

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

**In the Matter of the First Amended  
Accusation Against:**

**Alvaro Rojas, M.D.**

**Physician's and Surgeon's  
Certificate No. A 26089**

**Case No.: 800-2019-056058**

**Respondent.**

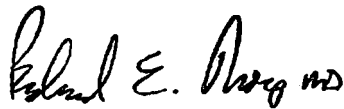
**DECISION**

**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 July 24, 2023.**

**IT IS SO ORDERED: June 23, 2023.**

**MEDICAL BOARD OF CALIFORNIA**



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

1 ROB BONTA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 WENDY WIDLUS  
Deputy Attorney General  
4 State Bar No. 82958  
California Department of Justice  
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*Attorneys for Complainant*

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

12  
13 In the Matter of the Accusation Against:

14 **ALVARO ROJAS, M.D.**  
2912 Queensbury Drive  
15 Los Angeles, CA 90064

16 Physician's and Surgeon's Certificate No. A  
26089,

17 Respondent.  
18

Case No. 800-2019-056058

OAH No. 2022070331

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

22 **PARTIES**

23 1. Reji Varghese (Complainant) is the Deputy Director of the Medical Board of  
24 California (Board). He brought this action solely in his official capacity and is represented in this  
25 matter by Rob Bonta, Attorney General of the State of California, by Wendy Widlus, Deputy  
26 Attorney General.

27 2. Respondent Alvaro Rojas, M.D. (Respondent) is represented in this proceeding by  
28 attorney Hagop Kuyumjian, whose address is: 515 S. Flower Street, Suite 1900, Los Angeles,

1 CA 90071, and attorney Joseph Albert Gutierrez, whose address is: 1150 S. Olive Street, Suite  
2 600, Los Angeles, CA 90015-1486.

3 3. On or about July 15, 1974, the Board issued Physician's and Surgeon's Certificate No.  
4 A 26089 to Alvaro Rojas, M.D. (Respondent). The Physician's and Surgeon's Certificate was in  
5 full force and effect at all times relevant to the charges brought in First Amended Accusation No.  
6 800-2019-056058, and will expire on September 30, 2022, unless renewed.

7 **JURISDICTION**

8 4. First Amended Accusation No. 800-2019-056058 was filed before the Board, and is  
9 currently pending against Respondent. The First Amended Accusation and all other statutorily  
10 required documents were properly served on Respondent on May 3, 2022. Respondent timely  
11 filed his Notice of Defense contesting the First Amended Accusation.

12 5. A copy of First Amended Accusation No. 800-2019-056058 is attached as exhibit A  
13 and incorporated herein by reference.

14 **ADVISEMENT AND WAIVERS**

15 6. Respondent has carefully read, fully discussed with counsel, and understands the  
16 charges and allegations in First Amended Accusation No. 800-2019-056058. Respondent has  
17 also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated  
18 Settlement and Disciplinary Order.

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

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

28 //

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in First Amended  
3 Accusation No. 800-2019-056058, if proven at a hearing, constitute cause for imposing discipline  
4 upon his Physician's and Surgeon's Certificate Number A 26089.

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

8 11. For the purpose of resolving the First Amended Accusation No. 800-2019-056058  
9 without the expense and uncertainty of further proceedings, Respondent does not contest that, at  
10 an administrative hearing, complainant could establish a *prima facie* case with respect to the  
11 charges and allegations contained in First Amended Accusation No. 800-2019-056058.

12 12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
13 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
14 Disciplinary Order below.

15 CONTINGENCY

16 13. This stipulation shall be subject to approval by the Medical Board of California.  
17 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
18 Board of California may communicate directly with the Board regarding this stipulation and  
19 settlement, without notice to or participation by Respondent or his counsel. By signing the  
20 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
21 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
22 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
23 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
24 action between the parties, and the Board shall not be disqualified from further action by having  
25 considered this matter.

26 14. Respondent agrees that if he ever petitions for early termination or modification of  
27 probation, or if an First Amended Accusation and/or petition to revoke probation is filed against  
28 him before the Board, all of the charges and allegations contained in First Amended Accusation

No. 800-2019-056058 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

15. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order shall have the same force and effect as the originals.

