation and all other statutorily required documents were properly served on Respondent on or about December 12, 2019. Respondent filed a timely Notice of Defense contesting the Second Amended Accusation. A copy of Second Amended Accusation No. 800-2017-030875 is attached as Exhibit A and is incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Second Amended Accusation No. 800-2017-030875. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent understands that the charges and allegations in Second Amended Accusation No. 800-2017-030875, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Second Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Second Amended Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges.

10. Respondent agrees that if he ever petitions for reinstatement, all of the charges and allegations contained in the Second Amended Accusation No. 800-2017-030875 shall be deemed true, correct and fully admitted by Respondent for purposes of that proceeding.

11. 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

12. 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.

13. 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.

14. 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:

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ORDER

IT IS HEREBY ORDERED THAT Physician's and Surgeon's Certificate No. C 27180, issued to Respondent John Joe Estrada, 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 Second Amended Accusation No. 800-2017-030875 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

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 Second Amended Accusation, No. 800-2017-030875 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.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Henry R. Fenton. 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: December 16, 2019

JOHN JOE ESTRADA, M.D.
Respondent

I have read and fully discussed with Respondent John Joe Estrada, 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: December 16, 2019

HENRY R. FENTON
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: 12-16-2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

VLADIMIR SHALKEVICH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Second Amended Accusation No. 800-2017-030875

XAVIER BECERRA
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Dec. 12 20 19
BY _____ ANALYST

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

In the Matter of the Second Amended Accusation Against: JOHN JOE ESTRADA, M.D. 1245 Wilshire Boulevard, Suite 817 Los Angeles, California 90017 Physician's and Surgeon's Certificate C 27180, Respondent.	Case No. 800-2017-030875 SECOND AMENDED ACCUSATION

Complainant alleges:

PARTIES

1. Christine J. Lally (Complainant) brings this Second Amended Accusation solely in her official capacity as the Interim Executive Director of the Medical Board of California (Board).

2. On June 29, 1965, the Board issued Physician's and Surgeon's Certificate Number C 27180 to John Joe Estrada, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2020, unless renewed.

JURISDICTION

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

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 which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

"(f) Any action or conduct which would have warranted the denial of a certificate.

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

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

6. Section 2261 of the Code states:

"Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct."

7. Section 2266 of the Code states:

"The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

FIRST CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

8. Respondent John Joe Estrada, M.D. is subject to disciplinary action under section 2234, subdivision (c), in that he committed repeated negligent acts in the care and treatment of a single patient. The circumstances are as follows:

9. Respondent is a dermatologist, with an office in Los Angeles. After a change in his health insurance coverage, the Patient[1] first visited Respondent on March 3, 2017. Patient, a male who was 48 years old at the time, sought treatment with Respondent for Tinea Versicolor, a condition for which he was treated previously by another provider, prior to the change in the Patient's insurance coverage.

10. Tinea versicolor is a common fungal infection of the skin, caused by normal skin flora, that manifests itself in discoloration, and minor itching and scaling. The Patient previously had tinea versicolor discolorations on his arms and torso, and occasionally on the inner thighs near the knees, but never in his genital area.

11. When Respondent examined the Patient, they were alone in the examination room. Respondent asked the patient questions regarding his complaints. While discussing the patient's history, Respondent asked the Patient if he was married and the patient replied that he had a husband.

12. Respondent asked the Patient to remove his shirt, and after examining the patient's torso, including his back, Respondent told him to remove his pants and underwear. Respondent remained in the room while the Patient complied. The Patient was not offered a gown, and was not otherwise draped in any way. After the patient removed his pants and underwear, Respondent did not move behind the patient to examine the posterior areas that were heretofore

[1] The patient whose care and treatment is subject of this Accusation, is designated as "the Patient" herein to protect his privacy. The identity of the Patient is known to Respondent.

covered by the patient's pants and underwear. While standing in front of the Patient, Respondent used the index fingers of both hands to examine the Patient's penis. Respondent held the patient's penis between his fingers and then used one finger to palpate the patient's penis from the shaft to the tip, approximately six times. Respondent then told the patient that he "may just as well go ahead and put some cream here." Respondent prescribed 2% ketoconazole cream and shampoo to the patient, and the patient felt that Respondent had advised him to apply the cream to his penis. Respondent never told the Patient to get dressed or cover up. Respondent advised the patient to return in two weeks to follow up, and left the examination room while the patient was still undressed.

13. Respondent documented in the patient's medical record that he observed hyper pigmented patches of skin on various parts of the patient's body, including in his genital area. This portion of the documentation was false, as the Patient never had complaints in his genital area previously and had no symptoms of any kind in his genital area when Respondent examined him. Respondent also documented a plan to "consider oral antifungal meds" for the patient if the cream and shampoo were not effective. In a later interview with the Board's investigators, Respondent explained that the plan was to prescribe oral ketoconazole if the cream and shampoo were not effective.

14. During the interview with the Board's investigators, Respondent explained that tinea versicolor could be contracted from a sleeping partner or by sharing clothes, sheets or towels. He explained that "they catch it wrestling and rolling on the yoga mat at the gym." However, Tinea Vesrsicolor symptoms are the result of one's own normal skin flora, rather than "catching" it from someone else.

15. The patient felt that Respondent touched him inappropriately in a sexual manner. He complained to the Board.

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16. By reason of the facts set forth above in paragraphs 11 through 15, Respondent John Joe Estrada, M.D. is subject to disciplinary action under section 2234, subdivision (c), in that he committed repeated negligent acts in the care and treatment of a single patient.

17. Each of the following actions by Respondent constituted a departure from the standard of care:

a.) The manner of examining the Patient's genital area was a departure from the standard of care.

b.) Failure to conduct an appropriate skin examination, including failure to offer the patient a gown or to drape him, was a departure from the standard of care.

c.) Considering treatment of tinea versicolor with oral ketoconazole was a departure from the standard of care.

d.) Stating that tinea versicolor is contagious and can be transmitted when "wrestling and rolling on the yoga mat at the gym" is a departure from the standard of care.

SECOND CAUSE FOR DISCIPLINE

(False Statement in Medical Records)

18. By reason of the facts set forth above in paragraphs 11 through 15, Respondent John Joe Estrada, M.D. is subject to disciplinary action under section 2261 in that he prepared a document related to the practice of medicine which falsely represented the existence of a state of facts. The circumstances are as follows:

19. Respondent's documentation in the patient's medical record that he observed hyper pigmented patches of skin on the patient's genital area falsely represented the results of his examination, in violation of section 2261.

THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

20. By reason of the facts set forth above in paragraphs 11 through 15, Respondent John Joe Estrada, M.D. is subject to disciplinary action under section 2266 in that he failed to maintain adequate and accurate records of patient care.

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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 27180, issued to John Joe Estrada, M.D.;

2. Revoking, suspending or denying approval of his authority to supervise physician assistants and advanced practice nurses;

3. If placed on probation, ordering him to pay the Board the costs of probation monitoring; and

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

DATED: December 12, 2019

Christine J. Lally
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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