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

In the Matter of the First Amended Accusation Against:	)	
Prakashchandra Patel, M.D.	)	Case No. 800-2016-020370
Physician's and Surgeon's Certificate No. A32995	)	
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 February 21, 2020.

IT IS SO ORDERED January 23, 2020.

MEDICAL BOARD OF CALIFORNIA

By: Kristina Lawson

Kristina D. Lawson, J.D., Chair
Panel B

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
TAN N. TRAN
Deputy Attorney General
State Bar No. 197775
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6535
Facsimile: (213) 897-9395
Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **Prakashchandra Patel, M.D.** **395 N. San Jacinto Street, Suite B** **Hemet, CA 92543** **Physician's and Surgeon's Certificate** **No. A 32995,** Respondent.	Case No. 800-2016-020370 OAH No.: 2019051126 **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. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical Board of California. 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 Tan N. Tran, Deputy Attorney General.

2. Respondent Prakashchandra Patel, M.D. (Respondent) is represented in this proceeding by attorney Raymond J. McMahon, whose address is: Doyle Schafer McMahon, LLP, 5440 Trabuco Road, Irvine, California, 92620.

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3. On or about October 11, 1978, the Medical Board of California issued Physician's and Surgeon's Certificate No. A 32995 to Prakashchandra Patel, 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 First Amended Accusation No. 800-2016-020370 and will expire on July 31, 2020, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2016-020370 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on November 18, 2019. Respondent timely filed his Notice of Defense contesting the First Amended Accusation.

5. A copy of First Amended Accusation No. 800-2016-020370 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2016-020370. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at his own expense; 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.

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

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CULPABILITY

9. Respondent does not contest that at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations contained in First Amended Accusation No. 800-2016-020370, and that he has thereby subjected his Physician's and Surgeon's Certificate No. A 32995 to disciplinary action.

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

RESERVATION

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

CONTINGENCY

12. 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 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 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.

13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

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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 Disciplinary Order:

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND

IT IS HEREBY ORDERED that Respondent Prakashchandra Patel, M.D., Physician's and Surgeon's Certificate No. A 32995, shall be and is hereby Publicly Reprimanded, with terms and conditions below, pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand, issued in connection with Respondent's violations of the Medical Practice Act, as set forth in First Amended Accusation No. 800-2016-020370, is as follows:

In or about 2012 through 2017, Dr. Patel failed to adequately follow up on the prior treatment received by three of his patients, who were also under the care of their primary care physicians.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Raymond J. McMahon. 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: 11/22/19

Prakashchandra Patel, M.D.
Respondent

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

DATED: November 25, 2019

Raymond J. McMahon
Attorney for Respondent

ENDORSEMENT

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

Dated: 11/25/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

TAN N. TRAN
Deputy Attorney General
Attorneys for Complainant

Exhibit A

First Amended Accusation No. 800-2016-020370

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General
TAN N. TRAN
Deputy Attorney General
State Bar No. 197775
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6535
Facsimile: (213) 897-9395
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO NOV. 18 2019
BY D. GERENIA ANALYST

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

In the Matter of the First Amended Accusation Against: **Prakashchandra Patel, M.D.** **395 N. San Jacinto St., Ste. B** **Hemet, CA 92543** **Physician's and Surgeon's Certificate No. A32995 ,** Respondent.	Case No. 800-2016-020370 OAH No.: 2019051126 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about October 11, 1978, the Medical Board issued Physician's and Surgeon's Certificate Number A32995 to Prakashchandra Patel, 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 July 31, 2020, unless renewed.

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JURISDICTION

3. This First Amended Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code states:

"The board shall have the responsibility for the following:

"(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

"(b) The administration and hearing of disciplinary actions.

"(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

"(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

"(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

"(f) Approving undergraduate and graduate medical education programs.

"(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

"(h) Issuing licenses and certificates under the board's jurisdiction.

"(i) Administering the board's continuing medical education program."

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the board deems proper.

6. 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 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."

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CAUSE FOR DISCIPLINE

(Repeated Negligent Acts- 3 Patients)

7. Respondent is subject to disciplinary action under section 2234, subdivision (c), of the Code for the commission of acts or omissions constituting repeated negligent acts in the care and treatment of Patient 1, Patient 2, and Patient 3.[1] The circumstances are as follows:

Patient 1

8. Patient 1 is a female who treated with respondent since about October 2012 to August 2015.[2] The patient had a history of depression/bipolar disorder, a history of two suicide attempts, and was admitted to psychiatric treatment on at least two occasions (January 2008 and May 2015). Patient 1 was on disability and had been treated with multiple benzodiazepines and antidepressants in the past. Patient 1 had also been treated with lithium in 2013, which is a mood stabilizer used to treat major depressive disorder. Records show that in April 2014, Patient 1's creatinine level had increased, and that Respondent had discontinued Patient 1's lithium on or about June 2014.

9. Respondent's failure to replace Patient 1's lithium with another mood stabilizer, as well as Respondent's failure to follow up on Patient 1's prior treatment constitute simple departures from the standard of care.[3]

Patient 2

10. Patient 2 is a 48-year old female who treated with Respondent since about March 2012 to May 2014.[4] Patient 2 was diagnosed with opioid dependence, bipolar disorder, and various phobias. Patient 2 had an extensive history of substance abuse with respect to herself, and with respect to her family members. She had been under treatment for opioid dependence in the past and was on Suboxone, which is an opioid medication used to treat narcotic addiction.

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[1] The patients are identified by number to protect their privacy.

[2] These are approximate dates, based on the records which were available for review.

[3] Apparently, Patient 1 had lab work done by other treating professionals, but Respondent did not obtain, review, or order same because per Respondent, it's "almost impossible" to get lab work or medical records from other doctors.

[4] These are approximate dates, based on the records which were available for review.

11. Respondent's failure to check urine drug screens in Patient 2 (who was on Suboxone and had an extensive history of substance abuse) constitutes a simple departure from the standard of care.

Patient 3

12. Patient 3 is a 52-year old female who treated with respondent since about October 2013 to September 2017.[5] Patient 3 was diagnosed with Attention-Deficit Hyperactivity Disorder (ADHD), hypertension, depression/anxiety, and insomnia. According to the Controlled Substance Utilization Review and Evaluation System (CURES), Respondent prescribed Patient 3 Adderall approximately 19 times from November 2013 through December 2015. Patient 3 was also receiving zolpidem (a.k.a. Ambien (a sleep aid)) on a monthly basis from November 2013 through December 2015.

13. Respondent's failure to take blood pressure measurements on Patient 3, who had hypertension, constitutes a simple departure from the standard of care.

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 A32995, issued to Prakashchandra Patel, M.D.;

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

3. Ordering Prakashchandra Patel, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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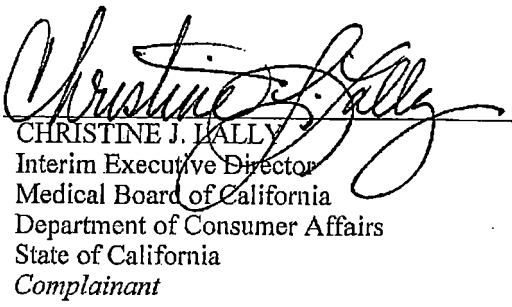
[5] These are approximate dates, based on the records which were available for review. Also, per the records, during her visit with Respondent on August 2017, Patient 3 reported hearing music for the last few months, which possibly could represent an amphetamine-induced psychosis.

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

DATED: November 18, 2019



CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant