1	KAMALA D. HARRIS	•	
2	Attorney General of California ROBERT McKIM BELL	Pii Ph	
3	Supervising Deputy Attorney General CHRIS LEONG	FILED STATE OF CALIFORNIA	
4	Deputy Attorney General State Bar No. 141079	MEDICAL BOARD OF CALIFORNIA SACRAMENTO MAY 30, 20, 19	
5	California Department of Justice 300 South Spring Street, Suite 1702	SACRAMENTO MAY 30, 20 18 BY BOUR POWN DANALYST	
6	Los Angeles, CA 90013 Telephone: (213) 269-6460		
7	Facsimile: (213) 897-9395 Attorneys for Complainant		
8			
9	BEFOR		
10	MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS		
11.	STATE OF CA	ALIFORNIA	
12			
13	In the Matter of the Second Amended Accusation and Petition to Revoke Probation	Case No. 800-2014-007888	
14	Against:	SECOND AMENDED ACCUSATION AND PETITION TO REVOKE	
15	ROBERT T. PEREZ, M.D.	PROBATION	
16	1420 E. Edinger Avenue, Suite 123 Santa Ana, California 92705	,	
17	Physician's and Surgeon's Certificate G80178,		
18	Respondent.		
19			
20	Complainant alleges:	e .	
21	PART	CIES	
· 22	1. Kimberly Kirchmeyer (Complainant), brings this Second Amended Accusation		
23	and Petition to Revoke Probation solely in her official capacity as Executive Director of the		
24	Medical Board of California (Board). This pleading supplants the original Accusation filed in		
25	this matter on August 22, 2017 and the First Amended Accusation filed April 5, 2018.		
26	2. On November 2, 1994, the Board issued Physician's and Surgeon's Certificate		
27	Number G80178 to Robert Perez, M.D. (Respond	ent). That license was in full force and effect at	
28	all times relevant to the charges brought herein ar	-	
		1	

renewed.

3. On November 8, 2017, in a disciplinary action entitled *In the Matter of Accusation Against Robert T. Perez, M.D.*, Medical Board Case No. 04-2013-234367 the Board issued a Decision effective December 8, 2017, in which Respondent's Physician and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Certificate was placed on probation for a period of thirty-five (35) months with certain terms and conditions. A copy of that Decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

- 4. This Second Amended Accusation and Petition to Revoke Probation 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.
 - 5. Section 2227 of the Code states, in pertinent part:
- "(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.
 - "(5) Have any other action taken in relation to discipline as the Board or an administrative law judge may deem proper."
- 6. Section 2234 of the Code provides that the Board shall taken disciplinary action against any licensee guilty of unprofessional conduct.
- 7. Unprofessional conduct under 2234 of the Code is 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. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

8. Section 726 of the Code provides:

- "(a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division or under any initiative act referred to in this division.
- "(b) This section shall not apply to consensual sexual contact between a licensee and his or her spouse or person in an equivalent domestic relationship when that licensee provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship."

9. Section 729 of the Code states:

- "(a) Any physician and surgeon, psychotherapist, alcohol and drug abuse counselor or any person holding himself or herself out to be a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in those acts, unless the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor has referred the patient or client to an independent and objective physician and surgeon, psychotherapist, or alcohol and drug abuse counselor recommended by a third-party physician and surgeon, psychotherapist, or alcohol and drug abuse counselor for treatment, is guilty of sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.
- "(b) Sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor is a public offense:
- "(1) An act in violation of subdivision (a) shall be punishable by imprisonment in a county jail for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.
- "(2) Multiple acts in violation of subdivision (a) with a single victim, when the offender has no prior conviction for sexual exploitation, shall be punishable by imprisonment in a county jail

for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

- "(3) An act or acts in violation of subdivision (a) with two or more victims shall be punishable by imprisonment in the state prison for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.
- "(4) Two or more acts in violation of subdivision (a) with a single victim, when the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.
- "(5) An act or acts in violation of subdivision (a) with two or more victims, and the offender has at least one prior conviction for sexual exploitation, shall be punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10,000).

"For purposes of subdivision (a), in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

- "(c) For purposes of this section:
- "(1) 'Psychotherapist' has the same meaning as defined in Section 728.
- "(2) 'Alcohol and drug abuse counselor' means an individual who holds himself or herself out to be an alcohol or drug abuse professional or paraprofessional.
- "(3) 'Sexual contact' means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

"(4) 'Intimate part' and	'touching' have the	same meanings as	s defined in Section 2	243.4 of
the Penal Code.				

- "(d) In the investigation and prosecution of a violation of this section, no person shall seek to obtain disclosure of any confidential files of other patients, clients, or former patients or clients of the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.
- "(e) This section does not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship.
- "(f) If a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor in a professional partnership or similar group has sexual contact with a patient in violation of this section, another physician and surgeon, psychotherapist, or alcohol and drug abuse counselor in the partnership or group shall not be subject to action under this section solely because of the occurrence of that sexual contact."

FIRST CAUSE FOR DISCIPLINE

(Sexual Exploitation)

10. Respondent is subject to disciplinary action under Code section 729 in that he engaged in sexual exploitation, specifically by engaging in sexual contact with a patient. The circumstances are as follows:

Patient

25'

A. In or around July 2014, the Patient, an adult female, began receiving medical / psychiatric care from Respondent. On August 14, 2014, Respondent prescribed to the Patient, Clonazepam, .5 mg, # 120, Prescription No 4429026, with three (3) refills. 12

¹ "The Patient" is used in lieu of initials in order to protect the patent's privacy.

² Clonazepam, sold under the brand name Klonopin among others, is a medication used to prevent and treat seizures, panic disorder, and for the movement disorder known as akathisia. It is a tranquilizer of the benzodiazepine class. Taken by mouth, it begins having an effect within an hour and lasts between six and 12 hours. Common side effects include sleepiness, poor coordination, and agitation. Long-term use may result in tolerance, dependence, and withdrawal symptoms if stopped abruptly. Dependence occurs in one-third of people who take clonazepam for longer than four weeks, and it may increase risk of suicide in people who are depressed.

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."

14. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 1, referenced above, in that he failed to successfully complete the education courses. The facts and circumstances regarding this violation are as follows: Respondent failed to submit educational programs or courses to the Board for its prior approval within the 60 days of the effective date of the Decision.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Participate in a Prescribing Practices Course)

15. Condition 2 of the Board's Decision and Order *In the Matter of Accusation Against Robert T. Perez, M.D.*," Case No. 04-2013-234367, which became effective on December 8, 2017, states:

"PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. "Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

"A prescribing practices course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course

would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

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

16. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 2, referenced above, in that he failed to successfully complete the Prescribing Practices Course. The facts and circumstances regarding this violation are as follows: Respondent failed to enroll in a Prescribing Practicing Course within 60 days of the effective date of the Decision.

THIRD CAUSE TO REVOKE PROBATION

(Failure to Participate in Professionalism Program (Ethics Course))

17. Condition 3 of the Board's Decision and Order *In the Matter of Accusation Against Robert T. Perez*, *M.D.*," Case No. 04-2013-234367, which became effective on December 8, 2017, states:

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

"A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the

Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision.

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

18. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 3, referenced above, in that he failed to participate in a Professionalism Program (Ethics Course). The facts and circumstances regarding this violation are as follows: Respondent failed to enroll in a Professionalism Program (Ethics Course) within 60 days of the effective date of the Decision.

FOURTH CAUSE TO REVOKE PROBATION

(Failure to Participate in Professional Boundaries Program)

19. Condition 4 of the Board's Decision and Order *In the Matter of Accusation Against Robert T. Perez, M.D.*," Case No. 04-2013-234367, which became effective on December 8, 2017, states:

"PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the effective date of this Decision, Respondent shall enroll in a professional boundaries program approved in advance by the Board or its designee. Respondent, at the program's discretion, shall undergo and complete the program's assessment of Respondent's competency, mental health and/or neuropsychological performance, and at minimum, a 24 hour program of interactive education and training in the area of boundaries, which takes into account data obtained from the assessment and from the Decision(s), Accusation(s) and any other information that the Board or its designee deems relevant. The program shall evaluate Respondent at the end of the training and the program shall provide any data from the assessment and training as well as the results of the evaluation to the Board or its designee.

"Failure to complete the entire program not later than six (6) months after

Respondent's initial enrollment shall constitute a violation of probation unless the Board or its designee agrees in writing to a later time for completion. Based on Respondent's performance in and evaluations from the assessment, education, and training, the program shall advise the Board or its designee of its recommendation(s) for additional education, training, psychotherapy and other measures necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with program recommendations. At the completion of the program, Respondent shall submit to a final evaluation. The program shall provide the results of the evaluation to the Board or its designee. The professional boundaries program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

"The program has the authority to determine whether or not Respondent successfully completed the program.

"A professional boundaries course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

"If Respondent fails to complete the program within the designated time period,
Respondent shall cease the practice of medicine within three (3) calendar days after being
notified by the Board or its designee that Respondent failed to complete the program."

20. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 4, referenced above, in that he failed to participate in a Professional Boundaries program. The facts and circumstances regarding this violation are as follows: Respondent failed to enroll in a Professionalism Boundaries Program within 60 days of the effective date of the Decision.

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FIFTH CAUSE TO REVOKE PROBATION

(Failure to Submit Quarterly Declarations)

21. Condition 9 of the Board's Decision and Order *In the Matter of Accusation Against Robert T. Perez, M.D.*," Case No. 04-2013-234367, which became effective on December 8, 2017, states:

"QUARTERLY DECLARATIONS. Respondent 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.

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

22. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 9, referenced above, in that he failed to submit Quarterly Declarations. The facts and circumstances regarding this violation are as follows: Respondent failed to submit a properly completed declaration for Quarter IV, 2017, due January 10, 2018. Respondent also failed to submit a declaration for Quarter 1, 2018, due April 10, 2018.

DISCIPLINE CONSIDERATIONS

23. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about December 8, 2017, in a prior disciplinary action entitled *In the Matter of the Accusation Against Robert T. Perez*, Case No. 04-2013-234367, before the Medical Board of California, Respondent's license was revoked, the revocation stayed and Respondent was placed on probation for thirty-five (35) months on terms and conditions for violations of gross negligence, repeated negligent acts, dishonest acts, failure to maintain adequate and accurate records, and unprofessional conduct. Probation will expire on or about December 8, 2020. That decision is now final and is incorporated by reference as if fully set forth.

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:

- Revoking the probation that was granted by the Medical Board of California in case 04-2013-234367 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate Number G 80178, issued to Robert T. Perez, M.D.;
- Revoking or suspending Physician's and Surgeon's Certificate No. G 80178 issued to
- Revoking, suspending or denying approval of his authority to supervise physician assistants and advance practice nurses;
- If placed on probation, ordering him to pay the Medical Board of California the costs of probation monitoring; and
 - Taking such other and further action as deemed necessary and proper.

Executive **b**irector

Medical Board of California

Department of Consumer Affairs

State of California

Complainant

28

Exhibit A

Decision and Order Re Case No. 04-2013-234367

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

In the Matter of the Accusation A	Against:))	٠				
)					,
ROBERT T. PEREZ, M.D.)))	MBC :	File # 0	4-2013	-23436	57
Physician's & Surgeon's Certificate No. G 80178)))	·				
<u> </u>	Respondent.) ·					

ORDER CORRECTING NUNC PRO TUNC CLERICAL ERRORS IN "ORDER DATE" AND "EFFECTIVE DATE" PORTIONS OF DECISION

On its own motion, the Medical Board of California (hereafter "board") finds that there are clerical errors in the "order date" and "effective date" portions of the Decision in the above-entitled matter and that such clerical errors should be corrected.

IT IS HEREBY ORDERED that the order date and effective date contained on the Decision Order Page in the above-entitled matter be and hereby are amended and corrected nunc pro tunc as of the date of entry of the decision to read:

- "IT IS SO ORDERED: November 8, 2017."
- "This Decision shall become effective at 5:00 p.m. on December 8, 2017."

Dated: November 14, 2017

Kristina D. Lawson, J.D., Chair

Panel B

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

In the Matter of the Accusation Against:)
ROBERT T. PEREZ, M.D.) Case No. 04-2013-234367
Physician's and Surgeon's Certificate No. G 80178))
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 November 8, 2017.

IT IS SO ORDERED: December 8, 2017.

