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

In the Matter of the Accusation Accusation Against:	)	
ROBERT RODRIGUEZ, P.A.	)	**Case No. 950-2015-000574**
Physician Assistant License No. PA 10518	)	
Respondent	)	

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of Physician Assistant Board, Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 1, 2018.

IT IS SO ORDERED July 20, 2018.

PHYSICIAN ASSISTANT BOARD

By: Maureen L. Forsyth
Maureen L. Forsyth
Executive Officer

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
JASON J. AHN
Deputy Attorney General
State Bar No. 253172
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9433
Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE
PHYSICIAN ASSISTANT BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **ROBERT RODRIGUEZ, P.A.** **82360 Highway 111, Ste. E** **Indio, CA 92201** **Physician Assistant License No. 10518** Respondent.	Case No. 950-2015-000574 OAH No. 2017051245.1 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

1. Maureen L. Forsyth (Complainant) is the Executive Officer of the Physician Assistant Board (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Jason J. Ahn, Deputy Attorney General.

2. Robert Rodriguez, P.A. (Respondent) is represented in this proceeding by attorney Michael Fell, whose address is 900 Roosevelt, Irvine CA 92620.

///

3. On or about April 23, 1979, the Board issued Physician Assistant License No. 10518 to Robert Rodriguez, P.A. (Respondent). The Physician Assistant License was in full force and effect at all times relevant to the charges brought in Accusation No. 950-2015-000574 and will expire on April 30, 2019, unless renewed.

JURISDICTION

4. On or about April 19, 2017, Accusation No. 950-2015-000574 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on or about April 19, 2017. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 950-2015-000574 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 950-2015-000574. Respondent also has carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his 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 him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 950-2015-000574, agrees that cause exists for discipline and hereby surrenders his Physician Assistant License No. 10518 for the Board's formal acceptance.

///

9. Respondent fully understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician Assistant License without further process.

CONTINGENCY

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

ADDITIONAL PROVISIONS

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

12. The parties agree that copies of this Stipulated Surrender and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies and signatures shall have the same force and effect as originals.

///

///

///

///

///

///

///

///

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician Assistant License No. 10518, issued to Respondent Robert Rodriguez, P.A., is surrendered and accepted by the Physician Assistant Board.

1. The surrender of Respondent's Physician Assistant License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Physician Assistant Board.

2. Respondent shall lose all rights and privileges as a Physician Assistant in California as of the effective date of the Board's Decision and Order, which shall be October 1, 2018. The reason for this stipulated effective date is to allow Respondent sufficient time to close his practice, without compromising patient care or well-being in any way.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 950-2015-000574 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of $6,800.00, prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 950-2015-000574 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of

Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Michael Fell. I fully understand the stipulation and the effect it will have on my Physician Assistant License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and fully agree to be bound by the Decision and Order of the Physician Assistant Board.

DATED: 6-13-18

ROBERT RODRIGUEZ, P.A.
Respondent

I have read and fully discussed with Respondent Robert Rodriguez, P.A. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____

Michael L. Fell, Esq.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Physician Assistant Board of the Department of Consumer Affairs.

Dated:

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Michael Fell. I fully understand the stipulation and the effect it will have on my Physician Assistant License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and fully agree to be bound by the Decision and Order of the Physician Assistant Board.

DATED: _____ Signature attached.
ROBERT RODRIGUEZ, P.A.
Respondent

I have read and fully discussed with Respondent Robert Rodriguez, P.A. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 6/12/18
Michael L. Fell, Esq.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Physician Assistant Board of the Department of Consumer Affairs.

Dated:

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Michael Fell. I fully understand the stipulation and the effect it will have on my Physician Assistant License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and fully agree to be bound by the Decision and Order of the Physician Assistant Board.

DATED: _____

ROBERT RODRIGUEZ, P.A.
Respondent

I have read and fully discussed with Respondent Robert Rodriguez, P.A. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____

Michael L. Fell, Esq.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Physician Assistant Board of the Department of Consumer Affairs.

Dated: June 13, 2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 950-2015-000574

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
JASON J. AHN
Deputy Attorney General
State Bar No. 253172
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9433
Facsimile: (619) 645-2061

Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 19 2017
BY Robyn Fitzwater ANALYST

BEFORE THE
PHYSICIAN ASSISTANT BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **ROBERT RODRIGUEZ, P.A.** **74057 Alpine Lane** **Palm Desert, CA 92211** **Physician Assistant License No. PA 10518** Respondent.	Case No. 950-2015-000574 **ACCUSATION**

Complainant alleges:

PARTIES

1. Maureen L. Forsyth (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs.

2. On or about April 23, 1979, the Physician Assistant Board issued Physician Assistant License Number PA 10518 to Robert Rodriguez, P.A. (Respondent). The Physician Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2019, unless renewed.

///

JURISDICTION

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

4. Section 3527 of the Code states:

"(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board of California.

"(b) The board may order the denial of an application for, or the suspension or revocation of, or the imposition of probationary conditions upon, an approved program after a hearing as required in Section 3528 for a violation of this chapter or the regulations adopted pursuant thereto.

"(c) The Medical Board of California may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon, an approval to supervise a physician assistant, after a hearing as required in Section 3528, for unprofessional conduct, which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by board or the Medical Board of California.

"..."

///

///

///

///

///

///

5. Section 3528 of the Code states:

"Any proceedings involving the denial, suspension or revocation of the application for licensure or the license of a physician assistant, the application for approval or the approval of a supervising physician, or the application for approval or the approval of an approved program under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code."

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 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 examinations, 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."

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

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

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

"..."

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.

"(b) The district attorney, city attorney, or other prosecuting agency shall notify the Division of Medical Quality of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a physician and surgeon.

"(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. 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. California Code of Regulations, title 16, section 1399.525, states, in pertinent part:

"For the purposes of the denial, suspension or revocation of a license pursuant to division 1.5 (commencing with section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under the Physician Assistant Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding such a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but are not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Medical Practice Act.

"(b) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or term of the Physician Assistant Practice Act.

"...

"(f) Conviction for assault and/or battery.

"...

"(i) Conviction for driving under the influence of drugs or alcohol.

10. Section 2239 of the Code states:

"(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine

safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

"(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Division of Medical Quality may order discipline of the licensee in accordance with Section 2227 or the Division of Licensing may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment."

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 a member in 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.)

COST RECOVERY

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate 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.

///

///

///

///

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a Physician Assistant)

13. Respondent has subjected his Physician Assistant License No. PA 10518 to disciplinary action under sections 3527 and 2234, and California Code of Regulations, title 16, section 1399.525, subdivision (f), as defined by section 2236, of the Code, in that he has been convicted of a crime substantially related to the qualifications, functions, or duties of a physician assistant, as more particularly alleged hereinafter:

Domestic Violence Arrest and Conviction

(a) On or about June 7, 2015, Respondent was sitting in the garage of his residence, drinking alcoholic beverages and sending text messages to his wife, A.R., accusing her of infidelity. Respondent then came into the house and struck A.R. in her mouth, with a closed right fist. A.R. sustained a severely split upper lip, which bled profusely throughout the kitchen and family room areas of the residence. When A.R. attempted to call the police, Respondent prevented her. A.R. struck Respondent on top of his head with A.R.'s cellular phone in order to prevent Respondent from stopping A.R.'s contact with the police and to prevent Respondent from striking A.R. again.

(b) On or about June 7, 2015, Deputy J. B. of Riverside County Sheriff's Department was dispatched in response to the June 7, 2015 incident between A.R. and Respondent. Deputy J.B. met with A.R. and took her statement. At that time, Deputy J.B. noted A.R.'s visible injuries sustained from the incident, which included a split upper lip that was bleeding profusely.

(c) On or about June 7, 2015, Deputy J.B. interviewed Respondent at his residence. During that interview, Respondent invoked his Miranda right to remain silent. Due to the significant injuries he had witnessed on A.R.'s face, Deputy J.B. then placed Respondent under arrest for violation of Penal Code sections 273.5, subdivision (a), [felony battery with injury].

///

(d) On or about November 14, 2016, the Riverside County District Attorney filed a First Amended Information (Information) against Respondent in the case entitled *The People of the State of California v. Robert Rodriguez*, Riverside County (Indio) Superior Court Case No. INF1501276, charging him with one count of violating Penal Code section 273.5, subdivision (f), subsection (2), [corporeal injury resulting in a traumatic condition on spouse], a felony, and one count of violating Penal Code section 136.1, subdivision (b), subsection (l), [dissuading a witness], a felony. It was further alleged that Respondent suffered a prior conviction on July 7, 2008 of violating Penal Code section 243, subdivision (e), a misdemeanor battery on spouse, Case Number RIM1512720.

(f) On or about November 18, 2016, respondent was convicted, after a jury trial, of counts and one and two of the Information, felony violations of Penal Code sections 273.5, subdivision (f), subsection (2) [corporeal injury resulting in a traumatic condition on spouse] and 136.1, subdivision (b), subsection (l) [dissuading a witness], respectively. On December 16, 2016, the Superior Court sentenced respondent to state prison for three (3) years and eight (8) months, execution of sentence suspended, with a formal probation granted for 36 months under various terms and conditions, including, but not limited to, 57 days in jail, "do not consume alcoholic beverages; do not frequent places where it is the main item of sale," attend three (3) Alcoholics Anonymous meetings a week, and enroll and successfully complete Continuous Alcohol Monitoring (CAM) program, etc.

<u>DUI Arrest and Conviction</u>

(g) On or about December 13, 2015, at approximately 11:41 p.m., Deputy T.L. from Riverside County Sheriff's Department responded to a traffic collision near Country Club Drive and Desert Willow Drive, a location within the city of Palm Desert, county of Riverside, state of California.

(h) Deputy T.L. spoke with J.M., driver of one of the vehicles involved in the collision. Deputy T.L. learned that J.M. was stopped at a red light when Respondent's car approached J.M.'s car at a high speed, then rear ended J.M.'s car, after skidding tires. Deputy T.L. spoke with Respondent regarding the collision. Respondent stated that "she

[J.M.] slowed down" and Respondent was unable to avoid the collision. However, J.M. is a male. Respondent also claimed that the airbag in his car did not deploy. However, it did. In addition, while speaking with Respondent, Deputy T.L. smelled the odor of alcoholic beverage emitting from Respondent's person. Deputy T.L. observed that Respondent's speech was slurred and Respondent appeared to be somewhat unsteady on his feet. When asked whether Respondent had consumed any alcohol, respondent stated, "not that much." Deputy T.L. administered standardized field sobriety tests (SFSTs) on Respondent, who performed poorly. Deputy T.L. attempted to obtain a breath sample for the Preliminary Alcohol Screening device (PAS). Respondent declined to provide a sample.

(i) Respondent was arrested for Driving Under the Influence of Alcohol on December 13, 2015. On December 13, 2015, Respondent's blood alcohol concentration (BAC) was 0.26%.

(j) On or about February 18, 2015, the Riverside County District Attorney filed a Criminal Complaint against Respondent in the matter of *The People of the State of California v. Robert Rodriguez*, Superior Court Case No. INM1601077. Count One charged Respondent with driving under the influence of drugs and/or alcohol, in violation Of Vehicle Code section 23152, subdivision (a), a misdemeanor. Count Two charged Respondent with driving with a blood alcohol content level of 0.08 percent or more, in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor. As to both counts, a special allegation was charged alleging that Respondent suffered two prior DUI convictions on or about February 15, 2007 (case number RIM493929, Riverside County), and on or about September 22, 2010 (case number RIM541965, Riverside County.) In addition, as to both counts, a special allegation was charged alleging that Respondent had 0.15% or higher BAC at the time of the crime, in violation of Vehicle Code section 23578.

///

///

///

(k) On or about January 6, 2017, Respondent was convicted upon his guilty plea to all counts. Respondent admitted both of the above special allegations (high BAC and two prior DUI convictions.) After his plea, Respondent was given a three-year probation, which included the following terms and conditions of probation, among others: 180 days of jail, 18 month DUI program, three (3) Alcoholic Anonymous meetings per week, Mothers Against Drug Driving program, and various fines and fees.

DUI Arrest and Conviction

(l) On or about September 22, 2010, Respondent was convicted upon his guilty plea, of violating Vehicle Code sections 23152(a) and (b) in the Superior Court of California, in and for the County of Riverside, Case No. RIM541965. After his plea, Respondent was given a four-year probation, which included the following terms and conditions of probation, among others: 30 days of jail, drunk driving program (SB38), and various fines and fees.

SECOND CAUSE FOR DISCIPLINE

(Excessive Use of Drugs or Alcohol)

14. Respondent has subjected his Physician's Assistant License No. PA 10518 to disciplinary action under sections 3527, 2227, and 2234, as defined by section 2239, subdivision (a), of the Code, in that he has used, or administered to himself, alcoholic beverages to the extent, or in such a manner, as to be dangerous or injurious to himself, another person, or the public, as more particularly alleged hereinafter:

(a) Paragraph 13, above, is hereby incorporated by reference and realleged as if fully set forth herein.

///

///

///

///

///

///

THIRD CAUSE FOR DISCIPLINE

(Violating, or Attempting to Violate, Directly or Indirectly a Provision or Provisions of the Medical Practice Act)

15. Respondent has further subjected his Physician Assistant License No. PA 10518 to disciplinary action under sections 3527 and 2234, as defined by section 2234, subdivision (a), of the Code, in that he has violated or attempted to violate, directly or indirectly, assisted in or abetted the violation of, or conspired to violate, a provision or provisions of the Medical Practice Act, as more particularly alleged in paragraph 13, above, which is hereby incorporated by reference and realleged as if fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

16. Respondent has further subjected his Physician Assistant License No. PA 10518 to disciplinary action under sections 3527 and 2234 of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraph 13, above, which is hereby incorporated by reference and realleged as if fully set forth herein.

FACTORS IN AGGRAVATION

17. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges the following pertinent facts:

(a) On or about February 15, 2007, Respondent was convicted of violating Vehicle Code sections 23152(a) and (b) in the Superior Court of California, in and for the County of Riverside, Case No. RIM493929.

(b) On or about July 7, 2008, Respondent was convicted of violating Penal Code section 243, subdivision (e) in the Superior Court of California, in and for the County of Riverside, Case No. RIM512720.

///

///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physician Assistant Board issue a decision:

1. Revoking or suspending Physician Assistant License Number PA 10518, issued to Robert Rodriguez, P.A.;

2. Ordering Robert Rodriguez, P.A. to pay the Physician Assistant Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: April 19, 2017

MAUREEN L. FORSYTH
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant