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

12 In the Matter of the Accusation Against:

Case No. 800-2015-015132

13 **SUSHIL KUMAR SOMPUR**
14 **VASANTHKUMAR, M.D.**

15 655- 1 Sompura Bannur Main Road
16 Alanahalli Post
17 Mysore, 570028 India

DEFAULT DECISION
AND ORDER

[Gov. Code §11520]

18 Physician's and Surgeon's Certificate No.
19 A109001

20 Respondent.

21 On or about September 29, 2015, an employee of the Medical Board (Board) of California,
22 served by Certified Mail a copy of Accusation No. 800-2015-015132, Statement to Respondent,
23 Notice of Defense in blank, Request for Discovery, and Government Code sections 11507.5,
24 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 655 - 1
25 Sompura Bannur Main Road Alanahalli Post Mysore, 570028 India. (Exhibit Package, Exhibit
26 1: Accusation No. 800-2015-015132, the related documents, and Declaration of Service)¹

27 ¹ The evidence in support of this Default Decision and Order is contained in the "Exhibit
28 Package."

1 On November 15, 2015, the Board received the certified mail receipt card signed by
2 “Manjila Vasanthkumar (mother).” (Exhibit Package, Exhibit 2: certified mail receipt card.)

3 On November 12, 2015, an employee of the Attorney General’s Office sent by certified
4 mail addressed to Respondent at his address of record a courtesy Notice of Default, advising
5 Respondent of the Accusation, and providing Respondent with an opportunity to request relief
6 from default. (Exhibit Package, Exhibit 3: Courtesy Notice of Default.)

7 Respondent has not responded to service of the Accusation or the Notice of Default. He
8 has not filed a Notice of Defense. As a result, Respondent has waived his right to a hearing on
9 the merits to contest the allegations contained in the Accusation.

10 **FINDINGS OF FACT**

11 I.

12 Complainant Kimberly Kirchmeyer is the Executive Director of the Board. The charges and
13 allegations in Accusation No. 800-2015-015132 were at all times brought and made solely in the
14 official capacity of the Board’s Executive Director.

15 II.

16 On or about July 24, 2009, the Board issued Physician's and Surgeon's Certificate No.
17 A109001 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at
18 all times relevant to the charges brought herein and expired on March 31, 2015. The certificate
19 has not been renewed. (Exhibit Package, Exhibit 4: Certificate of License.)

20 III.

21 On or about September 29, 2015, Respondent was served with an Accusation, alleging
22 causes for discipline against Respondent. The Accusation and accompanying documents were
23 duly served on Respondent. A Courtesy Notice of Default was thereafter served on Respondent.
24 Respondent failed to file a Notice of Defense.

25 IV.

26 The allegations of the Accusation are true as follows:

27 On June 23, 2015, the Department of Commerce, Division of Occupational and
28 Professional Licensing for the State of Utah revoked Respondent’s medical license, finding that

1 Respondent engaged in conduct that resulted in disciplinary action, including reprimand, censure,
2 diversion, probation, suspension or revocation, by another licensing or regulatory authority
3 having jurisdiction over Respondent in the same occupation or profession, for conduct that would
4 constitute unprofessional conduct and grounds for denial of licensure or discipline in the State of
5 Utah.

6 The basis for the Utah action was that on November 13, 2013, Respondent was issued a
7 citation by the State Medical Board of Ohio. The citation came as a result of Respondent's false,
8 fraudulent, deceptive or misleading statements made on his application for licensure in Ohio. In
9 addition, on December 4, 2013, Respondent applied for a physician's license in the State of
10 Alabama. On or about April 16, 2014, Respondent was denied licensure as a physician based on
11 Respondent submitting false, misleading, or untruthful information to the Alabama Board of
12 Medical Examiners. The Alabama Board found that Respondent had engaged in unprofessional
13 conduct.

14 On December 16, 2013, Respondent applied for renewal of his physician's license in the
15 State of Utah. The renewal was granted because Respondent denied on his renewal application
16 that he had received the citation in Ohio. A copy of the Default Order revoking Respondent's
17 license in the State of Utah is attached as Exhibit A to the Accusation. (Exhibit Package, Exhibit
18 1: Accusation.)

19 **DETERMINATION OF ISSUES**

20 Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the
21 Department of Commerce, Division of Occupational and Professional Licensing for the State of
22 Utah constitute cause for discipline within the meaning of Business and Professions Code
23 sections 2305 and/or 141.

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1 **DISCIPLINARY ORDER**

2 Physician's and Surgeon's Certificate No. A109001, heretofore issued to Respondent Sushil
3 Kumar Sompur Vasanthkumar, M.D., is REVOKED.

4 Respondent shall not be deprived of making a request for relief from default as set forth in
5 Government Code section 11520, subdivision (c), for good cause shown. However, such showing
6 must be made in writing by way of a motion to vacate the default decision and directed to the
7 Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within
8 seven (7) days after service of the Decision on Respondent.

9 This Decision shall become effective on April 1, 2016.

10 It is so ORDERED March 3, 2016

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12 MEDICAL BOARD OF CALIFORNIA
13 DEPARTMENT OF CONSUMER AFFAIRS
14 STATE OF CALIFORNIA

15
16 By: 
17 KIMBERLY KIRCHMEYER
18 EXECUTIVE DIRECTOR

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26 draft Default Decision Order (W).doc

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 24, 2015
BY: JYELCHAK ANALYST

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

In the Matter of the Accusation Against:

**SUSHIL KUMAR SOMPUR
VASANTHKUMAR, M.D.**

655-1 Sompura Bannur Main Road,
Alanahalli Post
Mysore 570028 India

Physician's and Surgeon's Certificate
No. A 109001,

Respondent.

Case No. 800-2015-015132

A C C U S A T I O N

Complainant alleges:

PARTIES

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

2. On or about July 24, 2009, the Medical Board issued Physician's and Surgeon's Certificate Number A 109001 to Sushil Kumar Sompur Vasanthkumar, M.D. (Respondent). Respondent's license is delinquent, having expired on March 31, 2015.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Medical Board of California (Board) under the
3 authority of the following sections of the California Business and Professions Code (Code) and/or
4 other relevant statutory enactment:

5 A. Section 2227 of the Code provides in part that the Board may revoke,
6 suspend for a period not to exceed one year, or place on probation, the license of any
7 licensee who has been found guilty under the Medical Practice Act, and may recover the
8 costs of probation monitoring.

9 B. Section 2305 of the Code provides, in part, that the revocation, suspension,
10 or other discipline, restriction or limitation imposed by another state upon a license to
11 practice medicine issued by that state, that would have been grounds for discipline in
12 California under the Medical Practice Act, constitutes grounds for discipline for
13 unprofessional conduct.

14 C. Section 141 of the Code provides:

15 “(a) For any licensee holding a license issued by a board under the jurisdiction
16 of a department, a disciplinary action taken by another state, by any agency of the
17 federal government, or by another country for any act substantially related to the
18 practice regulated by the California license, may be ground for disciplinary action
19 by the respective state licensing board. A certified copy of the record of the
20 disciplinary action taken against the licensee by another state, an agency of the
21 federal government, or by another country shall be conclusive evidence of the
22 events related therein.

23 “(b) Nothing in this section shall preclude a board from applying a specific
24 statutory provision in the licensing act administered by the board that provides for
25 discipline based upon a disciplinary action taken against the licensee by another
26 state, an agency of the federal government, or another country.”

27 **FIRST CAUSE FOR DISCIPLINE**

28 (Discipline, Restriction, or Limitation Imposed by Another State)

4. On June 23, 2015, the Department of Commerce, Division of Occupational and
Professional Licensing for the State of Utah revoked Respondent’s medical license, finding that
Respondent engaged in conduct that resulted in disciplinary action, including reprimand, censure,
diversion, probation, suspension or revocation, by another licensing or regulatory authority
having jurisdiction over Respondent in the same occupation or profession, for conduct that would

1 constitute unprofessional conduct and grounds for denial of licensure or discipline in the State of
2 Utah. The basis for the Utah action was that on November 13, 2013, Respondent was issued a
3 citation by the State Medical Board of Ohio. The citation came as a result of Respondent's false,
4 fraudulent, deceptive or misleading statements made on his application for licensure in Ohio. In
5 addition, on December 4, 2013, Respondent applied for a physician's license in the State of
6 Alabama. On or about April 16, 2014, Respondent was denied licensure as a physician based on
7 Respondent submitting false, misleading, or untruthful information to the Alabama Board of
8 Medical Examiners. The Alabama Board found that Respondent had engaged in unprofessional
9 conduct. On December 16, 2013, Respondent applied for renewal of his physician's license in
10 the State of Utah. The renewal was granted because Respondent denied on his renewal
11 application that he had received the citation in Ohio. A copy of the Default Order revoking
12 Respondent's license in the State of Utah is attached as Exhibit A.

13 5. Respondent's conduct and the action of the State of Utah, as set forth in paragraph
14 4 above, constitute unprofessional conduct within the meaning of section 2305 and conduct
15 subject to discipline within the meaning of section 141(a).

16 **PRAYER**


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

- 19 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 109001,
20 issued to Sushil Kumar Sompur Vasanthkumar, M.D.;
- 21 2. Revoking, suspending or denying approval of Sushil Kumar Sompur
22 Vasanthkumar, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the
23 Code;
- 24 3. Ordering Sushil Kumar Sompur Vasanthkumar, M.D., if placed on probation, to
25 pay the Board the costs of probation monitoring; and
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4. Taking such other and further action as deemed necessary and proper.

DATED: September 29, 2015


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

SF2015402462
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Exhibit A

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
P O Box 146741
Salt Lake City UT 84114-6741
Telephone: (801) 530-6628

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF	:	FINDINGS OF FACT,
SUSHIL KUMAR SOMPUR VASANTHKUMAR	:	CONCLUSIONS OF LAW,
	:	RECOMMENDATION, AND
TO PRACTICE AS A PHYSICIAN/SURGEON	:	DEFAULT ORDER
AND TO ADMINISTER AND PRESCRIBE	:	
CONTROLLED SUBSTANCES	:	
IN THE STATE OF UTAH	:	
	:	Case No. DOPL-2015-217

FINDINGS OF FACT

1. Respondent was initially licensed in Utah as a physician on or about May 12, 2010.
2. Respondent was continuously licensed during the timeframes addressed herein.
3. Respondent has engaged in conduct that resulted in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by another licensing or regulatory authority having jurisdiction over Respondent in the same occupation or profession, as follows:
 - (a) On November 13, 2013, Respondent was disciplined by the State Medical Board of Ohio with regard to Respondent's license to practice as a physician in the State of Ohio. Said license was issued a citation. The basis of the action was Respondent making false, fraudulent, deceptive or misleading statements in attempting to secure licensure in Ohio.
 - (b) On December 4, 2013, Respondent was denied licensure as a physician in the State of Alabama. The denial of Respondent's license in Alabama constituted unprofessional conduct which is considered disciplinary action. The basis of the action was Respondent submitting false, misleading, or untruthful information to the Alabama Board of Medical Examiners.

4. On or about December 16, 2013, Respondent applied for renewal of his physician license in the State of Utah. Respondent misrepresented on his renewal application that he had no disciplinary action taken against his license in another jurisdiction.
5. On April 20, 2015, the Division filed a Notice of Agency Action ("Notice") alleging that Respondent engaged in the conduct described resulting in the disciplinary action by the State of Ohio and the State of Alabama.
6. The Notice further alleges that if the conduct described had occurred in Utah it would constitute grounds for denial of licensure or disciplinary proceedings in Utah under § 58-1-401. Specifically Respondent was disciplined by multiple licensing or regulatory authorities having jurisdiction over Respondent in the same occupation or profession as Utah. Respondent also misrepresented on his renewal application which would constitute disciplinary action in Utah.
7. Finally, the Notice alleges that by so doing Respondent engaged in unprofessional conduct in violation of Utah Code Annotated § 58-1-501(1)(e) and § 58-1-501(2)(d). The Notice seeks appropriate disciplinary action against Respondent pursuant to Utah Code Annotated § 58-1-401(2).
8. This matter is classified as an informal proceeding pursuant to Utah Administrative Code § R156-46b-202(2)(c).
9. A written response was required in this matter pursuant to Utah Administrative Code § R156-46b-402 and the Notice filed herein. Respondent did not file a written response to the Notice as required.
10. This Notice was placed on the agenda of the May 20, 2015 meeting of the Utah Physician and Surgeon Licensing Board ("Board") for its recommended action. Respondent was not notified of the meeting due to Respondent's failure to file a written response. Respondent did not attend the meeting.
11. The Bureau Manager over physicians and surgeons apprised the Board at its meeting of respondent's failure to file a written response and then summarized Respondent's unprofessional conduct as described. The Bureau Manager recommended that Respondent's license be revoked.
12. The Board considered the information presented and recommended that Respondent's license be revoked.

CONCLUSIONS OF LAW

13. Respondent's failure to submit a written response constitutes a basis for entry of default against Respondent and for an order to be issued solely based upon the evidence of record in the Division's file.

14. A review of relevant information supports a conclusion that Respondent has engaged in conduct that resulted in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by another licensing or regulatory authority having jurisdiction over Respondent in the same occupation or profession, for conduct that would in the State of Utah constitute grounds for denial of licensure or disciplinary proceedings under § 58-1-401, thus constituting unprofessional conduct under Utah Code Annotated § 58-1-501(1)(e) and § 58-1-501(2)(d).

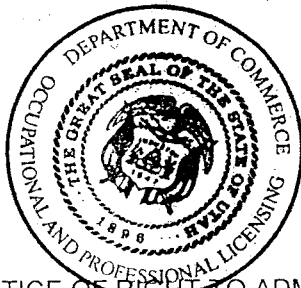
15. Respondent's conduct described resulting in the actions described constitutes a sufficient basis for disciplinary action against Respondent in accordance with Utah Code Annotated § 58-1-401(2).

DEFAULT ORDER

The Respondent's default is entered herein. After a careful consideration of this matter, the Findings of Fact and Conclusions of Law herein are hereby adopted by the Director. The Director concurs with order recommended by the Board.

WHEREFORE, IT IS ORDERED Respondent's licenses to practice as a physician and surgeon and to prescribe and administer controlled substances in this state shall be revoked.

Dated this 23 day of June, 2015.



for W. Roy Walker, Acting Director
MARK B. STEINAGEL
Director

NOTICE OF RIGHT TO ADMINISTRATIVE REVIEW

Agency review of this order may be obtained by filing a request for agency review with the Executive Director of the Department of Commerce, 160 East 300 South, Box 146701, Salt Lake City UT 84114-6701, within thirty (30) days after the date of this order. A motion to set aside the order may also be filed with the presiding officer pursuant to Rule 60(b) of the Utah Rules of Civil Procedure. The agency action in this case was an informal proceeding. The laws and rules governing agency review of this proceeding are found in Section 63G-4-101 et seq. of the Utah Code, and Rule 151-4 of the Utah Administrative Code.