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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 Petition to Revoke Probation Against: SONA C. PATEL, M.D. 4864 Melrose Avenue Los Angeles, California 90029 Physician's and Surgeon's Certificate A 88229, Respondent.	Case No. 800-2018-051184 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On May 16, 2019, Complainant Kimberly Kirchmeyer, in her prior official capacity as the Executive Director of the Medical Board of California (Board), filed a Petition to Revoke Probation in case number No. 800-2018-051184 against Respondent, Sona C. Patel, M.D.

2. On July 21, 2004, the Board issued Physician's and Surgeon's Certificate No. A 88229 to Respondent. At all times relevant to the charges brought herein, that license was in full force and effect, subject to a prior disciplinary order entitled *In the Matter of the Accusation Against Sona Patel, M.D.*, No. 17-2009-20383. Her license expired on June 30, 2018.

Respondent failed to renew her license until January 22, 2019; it will expire on June 30, 2020, unless otherwise renewed. (Evidence Packet, Exhibit 1.)

3. At all times mentioned herein, Respondent's address of record with the Board has been and is 4864 Melrose Avenue, Los Angeles, California 90029.

4. On May 16, 2019, Richard M. Acosta, an employee of the Board, served a copy of the Petition to Revoke Probation in case number 800-2018-051184, along with a Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7, via United States Certified Mail No. 7018 1830 0001 5934 0840 and First Class Mail via the United States Postal Service, on Respondent at her address of record with the Board. A copy of the Petition to Revoke Probation, the related documents, and Declaration of Proof of Service are attached (Evidence Packet, Exhibit 2) and are incorporated herein by reference.

5. Service of the Petition to Revoke Probation was effective upon dispatch as a matter of law under Government Code section 11505, subdivision (c).

6. Respondent failed to file a Notice of Defense with the Board by May 31, 2019, or at any other time.

7. On June 26, 2019, the aforementioned documents served by certified mail No. 7018 1830 0001 5934 0840, on Respondent at her address of record was returned to the Board by the United States Postal Service marked, "Return to Sender – Unable to Forward – Return to Sender." (Evidence Packet, Exhibit 3.)

8. On July 3, 2019, a Courtesy Notice of Default was served on Respondent's address of record via First Class US mail. (Evidence Packet, Exhibit 4.)

9. On July 10, 2019, the aforementioned Courtesy Notice of Default served on Respondent's address of record on July 3, 2019, was returned by the United States Postal Service marked, "Return to Sender – Not Deliverable as Addressed – Unable to Forward." (Evidence Packet, Exhibit 4.)

10. On July 24, 2019, Patricia Angeja, an employee of the Board, served a copy of the Petition to Revoke Probation No. 800-2018-051184, Statement to Respondent, Notice of Defense,

Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7, via Certified No. 7018 1830 0001 5935 0191 on Respondent's residential address of 6847 Stern Court, Mira Loma, California 91752-4341. (Evidence Packet, Exhibit 5.)

11. On September 17, 2019, the aforementioned documents served via certified mail No. 7018 1830 0001 5935 0191, were returned by the United States Postal Service marked, "Return to Sender – Not Deliverable as Addressed – Unable to Forward." (Evidence Packet, Exhibit 6.)

12. On November 19, 2019, Valerie Moore, an employee of the Board, served a copy of the Petition to Revoke Probation No. 800-2018-051184, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7, via 2-Day FedEx (Tracking #7771 2278 0606 [CZ AHC]), on Respondent at another residential address at 7342 Pacific View Drive, Los Angeles, California 90068. (Evidence Packet, Exhibit 7.)

13. After three separate attempts to deliver the aforementioned documents, via FedEx Express Saver (Tracking #7771 0346 6886 [CZ AHC]), on November 21, 22, and 25, 2019, the documents were returned to the Board on December 2, 2019. (Evidence Packet, Exhibit 8.)

14. Business and Professions Code 2021, subdivision (b), provides, that each licensee shall report to the board each and every change of address within 30 days after each change, giving both the old and new address.

15. Condition 10 of Respondent's probation requires, in pertinent part, that Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. It further requires that changes of such addresses shall be immediately communicated in writing to the Board or its designee.

16. Service of the Petition to Revoke Respondent's Probation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

17. Government Code section 11506, subdivision (c), provides that the "respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing . . . . "

18. Respondent failed to file a Notice of Defense within 15 days after service upon her of

the Petition to Revoke Probation, and therefore she has waived her right to a hearing on the merits of Petition to Revoke Probation No. 800-2018-051184.

19. California Government Code section 11520, subdivision (a), provides "If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

20. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in the evidence packet filed herewith, finds that the charges and allegations contained in the Petition to Revoke Probation No. 800-2018-051184 are true, and each of them separately and severally.

First Cause to Revoke Probation: Failure to Maintain Current and Renewed Certificate

21. At all times after the effective date of Respondent's probation, Condition 10 stated, in pertinent part:

"GENERAL PROBATION REQUIREMENTS.

"License Renewal

"Respondent shall maintain a current and renewed California physician's and surgeon's license."

22. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 10, referenced above. The facts and circumstances regarding this violation are as follows:

A. On April 11, 2013, Respondent signed a Stipulated Settlement with the Board requiring her to maintain a current and renewable license.

B. Respondent failed to renew her license on or before June 30, 2018, thereby allowing her license to expire.

C. On September 18, 2018, the Board sent Respondent a letter informing her that she was not in compliance with Condition 10 (failure to maintain a current and renewed license), as required. Respondent was advised that she needed to renew her license on or before September

27, 2018, or she could be subject to further discipline; however, Respondent failed to renew her license on or before that date.

D. On January 22, 2019, Respondent subsequently renewed her license.

23. Respondent's acts and omissions constitute a violation Condition 10 of Respondent's Probation, effective November 15, 2013.

Second Cause to Revoke Probation: Non-Practice of Medicine While on Probation

24. At all times after the effective date of Respondent's probation, Condition 12 stated, in pertinent part:

"NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

"In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's Manual of Model Disciplinary Orders and Disciplinary Guidelines prior to resuming the practice of medicine.

"Respondent's period of non-practice while on probation shall not exceed two (2) years.

"Periods of non-practice will not apply to the reduction of the probationary term.

"Periods of non-practice will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements."

25. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 12, referenced above. The facts and circumstances regarding this violation are as follows:

A. Respondent submitted Quarterly Declarations to the Board, as required by her probation, stating that she failed to practice medicine from October 1, 2013 through December 2013; January 1, 2014 through October 31, 2014; April 1, 2015 through June 30, 2015; November 1, 2016 through December 31, 2016; January 1, 2017 through December 31, 2017; and January 1, 2018, through June 30, 2018, a period of non-practice in excess of two (2) years.

26. Respondent's period of non-practice exceeding two (2) years constitutes a violation of Respondent's Probation Condition 12, effective November 15, 2013.

Third Cause to Revoke Probation: Violation of Probation

27. At all times after the effective date of Respondent's probation, Condition 14 stated, in pertinent part:

"VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final."

28. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 14, referenced above. The facts and circumstances regarding this violation are as follows:

A. Paragraphs 21 through 26, inclusive, above are incorporated herein by reference as if fully set forth.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Sona C. Patel, M.D. has subjected her Physician's and Surgeon's Certificate No. A 88229 to discipline.

2. A copy of the Petition to Revoke Probation and the related documents and Declarations of Service are attached. (Evidence Packet, Exhibits 2, 5 and 7.)

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

4. The Medical Board of California is authorized to revoke Respondent's Physician's and Surgeon's Certificate based upon the following violations alleged in the Petition to Revoke Probation in that Respondent:

a. Failed to maintain a current and renewed certificate from the period of July 1, 2018 through January 21, 2019, as required by the terms and conditions of Respondent's Probation Order No. 17-2009-20383, Condition 10, effective November 15, 2013;

b. Failed to practice medicine from October 1, 2013 through December 2013; January 1, 2014 through October 31, 2014; April 1, 2015 through June 30, 2015; November 1, 2016 through December 31, 2016; January 1, 2017 through December 31, 2017; and January 1, 2018, through June 30, 2018, a period of non-practice in excess of two (2) years in violation of the terms and conditions of Respondent's Probation Order No. 17-2009-20383, Condition 12, effective November 15, 2013;

c. Failed to fully comply with the terms and conditions of Respondent's Probation Order No. 17-2009-20383, Conditions 10, 12, and 14, effective November 15, 2013.

