

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

<b>In the Matter of the Accusation</b>	)	
<b>Against:</b>	)	
	)	
	)	
<b>VORAKIAT CHARUVASTRA, M.D.</b>	)	<b>Case No. 800-2017-030675</b>
	)	
<b>Physician's and Surgeon's</b>	)	
<b>Certificate No. A29784</b>	)	
	)	
<b>Respondent</b>	)	
_____	)	

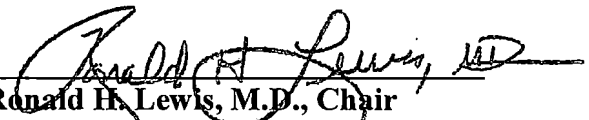
**DECISION**

**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 June 14, 2019.**

**IT IS SO ORDERED May 17, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Ronald H. Lewis, M.D., Chair**  
**Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 CINDY M. LOPEZ  
Deputy Attorney General  
4 State Bar No. 119988  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6494  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

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

12  
13 In the Matter of the Accusation Against:

Case No. 800-2017-030675

14 VORAKIAT CHARUVAstra, M.D.  
P.O. Box 33317  
15 Los Angeles, CA 90033

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 Physician's and Surgeon's Certificate No. A  
29784

17  
18 Respondent.

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
24 of California (Board). She brought this action solely in her official capacity and is represented in  
25 this matter by Xavier Becerra, Attorney General of the State of California, by Cindy M. Lopez,  
26 Deputy Attorney General.

27 2. Respondent VORAKIAT CHARUVAstra, M.D. (Respondent) is represented in  
28 this proceeding by Compliance Law Group, a Professional Law Corporation.





1 Professions Code section 2227, subdivision (a)(4) as follows:

2 “Dr. Charuvastra committed several simple departures from the standard of care  
3 with regards to one patient.”

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

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

18 Respondent shall submit a certification of successful completion to the Board or its  
19 designee not later than 15 calendar days after successfully completing the course, or not later than  
20 15 calendar days after the effective date of the Decision, whichever is later.

21 **C. MEDICAL RECORD KEEPING COURSE.** Within 60 calendar days of the  
22 effective date of this Decision, Respondent shall enroll in a course in medical record keeping  
23 approved in advance by the Board or its designee. Respondent shall provide the approved course  
24 provider with any information and documents that the approved course provider may deem  
25 pertinent. Respondent shall participate in and successfully complete the classroom component of  
26 the course not later than nine (9) months after Respondent’s initial enrollment. Respondent shall  
27 successfully complete any other component of the course within one (1) year of enrollment. The  
28 medical record keeping course shall be at Respondent’s expense and shall be in addition to the

1 Continuing Medical Education (CME) requirements for renewal of licensure.

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

7 Respondent shall submit a certification of successful completion to the Board or its  
8 designee not later than 15 calendar days after successfully completing the course, or not later than  
9 15 calendar days after the effective date of the Decision, whichever is later.

10 ACCEPTANCE

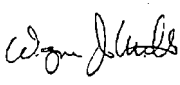
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with my attorney. I understand the stipulation and the effect it will have on my  
13 Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary  
14 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
15 of the Medical Board of California.

16  
17 DATED: 3/26/19

18   
19 \_\_\_\_\_  
20 VORAKIAT CHARUVASTRA, M.D.  
21 Respondent

22 I have read and fully discussed with Respondent the terms and conditions and other matters  
23 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and  
24 content.

25 DATED: 3/27/2019

26   
27 \_\_\_\_\_  
28 WAYNE J. MILLER, ESQ.  
Compliance Law Group, A Professional Law  
Corporation  
Attorneys for Respondent

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

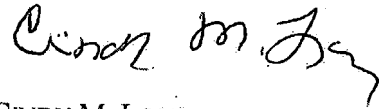
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 4.9.19

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
E. A. JONES III  
Supervising Deputy Attorney General



CINDY M. LOPEZ  
Deputy Attorney General  
*Attorneys for Complainant*

LA2019500032  
53276359.docx

**Exhibit A**

**Accusation No. 800-2017-030675**





**JURISDICTION**

1  
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 provides that a licensee who is found guilty under the  
5 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
6 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
7 action taken in relation to discipline as the Board deems proper.

8           5.     Section 2234 of the Code, states:

9           “The board shall take action against any licensee who is charged with unprofessional  
10 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
11 limited to, the following:

12           “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
13 violation of, or conspiring to violate any provision of this chapter.

14           “(b) Gross negligence.

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

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

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

25           “(d) Incompetence.

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

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



1 medications. Patient B.H. never seemed to have a prolonged improvement in his  
2 symptoms, and eventually developed an opioid dependence.

3 E. According to the patient's wife, when B.H. would return home after an appointment  
4 with the Respondent, he had a brown paper bag with pills in them, but his wife was  
5 not allowed to see them.

6 F. Respondent admitted he knew the patient was simultaneously being prescribed  
7 significant doses of morphine, Norco, Soma.

8 G. During these visits, there was no assessment of cognition, substance use and abuse,  
9 nor an estimation of the patient's suicide risk. There was no documentation of a  
10 discussion of respiratory risks associated with this medication combination.

11 Allegations of Negligence:

12 H. Respondent's prescriptions of Ambien (up to twice the FDA maximum), while also  
13 prescribing other respiratory depressants in high doses, without documenting an  
14 informed consent of the risks, is a simple departure each time he did so. There were  
15 15 departures from January 2012 through May 2013, specifically: January 11, 2012;  
16 February 14, 2012; March 13, 2012; May 8, 2012; May 29, 2012; June 16, 2012; July  
17 24, 2012; September 18, 2012; October 16, 2012; November 13, 2012; January 2,  
18 2013; February 19, 2013; March 17, 2013; April 9, 2013; and, May 9, 2013.

19 I. Between the dates of January 11, 2012, through May 9, 2013, Respondent was  
20 negligent when he failed to do an assessment of the patient's substance abuse and use;  
21 failed to estimate his suicide risk; and failed to document a specific discussion of the  
22 respiratory risks given the combination of Ambien and the many other medications he  
23 was prescribed.

24  
25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Medical Board of California issue a decision:  
28

