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FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO *Oct. 20 20 17*  
BY *[Signature]* ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 03-2008-195991

12 **PEDRO EVA, M.D.**  
13 65 College Drive  
Ventura, CA 93003

**A C C U S A T I O N**

14 **Physician's and Surgeon's Certificate No.**  
15 **A90222,**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about February 23, 2005, the Medical Board issued Physician's and Surgeon's  
24 Certificate No. A90222 to Pedro Eva, M.D. (Respondent). The Physician's and Surgeon's  
25 Certificate No. was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on August 31, 2018, unless renewed.

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**JURISDICTION**

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2       3.    This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4       4.    Section 2227 of the Code states:

5       “(a) A licensee whose matter has been heard by an administrative law judge of the Medical  
6 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default  
7 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary  
8 action with the board, may, in accordance with the provisions of this chapter:

9       “(1) Have his or her license revoked upon order of the board.

10       “(2) Have his or her right to practice suspended for a period not to exceed one year upon  
11 order of the board.

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

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

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

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

24       5.    Section 2236 of the Code states:

25       “(a) The conviction of any offense substantially related to the qualifications, functions, or  
26 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
27 chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction  
28 occurred.

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

8 “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours  
9 after the conviction, transmit a certified copy of the record of conviction to the board. The  
10 division may inquire into the circumstances surrounding the commission of a crime in order to fix  
11 the degree of discipline or to determine if the conviction is of an offense substantially related to  
12 the qualifications, functions, or duties of a physician and surgeon.

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

16 6. *Krain v. Medical Board* (1999) 71 Cal.App.4<sup>th</sup> 1416 holds that the Board may impose  
17 discipline pursuant to section 2236, notwithstanding a subsequent order in criminal court allowing  
18 a defendant to withdraw his or her plea, or dismissing the accusation, complaint, information, or  
19 indictment.

#### 20 **CAUSE FOR DISCIPLINE**

#### 21 **(Conviction of a Crime)**

22 7. Respondent Pedro Eva, M.D. is subject to disciplinary action under section 2236 in  
23 that he was convicted of an offense substantially related to the qualifications, functions, or duties  
24 of a physician and surgeon. The circumstances are as follows:

25 8. On or about July 7, 2006, Respondent entered into a contractual agreement with  
26 RPSI, a licensed California corporation, to provide psychiatric services at prison facilities  
27 operated by the California Department of Corrections and Rehabilitation (CDCR.) CDCR would  
28 pay RPSI \$250 per hour that Respondent provided services while on prison grounds, and \$50 per

1 hour when Respondent was off-grounds but on-call. RPSI, in turn, would pay Respondent \$200  
2 per hour that Respondent provided services while on prison grounds, and \$40 for each on-call  
3 hour.

4 9. Between March 1, 2007, and July 1, 2007, Respondent fraudulently billed CDCR and  
5 the State of California for 98.25 hours that he did not work. During the same time period,  
6 Respondent knowingly submitted, or caused to be submitted, 31 false and fraudulent claims for  
7 services not provided. As a result of Respondent's submission of these false and fraudulent  
8 claims, the State of California paid Respondent's employer \$24,563 for services not provided.

9 10. On or about November 20, 2008, a Grand Jury returned an Indictment, filed in the  
10 Monterey County Superior Court, Case Number SS082797C, alleging *inter alia* that Respondent  
11 violated Penal Code section 72, Presentation of a Fraudulent Claim (two counts); Penal Code  
12 section 487(a), Grand Theft by False Pretenses; and Penal Code section 182(a)(a), Conspiracy to  
13 Commit Grand Theft; all in connection with his billing to CDCR between May 1, 2007, and June  
14 30, 2007.

15 11. On or about January 8, 2015, Respondent entered into a plea agreement in Monterey  
16 Superior Court Case Number SS082797C, in which he pled no contest to a single count of Penal  
17 Code section 72, as a misdemeanor. Pursuant to the plea agreement, Respondent agreed to  
18 perform 300 hours of community service, and to comply with all federal and state law for three  
19 years. At the conclusion of the three year period, assuming compliance with the agreement, the  
20 plea agreement states that "the Indictment in its entirety will be dismissed."

21 **PRAYER**

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

24 1. Revoking or suspending Physician's and Surgeon's Certificate No. A90222, issued to  
25 Pedro Eva, M.D.;

26 2. Revoking, suspending or denying approval of Pedro Eva, M.D.'s authority to  
27 supervise physician assistants and advanced practice nurses;


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3. Ordering Pedro Eva, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: October 20, 2017

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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