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 88229, heretofore issued to Respondent Sona C. Patel, M.D., is revoked.

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

This Decision shall become effective on APR 24 2020.

It is so ORDERED MAR 26 2020

CHRISTINE J. LALLY
INTERIM EXECUTIVE DIRECTOR
FOR THE MEDICAL BOARD OF
CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO MAY 16 2019
BY: ANALYST

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

In the Matter of the Petition to Revoke Probation Against: SONA C. PATEL, M.D. 4864 Melrose Avenue Los Angeles, California 90029 Physician's and Surgeon's Certificate Number A 88229, Respondent.	Case No. 800-2018-051184 PETITION TO REVOKE PROBATION

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Director of the Medical Board of California (Board).

2. On July 21, 2004, the Board issued Physician's and Surgeon's Certificate Number A 88229 to Sona C. Patel, M.D. (Respondent). That license expired on June 30, 2018; however, it was renewed on January 22, 2019, and is in full force and effect, subject to probationary conditions, at all times relevant to the charges brought herein, and will expire on June 30, 2020.

3. In a disciplinary action entitled *In the Matter of Accusation Against Sona Patel, M.D.*, Case No. 17-2009-203838, the Board issued a decision, effective November 15, 2013, in which

Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's license was placed on probation for a period of seven years with various terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board under the authority of the following provisions of the California Business and Professions Code (Code).

5. Section 2004 of the Code provides, in pertinent part:

"The board shall have the responsibility for the following:

"(a) The enforcement of the disciplinary . . . 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) . . . (i)."

6. Section 2229, subdivision (a), of the Code states, in pertinent part "Protection of the public shall be the highest priority for the Division of Medical Quality[1] . . . and administrative law judges of the Medical Quality Hearing Panel in exercising their disciplinary authority."

7. Section 2227 of the Code states, in pertinent part:

"(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 who has entered into a stipulation for disciplinary action with the division, may, in accordance with the

[1] California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Bus. & Prof. Code, § 2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

provisions of this chapter:

"(1) Have . . . her license revoked upon order of the division.

"(2) Have . . . her right to practice suspended for a period not to exceed one year upon order of the division.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the division.

"(4) . . . .

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the division or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a) . . . is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

8. Section 2220, subdivision (a) of the Code provides, in pertinent part:

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

"(a) Investigating complaints from the . . . board that a physician and surgeon may be guilty of unprofessional conduct. . . ."

9. Section 2228 of the Code provides, in pertinent part:

"The authority of the board or the California Board of Podiatric Medicine to discipline a licensee by placing . . . her on probation includes, but is not limited to, the following:

"(a) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or the administrative law judge.

"(b) Requiring the licensee to submit to a complete diagnostic examination by one or more

physicians and surgeons appointed by the board. If an examination is ordered, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee's choice.

"(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including requiring notice to applicable patients that the licensee is unable to perform the indicated treatment, where appropriate.

"(d) Providing the option of alternative community service in cases other than violations relating to quality of care."

10. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

FIRST CAUSE TO REVOKE PROBATION

(Failure to Maintain Current and Renewed Certificate)

11. At all times after the effective date of Respondent's probation, Condition 10 stated, in pertinent part:

"GENERAL PROBATION REQUIREMENTS.

"License Renewal

"Respondent shall maintain a current and renewed California physician's and surgeon's license."

12. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 10, referenced above. The facts and circumstances regarding this violation are as follows:

A. On April 11, 2013, Respondent signed a Stipulated Settlement with the Board requiring her to maintain a current and renewable license.

B. Respondent failed to renew her license on or before June 30, 2018, thereby allowing her license to expire.

C. On September 18, 2018, the Board sent Respondent a letter informing her that she was not in compliance with Condition 10 (failure to maintain a current and renewed license), as

required. Respondent was informed that she needed to renew her license on or before September 27, 2018, or she could be subject to further discipline. However, Respondent failed to renew her license on or before that date.

D. As a result, Respondent's acts and omissions constitute a violation Condition 10 of Respondent's Probation which was effective November 15, 2013.

SECOND CAUSE TO REVOKE PROBATION

(Non-Practice of Medicine While on Probation)

13. At all times after the effective date of Respondent's probation, Condition 12 stated:

"NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

"In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's *Manual of Model Disciplinary Orders and Disciplinary Guidelines* prior to resuming the practice of medicine.

"Respondent's period of non-practice while on probation shall not exceed two (2) years.

"Periods of non-practice will not apply to the reduction of the probationary term.

"Periods of non-practice will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements."

14. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 12, referenced above. The facts and circumstances regarding this violation are as follows:

A. According to the Quarterly Declarations Respondent submitted to the Board as required by her probation, Respondent failed to practice from on or about: October 1, 2013 through December 2013; January 1, 2014 through October 31, 2014; April 1, 2015 through June 30, 2015; November 1, 2016, through December 31, 2016; January 1, 2017, through December 31, 2017; and January 1, 2018, thorough June 30, 2018, a period of non-practice in excess of two years.

B. As a result of Respondent's period of non-practice exceeding two years, she is in violation of Condition 12 of Respondent's Probation which was effective November 15, 2013.

THIRD CAUSE TO REVOKE PROBATION

(Violation of Probation)

15. At all times after the effective date of Respondent's probation, Condition 14 stated:

"VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final."

16. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 14, referenced above. The facts and circumstances regarding this violation are as follows:

A. Paragraphs 8 through 14, inclusive, above are incorporated herein by reference s if fully set forth.

DISCIPLINE CONSIDERATIONS

17. To determine the degree of discipline, if any, to be imposed on Respondent,

Complainant alleges that on or about November 15, 2013, in a prior disciplinary action entitled *In the Matter of the Accusation Against Sona Patel, M.D.* before the Medical Board of California, in Case No. 17-2009-203838, Respondent's license was revoked and the revocation stayed, subject to being placed on seven years of probation, in addition to numerous terms and conditions, for gross negligence, repeated negligent acts, falsifying medical records, dishonest and corrupt acts and failure to maintain adequate and accurate records. That decision is now final and is incorporated by reference as if fully set forth.

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 the probation that was granted by the Medical Board of California in Case No. 17-2009-203838 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate Number A 88229 issued to Respondent Sona C. Patel, M.D.;

2. Revoking or suspending Physician's and Surgeon's Certificate Number A 88229, issued to Respondent;

3. Revoking, suspending or denying approval of her authority to supervise physician assistants, pursuant to section 3527 of the Code, and advanced practice nurses;

4. If placed on probation, ordering her to pay the Medical Board of California the costs of probation monitoring; and

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

DATED: May 16, 2019

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

Complainant

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Exhibit A

Decision and Order

Medical Board of California Case No. 17-2009-203838

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

In the Matter of the Accusation Against:	)	
Sona Patel, M.D.	)	Case No. 17-2009-203838
Physician's and Surgeon's Certificate No. A 88229	)	
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 November 15, 2013.

IT IS SO ORDERED: October 18, 2013.

MEDICAL BOARD OF CALIFORNIA

Dev Gnanadev MD

Dev Gnanadev, M.D., Chair
Panel B

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

In the Matter of the Accusation Against: SONA PATEL, M.D. 4864 Melrose Avenue Los Angeles, California 90029 Physician's and Surgeon's Certificate Number A 88229, Respondent.	Case No. 17-2009-203838 OAH No. 2012110678 **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. Linda K. Whitney (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 Kamala D. Harris, Attorney General of the State of California, by Colleen M. McGurrin, Deputy Attorney General.

2. Sona Patel, M.D. (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel. She, however, consulted with Peter Osinoff of Bonne, Bridges, Mueller, O'Keefe & Nichols prior to entering into this stipulation.

3. On or about July 21, 2004, the Board issued Physician's and Surgeon's Certificate Number A 88229 to Sona 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 Accusation No. 17-

2009-203838 and will expire on June 30, 2014, unless renewed.

JURISDICTION

4. Accusation No. 17-2009-203838 was filed before the Board, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 22, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 17-2009-203838 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 17-2009-203838. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order will have on her license and her ability to practice medicine in California.

7. 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 be represented by counsel at her own expense; 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.

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 17-2009-203838.

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

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 settlement, without notice to or participation by Respondent. 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.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile or scanned and emailed 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 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate Number A 88229 issued to Respondent Sona Patel, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for seven (7) years on the following terms and conditions.

