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Medical Board of California

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

12 In the Matter of the Interim Order of Suspension
13 Against:

14 **Stuart H. Tubis, M.D.**
15 **800 Woodside Lane East**
Sacramento, CA 95825

16 **Physician's and Surgeon's Certificate**
17 **No. G 13754,**

18 Respondent.

OAH No. 2018060033.1

Case No. 800-2016-025718

**MODIFIED INTERIM ORDER OF
SUSPENSION**

Date: August 3, 2018

Time: 11:00 a.m.

Place: Office of Administrative Hearings,
Sacramento

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20 **TO STUART H. TUBIS, M.D.:**

21 THE MEDICAL QUALITY HEARING PANEL OF THE OFFICE OF
22 ADMINISTRATIVE HEARINGS, having read and considered the Ex Parte Petition for
23 Modification of Interim Order of Suspension to Lift Stay of Suspension, the supporting
24 memorandum of points and authorities, the declaration and exhibits submitted by the Office
25 of the Attorney General, and Surrender for Cause of DEA Certificate of Registration,

26 **HEREBY ORDERS THAT** the stay of the suspension of Physician and Surgeon's
27 Certificate G13754, issued to STUART H. TUBIS, M.D. (Respondent), under the June 28, 2018
28 Interim Order of Suspension is lifted, and the certificate is suspended immediately based upon h
29 failure to comply with that order.

1 Pending the hearing on and determination of the Modified Interim Suspension Order, Respondent shall be and hereby is immediately restrained and prohibited from:

- 2 A. Practicing or attempting to practice as a physician and surgeon;
- 3 B. Prescribing, dispensing, administering, furnishing, or possessing any controlled
- 4 substances or dangerous drugs (except for those medications lawfully prescribed to
- 5 Respondent by another physician for a bona fide illness or condition, and only in the
- 6 amounts and dosages as prescribed);
- 7 C. Possessing or holding his physician's and surgeon's wall and wallet certificates and
- 8 any and all prescription pads and blank prescription forms, which documents shall be
- 9 immediately surrendered by him to the Medical Board pending adjudication of this
- 10 matter; and
- 11 D. Possessing or holding any Drug Enforcement Administration (DEA) drug order forms
- 12 and any and all DEA permits, which documents shall be immediately surrendered by
- 13 him to the DEA.

14 IT IS FURTHER ORDERED that STUART H. TUBIS, M.D. shall immediately provide

15 documentary proof to the Board or its designee that he has surrendered to the DEA his DEA

16 permit(s) and drug order forms. Thereafter, Respondent shall not reapply for a new DEA permit

17 without the prior written consent of the Board or its designee.

18 IT IS FURTHER ORDERED that STUART H. TUBIS, M.D. appear at the Office of

19 Administrative Hearings, 2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833 on

20 August 23, 2018 at 10:00 a.m., for a hearing to be provided pursuant to Government Code

21 section 11529(d).

22 This Order, the Petition, the memorandum of points and authorities, and all supporting

23 evidence filed by the Office of the Attorney General shall be served on Respondent, either in

24 person or by a 24-hour delivery service at his address of record with the Board and by electronic

25 mail.

26 Respondent shall file any response with the Office of Administrative Hearings and shall

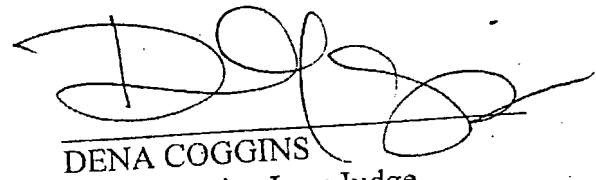
27 serve any such response on Petitioner through its attorney of record, Joshua M. Templet, Deputy

1 Attorney General, 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102, by 24-hour
2 delivery service and by electronic mail (Joshua.Templet@doj.ca.gov) on or before
3 August 15, 2018.

4 Petitioner may file any reply to the response and shall serve any such reply on Respondent
5 by 24-hour delivery service or electronic mail, on or before August 21, 2018.

6 IT IS SO ORDERED.

7 DATED: August 3, 2018



DENA COGGINS
Administrative Law Judge
Office of Administrative Hearings

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