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

**DISCIPLINARY ORDER**

**IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. A 26089 issued to Respondent ALVARO ROJAS, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. **EDUCATION COURSE.** Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge, which shall include practice management, and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course.

Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

2. **PROFESSIONALISM PROGRAM (ETHICS COURSE).** Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall

1 provide any information and documents that the program may deem pertinent. Respondent shall  
2 successfully complete the classroom component of the program not later than six (6) months after  
3 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
4 time specified by the program, but no later than one (1) year after attending the classroom  
5 component. The professionalism program shall be at Respondent's expense and shall be in  
6 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

7 A professionalism program taken after the acts that gave rise to the charges in the First  
8 Amended Accusation, but prior to the effective date of the Decision may, in the sole discretion of  
9 the Board or its designee, be accepted towards the fulfillment of this condition if the program  
10 would have been approved by the Board or its designee had the program been taken after the  
11 effective date of this Decision.

12 Respondent shall submit a certification of successful completion to the Board or its  
13 designee not later than 15 calendar days after successfully completing the program or not later  
14 than 15 calendar days after the effective date of the Decision, whichever is later.

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

24 The Board or its designee shall provide the approved monitor with copies of the Decision  
25 and First Amended Accusation, and a proposed monitoring plan. Within 15 calendar days of  
26 receipt of the Decision and First Amended Accusation, and proposed monitoring plan, the  
27 monitor shall submit a signed statement that the monitor has read the Decision and First Amended  
28 Accusation, fully understands the role of a monitor, and agrees or disagrees with the proposed

1 monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall  
2 submit a revised monitoring plan with the signed statement for approval by the Board or its  
3 designee.

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

8 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective  
9 date of this Decision, Respondent shall receive a notification from the Board or its designee to  
10 cease the practice of medicine within three (3) calendar days after being so notified. Respondent  
11 shall cease the practice of medicine until a monitor is approved to provide monitoring  
12 responsibility.

13 The monitor(s) shall submit a quarterly written report to the Board or its designee which  
14 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
15 are within the standards of practice of medicine, and whether Respondent is practicing medicine  
16 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure  
17 that the monitor submits the quarterly written reports to the Board or its designee within 10  
18 calendar days after the end of the preceding quarter.

19 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
20 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
21 name and qualifications of a replacement monitor who will be assuming that responsibility within  
22 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
23 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
24 notification from the Board or its designee to cease the practice of medicine within three (3)  
25 calendar days after being so notified. Respondent shall cease the practice of medicine until a  
26 replacement monitor is approved and assumes monitoring responsibility.

27 In lieu of a monitor, Respondent may participate in a professional enhancement program  
28 approved in advance by the Board or its designee that includes, at minimum, quarterly chart

1 review, semi-annual practice assessment, and semi-annual review of professional growth and  
2 education. Respondent shall participate in the professional enhancement program at Respondent's  
3 expense during the term of probation.

4 STANDARD CONDITIONS

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

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

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

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

20 7. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby  
21 ordered to reimburse the Board its costs of investigation and enforcement, including, but not  
22 limited to, expert review, amended First Amended Accusations, legal reviews, investigation(s),  
23 and subpoena enforcement, as applicable, in the amount of \$25,985.00 (twenty-five thousand  
24 dollars and no cents). Costs shall be payable to the Medical Board of California. Failure to pay  
25 such costs shall be considered a violation of probation.

26 Payment must be made in full within 30 calendar days of the effective date of the Order, or  
27 by a payment plan approved by the Medical Board of California. Any and all requests for a  
28 payment plan shall be submitted in writing by respondent to the Board. Failure to comply with

1 the payment plan shall be considered a violation of probation.

2 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to  
3 repay investigation and enforcement costs, including expert review costs (if applicable).

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

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

9 9. GENERAL PROBATION REQUIREMENTS.

10 Compliance with Probation Unit

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

12 Address Changes

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

18 Place of Practice

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

22 License Renewal

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

25 Travel or Residence Outside California

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

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

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

7 11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
8 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
9 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
10 defined as any period of time Respondent is not practicing medicine as defined in Business and  
11 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
12 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
13 Respondent resides in California and is considered to be in non-practice, Respondent shall  
14 comply with all terms and conditions of probation. All time spent in an intensive training  
15 program which has been approved by the Board or its designee shall not be considered non-  
16 practice and does not relieve Respondent from complying with all the terms and conditions of  
17 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
18 on probation with the medical licensing authority of that state or jurisdiction shall not be  
19 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
20 period of non-practice.

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

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

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

28 Periods of non-practice for a Respondent residing outside of California 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; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled Substances; and Biological Fluid Testing..

12. 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. This term does not include cost recovery, which is due within 30 calendar days of the effective date of the Order, or by a payment plan approved by the Medical Board and timely satisfied. Upon successful completion of probation, Respondent's certificate shall be fully restored.

13. 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 First Amended 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.

14. 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.

15. PROBATION MONITORING COSTS. Respondent shall pay the costs associated

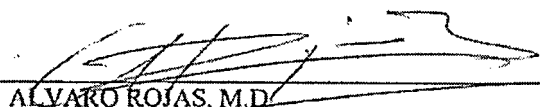
1 with probation monitoring each and every year of probation, as designated by the Board, which  
2 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
3 California and delivered to the Board or its designee no later than January 31 of each calendar  
4 year.

5 16. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for  
6 a new license or certification, or petition for reinstatement of a license, by any other health care  
7 licensing action agency in the State of California, all of the charges and allegations contained in  
8 First Amended Accusation No. 800-2019-056058 shall be deemed to be true, correct, and  
9 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding  
10 seeking to deny or restrict license.

11 ACCEPTANCE

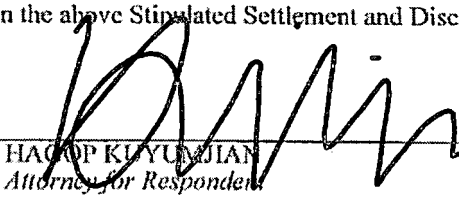
12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
13 discussed it with my attorneys, Hagop Kuyumjian and Joseph Gutierrez. I understand the  
14 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this  
15 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
16 to be bound by the Decision and Order of the Medical Board of California.

17  
18 DATED: 4-5-2023

  
19 ALVARO ROJAS, M.D.  
Respondent

20 I have read and fully discussed with Respondent Alvaro Rojas, M.D. the terms and  
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
22 I approve its form and content.

23 DATED: 4/5/2023

  
24 HAGOP KUYUMJIAN  
Attorney for Respondent

25  
26 DATED: 4-5-2023

  
27 JOSEPH ALBERT GUTIERREZ  
Attorney for Respondent  
28

**ENDORSEMENT**

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

DATED: April 6, 2023

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General

*Wendy Widlus*

WENDY WIDLUS  
Deputy Attorney General  
*Attorneys for Complainant*

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Stipulated Settlement and Discipline Order thirdRojas.docx

**Exhibit A**

**First Amended Accusation No. 800-2019-056058**

1 ROB BONTA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 WENDY WIDLUS  
Deputy Attorney General  
4 State Bar No. 82958  
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7 E-mail: Wendy.Widlus@doj.ca.gov  
*Attorneys for Complainant*

8 **BEFORE THE**  
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12 In the Matter of the Accusation Against:

Case No. 800-2019-056058

13 **ALVARO ROJAS, M.D.**  
14 **2912 Queensbury Drive**  
**Los Angeles, California 90064**

**FIRST AMENDED ACCUSATION**

15 **Physician's and Surgeon's Certificate A**  
16 **26089,**

**Respondent.**

17  
18  
19 **PARTIES**

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

23 2. On July 15, 1974, the Board issued Physician's and Surgeon's Certificate Number A  
24 26089 to Alvaro Rojas, M.D. (Respondent). That license was in full force and effect at all times  
25 relevant to the charges brought herein and will expire on September 30, 2022, unless renewed.  
26  
27  
28

## 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 2001.1 of the Code states:

Protection of the public shall be the highest priority for the Medical Board of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

5. Section 2004 of the Code states:

The board shall have the responsibility for the following:

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

(b) The administration and hearing of disciplinary actions.

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

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

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

(f) Approving undergraduate and graduate medical education programs.