1. ACTUAL SUSPENSION. As part of probation, Respondent is suspended from the practice of medicine for 90 days beginning the sixteenth (16th) day after the effective date of this decision.

2. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices equivalent to the Prescribing Practices Course at the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents

that the Program 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 prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A prescribing practices 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. Failure to participate in and successfully complete the prescribing practices course as provided above shall constitute a violation of probation.

3. 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 equivalent to the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents that the Program 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. Failure to participate in and successfully complete the medical record keeping course as provided above shall constitute a violation of probation.

4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program that covers ethics and meets the requirements of Title 16, California Code of Regulations (CCR) section 1358. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program 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 program would have been approved by the Board or its designee had the program 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 program or not later than 15 calendar days after the effective date of the Decision, whichever is later. Failure to

participate in and successfully complete the professionalism program (ethics course) as provided above shall constitute a violation of probation.

5. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. The monitor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, 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. Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor(s) shall submit a quarterly written report to the Board or its designee which

includes an evaluation of Respondent's performance, indicating whether Respondent's practices are within the standards of practice of medicine, and whether Respondent is practicing medicine safely and appropriately. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, 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 Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

In lieu of a monitor, Respondent may participate in a professional enhancement program equivalent to the one offered by the Physician Assessment and Clinical Education Program at the University of California, San Diego School of Medicine, that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at Respondent's expense during the term of probation.

STANDARD CONDITIONS

6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

7. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is prohibited from supervising physician assistants.

8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

10. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit and all terms and conditions of this Decision.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve Respondent of the responsibility to comply with the

probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

13. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

15. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. 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: 4/11/13

SONA PATEL, M.D.
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: 4/11/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

COLLEEN M. MCGURRIN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 17-2009-203838

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 22 20 12
BY H. Park ANALYST

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

In the Matter of the Accusation Against: SONA PATEL, M.D. 4864 Melrose Avenue Los Angeles, California 90029 Physician's and Surgeon's Certificate Number A 88229, Respondent.	Case No. 17-2009-203838 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about July 21, 2004, the Board issued Physician's and Surgeon's Certificate Number A 88229 to Sona 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 June 30, 2014, unless renewed.

JURISDICTION

3. This Accusation is brought before the 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 2220 of the Code states, in pertinent part:

"Except as otherwise provided by law, the Division of Medical Quality[1] may take action against all persons guilty of violating this chapter [Chapter 5, the Medical Practice Act]. The division shall enforce and administer this article as to physician and surgeon certificate holders, and the division shall have all the powers granted in this chapter for these purposes including, but not limited to:

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

"(b) . . . (c)."

5. Section 2227 of the Code provides, in pertinent part, 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 Division deems proper.

6. Section 2234 of the Code states, in pertinent part:

"The Division of Medical Quality 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 [Chapter 5, the Medical

[1] California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practices Act (Bus. & Prof. Code § 2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

Practice Act].

"(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."

7. Section 2262 of the Code states, in pertinent part:

"Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct.

"In addition to any other disciplinary action, the Division of Medical Quality . . . may impose a civil penalty of five hundred dollars ($500) for a violation of this section."

8. 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."

HEALTH AND SAFETY CODE SECTIONS

9. Health and Safety Code section 11362.5 states, in pertinent part:

"(a) This section shall be known and may be cited as the Compassionate Use Act of 1996.

"(b)(1) The people of the State of California hereby find and declare that the purposes of the Compassionate Use Act of 1996 are as follows:

(A) To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.

(B) . . . (C).

(2) Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes.

(c) Notwithstanding any other provision of law, no physician in this state shall be punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes.

(d) . . . ."

10. Health and Safety Code Section 11362.7 provides, in pertinent part:

"For purposes of this article, the following definitions shall apply:

"(a) 'Attending physician' means an individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California . . . and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate.

"(b) . . . (g)

"(h) 'Serious medical condition' means all of the following medical conditions:

"(1) Acquired immune deficiency syndrome (AIDS).

"(2) Anorexia.

"(3) Arthritis.

"(4) Cachexia.

"(5) Cancer.

"(6) Chronic pain.

"(7) Glaucoma.

"(8) Migraine.

