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

In the Matter of the Accusation Against: **MARK DAVID WILLIAMS, M.D.** **1971 N. Palo Verde Blvd** **Tucson, AZ 85716-3242** **Physician's and Surgeon's Certificate** **No. G 88791** Respondent	Case No. 800-2019-057222 **DEFAULT DECISION AND ORDER** [Gov. Code §11520]

FINDINGS OF FACT

On or about February 27, 2020, an employee of the Medical Board of California (Board), served by U.S. First Class Mail and Certified Mail a copy of the Accusation No. 800-2019-057222, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 (Accusation Package) to Respondent's address of record with the Board, which was and is 1971 N. Palo Verde Blvd, Tucson, AZ 95716-3242[1]. On March 17, 2020, the Board received the envelope back stamped "Return to Sender. Unable to

[1] The zip code contained an inadvertent error and should have been 85716-3242.

Forward." On March 17, 2020, an employee of the Board again mailed the Accusation Package with the corrected zip code and it was returned on April 6, 2020 stamped "Return to Sender. Not Deliverable as Addressed. Unable to Forward." (Exhibit Package, Exhibit 1[2]: Accusation, the related documents, Declarations of Service, envelopes returned to the Board.)

There was no response to the Accusation. On March 16, 2020, an employee of the Attorney General's Office sent by certified mail addressed to Respondent at his address of record, a Courtesy Notice of Default, advising Respondent of the Accusation, and providing him with an opportunity to file a Notice of Defense and request relief from default. The Courtesy Notice of Default was returned marked "Undeliverable as Addressed." (Exhibit Package, Exhibit 2: Courtesy Notice of Default, Declaration of Service)

Respondent has not responded to service of the Accusation or Courtesy Notice of Default. He has not filed a Notice of Defense. As a result, Respondent has waived his right to a hearing on the merits to contest the allegations contained in the Accusation.

FINDINGS OF FACT

I.

Christine J. Lally is the Interim Executive Director of the Medical Board of California. The charges and allegations in the Accusation were at all times brought and made solely in her official capacity as the Board's Interim Executive Director.

II.

On or about September 22, 2010, the Board issued Physician's and Surgeon's Certificate No. G 88791 to Respondent. The Physician's and Surgeon's Certificate expired on December 31, 2017, and has not been renewed. On November 26, 2019, pursuant to section 2310(a) of the Business and Professions Code, Respondent's certificate was suspended pursuant to an out of state-no practice suspension order. (Exhibit Package, Exhibit 3: Certificate of Licensure.)

III.

Business and Professions Code section 118 states, in pertinent part:

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[2] The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Package."

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.

IV.

On February 27, 2020 and March 17, 2020, Respondent was duly served with an Accusation, alleging causes for discipline against Respondent. On March 16, 2020, a Courtesy Notice of Default was thereafter served on Respondent.

V.

Government Code section 11506 states, in pertinent part, that within 15 days after service of the Accusation, the Respondent may file with the agency a Notice of Defense in which the Respondent may request a hearing, object to the Accusation, admit the Accusation, or file other defenses. Government Code section 11506(c) states, in pertinent part, the following :

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, but the agency in its discretion may nevertheless grant a hearing.

Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2019-057222.

VI.

The allegations of the Accusation are true as follows:

On or about July 7, 2017, the Federation of State Medical Boards (FSMB) issued a Disciplinary Alert Report, informing the Arizona Medical Board (Arizona Board) that the Colorado Medical Board (Colorado Board) had denied Respondent's application for licensure based on unprofessional conduct. The Arizona Board opened an investigation and requested that Respondent provide a written narrative explaining the Colorado Board's denial of his license application based on unprofessional conduct, as well as a complete copy of all documents and correspondence from the Colorado Board no later than August 9, 2017. Respondent did not

respond at all. The Arizona Board repeatedly requested these same documents by mail, by email and by telephone. On September 7, 2017, the Arizona Board sent a letter by FedEx delivery to Respondent's address of record again requesting the documents and correspondence from the Colorado Board, and informing Respondent that the Arizona Board had added complaint allegations for his failure to timely respond to the Arizona Board's request for information and failure to keep his contact information current. The September 7, 2017 letter was returned undeliverable. Respondent never provided a written narrative or any documents or correspondence related to the Colorado Board's denial of his license application.

On June 5, 2019, the Arizona Board revoked Respondent's license to practice allopathic medicine based on unprofessional conduct for repeatedly failing to respond to the Arizona Board's requests for information and documentation as to why the Colorado Board denied Respondent's application for licensure, and for repeated failures to respond to the Arizona Board's communications, or to attend the hearing, which indicated that the Respondent cannot be regulated. (Exhibit Package, Exhibit 4: certified copy of Arizona Medical Board documents.)

VII

California Government Code section 11520 states, in pertinent part:

> (a) 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.

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 Exhibits 1, 2, 3 and 4, finds that the allegations in Accusation No. 800-2019-057222 are true.

DETERMINATION OF ISSUES

Respondent's conduct and the action of the Arizona State Medical Board constitutes unprofessional conduct with the meaning of Business and Professions Code section 2305 and conduct subject to discipline within the meaning of Code section 141(a).

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ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. G 88791, heretofore issued to Respondent Mark David Williams, M.D., is revoked.

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520, subdivision (c), for good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven (7) days after service of the Decision on Respondent.

This Decision shall become effective on May 29, 2020 at 5:00 p.m.

It is so ORDERED April 30, 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 February 27 2020
BY: Anna Logan ANALYST

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

In the Matter of the Accusation Against: **Mark David Williams, M.D.** **1971 N. Palo Verde Blvd** **Tucson, AZ 85716-3242** **Physician's and Surgeon's Certificate No. G 88791,** Respondent.	Case No. 800-2019-057222 **ACCUSATION**

PARTIES

1. Christine J. Lally (Complainant) brings this 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 September 22, 2010, the Medical Board issued Physician's and Surgeon's Certificate Number G 88791 to Mark David Williams, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on December 31, 2017, and has not been renewed. On November 26, 2019, the Physician's and Surgeon's Certificate was automatically suspended pursuant to Business and Professions Code section 2310(a).

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 examination, 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 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the

federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

6. Section 141 of the Code states:

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

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

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another Jurisdiction)

7. Respondent Mark David Williams, M.D. is subject to disciplinary action under sections 141(a) and/or 2305 in that on June 5, 2019 the Arizona Medical Board (Arizona Board) issued a Findings of Fact, Conclusions of Law and Order for Revocation of License to Respondent. The circumstances are as follows:

8. On or about July 7, 2017, the Federation of State Medical Boards (FSMB) issued a Disciplinary Alert Report, informing the Arizona Board that the Colorado Medical Board (Colorado Board) had denied Respondent's application for licensure based on unprofessional conduct. The Arizona Board opened an investigation and requested that Respondent provide a written narrative explaining the Colorado Board's denial of his license application based on unprofessional conduct, as well as a complete copy of all documents and correspondence from the Colorado Board no later than August 9, 2017. Respondent did not respond at all. The Arizona

Board repeatedly requested these same documents including by mail, by email and by telephone. On September 7, 2017, the Arizona Board sent a Fedex letter to Respondent's address of record again requesting the documents and correspondence from the Colorado Board, and informing Respondent that the Arizona Board had added complaint allegations for his failure to timely respond to the Arizona Board's request for information, and for failure to keep his contact information current. The September 7, 2017 letter was returned undeliverable. Respondent never provided a written narrative or any documents or correspondence related to the Colorado Board's denial of his license application.

9. On June 5, 2019, the Arizona Board revoked Respondent's license to practice allopathic medicine based on unprofessional conduct for repeatedly failing to respond to the Arizona Board's requests for information and documentation as to why the Colorado Board denied Respondent's application for licensure, and for repeated failures to respond to the Arizona Board's communications, or to attend the hearing, which indicated that the Respondent cannot be regulated.

10. Respondent's conduct and the action of the State of Arizona Medical Board as set forth in Paragraphs 8 and 9, above, and within the actual Arizona Board documents attached as Exhibit A, constitute unprofessional conduct within the meaning of 2305 and conduct subject to discipline within the meaning of section 141(a).

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 G 88791, issued to Mark David Williams, M.D.;

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

3. Ordering Mark David Williams, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: FEB 27 2020

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

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