

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 State Bar No. 113083
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 510-3884
Facsimile: (415) 703-5480
6 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO APRIL 3 20 19
BY D. Richards ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 800-2018-050212

12 **KULWANT KAUR BUTTAR, M.D.**
400 Forest Avenue
Buffalo, NY 14213

A C C U S A T I O N

13 Physician's and Surgeon's Certificate
14 No. C 52245,

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

21 2. On or about March 8, 2006, the Medical Board issued Physician's and Surgeon's
22 Certificate Number C 52245 to Kulwant Kaur Buttar, M.D, (Respondent). The Physician's and
23 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
24 herein and will expire on August 31, 2019, unless renewed.

25 **JURISDICTION**

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

28 4. Section 2227 of the Code states:

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

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

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

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

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

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

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

20 5. Section 141 of the Code states:

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

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

2. Revoking, suspending or denying approval of Kulwant Kaur Buttar, M.D,'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Kulwant Kaur Buttar, M.D, if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED:
April 3, 2019


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

SF2019200401
21386068.docx

Exhibit A

UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
("Undertaking")

of

DR. KULWANT KAUR BUTTAR
("Dr. Buttar")

to

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
(the "College")

A. PREAMBLE

(1) In this Undertaking:

"Discipline Committee" means the Discipline Committee of the College;

"OHIP" means the Ontario Health Insurance Plan;

"Public Register" means the College's register that is available to the public.

(2) I, **Dr. Buttar**, certificate of registration number **30939**, am a member of the College.

(3) I, **Dr. Buttar**, acknowledge that the College conducted an investigation bearing File Number 7215809 (the "Investigation") into whether I engaged in professional misconduct.

(4) I, **Dr. Buttar**, acknowledge that there has been no referral to the Discipline Committee in respect of the Investigation and that, after the College receives an original copy of this Undertaking as signed by me, no further action will be taken on the Investigation.

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

(5) I, **Dr. Buttar**, hereby resign from the College effective immediately (the "Effective Date").

(6) I, **Dr. Buttar**, hereby undertake not to apply or re-apply for registration as a physician to practise medicine in Ontario after the Effective Date.

(7) I, **Dr. Buttar**, acknowledge that in the event that the College should become aware that I am in breach of this Undertaking including, but not limited to, becoming aware that I have either applied, re-applied or attempted to apply or re-apply for registration as a physician or for a certificate of registration, or

equivalent, to practise medicine in Ontario after the Effective Date, the College shall, in its sole discretion, have the right to proceed with a disciplinary proceeding on the basis of a breach of this Undertaking and shall have the right to proceed with the Investigation it terminated as a result of this Undertaking and/or to proceed with a referral of specified allegations to the Discipline Committee.

- (8) I, **Dr. Buttar**, hereby agree to bear the risk of any prejudice that the passage of time might cause to my ability to make full answer and defence, and waive the right to seek any remedy on the basis of the passage of time, should the College proceed with any allegations that may arise as a result of a breach of this Undertaking and/or pursuant to section (7) above.
- (9) I, **Dr. Buttar**, undertake to abide by the College's Policy on Practice Management Considerations for Physicians Who Cease to Practise, Take an Extended Leave of Absence or Close Their Practice Due to Relocation, a copy of which is attached hereto as Appendix "A".
- (10) I, **Dr. Buttar**, undertake that upon signing this Undertaking, I shall forward a request to the General Manager of OHIP that my billing number be deactivated for services rendered after the Effective Date.
- (11) I, **Dr. Buttar**, acknowledge that all appendices attached to or referred to in this Undertaking form part of this Undertaking.
- (12) I, **Dr. Buttar**, acknowledge and undertake that I shall be solely responsible for payment of all fees, costs, charges, expenses, etc., if any, arising from the implementation of any of the provisions of this Undertaking.
- (13) I, **Dr. Buttar**, acknowledge and confirm that I have read and understand the provisions of this Undertaking and that I have obtained independent legal counsel in reviewing and executing this Undertaking, or have waived my right to do so.
- (14) I, **Dr. Buttar**, give my irrevocable consent to the College to make appropriate enquiries of OHIP and/or any person who or institution that may have relevant information, in order for the College to monitor my compliance with the provisions of this Undertaking.
- (15) I, **Dr. Buttar**, acknowledge that I have executed the OHIP consent form, attached hereto as Appendix "B" and that the consent forms part of this Undertaking.
- (16) **Public Register**
 - (a) I, **Dr. Buttar**, consent to this Undertaking being posted on the Public Register.
 - (b) I, **Dr. Buttar**, acknowledge that, in addition to this Undertaking being posted in accordance with section (16)(a) above, the following summary

shall be posted on the Public Register during the time period that this Undertaking remains in effect:

A College investigation was conducted into whether Dr. Buttar failed to maintain the standard of practice of the profession. During the Investigation, Dr. Buttar resigned from the College and has agreed never to apply or reapply for registration as a physician in Ontario.