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

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

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

6. 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

1 year upon order of the board.

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

4 (4) Be publicly reprimanded by the board. The public reprimand may include a  
5 requirement that the licensee complete relevant educational courses approved by the  
6 board.

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

9 (b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
10 review or advisory conferences, professional competency examinations, continuing  
11 education activities, and cost reimbursement associated therewith that are  
12 agreed to with the board and successfully completed by the licensee, or other matters  
13 made confidential or privileged by existing law, is deemed public, and shall be made  
14 available to the public by the board pursuant to Section 803.1.

15 7. Section 2266 of the Code states:

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

19 8. Section 2234 of the Code, states:

20 The board shall take action against any licensee who is charged with  
21 unprofessional conduct. In addition to other provisions of this article, unprofessional  
22 conduct includes, but is not limited to, the following:

23 (a) Violating or attempting to violate, directly or indirectly, assisting in or  
24 abetting the violation of, or conspiring to violate any provision of this chapter.

25 (b) Gross negligence.

26 (c) Repeated negligent acts. To be repeated, there must be two or more  
27 negligent acts or omissions. An initial negligent act or omission followed by a  
28 separate and distinct departure from the applicable standard of care shall constitute  
repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically  
appropriate for that negligent diagnosis of the patient shall constitute a single  
negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or  
omission that constitutes the negligent act described in paragraph (1), including, but  
not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
licensee's conduct departs from the applicable standard of care, each departure  
constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is

1 substantially related to the qualifications, functions, or duties of a physician and  
2 surgeon.

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

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

7 9. Section 2052 of the Code states:

8 (a) Notwithstanding Section 146, any person who practices or attempts to  
9 practice, or who advertises or holds himself or herself out as practicing, any system or  
10 mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates  
11 for, or prescribes for any ailment, blemish, deformity, disease, disfigurement,  
12 disorder, injury, or other physical or mental condition of any person, without having  
13 at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in  
14 this chapter [Chapter 5, the Medical Practice Act], or without being authorized to  
15 perform the act pursuant to a certificate obtained in accordance with some other  
16 provision of law, is guilty of a public offense, punishable by a fine not exceeding ten  
17 thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section  
18 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or  
19 by both the fine and either imprisonment.

20 (b) Any person who conspires with or aids or abets another to commit any act  
21 described in subdivision (a) is guilty of a public offense, subject to the punishment  
22 described in that subdivision.

23 (c) The remedy provided in this section shall not preclude any other remedy  
24 provided by law.

#### 25 COST RECOVERY

26 10. Effective on January 1, 2022, section 125.3 of the Code was amended to provide as  
27 follows:

28 (a) Except as otherwise provided by law, in any order issued in resolution of a  
disciplinary proceeding before any board within the department or before the  
Osteopathic Medical Board, upon request of the entity bringing the proceeding, the  
administrative law judge may direct a licensee found to have committed a violation or  
violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
investigation and enforcement of the case.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the order  
may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where actual  
costs are not available, signed by the entity bringing the proceeding or its designated  
representative shall be prima facie evidence of reasonable costs of investigation and  
prosecution of the case. The costs shall include the amount of investigative and  
enforcement costs up to the date of the hearing, including, but not limited to, charges  
imposed by the Attorney General.

1 (d) The administrative law judge shall make a proposed finding of the amount of  
2 reasonable costs of investigation and prosecution of the case when requested pursuant  
3 to subdivision (a). The finding of the administrative law judge with regard to costs  
4 shall not be reviewable by the board to increase the cost award. The board may  
5 reduce or eliminate the cost award, or remand to the administrative law judge if the  
6 proposed decision fails to make a finding on costs requested pursuant to subdivision  
7 (a).

8 (e) If an order for recovery of costs is made and timely payment is not made as  
9 directed in the board's decision, the board may enforce the order for repayment in any  
10 appropriate court. This right of enforcement shall be in addition to any other rights  
11 the board may have as to any licensee to pay costs.

12 (f) In any action for recovery of costs, proof of the board's decision shall be  
13 conclusive proof of the validity of the order of payment and the terms for payment.