MEDICAL BOARD OF CALIFORNIA

Kristina Lawson, J.D., Chair

Panel B

	(I		
1	XAVIER BECERRA Attorney General of California		
2	ROBERT MCKIM BELL Supervising Deputy Attorney General		
3	CHRIS LEONG Deputy Attorney General		
4	State Bar No. 141079 California Department of Justice		
5	300 So. Spring Street, Suite 1702		
6	Los Angeles, CA 90013 Telephone: (213) 897-2575		
7	Facsimile: (213) 897-9395 Attorneys for Complainant		
8		RE THE	
9		O OF CALIFORNIA CONSUMER AFFAIRS	
10	STATE OF C	CALIFORNIA	
11	In the Matter of the Accusation Against:	Case No. 04-2013-234367	
12	ROBERT T. PEREZ, M.D.	OAH No. 2017010798	
13	1420 E. Edinger Avenue, Suite 123 Santa Ana, CA 92705	STIPULATED SETTLEMENT AND	
14	Physician's and Surgeon's Certificate No.	DISCIPLINARY ORDER	
15	G80178,		
16	Respondent.		
17			
18	In the interest of a prompt and speedy settl	ement of this matter, consistent with the public	
19	interest and the responsibility of the Medical Boa	ard of California (Board), the parties hereby	
20	agree to the following Stipulated Settlement and	Disciplinary Order which will be submitted to	
21	the Board for approval and adoption as the final disposition of the Accusation.		
22	<u>PAR</u>	TIES	
23	Kimberly Kirchmeyer (Complainant) is the Executive Director of the Board. She	
24	brought this action solely in her official capacity	and is represented in this matter by Xavier	
25	Becerra, Attorney General of the State of Californ	mia, by Chris Leong, Deputy Attorney General.	
26	2. Respondent Robert T. Perez, M.D. (1	Respondent) is represented in this proceeding by	
27	attorney Lee J. Petros, whose address is 1851 Ea	st First Street, Ste. 840	
28	Santa Ana, CA 92705.	•	
	l'		

3. On November 2, 1994, the Board issued Physician's and Surgeon's Certificate No. G80178., Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in the Accusation No. 04-2013-234367 and will expired on February 89, 2018, unless renewed.

JURISDICTION

- 4. Accusation No. 04-2013-234367 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 May 5, 2015. Respondent timely filed his Notice of Defense contesting the Accusation.
- 5. A copy of Accusation No. 04-2013-234367 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 04-2013-234367. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 7. 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.
- 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 04-2013-234367, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

- 10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.
- 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.
- 12. Respondent agrees that if he ever petitions for early termination of probation or modification of probation, or if the Board ever petitions for revocation of probation, all of the charges and allegations contained in Accusation No. 04-2013-234367, shall be deemed true, correct and fully admitted by Respondent for purpose of that proceeding or any other licensing proceeding involving Respondent in the State of California.

CONTINGENCY

- 13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, 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 Settlement 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.
- 14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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15. 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 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G80178 issued to Respondent Robert T. Perez, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for thirty-five (35) months on the following terms and conditions.

- 1. <u>EDUCATION COURSE</u>. 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 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 20 hours of CME of which 10 hours were in satisfaction of this condition.
- 2. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A prescribing practices course taken after the acts that gave rise to the charges in the

Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

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

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

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

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

4. <u>PROFESSIONAL BOUNDARIES PROGRAM</u>. Within 60 calendar days from the effective date of this Decision, Respondent shall enroll in a professional boundaries program approved in advance by the Board or its designee. Respondent, at the program's discretion, shall

undergo and complete the program's assessment of Respondent's competency, mental health and/or neuropsychological performance, and at minimum, a 24 hour program of interactive education and training in the area of boundaries, which takes into account data obtained from the assessment and from the Decision(s), Accusation(s) and any other information that the Board or its designee deems relevant. The program shall evaluate Respondent at the end of the training and the program shall provide any data from the assessment and training as well as the results of the evaluation to the Board or its designee.

Failure to complete the entire program not later than six (6) months after Respondent's initial enrollment shall constitute a violation of probation unless the Board or its designee agrees in writing to a later time for completion. Based on Respondent's performance in and evaluations from the assessment, education, and training, the program shall advise the Board or its designee of its recommendation(s) for additional education, training, psychotherapy and other measures necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with program recommendations. At the completion of the program, Respondent shall submit to a final evaluation. The program shall provide the results of the evaluation to the Board or its designee. The professional boundaries program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

The program has the authority to determine whether or not Respondent successfully completed the program.

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

If Respondent fails to complete the program within the designated time period, Respondent shall cease the practice of medicine within three (3) calendar days after being notified by the Board or its designee that Respondent failed to complete the program.

5. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of

this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall consider any information provided by the Board or designee and any other information the psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all psychiatric evaluations and psychological testing.

Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist within 15 calendar days after being notified by the Board or its designee.

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

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

- 7. <u>SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE</u>

 <u>NURSES.</u> During probation, Respondent is prohibited from supervising physician assistants and advanced practice nurses.
- 8. <u>OBEY ALL LAWS</u>. Respondent 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.
- 9. <u>OUARTERLY DECLARATIONS</u>. Respondent 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.

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

10. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

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

Place of Practice

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

License Renewal

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

Travel or Residence Outside California

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

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

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

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

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

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

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

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.

13. <u>COMPLETION OF PROBATION</u>. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the

completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

- 14. <u>VIOLATION OF PROBATION</u>. 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 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.
- 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.
- 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Lee J. Petros. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and

1	Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the			
2	Decision and Order of the Medical Board of California			
3	DATED: (12/17)			
4	ROBERT T. PEREZ, M.D.			
5	Respondent			
6	I have read and fully discussed with Respondent Robert T. Perez, M.D. the terms and			
7	conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.			
. 8	I approve its form and content.			
9	DATED: 8/3//7			
10	Attorney for Respondent			
11				
12	ENDORSEMENT			
13	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully			
14	submitted for consideration by the Medical Board of California.			
15	Dated: Respectfully submitted,			
16 [.]	XAVIER BECERRA Attorney General of California			
17	ROBERT MCKIM BELL Supervising Deputy Attorney General			
18	chin Cer			
19	CHRIS LEONG			
20	Deputy Attorney General Attorneys for Complainant			
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EXHIBIT A
Accusation No. 04-2013-234367

FILED STATE OF CALIFORNIA MEDICAL BOARD OF CALIFORNIA KAMALA D. HARRIS SACRAMENTO May 5 Attorney General of California 2 E. A. JONES III Supervising Deputy Attorney General 3 CHRIS LEONG Deputy Attorney General State Bar No. 141079 4 California Department of Justice 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2575 5 6 Facsimile: (213) 897-9395 7 Attorneys for Complainant 8 9 BEFORE THE MEDICAL BOARD OF CALIFORNIA 10 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 11 Case No. 04-2013-234367 12 In the Matter of the Accusation Against: **ROBERT T. PEREZ, M.D.** 2021 E. 4th Street, #118 13 **ACCUSATION** 14 Santa Ana, CA 92705 15 Physician's and Surgeon's Certificate No. G80178 16 Respondent. 17 18 19 Complainant alleges: **PARTIES** 20 Kimberly Kirchmeyer (Complainant), brings this Accusation solely in her official 21 1. capacity as Executive Director of the Medical Board of California (Board). 22 On or about November 2, 1994, the Board issued Physician's and Surgeon's 23 Certificate Number G80178 to Robert T. Perez, M.D. (Respondent). This license was in full 24 force and effect at all times relevant to the charges brought herein and expires on February 29, 25 26 2016, unless renewed. 27 /// 28 /// Accusation (Case #04-2013-234367)

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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 2227 of the Code states, in pertinent part:
- "(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.
 - "(5) Have any other action taken in relation to discipline as the Board or an administrative law judge may deem proper."
 - 5. 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.

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December 2012 through July 2013. On June 26, 2013, Respondent greeted M.M. in a "peculiar way" saying, "How are you beautiful, you're beautiful as always." Respondent told M.M. that she looked beautiful. This made M.M. uncomfortable. During the first half hour of the visit, Respondent talked to her about his divorce referring to his wife as "cabrona" and claiming that his wife wanted to take his daughter away from him. Respondent showed her a picture of his daughter and told her about a restraining order against him. Respondent said, "I'm a doctor, I don't deserve this" [a divorce and restraining order]. Respondent said to M.M.: "You're a very valuable woman, get a divorce and I will take you."

- 10. On July 18, 2013, M.M. went to Respondent's office with her friend, R.M., to turn in some insurance papers. She did not have an appointment on that day. Respondent told her to have his secretary fill out the insurance papers and to cancel her next appointment, because he had to go to Court. M.M. told Respondent about concerns she had with medication he prescribed to her. M.M. told Respondent that a pharmacist told her that a medication Respondent prescribed, Topamax, reacted badly with her other medications, Lexapro and Xanax. Respondent became furious and yelled at M.M. in an uncontrollable manner stating: "I was on vacation, what do you want me to do! I have problems. I have to go to Court on Monday. My ex-wife is a fucking liar and she wants to take my daughter from me. I am a doctor, I am the one that knows. Assholes! Bastards! I'm going to sue them assholes!" M.M. became frightened and called her husband and put him on speaker phone. M.M. received three calls from Respondent's office that day and she called back because she thought it was to cancel her appointment, but the secretary told her that the doctor wanted to talk to her. M.M. refused to talk with Respondent because she was still scared.
- 11. On July 23, 2013, M.M. went to Respondent's office accompanied by her husband and her son to pick up the insurance papers. Respondent was rude to her husband and asked him to leave the office and called them paranoid. Respondent asked M.M.'s husband if he had brought a firearm; M.M.'s husband replied that they did not. Respondent told M.M. that he would only give her the insurance papers if she went into his office alone. M.M. and her husband

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told him that was not going to happen and that she was not going to his office alone. Respondent told her husband to shut up and that if he did not like his methods, the door was wide open. M.M.'s son J.M, told Respondent not to talk to his father like that and to have some respect, and Respondent calmed down. M.M. asked Respondent to give her chart to her so that she could see another psychiatrist and Respondent refused. M.M. took the records. Respondent told M.M. that if she did not give it back to him he would call 911 since she was taking his property. M.M. gave Respondent back the records. Respondent yelled at M.M. and called her a paranoid schizophrenic and said, "Bye bye," as he tried to close the door on them. M.M.'s son prevented him from closing the door and Respondent once again asked if they were armed. Respondent ran out of his office and made copies, but did not give M.M. a copy of the full records.

- 12. On or about December 11, 2013, a Medical Board Investigator visited
 Respondent's office regarding M.M.'s complaints. Respondent was rude and unprofessional and very sarcastic and condescending. Respondent clenched both fists and took a fighting stance, even though the Investigator had one hand on the portfolio and his right hand in his pocket. The investigator informed Respondent that he had failed to pay his medical license fees.
- 13. Respondents records showed that he diagnosed M.M. with: "Atypical Depression and Panic Disorder with Agoraphobia." In a letter addressed to the Board dated December 13, 2013, M.M. noted that Respondent had treated M.M. from November 6, 2012, through June 11, 2013.
- 14. Another physician had previously treated M.M. from December 2011 through 2012; her diagnosis then included "Adjustment Disorder with Mixed Anxiety, Depressed Mood, and Panic Disorder with Agoraphobia." She was provided a temporary total psychiatric disability with respect to her job as a customer service representative. She was prescribed Celexa (an antidepressant) and Xanax (an anti-anxiety medication).
- Respondent altered the written medical records months after his last session with the patient. This was clearly done to validate his defense against the allegations raised by his former patient, M.M.

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Robert T. Perez. A petition to establish parental relationship was filed on May 9, 2013, by S.P. regarding the custody and visitation of Respondent. A Restraining Order was issued by Judge Silbar on June 7, 2013, against Respondent, protecting S.P. and her two daughters aged 17 and 13, and two nephews aged 17 and 11. The Order was amended on August 22, 2013.

17. A Minute Order dated June 7, 2013, noted that Respondent was admonished by the Court for showing disrespect to the Court. The Court described for the record, the disrespectful

2013, through August 22, 2013, Respondent and S.P. were involved in a matter before the

Superior Court of California, County of Orange, Family Court regarding the case of S.P. v.

Respondent and his former girlfriend S.P. have a daughter, C.P. From May 9,

conduct of Respondent. The Court issued a Restraining Order based on the following:

Respondent's demeanor appeared to be angry. Respondent threatened S.P. of defamation and was involved in disputes with the S.P.'s 17-year-old child. Respondent drove through S.P.'s lawn angrily. Respondent was awarded monitored visitations and initially ordered to complete an eight-week anger management course. A stipulated judgment on August 22, 2013, modified the visitation for unmonitored visits.

Respondent exhibited narcissistic and sociopathic type behaviors towards his patient, M.M. Respondent exhibited similar behavior toward his ex-girlfriend S.P., who is the mother of his 10-year-old daughter. The documents filed in Family Court in the Superior Court of Orange County regarding the case of S.P. v. Robert Perez, indicate a pattern of threatening behavior to his ex-girlfriend, e.g., making documented multiple threats to call the Immigration Service to have S.P. deported. He threatened to refuse to pay child support – which is illegal in California – and to obtain full custody of their daughter. The court documents indicated that Respondent advised S.P. that he made an "anonymous tip" to the Orange County Police Department to report her for not having a driver's license and for working illegally (she was previously employed by him). He wrote numerous letters of a threatening nature to S.P. alleging she was mentally ill and suffered from Bipolar Disorder. He threatened to only have a cash

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practice so he didn't have to pay her child support. The judge opined that Respondent was disrespectful to the Court and issued a Restraining Order against him protecting S.P. The threatening letters to his ex-girlfriend do not fall into the normal range of understandably disgruntled family law litigants. Respondent used his power, position and money to threaten S.P., showing that he had no regard for others, especially the mother of his young daughter. He was subsequently admonished by the Court and an order in June 2013 to complete an eight-week anger management course was modified to a January 16, 2014, order to complete a 22 — week anger management program after he continued his threatening behavior towards S.P. while under the scrutiny of the judge.

- 19. Respondent was grossly negligent in both his behavior and in the care and treatment of a patient as follows:
- A. The standard of care provides that a physician should not share intimate details of his personal life with a patient. Respondent failed to maintain a professional demeanor and boundaries with his patient, M.M., by repeatedly discussing his personal life, specifically regarding a contentious custody battle with the mother of his ten-year-old daughter.
- B. Respondent used profanity and made sexual innuendoes to M.M. He exhibited unprofessional behavior by being rude, sarcastic, condescending and threatening and by yelling and engaging in verbal outbursts, thereby exhibiting an unprofessional demeanor, which was unbecoming to a member in good standing of the medical profession.
- C. Respondent made condescending, verbally abusive statements, and yelled at the Medical Board Investigator during the course of this investigation, thereby exhibiting an unprofessional demeanor, which was unbecoming to a member in good standing of the medical profession.
- D. Respondent was rude, angry, and disrespectful towards an Orange County Superior Court Judge during his Family Court trial, thereby exhibiting an unprofessional demeanor, which was unbecoming to a member in good standing of the medical profession. This resulted in a restraining order issued against Respondent to protect S.P.

THIRD CAUSE FOR DISCIPLINE (Dishonest Acts) . 2 21. Respondent is subject to disciplinary action under Code section 2234, subdivision (e), 3 in that he was dishonest in the course of providing medical services. The fact and circumstances 4 alleged above in the First and Second Causes for Discipline are incorporated here as if fully set 5 forth. 6 22. More specifically, Respondent was dishonest as follows: 7 A. When he altered M.M.'s medical records to avoid liability. 8 B. When he made false statements regarding S.P. 9 FOURTH CAUSE FOR DISCIPLINE 10 (Failure to Maintain Adequate and Accurate Records) 11 23. Respondent is subject to disciplinary action under Code section 2266, in that he failed 12 to maintain adequate and accurate records relating to the provision of medical services to patient 13 M.M., by altering the medical records of M.M. and the fact and circumstances alleged above in 14 the First, Second, and Third Causes for Discipline. The fact and circumstances alleged above in 15 the First, Second, and Third Causes for Discipline, are incorporated here as if fully set forth. 16 FIFTH CAUSE FOR DISCIPLINE 17 (Unprofessional Conduct) 18 24. Respondent is subject to disciplinary action under Code section 2234, in that he 19 engaged in unprofessional conduct in the care and treatment of a patient. The facts and 20 circumstances alleged above in the First, Second, Third, and Fourth Causes for Discipline, are 21 incorporated here as if fully set forth. 22 /// 23 /// 24 25 ///

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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 Number G80178, issued to Robert T. Perez, M.D.;
- 2. Revoking, suspending or denying approval of Robert T. Perez, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
- 3. Ordering Robert T. Perez, M.D. to pay the Medical Board of California, if placed on probation, the costs of probation monitoring; and
 - 4. Taking such other and further action as deemed necessary and proper.

DATED: May 5, 2015

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

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