

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

In the Matter of the Accusation Against:

Abigail Soto, M.D.

Case No.: 800-2020-065482

**Physician's and Surgeon's
Certificate No. A 138155**

Respondent.

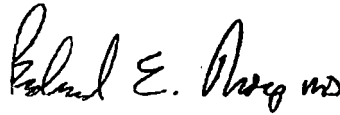
DECISION

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 April 29, 2022.

IT IS SO ORDERED: March 30, 2022.

MEDICAL BOARD OF CALIFORNIA



**Richard E. Thorp, M.D., Chair
Panel B**

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 TESSA L. HEUNIS
Deputy Attorney General
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8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

14 **ABIGAIL SOTO, M.D.**
15 **2336 Bearrs St.**
Corona, CA 92883-0610

16 **Physician's and Surgeon's Certificate**
17 **No. A 138155**

18 Respondent.

Case No. 800-2020-065482.

OAH No. 2021040199

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Tessa L. Heunis, Deputy
25 Attorney General.

26 2. Respondent Abigail Soto, M.D. (Respondent) is represented in this proceeding by
27 attorney David Rosenberg, Esq., whose address is: 10815 Rancho Bernardo Road, Suite 310
28 San Diego, CA 92127.

3. On or about September 4, 2015, the Board issued Physician's and Surgeon's Certificate No. A 138155 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2020-065482, and will expire on October 31, 2022, unless renewed.

JURISDICTION

4. On March 16, 2021, Accusation No. 800-2020-065482 was filed before the Board and is currently pending against Respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent on November 4, 2021. Respondent timely filed her Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 800-2020-065482 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2020-065482. Respondent has also carefully read, fully discussed with her counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

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

7. Respondent understands that she will be on probation the entire two (2) years of probation and will not be able to petition for early termination or modification of the probation.

8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 800-2020-065482.

4 10. Respondent agrees that her Physician's and Surgeon's Certificate No. A 138155 is
5 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set
6 forth in the Disciplinary Order below.

7 **CONTINGENCY**

8 11. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the
9 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
10 submitted to the Board for its consideration in the above-entitled matter and, further, that the
11 Board shall have a reasonable period of time in which to consider and act on this Stipulated
12 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
13 understands and agrees that she may not withdraw her agreement or seek to rescind this
14 stipulation prior to the time the Board considers and acts upon it.

15 12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
16 and void and not binding upon the parties unless approved and adopted by the Board, except for
17 this paragraph, which shall remain in full force and effect. Respondent fully understands and
18 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
19 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
20 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify
21 the Board, any member thereof, and/or any other person from future participation in this or any
22 other matter affecting or involving Respondent. In the event that the Board does not, in its
23 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the
24 exception of this paragraph, it shall not become effective, shall be of no evidentiary value
25 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party
26 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order
27 be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any

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1 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this
2 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

3 **ADDITIONAL PROVISIONS**

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

7 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
8 be an integrated writing representing the complete, final and exclusive embodiment of the
9 agreements of the parties in the above-entitled matter.

10 15. In consideration of the foregoing admissions and stipulations, the parties agree the
11 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter
12 the following Disciplinary Order:

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 138155
15 issued to Respondent Abigail Soto, M.D. is revoked. However, the revocation is stayed and
16 Respondent is placed on probation for two (2) years from the effective date of the Decision on the
17 following terms and conditions:

18 1. **COMMUNITY SERVICE - FREE SERVICES.** Within sixty (60) calendar days of
19 the effective date of this Decision, Respondent shall submit to the Board or its designee for prior
20 approval a community service plan in which Respondent shall, within the first two (2) years of
21 probation, provide sixty (60) hours of free services (medical or nonmedical) to a community or
22 non-profit organization. If the term of probation is designated for two (2) years or less, the
23 community service hours must be completed not later than six (6) months prior to the completion
24 of probation.