14 (g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the  
15 license of any licensee who has failed to pay all of the costs ordered under this  
16 section.

17 (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally  
18 renew or reinstate for a maximum of one year the license of any licensee who  
19 demonstrates financial hardship and who enters into a formal agreement with the  
20 board to reimburse the board within that one-year period for the unpaid costs.

21 (h) All costs recovered under this section shall be considered a reimbursement for  
22 costs incurred and shall be deposited in the fund of the board recovering the costs to  
23 be available upon appropriation by the Legislature.

24 (i) Nothing in this section shall preclude a board from including the recovery of the  
25 costs of investigation and enforcement of a case in any stipulated settlement.

26 (j) This section does not apply to any board if a specific statutory provision in that  
27 board's licensing act provides for recovery of costs in an administrative disciplinary  
28 proceeding.<sup>1</sup>

### 29 DEFINITIONS

30 11. In California, a surgical technician assists a surgeon and other members of the  
31 surgical team. A surgical technician sets up operating rooms, arranges equipment and helps  
32 doctors during surgeries. A surgical technician may also prepare patients for surgery by shaving,  
33 disinfecting, and draping the patient, and by transporting a patient to surgery. The California  
34 State Assembly of the Association of Surgical Technologists sets guidelines for what surgical  
35 technologists can and cannot do and how much supervision they do or do not need. Other than

36  
37 <sup>1</sup> Effective January 1, 2022, subdivision (k) of Section 125.3, which exempted physicians  
38 and surgeons from paying recovery of the costs of investigation and prosecution by the Board,  
was repealed.

1 that, surgical technology is not regulated in the State of California.

2 12. In California, the only educational requirement for a surgical technician is that the  
3 person possess a high school diploma or equivalent. Completing a surgical technology training  
4 program is not mandatory to work as a surgical technician within the State of California.

5 13. In California, it is not permissible under any circumstance for a physician to allow a  
6 surgical technician to provide outpatient or clinical care in a physician's office, even if the  
7 surgical technician is supervised.

8 14. Necrosis is defined as the death of body tissue. It occurs when too little blood flows  
9 to the tissue. This can result from injury, radiation, or chemicals. Necrosis cannot be reversed.  
10 When large areas of tissue die due to a lack of blood supply, the condition is called gangrene.

#### 11 FACTUAL SUMMARY

12  
13 15. Respondent is a practicing plastic surgeon.

14 16. Mario Sanchez [Sanchez] is not licensed to practice medicine in the State of  
15 California. Respondent occasionally employed Sanchez as a surgical technician.

16 17. Patient 1 (P-1)<sup>2</sup> was referred to Sanchez by a friend of hers and consulted with  
17 Sanchez for liposuction and breast augmentation surgery at Respondent's clinic, Clinica Integral  
18 de Salud y Belleza (CISB), located at 11605 Valley Blvd., #201, El Monte, California 91732.

19 18. During the consultation Sanchez informed P-1 that he was not a licensed doctor in  
20 California but was licensed in Mexico. Sanchez also informed P-1 that he could perform the  
21 surgeries in California or in Mexico. According to Sanchez, the surgeries would cost less if  
22 performed in Mexico.

23 19. In or about February 2017, Sanchez performed breast augmentation and liposuction  
24 on P-1 in Tijuana, Mexico. After the surgery, Sanchez conducted post-operative appointments at  
25 CISB, which included removing sutures from both of the breasts and reapplying the sutures.

26  
27  
28 <sup>2</sup> For the purpose of privacy, the patient in this Accusation is referred to as Patient 1.  
Respondent is aware of the identity of Patient 1.

20. After this surgery, P-1 noticed one of her breasts was lower than the other. P-1 decided to undergo an additional surgery to correct the abnormality. On or about September 6, 2017, P-1 underwent a second breast augmentation and liposuction surgery in Tijuana, Mexico.

21. On or about September 7, 2017, Sanchez treated P-1 at her home in La Habra, California, by examining the surgical site and changing her surgery dressing. P-1 scheduled another post-operative appointment with Sanchez at Respondent's office on September 14, 2017.

