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

In the Matter of the First Amended Accusation and Petition to Revoke Probation Against: Craig James Ball, M.D. Physician's and Surgeon's Certificate No. G 38467 Respondent.	Case No. 800-2022-085249

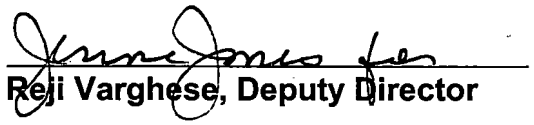
DECISION

The attached Stipulated Surrender of License 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 30, 2023.

IT IS SO ORDERED February 2, 2023.

MEDICAL BOARD OF CALIFORNIA



Reji Varghese, Deputy Director

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
LEANNA E. SHIELDS
Deputy Attorney General
State Bar No. 239872
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9401
Facsimile: (619) 645-2061

Attorneys for Complainant

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

In the Matter of the First Amended Accusation and Petition to Revoke Probation Against: **CRAIG JAMES BALL, M.D.** **73950 Alessandro Drive, Suite 5** **Palm Desert, CA 92260-3637** **Physician's and Surgeon's Certificate No. G 38467** Respondent.	Case No. 800-2022-085249 OAH No. 2022040798 **STIPULATED SURRENDER OF LICENSE AND DISCIPLINARY ORDER**

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

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by LeAnna E. Shields, Deputy Attorney General.

///

2. Craig James Ball, M.D. (Respondent) is represented in this proceeding by attorney Peter R. Osinoff, Esq., with Bonne, Bridges, Mueller, O'Keefe & Nichols, whose address is: 355 South Grand Avenue, Suite 1750, Los Angeles, CA 90071.

3. On or about November 20, 1978, the Board issued Physician's and Surgeon's Certificate No. G 38467 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in the First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249, and will expire on June 30, 2024, unless renewed.

JURISDICTION

4. On October 11, 2022, the First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249 was filed before the Board, and is currently pending against Respondent. A true and correct copy of the First Amended Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on October 11, 2022. Respondent timely filed his Notice of Defense contesting the Accusation and Petition to Revoke Probation. A true and correct copy of the First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249 is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in the First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249. Respondent also has carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of License and Disciplinary 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 First Amended Accusation and Petition to Revoke Probation; 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. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. To avoid the expense and uncertainty of further proceeding, Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in the First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249, and agrees that he has thereby subjected his Physician's and Surgeon's Certificate No. G 38467 to discipline. Respondent hereby surrenders his Physician's and Surgeon's Certificate No. G 38467 for the Board's formal acceptance with an agreed upon effective date of April 30, 2023.

9. Respondent agrees that his Physician's and Surgeon's Certificate No. G 38467 is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

10. Respondent further agrees that if he ever petitions for reinstatement of his Physician's and Surgeon's Certificate No. G 38467, all of the charges and allegations contained in the First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249 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 or elsewhere.

11. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate No. G 38467 without further notice to, or opportunity to be heard by, Respondent.

CONTINGENCY

12. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board "shall delegate to its executive director the authority to adopt a ... stipulation for surrender of a license."

///

13. Respondent understands that, by signing this Stipulation, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. G 29258 without further notice to, or opportunity to be heard by, Respondent.

14. This Stipulated Surrender of License and Disciplinary Order shall be subject to the approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

15. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Executive Director on behalf of the Board does not, in his discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent will assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,

discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

16. This Stipulated Surrender of License 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.

17. The parties agree that copies of this Stipulated Surrender of License 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 shall have the same force and effect as originals.

18. In consideration of the foregoing admissions and stipulations, the parties agree the Executive Director of the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Order on behalf of the Board:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 38467, issued to Respondent CRAIG JAMES BALL, M.D., is hereby surrendered effective April 30, 2023, and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate No. G 38467 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 Board.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order, which shall be April 30, 2023.

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 the First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249, shall be deemed to be true, correct and fully 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 $37,000.00 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 the First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249, shall be deemed to be true, correct, and fully 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 Disciplinary Order and have fully discussed it with my attorney Peter R. Osinoff, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G 38467. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: _____ _____
CRAIG JAMES BALL, M.D.
Respondent

I have read and fully discussed with Respondent Craig James Ball, M.D., the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

DATED: _____ _____
PETER R. OSINOFF, ESQ.
Attorney for Respondent

///

///

surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in the First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249, shall be deemed to be true, correct and fully 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 $37,000.00 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 the First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249, shall be deemed to be true, correct, and fully 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 Disciplinary Order and have fully discussed it with my attorney Peter R. Osinoff, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G 38467. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 11-17-22

CRAIG JAMES BALL, M.D.
Respondent

I have read and fully discussed with Respondent Craig James Ball, M.D., the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

DATED: 11/17/2022

PETER R. OSINOFF, ESQ.
Attorney for Respondent

///

///

ENDORSEMENT

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

DATED: 11/17/22

Respectfully submitted,

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

LEANNA E. SHIELDS
Deputy Attorney General
Attorneys for Complainant

SD2022800223
83686631.docx

Exhibit A

First Amended Accusation and Petition to Revoke Probation No. 800-2022-085249

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
LEANNA E. SHIELDS
Deputy Attorney General
State Bar No. 239872
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9401
Facsimile: (619) 645-2061

Attorneys for Complainant

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

In the Matter of the First Amended Accusation and Petition to Revoke Probation Against: **CRAIG JAMES BALL, M.D.** **73950 Alessandro Drive, Suite 5** **Palm Desert, CA 92260-3637** **Physician's and Surgeon's Certificate No. G 38467,** Respondent.	Case No. 800-2022-085249 OAH No. 2022040798 **FIRST AMENDED ACCUSATION AND PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. William Prasifka (Complainant) brings this First Amended Accusation and Petition to Revoke Probation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about November 20, 1978, the Medical Board issued Physician's and Surgeon's Certificate No. G 38467 to Craig James Ball, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2024, unless renewed.

PRIOR DISCIPLINE

3. In a prior disciplinary action entitled *In the Matter of the Petition for Reinstatement of Revoked Certificate of: Craig James Ball,* Case No. 800-2015-016570, the Board issued a Decision and Order on February 10, 2017, effective March 10, 2017, in which Respondent's Physician's and Surgeon's Certificate No. G 38467 was revoked. The revocation was stayed, however, and Respondent's Physician's and Surgeon's Certificate No. G 38467 was placed on probation for a period of five (5) years with certain terms and conditions. A true and correct copy of that Decision and Order is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.

4. From on or about March 10, 2017, through on or about July 27, 2017, and during the month of September 2020, Respondent's Physician's and Surgeon's Certificate No. G 38467 was in non-practice status for failure to practice medicine as required by the terms of his probation as set forth in the Decision and Order for Case No. 800-2015-016570, Probation Condition No. 12.

JURISDICTION

5. This First Amended Accusation and Petition to Revoke Probation, which supersedes Accusation and Petition to Revoke Probation No. 800-2022-085249 filed on March 1, 2022, in the above-entitled matter, is brought before the Board, under the Board's Decision and Order *In the Matter of the Petition for Reinstatement of Revoked Certificate of: Craig James Ball,* Case No. 800-2015-016570 and the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

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:

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.

(b) Gross negligence.

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

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

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

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

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

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

///

///

8. Section 2266 of the Code states: The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

9. 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.)

10. At all times after the effective date of the Decision and Order in Case No. 800-2015-016570, Probation Condition No. 14 states:

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

COST RECOVERY

11. Section 125.3 of the Code states:

> (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.
>
> (d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may

reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

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

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

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

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

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

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

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

FACTUAL ALLEGATIONS

Patient A[1]

12. On or about July 15, 2020, Patient A, a then 82-year-old female, presented for an office consultation visit with Respondent regarding several procedures, including, but not limited to, brachioplasty and liposuction of the abdomen, back, thighs, knees and arms. According to records, Patient A had a medical history significant for having diabetes and past cardiac events, including a coronary stent. According to records, Patient A's recorded measurements calculated a body mass index of approximately 33 kg/m^2.

[1] For patient privacy purposes, patients' true names are not used in the instant First Amended Accusation and Petition to Revoke Probation to maintain patient confidentiality. The patients' identities are known to Respondent or will be disclosed to Respondent upon receipt of a duly issued request for discovery in accordance with Government Code section 11507.6

13. According to records, Respondent's plan for Patient A was to perform two separate surgical procedures. The first surgical procedure would involve liposuction of Patient A's total arms down to her wrists, her lower back, flanks, abdomen, thighs and knees, and brachioplasties of both arms. The second surgical procedure would involve additional liposuction of the abdomen, brow lift, facial fat transfer, and face or neck laser treatment. According to records, Patient A's surgical procedure was estimated to take approximately five to six hours.

14. On or about July 20, 2020, Patient A obtained medical clearance from a nearby urgent care. According to records, Patient A's laboratory tests did not measure Patient A's hemoglobin A1c levels.

15. On or about July 29, 2020, Patient A presented for the first surgical procedure. According to records, the certified registered nurse anesthetist evaluated Patient A and assigned her a risk level of ASA III.[2] According to records, Patient A was placed in a prone position while Respondent removed approximately 5,500 milliliters of fat solute from multiple locations, including, but not limited to, Patient A's arms, torso, flanks, and thighs. According to records, the procedure took approximately three hours.

16. After the completion of surgery, Patient A's EKG revealed a brief ST elevation. In the recovery room, Patient A's EKG revealed another ST elevation. Paramedics were called and Patient A was transferred to a nearby emergency department where Patient A passed away from a cardiopulmonary arrest and myocardial infarction.

Patient B

17. On or about May 31, 2018, Patient B, a then 56-year-old female, presented for an office consultation visit with Respondent regarding several procedures, including, but not limited to, liposuction of the abdomen, back, arms, and fat to bilateral breast transfer. According to records, Patient B expressed a desire for perkier and fuller breasts, but not larger breasts.

///

---

[2] ASA risk classifications according to the American Society of Anesthesiologists categorizes patients into five classifications based upon patient presentation and medical history. ASA III is assigned to a patient who has severe systemic disease which limits activity but is not incapacitating, such as, diabetes, distant history of myocardial infarction, cardiac stent, etc.

18. On or about April 8, 2021, Respondent participated in an interview with Board investigators with the Division of Investigation, Health Quality Investigation Unit (DOI-HQIU). During this interview, Respondent indicated, during Patient B's consultation visit, Respondent informed Patient B the fat transfer would possibly cause her breasts to increase in size by approximately one half to one full cup size. This discussion was not documented in Patient B's records.

19. On or about June 19, 2018, Respondent performed liposuction of Patient B's back, abdomen, and arms, and transferred fat to Patient B's bilateral breasts.

Patient C

20. On or about February 20, 2019, Patient C, a then 60-year-old female, presented for an office consultation visit with Respondent regarding several procedures, including, but not limited to, buttock lift, fat to face transfer, fat to bilateral breast transfer, Botox injections, and liposuction of the abdomen, back, and inner thighs. Patient C's medical history was significant for having diabetes and being a daily smoker.

21. On or about April 8, 2021, Respondent participated in an interview with Board investigators with DOI-HQIU. During this interview, Respondent indicated, during Respondent's consultation with Patient C, Respondent informed Patient C she would need to stop smoking, control her diabetes, and obtain medical clearance for the procedures. According to Respondent, he informed Patient C of her increased risk for, among other things, seromas, infections, and prolonged healing. This discussion was not documented in Patient C's records.

22. On or about February 28, 2019, Respondent performed liposuction of Patient C's inner thighs, back, and abdomen and transferred fat to Patient C's buttocks, breasts, and face.

23. Post operatively, Respondent received and responded to numerous text messages from Patient C regarding postoperative care. This correspondence with Patient C was not documented in Patient C's records.

///

///

///

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

24. Respondent has subjected his Physician's and Surgeon's Certificate No. G 38467 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of Patient A, which included, but was not limited to, the following:

A. Paragraphs 12 through 16, above, are hereby incorporated by reference and realleged as if fully set forth herein; and

B. Respondent recommended multiple procedures with multiple surgery sites for Patient A, who was evaluated to present a higher risk level of ASA III.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

25. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 38467 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts as more particularly alleged hereinafter.

26. Respondent committed repeated negligent acts in his care and treatment of Patient A, which included, but was not limited to, the following:

A. Paragraphs 12 through 16, and 24, above, are hereby incorporated by reference and realleged as if fully set forth herein;

B. Respondent failed to recommend weight loss prior to performing the surgical procedures to reduce Patient A's risks;

C. Respondent failed to evaluate Patient A's hemoglobin A1c levels prior to performing the surgical procedures;

D. Respondent failed to limit his harvesting volume to a maximum of 100 mL per unit of Patient A's body mass index; and

E. Respondent performed an elective surgery in the prone position for over three hours.

27. Respondent committed repeated negligent acts in his care and treatment of Patient B, which included, but was not limited to, the following:

A. Paragraphs 17 through 19, above, are hereby incorporated by reference and realleged as if fully set forth herein; and

B. Respondent failed to document his discussions with Patient B regarding her desired results, reasonable expectations and potential complications.

28. Respondent committed repeated negligent acts in his care and treatment of Patient C, which included, but was not limited to, the following:

A. Paragraphs 20 through 23, above, are hereby incorporated by reference and realleged as if fully set forth herein; and

B. Respondent failed to document his discussions with Patient C regarding her comorbidities, elevated risks, and post-operation correspondence.

THIRD CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and/or Accurate Records)

29. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 38467 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the Code, in that Respondent failed to maintain adequate and/or accurate medical records, as more particularly alleged in paragraphs 12 through 28, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(Violations of the Medical Practice Act)

30. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 38467 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (a), of the Code, in that Respondent violated provisions of the Medical Practice Act, as more particularly alleged in paragraphs 12 through 29, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

///

///

FIFTH CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

31. Respondent has further subjected his Physician's and Surgeon's Certificate No. G 38467 to disciplinary action under sections 2227 and 2234, of the Code, in that Respondent engaged in conduct which breaches the rules or ethical code of the medical profession or which was unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 12 through 30, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

FIRST CAUSE TO REVOKE PROBATION

(Surgical Proctor)

32. At all times after the effective date of the Board's Decision and Order in Case No. 800-2015-016570, Probation Condition No. 2 provided:

> 2. SURGICAL PROCTOR. Within 30 calendar days of the effective date of this Decision, Petitioner shall submit to the Board or its designee for prior approval as a surgical proctor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A surgical proctor shall have no prior or current business or personal relationship with Petitioner, or other relationship that could reasonably be expected to compromise the ability of the surgical proctor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Petitioner's field of practice, and must agree to serve as Petitioner's surgical proctor. As an exception to the requirement for having no prior or current business or personal relationship, the Board will consider approving Mohammed Zakhireh, M.D., as Petitioner's surgical proctor, provided all other requirements of this condition are met.
>
> The Board or its designee shall provide the proctor(s) with a copy of this Decision After Non-Adoption (Decision). Within fifteen (15) calendar days of receipt, the proctor shall submit a signed statement that he or she has read the Decision and understands the role of the proctor. The proctor must be approved by the Board or its designee prior to Petitioner performing any surgeries.
>
> The approved proctor(s) shall document in a log the procedures in which Petitioner participated as the assistant physician and surgeon and as the primary physician and surgeon. The log shall contain: a) the patient's name or the patient's medical record number; b) the date the procedure was performed; c) the type of procedure performed; and d) whether Petitioner was the assistant or primary physician and surgeon performing the procedure. Petitioner shall keep this log in a separate file or ledger, in chronological order, shall make the log available for immediate inspection and copying on the premises at all times during business hours by the Board or its designee, and shall retain the log for the entire term of probation.

///

The approved proctor(s) shall submit a quarterly report to the Board or its designee which includes an evaluation of Petitioner's performance, indicating, at a minimum, the following: a) the total procedures performed; b) the types of procedures performed; c) whether Petitioner was the assistant or primary physician and surgeon performing the procedure; d) surgical skill observations; and e) complications, if any. It shall be the sole responsibility of Petitioner to ensure that the proctor submits the quarterly written reports to the Board or its designee within ten (10) calendar days after the end of the preceding quarter.

The Petitioner shall not perform any liposuction or surgical procedures without the presence of the approved proctor until all of the following conditions are met:

1) Petitioner completes a minimum of 30 proctored cases as the primary physician and surgeon, to include liposuction and simple and complex facial plastic/cosmetic surgical procedures.

2) The proctor deems the Petitioner competent to perform liposuction and simple and complex facial plastic/cosmetic surgical procedures independently;

3) The proctor sends a report to the Board or its designee in writing which includes the following information: a) total and types of cases completed as the primary physician and surgeon; b) surgical skill observations; c) complications, if any; and d) a statement confirming that the proctor has determined that Petitioner is safe to perform liposuction and simple and complex facial plastic/cosmetic surgical procedures independently; and

4) The Board or its designee notifies Petitioner in writing that this condition has been satisfied and is terminated.

At the Board's or its designee's discretion, the proctor(s)'s report(s) may be reviewed by a Board expert.

Petitioner shall be responsible for any costs associated with the required proctoring and this condition.

33. On or about July 13, 2018, Condition No. 2, referenced above, was terminated.

34. Respondent's probation is subject to revocation because he failed to comply with Probation Condition No. 2, referenced above, in that Respondent failed to ensure his surgical proctor submitted timely and/or complete quarterly written reports for the following quarters, including, but not limited to, fourth quarter of 2017, first quarter of 2018, and second quarter of 2018.

///

///

///

///

SECOND CAUSE TO REVOKE PROBATION

(Practice Monitor)

35. At all times after the effective date of the Board's Decision and Order in Case No. 800-2015-016570, Probation Condition No. 3 provided:

> 3. PRACTICE MONITOR. Within 30 calendar days of the effective date of this Decision, Petitioner shall submit to the Board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with Petitioner, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Petitioner's field of practice, and must agree to serve as Petitioner's monitor. Petitioner shall pay all monitoring costs.
>
> The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.
>
> Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, Petitioner's practice shall be monitored by the approved monitor. Petitioner shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.
>
> If Petitioner fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, Petitioner shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Petitioner shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.
>
> The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of Petitioner's performance, indicating whether Petitioner's practices are within the standards of practice of medicine, and whether Petitioner is practicing medicine safely. It shall be the sole responsibility of Petitioner to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.
>
> If the monitor resigns or is no longer available, Petitioner shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If Petitioner fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, Petitioner shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified Petitioner shall

cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

In lieu of a monitor, Petitioner may participate in a professional enhancement program approved in advance by the Board or its designee, that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Petitioner shall participate in the professional enhancement program at Petitioner's expense, during the term of probation.

36. Respondent's probation is subject to revocation because he failed to comply with Probation Condition No. 3, referenced above, in that Respondent failed to ensure his practice monitor submitted timely and/or complete quarterly written reports for the following quarters, including, but not limited to, fourth quarter of 2017, first quarter of 2018, second quarter of 2018, third quarter of 2018, first quarter of 2019, second quarter of 2019, third quarter of 2019, fourth quarter of 2019, first quarter of 2020, second quarter of 2020, third quarter of 2020, fourth quarter of 2020, third quarter of 2021, first quarter of 2022, and second quarter of 2022.

37. Respondent's probation is subject to revocation because he failed to comply with Probation Condition No. 3, referenced above, in that Respondent failed to timely nominate a replacement practice monitor, and failed to timely obtain approval of a replacement practice monitor or enroll in a professional enhancement program.

THIRD CAUSE TO REVOKE PROBATION

(Obey All Laws)

38. At all times after the effective date of the Board's Decision and Order in Case No. 800-2015-016570, Probation Condition No. 8 provided:

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

39. Respondent's probation is subject to revocation because he failed to comply with Probation Condition No. 8, referenced above, in that Respondent violated sections 2227, 2234, and 2266, of the Code, as more particularly alleged in paragraphs 12 through 31, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

///

///

FOURTH CAUSE TO REVOKE PROBATION

(Quarterly Declarations)

40. At all times after the effective date of the Board's Decision and Order in Case No. 800-2015-016570, Probation Condition No. 9 provided:

> 9. QUARTERLY DECLARATIONS. Petitioner shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Petitioner shall submit quarterly declarations not later than 10 calendar clays after the end of the preceding quarter.

41. Respondent's probation is subject to revocation because he failed to comply with Probation Condition No. 9, referenced above, in that Respondent failed to submit timely and/or complete quarterly reports for the following quarters, including, but not limited to, first quarter of 2017, first quarter of 2018, second quarter of 2018, third quarter of 2018, first quarter of 2019, second quarter of 2019, third quarter of 2019, first quarter of 2020, second quarter of 2020, third quarter of 2020, fourth quarter of 2020, first quarter of 2021, fourth quarter of 2021, first quarter of 2022, and second quarter of 2022.

DISCIPLINARY CONSIDERATIONS

42. To determine the degree of discipline, if any, to be imposed on Respondent Craig James Ball, M.D., Complainant alleges:

Case No. 11-98-86123

43. On or about March 29, 1999, a prior disciplinary action entitled *In the Matter of the Accusation Against: Craig James Ball, M.D.,* Case No. 11-98-86123, was filed before the Board charging Respondent with, among other things, gross negligence, repeated negligent acts, and incompetence, in his care and treatment of two patients. On or about March 7, 2000, Respondent agreed to complete the PACE clinical training program. On or about October 17, 2000, Respondent's Physician's and Surgeon's Certificate No. G 38467 was issued a public letter of reprimand. That decision is now final and is incorporated by reference as if fully set forth herein.

///

///

///

Case No. 11-2000-110596

44. On or about August 27, 2001, a prior disciplinary action entitled *In the Matter of the Accusation Against: Craig James Ball, M.D.*, Case No. 11-2000-110596, was filed before the Board charging Respondent with, among other things, gross negligence, repeated negligent acts, incompetence, and inadequate records, in his care and treatment of one patient. On or about June 2, 2003, Respondent's Physician's and Surgeon's Certificate No. G 38467 was revoked, with revocation stayed pending seven (7) years' probation with certain terms and conditions, including, but not limited to, the completion of the PACE clinical training program. That decision is now final and is incorporated by reference as if fully set forth herein.

Case No. 19-2003-149845

45. On or about August 16, 2006, a prior disciplinary action entitled *In the Matter of the Accusation and Petition to Revoke Probation Against: Craig J. Ball, M.D.*, Case No. 19-2003-149845, was filed before the Board charging Respondent with, among other things, dishonest and corrupt acts, gross negligence, repeated negligent acts, and incompetence in his care and treatment of one patient. On or about October 19, 2007, Respondent's Physician's and Surgeon's Certificate No. G 38467 was surrendered to the Board, effective December 31, 2007. That decision is now final and is incorporated by reference as if fully set forth herein.

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. G 38467, issued to Respondent Craig James Ball, M.D.;

2. Revoking, suspending or denying approval of Respondent Craig James Ball, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Craig James Ball, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

///

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

DATED: OCT 11 2022

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

SD2022800223
83627985.docx