25 Prior to engaging in any community service as ordered herein, Respondent shall provide a
26 true copy of the Decision(s) to the chief of staff, director, office manager, program manager,
27 officer, or the chief executive officer at every community or non-profit organization where
28 Respondent provides community service and shall submit proof of compliance to the Board or its

1 designee within fifteen (15) calendar days. This condition shall also apply to any change(s) in
2 community service.

3 Community service performed prior to the effective date of the Decision shall not be
4 accepted in fulfillment of this condition.

5 2. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
6 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
7 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
8 Respondent shall participate in and successfully complete that program. Respondent shall
9 provide any information and documents that the program may deem pertinent. Respondent shall
10 successfully complete the classroom component of the program not later than six (6) months after
11 Respondent's initial enrollment, and the longitudinal component of the program not later than the
12 time specified by the program, but no later than one (1) year after attending the classroom
13 component. The professionalism program shall be at Respondent's expense and shall be in
14 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

15 A professionalism program taken after the acts that gave rise to the charges in the
16 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
17 or its designee, be accepted towards the fulfillment of this condition if the program would have
18 been approved by the Board or its designee had the program been taken after the effective date of
19 this Decision.

20 Respondent shall submit a certification of successful completion to the Board or its
21 designee not later than fifteen (15) calendar days after successfully completing the program or not
22 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

23 3. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
24 this Decision ("the initial evaluation"), and on whatever periodic basis thereafter may be required
25 by the Board or its designee ("subsequent evaluations"), Respondent shall undergo and complete
26 a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed
27 board certified psychiatrist, who shall consider any information provided by the Board or
28 designee and any other information the psychiatrist deems relevant, and shall furnish a written

1 evaluation report to the Board or its designee. Respondent shall pay the cost of all psychiatric
2 evaluations and psychological testing.

3 The psychiatric evaluation conducted by Laura Davies, M.D., on October 14, 2021, and her
4 written evaluation report dated October 25, 2021, shall be accepted as fulfillment of the initial
5 evaluation mentioned above.

6 Respondent shall comply with all restrictions or conditions recommended by Laura Davies,
7 M.D., and/or by any other Board-appointed board certified psychiatrist who may be called upon
8 to do subsequent evaluations of the Respondent, within fifteen (15) calendar days after being
9 notified by the Board or its designee.

10 4. PSYCHOTHERAPY. Within sixty (60) calendar days of the effective date of this
11 Decision, Respondent shall submit to the Board or its designee for prior approval the name and
12 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
13 has a doctoral degree in psychology and at least five years of postgraduate experience in the
14 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
15 undergo and continue psychotherapy treatment, including any modifications to the frequency of
16 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

17 The psychotherapist shall consider any information provided by the Board or its designee
18 and any other information the psychotherapist deems relevant and shall furnish a written
19 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
20 psychotherapist with any information and documents that the psychotherapist may deem
21 pertinent.

22 Respondent shall have the treating psychotherapist submit quarterly status reports to the
23 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
24 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
25 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
26 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
27 period of probation shall be extended until the Board determines that Respondent is mentally fit
28 to resume the practice of medicine without restrictions.

1 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

2 5. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
3 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
4 where: 1) Respondent merely shares office space with another physician but is not affiliated for
5 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
6 location.

7 If Respondent fails to establish a practice with another physician or secure employment in
8 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
9 Respondent shall receive a notification from the Board or its designee to cease the practice of
10 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
11 practice until an appropriate practice setting is established.

12 If, during the course of the probation, the Respondent's practice setting changes and the
13 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
14 shall notify the Board or its designee within five (5) calendar days of the practice setting change.
15 If Respondent fails to establish a practice with another physician or secure employment in an
16 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
17 shall receive a notification from the Board or its designee to cease the practice of medicine within
18 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
19 appropriate practice setting is established.

20 6. PROHIBITED PRACTICE. During probation, Respondent is prohibited from
21 practicing, seeing and/or treating patients at any inpatient facility, including but not limited to
22 hospitals and emergency rooms. After the effective date of this Decision, all patients being
23 treated by the Respondent shall be notified that the Respondent is prohibited from practicing,
24 seeing and/or treating patients at any inpatient facility, including but not limited to hospitals and
25 emergency rooms. Any new patients must be provided this notification at the time of their initial
26 appointment.

27 Respondent shall maintain a log of all patients to whom the required oral notification was
28 made. The log shall contain the: 1) patient's name, address and phone number; 2) patient's

1 medical record number, if available; 3) the full name of the person making the notification; 4) the
2 date the notification was made; and 5) a description of the notification given. Respondent shall
3 keep this log in a separate file or ledger, in chronological order, shall make the log available for
4 immediate inspection and copying on the premises at all times during business hours by the Board
5 or its designee, and shall retain the log for the entire term of probation.

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

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

15 8. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
16 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
17 advanced practice nurses.

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

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

24 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
25 the end of the preceding quarter.

26 11. GENERAL PROBATION REQUIREMENTS.

27 Compliance with Probation Unit

28 Respondent shall comply with the Board's probation unit.

1 Address Changes

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

7 Place of Practice

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

11 License Renewal

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

14 Travel or Residence Outside California

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

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

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

24 13. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
25 its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting
26 more than thirty (30) calendar days and within fifteen (15) calendar days of Respondent's return
27 to practice. Non-practice is defined as any period of time Respondent is not practicing medicine
28 as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours

1 in a calendar month in direct patient care, clinical activity or teaching, or other activity as
2 approved by the Board. If Respondent resides in California and is considered to be in non-
3 practice, Respondent shall comply with all terms and conditions of probation. All time spent in
4 an intensive training program which has been approved by the Board or its designee shall not be
5 considered non-practice and does not relieve Respondent from complying with all the terms and
6 conditions of probation. Practicing medicine in another state of the United States or Federal
7 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction
8 shall not be considered non-practice. A Board-ordered suspension of practice shall not be
9 considered as a period of non-practice.

10 In the event Respondent's period of non-practice while on probation exceeds eighteen (18)
11 calendar months, Respondent shall successfully complete the Federation of State Medical Boards'
12 Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment
13 program that meets the criteria of Condition 18 of the current version of the Board's "Manual of
14 Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of
15 medicine.

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

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

18 Periods of non-practice for a Respondent residing outside of California will relieve
19 Respondent of the responsibility to comply with the probationary terms and conditions with the
20 exception of this condition and the following terms and conditions of probation: Obey All Laws;
21 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
22 Controlled Substances; and Biological Fluid Testing.

23 14. COMPLETION OF PROBATION. Unless otherwise provided herein, Respondent
24 shall comply with all financial obligations (e.g., restitution, probation costs) not later than one
25 hundred twenty (120) calendar days prior to the completion of probation. Upon successful
26 completion of probation, Respondent's certificate shall be fully restored.

27 15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
28 of probation is a violation of probation. If Respondent violates probation in any respect, the

1 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
2 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
3 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
4 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
5 be extended until the matter is final.

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

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

21 18. RESTITUTION. Respondent shall make victim restitution in the amount of \$676.57
22 (six hundred seventy-six and 57/100 dollars), which amount will be forwarded by Respondent or
23 her counsel to the Board within sixty (60) calendar days of the effective date of the Decision.
24 Failure to pay the ordered reimbursement, or any agreed upon payment, constitutes a violation of
25 the probation order and may result in revocation.

26 19. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
27 a new license or certification, or petition for reinstatement of a license, by any other health care
28 licensing action agency in the State of California, all of the charges and allegations contained in

1 Accusation No. 800-2020-065482 shall be deemed to be true, correct, and admitted by
2 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
3 restrict license.

4 ACCEPTANCE

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
6 discussed it with my attorney, David Rosenberg, Esq. I understand the stipulation and the effect
7 it will have on my Physician's and Surgeon's Certificate No. A 138155. I enter into this
8 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
9 to be bound by the Decision and Order of the Medical Board of California.

10 DATED: November 17, 2021 Abigail Soto M.D.
11 ABIGAIL SOTO, M.D.
Respondent

12 I have read and fully discussed with Respondent Abigail Soto, M.D., the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
14 I approve its form and content.

15 DATED: 11/18/21 David Rosenberg, Esq.
16 DAVID ROSENBERG, ESQ.
Attorney for Respondent

17
18 ENDORSEMENT

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

21 DATED: November 18, 2021

Respectfully submitted,

22 ROB BONTA
23 Attorney General of California
24 MATTHEW M. DAVIS
Supervising Deputy Attorney General

25 Tessa L. Heunis
26 TESSA L. HEUNIS
27 Deputy Attorney General
28 Attorneys for Complainant

Exhibit A

Accusation No. 800-2020-065482

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 TESSA L. HEUNIS
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8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
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13 In the Matter of the Accusation Against:

Case No. 800-2020-065482

14 **Abigail Soto, M.D.**
2336 Bearrs St.
15 **Corona, CA 92883-0610**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 138155,**

Respondent.

19
20 **PARTIES**

21 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
23 (Board).

24 2. On or about September 4, 2015, the Medical Board issued Physician's and Surgeon's
25 Certificate Number A 138155 to Abigail Soto, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on October 31, 2022, unless renewed.

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4. Section 2220 of the Code states:

5. Section 2227 of the Code states:

(1) Have his or her license revoked 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.

(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.

...

6. Section 2234 of the Code, states:

(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.

...

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

...

7. Section 2221 of the Code states:

(a) The board may deny a physician's and surgeon's certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of their license.

...

8. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

...

(c) The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.

(d) A plea or verdict of guilty or a conviction after a plea of *nolo contendere* is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

9. Section 481 of the Code states:

(a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

(1) The nature and gravity of the offense.

(2) The number of years elapsed since the date of the offense.

(3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation submitted by an applicant pursuant to

1 any process established in the practice act or regulations of the particular board and as
2 directed by Section 482.

3 (d) Each board shall post on its Internet Web site a summary of the criteria used
4 to consider whether a crime is considered to be substantially related to the
5 qualifications, functions, or duties of the business or profession it regulates consistent
6 with this section.

7 ...

8 (f) This section shall become operative on July 1, 2020.

9 10. Section 493 of the Code states:

11 (a) Notwithstanding any other law, in a proceeding conducted by a board within
12 the department pursuant to law to deny an application for a license or to suspend or
13 revoke a license or otherwise take disciplinary action against a person who holds a
14 license, upon the ground that the applicant or the licensee has been convicted of a
15 crime substantially related to the qualifications, functions, and duties of the licensee
16 in question, the record of conviction of the crime shall be conclusive evidence of the
17 fact that the conviction occurred, but only of that fact.

18 (b) (1) Criteria for determining whether a crime is substantially related to the
19 qualifications, functions, or duties of the business or profession the board regulates
20 shall include all of the following:

21 (A) The nature and gravity of the offense.

22 (B) The number of years elapsed since the date of the offense.

23 (C) The nature and duties of the profession.

24 ...

25 (c) As used in this section, "license" includes "certificate," "permit,"
26 "authority," and "registration."

27 ...

28 (e) This section shall become operative on July 1, 2020.

11. Unprofessional conduct under Business and Professions Code section 2234 is conduct
which breaches the rules or ethical code of the medical profession, or conduct which is
unbecoming of a member of good standing of the medical profession, and which demonstrates an
unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
575.)

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1 **REGULATORY PROVISIONS**

2 12. California Code of Regulations, title 16, section 1360, states:

3 (a) For the purposes of denial, suspension or revocation of a license pursuant to
4 Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime,
5 professional misconduct, or act shall be considered to be substantially related to the
6 qualifications, functions or duties of a person holding a license if to a substantial
7 degree it evidences present or potential unfitness of a person holding a license to
8 perform the functions authorized by the license in a manner consistent with the public
9 health, safety or welfare. Such crimes, professional misconduct, or acts shall include
10 but not be limited to the following: Violating or attempting to violate, directly or
11 indirectly, or assisting in or abetting the violation of, or conspiring to violate any
12 provision of state or federal law governing the applicant's or licensee's professional
13 practice.