22. On or about September 13, 2017, P-1 noticed that one of her areolas had turned black. On September 14, 2017, P-1 attended a post-operative appointment with Sanchez at a medical office in Paramount, California, with which Respondent had no connection. However, Respondent was present during that appointment and assisted during the post-operative appointment.

23. During this appointment, Sanchez told P-1 to buy surgical soap and to clean her areola with warm water. Sanchez also advised P-1 that she needed a skin graft.

24. On or about September 16, 2017, P-1 went to an emergency room for the black areola and she was informed that her areola was necrotic.

25. On or about September 20, 2017, Sanchez contacted P-1 and instructed her to go to the medical office in Paramount, California, where Respondent would evaluate her and go over treatment options.

26. Thereafter P-1 consulted with a different surgeon and ultimately had her implant removed and her necrosis treated.

27. After September 16, 2017, P-1 repeatedly attempted to contact Sanchez to obtain her medical records. In due course, one of Respondent's office staff told P-1 that Respondent did not have a copy of her medical records because Sanchez took all of his medical records with him when he stopped working at Respondent's practice.

# **FIRST CAUSE FOR DISCIPLINE**

## **(Gross Negligence)**

28. Respondent is subject to disciplinary action under Code section 2234, subdivision (b), in that he was grossly negligent in his care and treatment of Patient 1. The circumstances and

1 allegations set forth in Paragraphs 11 through 27, above, are incorporated as if fully set forth  
2 herein and as follows:

3 A. In California, it is not permissible under any circumstance for a physician to  
4 allow a surgical technician to provide outpatient or clinical care in a physician's  
5 office, even if the surgical technician is supervised. Respondent repeatedly permitted  
6 Sanchez to provide post-operative care to P-1.

7 B. It is the standard of care for a physician to create clearly understandable  
8 procedure notes and to document the results of treatment in follow-up progress notes;

9 C. It is the standard of care for a physician to keep thorough medical records  
10 including documentation of patient consultations, photographs, decision making and  
11 goals for treatment, and patient consents. Respondent failed to keep accurate and  
12 adequate medical records of the treatment he and Sanchez provided to P-1 on  
13 September 20, 2017.

14  
15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Repeated Negligent Acts)**

17 29. Respondent is subject to disciplinary action under Code section 2234, subdivision (c),  
18 in that he engaged in repeated negligent acts in his care and treatment of P-1. The circumstances  
19 and allegations set forth in Paragraphs 11 through 28, above, are incorporated by  
20 reference and re-alleged as if fully set forth herein.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Aiding and Abetting the Unlicensed Practice of Medicine)**

23 30. By reason of the facts set forth in paragraphs 11 through 23, inclusive, Respondent is  
24 subject to disciplinary action under section 2052, subdivision (b), of the Code, in that he aided  
25 and abetted the unlicensed practice of medicine by Mario Sanchez.

26 31. Respondent's acts and/or omissions as set forth in paragraphs 11 through 29,  
27 inclusive, whether individually, jointly, or in any combination thereof, constitute aiding and  
28 abetting the practice of medicine without a license. Therefore, cause for discipline exists.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 32. By reason of the facts set forth in paragraphs 11 through 31, inclusive, Respondent is  
4 subject to disciplinary action under section 2234, subdivision (a), of the Code, in that he has  
5 engaged in unprofessional conduct when he violated section 2052, subdivision (b), of the Code by  
6 aiding and abetting the practice of medicine without a license.

7 **PRAYER**

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

10 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 26089,  
11 issued to Respondent;

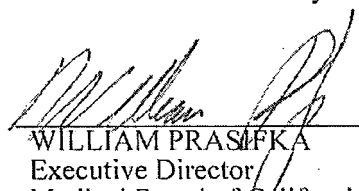
12 2. Revoking, suspending or denying approval of Respondent Alvaro Rojas, M.D.'s  
13 authority to supervise physician assistants and advanced practice nurses;

14 3. If placed on probation, ordering Respondent Alvaro Rojas to pay the Board  
15 reasonable costs of investigation and prosecution incurred after January 1, 2022;

16 4 If placed on probation, ordering Respondent Alvaro Rojas to pay the Board the costs  
17 of probation monitoring; and

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

19  
20 DATED: MAY 03 2022

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

*Complainant*

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