"(9) Persistent muscle spasms, including, but not limited to, spasms associated with multiple sclerosis.

"(10) Seizures, including, but not limited to, seizures associated with epilepsy.

"(11) Severe nausea.

"(12) Any other chronic or persistent medical symptom that either:

"(A) Substantially limits the ability of the person to conduct one or more major life activities as defined in the Americans with Disabilities Act of 1990 (Public Law 101-336).

"(B) If not alleviated, may cause serious harm to the patient's safety or physical or mental health."

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FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

11. Respondent is subject to disciplinary action under Business and Professions Code section 2234, subdivision (b), in that she committed gross negligence when she recommended medical marijuana to patients M.W.[2] and A.B. The circumstances are as follows:

12. Respondent owns and operates two Los Angeles based clinics where she evaluates whether a prospective patient is a seriously ill Californian, as defined by Health and Safety Code section 11362.5 et seq. (i.e., "the Compassionate Use Act of 1996"), for the purposes of qualifying for a medical marijuana recommendation. Respondent told the Board that she uses a stethoscope, and sometimes a reflex hammer, during her evaluations, however, there is no medical equipment or examination table(s) in her office to assist in the examination of prospective patients.

13. Respondent told the Board that she established a screening protocol which requires that certain criteria be met before she sees a prospective patient for a recommendation. Respondent stated that each prospective patient is handed a series of documents to complete. One of the documents is a "Medical Marijuana Evaluation Form" (MMEF). The MMEF requires that they "MUST COMPLETE **EVERY** QUESTION ON THIS FORM" (**emphasis on original**). The MMEF also requires the "NAME OF DOCTOR OR CLINIC WHO DIAGNOSED OR TREATED YOU FOR THE CONDITION WHICH YOU ARE BEING EVALUATED FOR MEDICAL MARIJUANA." Immediately following this section, the MMEF states "IF YOU ARE UNABLE TO COMPLETE THE DOCTOR INFORMATION ABOVE YOU DO NOT QUALIFY. PLEASE RETURN YOUR PAPERWORK TO THE RECEPTIONIST AND RETURN AFTER YOU HAVE BEEN SEEN BY A DOCTOR FOR YOUR CONDITION. THERE ARE NO EXCEPTIONS."

14. Respondent told the Board that she trains her receptionists to review the paperwork

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[2] For privacy and officer safety considerations, the individuals listed in this Accusation will be identified by their first and last undercover identity initials. Their full undercover identity names will be disclosed to Respondent upon timely request for discovery pursuant to Government Code section 11507.6.

and make sure it is complete before sending a prospective patient in to see her. Respondent stated that "[a] lot of times, they just say . . . I haven't seen a doctor" and in that situation the receptionists are instructed to turn them away and "tell them that you need to come back", "you need to go get diagnosed." Respondent continued that the "diagnosis is the most important things [sic] because I do not diagnose patients." Respondent stated that if a prospective patient comes with no regular primary care doctor and no medical records "the receptionist would turn them away because they have to have a primary doctor", "[t]here's no getting around that."

M.W.

15. On or about April 27, 2010, M.W., an undercover Medical Board investigator posing as a patient, presented to Respondent's clinic to determine if he would qualify as a seriously ill Californian, as defined by Health and Safety Code section 11362.5 et seq. (i.e., "the Compassionate Use Act of 1996"), for purposes of obtaining a medical marijuana recommendation. M.W. arrived in Respondent's office and was handed a series of documents to complete, including the MMEF. M.W. partially completed the documents and left the portion of the MMEF requesting the name and address of his diagnosing/treating doctor blank. M.W. did not bring any medical records or any other documentation confirming his medical history, condition or diagnosis to the visit. Under the MMEF section requesting the reason(s) he wanted to use medical marijuana, M.W. wrote "depressed, drinking too much gives me bad hangovers" and noted that his alcohol use is "10 beers a day or 1/2 bottle of Vodka." M.W. further wrote that he had not tried, nor was he currently taking, any prescription medications, and he did not have insurance.

16. Respondent saw M.W., on or about April 27, 2010, even though he did not list a diagnosing or treating doctor and thus, did not qualify per Respondent's established office screening protocol. Respondent, however, saw M.W. and completed the "Medical Marijuana Evaluation" (MME) form. This is different from the MMEF, which is to be completed by the prospective patient. The MME, however, is to be completed by the physician seeing the patient. Respondent documented, on the MME, that she examined M.W.'s head, ears, eyes, nose and throat, as well as his neck/thyroid and heart. This examination, however, was never performed,

nor were M.W.'s vitals taken or recorded. Respondent further documented that M.W. "does not want to take prescriptions because they are not effective and not natural – he does not want to try alternative prescription." M.W., however, never said or told Respondent this.

17. On or about April 27, 2010, Respondent assessed M.W. as suffering from 1) Depression; 2) Anxiety; and 3) Insomnia. Her documented plan was to give M.W. a one-year recommendation based upon his medical history "confirmed by medical records" and her evaluation that he would "benefit from medical use of cannabis." Thereafter, Respondent issued M.W. a one-year medical marijuana recommendation, and M.W. paid the recommendation fee. When asked why she assessed M.W. with anxiety and insomnia, as he had not listed those conditions on the paperwork, Respondent stated that he would have told her "that the doctor diagnosed him with that." M.W., however, never told Respondent this. When asked why she saw M.W. and issued him a recommendation when he did not meet her established office screening policy, Respondent said "I think he told me that he did see a doctor and he did have these conditions." M.W., however, never told Respondent that he had or had ever been diagnosed or treated, for anxiety or insomnia. When asked if it was safe to give marijuana to a patient who was drinking ten beers a day or half a bottle of vodka, Respondent replied "No. Because that patient is not stable" and "I would not qualify him." When asked why she qualified M.W. with his listed alcohol use, Respondent said he must have told her that "his alcohol is not an ongoing thing." M.W., however, never told Respondent this.

A.B.

18. On or about August 19, 2010, A.B., an undercover Medical Board investigator posing as a patient, presented to Respondent's clinic to determine if he would qualify as a seriously ill Californian, as defined by Health and Safety Code section 11362.5 et seq. (i.e., "the Compassionate Use Act of 1996"), for purposes of obtaining a medical marijuana recommendation. A.B. arrived in Respondent's office and was handed a series of documents. A.B. completed the documents and wrote "None" in the section of MMEF requesting the name of his diagnosing or treating doctor. Additionally, A.B. did not bring any medical records confirming his medical history, condition or diagnosis. Under the section of the MMEF

requesting the reason(s) he wanted to use medical marijuana, A.B. wrote "insomnia" and noted that he had previously taken Ambien. A.B. did not, however, bring any pills, prescriptions or prescription bottle(s) to the visit.

19. On or about August 19, 2010, Respondent saw A.B. even though he indicated that he did not have a diagnosis or treating doctor, and did not qualify per Respondent's established office screening protocol. Respondent, however, saw A.B., and completed the MME documenting that she examined his head, ears, eyes, nose and throat, as well as his neck/thyroid and heart. This examination, however, was never performed, nor were his vitals taken or recorded. On the MME, Respondent documented that A.B. "has PMD, but does not recall name." A.B., however, never told Respondent that he had a primary medical doctor (PMD).

20. On or about August 19, 2010, Respondent assessed A.B. as suffering from insomnia. Her documented plan was to give him a one-year recommendation based upon his medical history "confirmed by medical records" and her evaluation that he would "benefit from medical use of cannabis." Thereafter, Respondent issued A.B. a one-year medical marijuana recommendation, and he paid the recommendation fee. When asked why she issued A.B. a recommendation when he did not have the name of his primary care doctor, Respondent replied, "he must have had a prescription with him, like the actual pill bottle or I don't recall how." Respondent continued that it is generally her custom and practice to make a photocopy of the prescription bottle and maintain it in the patient's chart, or she would "probably make a note of it." There is, however, no such entry in A.B.'s chart. Respondent could not recall if she checked A.B.'s blood pressure, but considered it to be an integral part of her examination in a patient with insomnia. Respondent told the Board that she would ask a patient, who had been complaining of five years of insomnia, when they last took medication for their condition, but did not document this in the patient's chart. Respondent, however, never asked A.B. this.

21. In Respondent's care and treatment of patients M.W. and A.B., the following acts and omissions constitute gross negligence, individually and collectively:

(a) Failing to take an adequate medical history and conduct a good faith examination of M.W. and A.B. prior to issuing a medical marijuana recommendation;

(b) Failing to adequately explore signs and symptoms of potentially significant pre-existing condition(s) or pathology and to recognize alcohol addiction or other potential related concominant disease(s) regarding M.W. and his alcohol use/consumption;

(c) Failing to adequately explore and address M.W.'s depression as a symptom and/or cause of excessive alcohol use/consumption by M.W.;

(d) Failing to refer M.W. to a specialist for consultation and/or evaluation of alcohol dependency, liver disease, and a psychological consultation and/or evaluation; and

(e) Falsifying medical records.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

22. Respondent is subject to disciplinary action under Business and Professions Code section 2234, subdivision (c), in that she committed repeated negligent acts when she recommended medical marijuana to patients M.W. and A.B. The circumstances are as follows:

23. Paragraphs 12 through 20, inclusive, above are incorporated herein by reference as if fully set forth herein.

24. In Respondent's care and treatment of patients M.W. and A.B., the following acts and omissions constitute repeated negligent acts:

(a) Failing to take an adequately medical history and conduct a good faith examination of M.W. and A.B. prior to issuing a medical marijuana recommendation;

(b) Failing to adequate explore signs and symptoms of potentially significant pre-existing condition(s) or pathology and to recognize alcohol addiction or other potential related concominant disease(s) regarding M.W. and his alcohol use/consumption;

(c) Failing to adequately explore and address M.W.'s depression as a symptom and/or cause of excessive alcohol use/consumption by M.W.;

(d) Failing to refer M.W. to a specialist for consultation and/or evaluation of alcohol dependency, liver disease, and a psychological consultation and/or evaluation;

(e) Falsifying medical records; and

(f) Failing to develop an appropriate and adequate treatment plan.

THIRD CAUSE FOR DISCIPLINE

(Falsifying Medical Records)

25. Respondent is subject to disciplinary action under Business and Professions Code section 2262 in that she falsified the medical records of patients M.W. and A.B. The circumstances are as follows:

26. Paragraphs 12 through 20, inclusive, above are incorporated herein by reference as if fully set forth herein.

27. Respondent falsified the medical records of patients M.W. and A.B. when she:

(a) Documented that she examined the head, ears, eyes, nose, throat, neck/thyroid and heart of M.W. and A.B. when such physical examinations never occurred;

(b) Documented that M.W. said he "does not want to take prescriptions because they are not effective and not natural – he does not want to try alternative prescription" when M.W. never said or told Respondent this;

(c) Documented that M.W. had anxiety and insomnia when he never told Respondent that he had been diagnosed with or treated for these conditions;

(d) Documented that M.W.'s and A.B.'s medical history was confirmed by their medical records when it was not; and

(e) Documented that A.B. "has PMD, but does not recall name" when A.B. never said or told Respondent this.

FOURTH CAUSE FOR DISCIPLINE

(Dishonest and Corrupt Acts)

28. Respondent is subject to disciplinary action under Business and Professions Code section 2234, subdivision (e), in that she committed dishonest and corrupt acts in the care and treatment of patients M.W. and A.B. The circumstances are as follows:

29. Paragraphs 12 through 20, inclusive, above are incorporated herein by reference as if fully set forth herein.

30. In Respondent's care and treatment of patients M.W. and A.B., the allegations contained in Paragraphs 12 through 20, inclusive, above constitute dishonest and corrupt acts

under Business and Professions Code section 2234, subdivision (e).

FIFTH CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

31. Respondent is subject to disciplinary action under Business and Professions Code section 2266 in that she failed to maintain adequate and accurate records in her care and treatment of patients M.W. and A.B. The circumstances are as follows:

32. Paragraphs 12 through 20, inclusive, above are incorporated herein by reference as if fully set forth herein.

33. In Respondent's care and treatment of patients M.W. and A.B., the allegations contained in Paragraphs 12 through 20, inclusive, above constitute failure to maintain adequate and accurate medical records under Business and Professions Code section 2266.

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 A 88229, issued to Sona Patel, M.D.

2. Revoking, suspending or denying approval of Sona Patel, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

3. Ordering Respondent to pay the Board, if placed on probation, the costs of probation monitoring; and

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

DATED: August 22, 2012

LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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