14 (b) In making the substantial relationship determination required under
15 subdivision (a) for a crime, the board shall consider the following criteria:

- 16 (1) The nature and gravity of the crime;
17 (2) The number of years elapsed since the date of the crime; and
18 (3) The nature and duties of the profession.
19

20 **FACTUAL ALLEGATIONS**

21 13. On or about the night of February 27, 2020, Respondent drove to an address in San
22 Diego, where she was admitted entry and encountered an adult male and adult female person
23 inside the premises.

24 14. Respondent confronted the male adult inside the premises and hit him several times
25 with her hands, and also struck him with a wine glass.

26 15. The two occupants of the premises ejected Respondent from the premises.

27 16. Respondent kicked the door in and went back inside.

28 17. Respondent hit the adult female in the face and pulled her hair.

18 18. On the same night at approximately 11:54 p.m., an officer from the San Diego Police
19 Department was dispatched to the residence. Respondent was arrested on multiple charges.

20 19. On or about March 4, 2020, a Complaint was filed against Respondent, charging her
21 with one count each of the following misdemeanors: Penal Code section 245, subdivision (a)(1)
22 [assault with a deadly weapon]; Penal Code section 273.5, subdivision (a) [corporal injury to
23 spouse and/or roommate]; Penal Code section 594(a)(b)(2)(A) [vandalism under \$400]; and Penal
24

1 Code section 242 [battery]. Count 2 of the Complaint was subsequently amended, by
2 interlineation, to Penal Code section 243, subdivision (e)(1) [battery against a person with whom
3 she had cohabited].

4 20. On or about September 17, 2020, Respondent pleaded guilty to the amended count 2,
5 with the remaining counts being dismissed. She was convicted on her plea, granted informal
6 probation for three (3) years, and ordered to pay a fine and restitution and attend a fifty-two week
7 program.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Crime)**

10 21. Respondent Abigail Soto, M.D., has subjected her Physician's and Surgeon's
11 Certificate No. A 138155 to disciplinary action under sections 2227 and 2234, as defined by
12 section 2236, of the Code, in that she has been convicted of an offense substantially related to the
13 qualifications, functions, or duties of a physician and surgeon. The circumstances are set forth in
14 paragraphs 13 through 20, above, which are hereby incorporated by reference and realleged as if
15 fully set forth herein.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(General Unprofessional Conduct)**

18 22. Respondent Abigail Soto, M.D., has further subjected Physician's and Surgeon's
19 Certificate No. A 138155 to disciplinary action under sections 2227 and 2234 of the Code, in that
20 she has engaged in conduct which breaches the rules or ethical code of the medical profession, or
21 conduct that is unbecoming to a member in good standing of the medical profession, and which
22 demonstrates an unfitness to practice medicine, as more particularly generally alleged in
23 paragraphs 13 through 20, above, which are hereby realleged and incorporated by reference as if
24 fully set forth herein.

25 **PRAYER**

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

28 ////

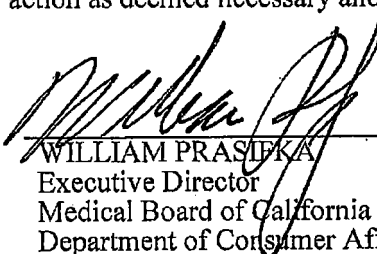
1 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 138155,
2 issued to Respondent Abigail Soto, M.D.;

3 2. Revoking, suspending or denying approval of Respondent Abigail Soto, M.D.'s
4 authority to supervise physician assistants and advanced practice nurses;

5 3. Ordering Respondent Abigail Soto, M.D., if placed on probation, to pay the Board the
6 costs of probation monitoring; and

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

8
9 DATED: MAR 16 2021



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant