

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

In the Matter of the Accusation Against:

Arturo Lo Villamor, M.D.

Physician's and Surgeon's
Certificate No. A 85485

Case No.: 800-2019-055303

Respondent.

DECISION

The attached Stipulated Settlement 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 April 7, 2022.

IT IS SO ORDERED: March 8, 2022.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, M.D. , Chair
Panel B

1 ROB BONTA
Attorney General of California
2 STEVEN D. MUNI
Supervising Deputy Attorney General
3 RYAN J. MCEWAN
Deputy Attorney General
4 State Bar No. 285595
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **ARTURO LO VILLAMOR, M.D.**
14 **2319 Cezanne Ct.**
Davis, CA 95618-0502

15 **Physician's and Surgeon's Certificate**
16 **No. A 85485**

17 Respondent.

Case No. 800-2019-055303

OAH No. 2021030036

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Ryan J. McEwan, Deputy
25 Attorney General.

26 2. Respondent Arturo Lo Villamor, M.D. (Respondent) is represented in this proceeding
27 by attorney, Paul Chan, Esq., whose address is: 1851 Heritage Lane, Suite 128, Sacramento, CA
28 95815-4996.

1 3. On or about December 17, 2003, the Board issued Physician's and Surgeon's
2 Certificate No. A 85485 to Arturo Lo Villamor, M.D. (Respondent). The Physician's and
3 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 800-2019-055303, and will expire on December 31, 2023, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2019-055303 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on February 4, 2021. Respondent timely filed his Notice of
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2019-055303 is attached as exhibit A and incorporated
11 herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2019-055303. Respondent has also carefully read,
15 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 7. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 9. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 800-2019-055303.

28 ///

1 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
2 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
3 Disciplinary Order below.

4 **CONTINGENCY**

5 11. This stipulation shall be subject to approval by the Medical Board of California.
6 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
7 Board of California may communicate directly with the Board regarding this stipulation and
8 settlement, without notice to or participation by Respondent or his counsel. By signing the
9 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
10 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
11 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
12 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
13 action between the parties, and the Board shall not be disqualified from further action by having
14 considered this matter.

15 12. Respondent agrees that if he ever petitions for early termination or modification of
16 probation, or if an accusation and/or petition to revoke probation is filed against him before the
17 Board, all of the charges and allegations contained in Accusation No. 800-2019-055303 shall be
18 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
19 other licensing proceeding involving Respondent in the State of California.

20 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
22 signatures thereto, shall have the same force and effect as the originals.

23 14. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
25 enter the following Disciplinary Order:

26 **DISCIPLINARY ORDER**

27 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 85485 issued
28 to Respondent Arturo Lo Villamor, M.D. is revoked. However, the revocation is stayed and

1 Respondent is placed on probation for three (3) years on the following terms and conditions:

2 1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain
3 completely from the personal use or possession of controlled substances as defined in the
4 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
5 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
6 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
7 illness or condition.

8 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
9 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
10 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
11 telephone number.

12 If Respondent has a confirmed positive biological fluid test for any substance (whether or
13 not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall
14 receive a notification from the Board or its designee to immediately cease the practice of
15 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
16 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
17 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.
18 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the
19 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
20 Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge
21 alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of
22 the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
23 decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the
24 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
25 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
26 non-adoption of the proposed decision, requests for reconsideration, remands and other
27 interlocutory orders issued by the Board. The cessation of practice shall not apply to the
28 reduction of the probationary time period.

1 If the Board does not file an accusation or petition to revoke probation within 30 days of the
2 issuance of the notification to cease practice or does not provide Respondent with a hearing
3 within 30 days of a such a request, the notification of cease practice shall be dissolved.

4 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
5 use of products or beverages containing alcohol.

6 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall
7 receive a notification from the Board or its designee to immediately cease the practice of
8 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
9 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
10 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.
11 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the
12 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
13 Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge
14 alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of
15 the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
16 decision, the Board shall issues its Decision, unless good cause can be shown for the delay. If the
17 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
18 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
19 non-adoption of the proposed decision, requests for reconsideration, remands and other
20 interlocutory orders issued by the Board. The cessation of practice shall not apply to the
21 reduction of the probationary time period.

22 If the Board does not file an accusation or petition to revoke probation within 30 days of the
23 issuance of the notification to cease practice or does not provide Respondent with a hearing
24 within 30 days of such a request, the notification of cease practice shall be dissolved.

25 3. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
26 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
27 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
28 follicle testing, or similar drug screening approved by the Board or its designee. Prior to

1 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
2 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
3 testing. The contract shall require results of the tests to be transmitted by the laboratory or
4 service directly to the Board or its designee within four hours of the results becoming available.
5 Respondent shall maintain this laboratory or service contract during the period of probation.

6 A certified copy of any laboratory test result may be received in evidence in any
7 proceedings between the Board and Respondent.

8 If Respondent fails to cooperate in a random biological fluid testing program within the
9 specified time frame, Respondent shall receive a notification from the Board or its designee to
10 immediately cease the practice of medicine. The Respondent shall not resume the practice of
11 medicine until the final decision on an accusation and/or a petition to revoke probation is
12 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30
13 days of the notification to cease practice. If the Respondent requests a hearing on the accusation
14 and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within
15 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by
16 an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board
17 within 15 days of submission of the matter. Within 15 days of receipt by the Board of the
18 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good
19 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
20 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
21 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
22 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
23 practice shall not apply to the reduction of the probationary time period.

24 If the Board does not file an accusation or petition to revoke probation within 15 days of the
25 issuance of the notification to cease practice or does not provide Respondent with a hearing
26 within 30 days of such a request, the notification of cease practice shall be dissolved.

27 4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
28 the effective date of this Decision, Respondent shall enroll in a professionalism program, that

1 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
2 Respondent shall participate in and successfully complete that program. Respondent shall
3 provide any information and documents that the program may deem pertinent. Respondent shall
4 successfully complete the classroom component of the program not later than six (6) months after
5 Respondent's initial enrollment, and the longitudinal component of the program not later than the
6 time specified by the program, but no later than one (1) year after attending the classroom
7 component. The professionalism program shall be at Respondent's expense and shall be in
8 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

17 5. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
18 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
19 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
20 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
21 consider any information provided by the Board or designee and any other information the
22 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
23 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
24 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
25 psychiatric evaluations and psychological testing.

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

28 6. PSYCHOTHERAPY. If the evaluating psychiatrist described in the above paragraph

1 determines that Respondent requires psychotherapy treatment, within 15 calendar days of that
2 determination, Respondent shall submit to the Board or its designee for prior approval the name
3 and qualifications of a board certified psychiatrist or a licensed psychologist who has a doctoral
4 degree in psychology and at least five years of postgraduate experience in the diagnosis and
5 treatment of emotional and mental disorders. Upon approval, Respondent shall undergo and
6 continue psychotherapy treatment, including any modifications to the frequency of
7 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

8 The psychotherapist shall consider any information provided by the Board or its designee
9 and any other information the psychotherapist deems relevant and shall furnish a written
10 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
11 psychotherapist with any information and documents that the psychotherapist may deem
12 pertinent.

13 Respondent shall have the treating psychotherapist submit quarterly status reports to the
14 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
15 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
16 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
17 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
18 period of probation shall be extended until the Board determines that Respondent is mentally fit
19 to resume the practice of medicine without restrictions.

20 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

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

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

2 8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
3 governing the practice of medicine in California and remain in full compliance with any court
4 ordered criminal probation, payments, and other orders.

5 9. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
6 under penalty of perjury on forms provided by the Board, stating whether there has been
7 compliance with all the conditions of probation.

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

10 10. GENERAL PROBATION REQUIREMENTS.

11 Compliance with Probation Unit

12 Respondent shall comply with the Board's probation unit.

13 Address Changes

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

19 Place of Practice

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

23 License Renewal

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

26 Travel or Residence Outside California

27 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
28 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty

1 (30) calendar days.

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

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

8 12. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
9 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
10 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
11 defined as any period of time Respondent is not practicing medicine as defined in Business and
12 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
13 patient care, clinical activity or teaching, or other activity as approved by the Board. If
14 Respondent resides in California and is considered to be in non-practice, Respondent shall
15 comply with all terms and conditions of probation. All time spent in an intensive training
16 program which has been approved by the Board or its designee shall not be considered non-
17 practice and does not relieve Respondent from complying with all the terms and conditions of
18 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
19 on probation with the medical licensing authority of that state or jurisdiction shall not be
20 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
21 period of non-practice.

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

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

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

1 Periods of non-practice for a Respondent residing outside of California will relieve
2 Respondent of the responsibility to comply with the probationary terms and conditions with the
3 exception of this condition and the following terms and conditions of probation: Obey All Laws;
4 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
5 Controlled Substances; and Biological Fluid Testing..

6 13. COMPLETION OF PROBATION. Respondent shall comply with all financial
7 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
8 completion of probation. Upon successful completion of probation, Respondent's certificate shall
9 be fully restored.

10 14. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
11 of probation is a violation of probation. If Respondent violates probation in any respect, the
12 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
13 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
14 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
15 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
16 the matter is final.

17 15. LICENSE SURRENDER. Following the effective date of this Decision, if
18 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
19 the terms and conditions of probation, Respondent may request to surrender his or her license.
20 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
21 determining whether or not to grant the request, or to take any other action deemed appropriate
22 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
23 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
24 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
25 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
26 application shall be treated as a petition for reinstatement of a revoked certificate.

27 16. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
28 with probation monitoring each and every year of probation, as designated by the Board, which


1 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
2 California and delivered to the Board or its designee no later than January 31 of each calendar
3 year.

4 17. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
5 a new license or certification, or petition for reinstatement of a license, by any other health care
6 licensing action agency in the State of California, all of the charges and allegations contained in
7 Accusation No. 800-2019-055303 shall be deemed to be true, correct, and admitted by
8 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
9 restrict license.

10 **ACCEPTANCE**

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

16
17 DATED: 12/23/21


ARTURO LO VILLAMOR, M.D.
Respondent

18
19
20 I have read and fully discussed with Respondent Arturo Lo Villamor, M.D. the terms and
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
22 I approve its form and content.

23 DATED: 12/23/21


PAUL CHAN, ESQ.
Attorney for Respondent

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ENDORSEMENT

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

DATED: 1/3/2022

Respectfully submitted,

ROB BONTA
Attorney General of California
STEVEN D. MUNI
Supervising Deputy Attorney General



RYAN J. MCEWAN
Deputy Attorney General
Attorneys for Complainant

SA2020304692
35767703.docx

Exhibit A

Accusation No. 800-2019-055303

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Attorney General of California
2 STEVEN D. MUNI
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7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 800-2019-055303

14 **Arturo Lo Villamor, M.D.**
2319 Cezanne Ct.
15 Davis, CA 95618-0502

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
No. A 85485,

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
23 (Board).

24 2. On or about December 17, 2003, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 85485 to Arturo Lo Villamor, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on December 31, 2021, unless renewed.

28 ///

1 JURISDICTION

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 (Code) unless otherwise
4 indicated.

5 4. Section 2227 of the Code provides that a licensee who is found guilty under the
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
7 one year, placed on probation and required to pay the costs of probation monitoring, or such other
8 action taken in relation to discipline as the Board deems proper.

9 5. Section 2234 of the Code, states:

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

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

15 "..."

16 6. Unprofessional conduct under Business and Professions Code section 2234 is conduct
17 which breaches the rules or ethical conduct of the medical profession, or conduct which is
18 unbecoming to a member in good standing of the medical profession, and which demonstrates an
19 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
20 575.)

21 7. Section 2236 of the Code states:

22 "(a) The conviction of any offense substantially related to the qualifications,
23 functions, or duties of a physician and surgeon constitutes unprofessional conduct
24 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
25 of conviction shall be conclusive evidence only of the fact that the conviction
26 occurred.

27 "..."

28 "(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is

1 deemed to be a conviction within the meaning of this section and Section 2236.1. The
2 record of conviction shall be conclusive evidence of the fact that the conviction
3 occurred.”

4 8. Section 2239 of the Code states:

5 “(a) The use or prescribing for or administering to himself or herself, of any
6 controlled substance; or the use of any of the dangerous drugs specified in Section
7 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
8 or injurious to the licensee, or to any other person or to the public, or to the extent that
9 such use impairs the ability of the licensee to practice medicine safely or more than
10 one misdemeanor or any felony involving the use, consumption, or
11 self-administration of any of the substances referred to in this section, or any
12 combination thereof, constitutes unprofessional conduct. The record of the conviction
13 is conclusive evidence of such unprofessional conduct.

14 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
15 contendere is deemed to be a conviction within the meaning of this section. The
16 Medical Board may order discipline of the licensee in accordance with Section 2227
17 or the Medical Board may order the denial of the license when the time for appeal has
18 elapsed or the judgment of conviction has been affirmed on appeal or when an order
19 granting probation is made suspending imposition of sentence, irrespective of a
20 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
21 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
22 setting aside the verdict of guilty, or dismissing the accusation, complaint,
23 information, or indictment.”¹

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25 ///

26
27 ¹ There is a nexus between a physician’s use of alcoholic beverages and his or her fitness to
28 practice medicine, established by the Legislature in section 2239, “in all cases where a licensed physician
used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others.”
(*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407, 1411.)

1 9. California Code of Regulations, title 16, section 1360, states:

2 "For the purposes of denial, suspension or revocation of a license, certificate or
3 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
4 or act shall be considered to be substantially related to the qualifications, functions or
5 duties of a person holding a license, certificate or permit under the Medical Practice
6 Act if to a substantial degree it evidences present or potential unfitness of a person
7 holding a license, certificate or permit to perform the functions authorized by the
8 license, certificate or permit in a manner consistent with the public health, safety or
9 welfare. Such crimes or acts shall include but not be limited to the following:
10 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violation of, or conspiring to violate any provision of the Medical Practice Act."

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Use of Alcohol in a Dangerous or Injurious Manner)**

14 10. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
15 by section 2239, of the Code, and California Code of Regulations, title 16, section 1360, in that
16 he used alcoholic beverages, to the extent, or in such a manner, as to be dangerous or injurious to
17 himself, or to any other person or to the public, as more particularly alleged as follows:

18 11. On or about June 10, 2017, at approximately 1:38 a.m., Sacramento Communications
19 Center advised of a solo vehicle traffic collision with an ambulance responding on the Mace
20 Boulevard off-ramp from Interstate-80 westbound. California Highway Patrol (CHP) Officers
21 A.P. and N.H.² responded and arrived at approximately 1:40 a.m. CHP Officer A.P. observed a
22 red Honda HRV against a large pole facing west. It had major front-end damage and the front
23 airbags were deployed. The CHP Officers checked the registration, which showed Respondent as
24 the owner.

25 12. CHP Officer A.P. observed paramedics evaluating Respondent behind the vehicle.
26 Respondent had sustained a small laceration to his left wrist as a result of the collision. (It was

27 _____
28 ² Officer and witness identities are omitted to protect privacy. They will be provided in
discovery.

1 discovered shortly after that Respondent had also suffered a broken back.) CHP Officer A.P.
2 observed that Respondent's eyes were red and watery, his speech was slurred, and his breath had
3 the strong odor of an alcoholic beverage.

4 13. While paramedics evaluated Respondent, CHP Officer A.P. contacted a male
5 ("Passenger A") who was sitting on the curb just north of Respondent's vehicle. He stated that he
6 was the right front passenger in Respondent's vehicle at the time of the collision. He further
7 stated that Respondent was driving the vehicle at the time of the collision, and that they were on
8 their way to Respondent's residence coming from a bar/nightclub in Sacramento.

9 14. After Respondent declined hospital treatment and signed a medical release, he
10 admitted to CHP Officer A.P. that he had been driving his vehicle. The ignition key was in his
11 right front pocket, which he provided to CHP Officer A.P. Respondent admitted to drinking two
12 16-ounce beers at the bar/nightclub in Sacramento prior to the collision. Respondent stated that he
13 was exiting on Mace Boulevard at an unknown speed when he hit the pole. He further stated that
14 he had lived in Davis since 2005 and taken that exit on countless occasions.

15 15. CHP Officer A.P. explained and demonstrated a series of field sobriety tests to
16 Respondent, including the Horizontal Gaze Nystagmus, Romberg, Finger to Nose, and One Leg
17 Stand. Respondent failed to perform each test as explained and demonstrated. Respondent also
18 consented to a preliminary breath test. He provided two breath samples that measured 0.137% at
19 2:05 a.m., and 0.134% at 2:07 a.m.

20 16. The CHP Officers arrested Respondent at 2:12 a.m. but did not handcuff Respondent
21 so that paramedics could re-evaluate him. The paramedics observed a protrusion on Respondent's
22 lower back, and he was placed in an ambulance for transport to U.C. Davis Medical Center. Prior
23 to leaving for the hospital, Respondent agreed to submit a blood sample. At approximately 2:25
24 a.m., the paramedic removed a blood sample from Respondent's right wrist, which measured a
25 blood alcohol concentration of 0.175%.

26 17. On or about August 1, 2017, in *The People of the State of California v. Arturo Lo*
27 *Villamor*, Yolo County Superior Court Case No. CR-17004114, Respondent was charged with the
28 following misdemeanors: (1) Driving Under the Influence of Alcohol, in violation of Vehicle

1 Code section 23152(a); (2) Driving at 0.08% or Above, in violation of Vehicle Code section
2 23152(b). It was further alleged that Respondent had a blood alcohol concentration that was
3 0.15% or more, thus subjecting him to additional punishment under Vehicle Code section 23578.

4 18. On or about January 30, 2019, Respondent pleaded no contest to the charge of driving
5 at 0.08% or above, in violation of Vehicle Code section 23152(b). The Court sentenced
6 Respondent to: serve 4 days in jail; serve 3 years' probation; enroll in and complete a 3-month
7 DUI program; pay fines and fees in the amount of \$2,158.00; refrain from driving after
8 consuming any alcohol; submit to chemical tests when stopped or suspected of driving while
9 under the influence of alcohol or drugs; and refrain from consuming alcoholic beverages for
10 approximately six months.

11 19. On or about August 26, 2020, a Board Investigator interviewed Respondent.
12 Respondent stated that he had a glass of wine at dinner and approximately 2-3 beers and a Jell-O
13 shot at the bar/nightclub in the several hours before his arrest. Respondent stated that, as a result
14 of the drunk driving accident, he suffered a broken back and had surgery the day after the
15 accident. In addition, his vehicle was totaled.

16 SECOND CAUSE FOR DISCIPLINE

17 **(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a**
18 **Physician)**

19 20. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
20 by section 2236, of the Code, and California Code of Regulations, title 16, section 1360, in that
21 he has been convicted of a crime, to wit: violation of Vehicle Code section 23152(b) driving at
22 .08% or above, which is substantially related to the qualifications, functions or duties of a
23 physician and surgeon, as more particularly alleged in paragraphs 10 through 19, above, which
24 are hereby incorporated by reference as if fully set forth herein.

25 THIRD CAUSE FOR DISCIPLINE

26 **(General Unprofessional Conduct)**

27 21. Respondent is subject to disciplinary action under Code sections 2227 and 2234, in
28 that he has engaged in conduct which breaches the rules or ethical code of the medical profession,

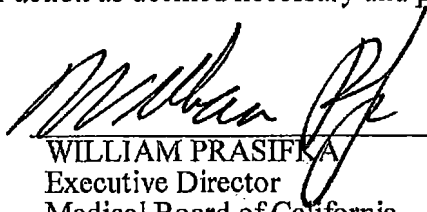
1 or conduct which is unbecoming a member in good standing of the medical profession, and which
2 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 10
3 through 20, above, which are hereby incorporated by reference as if fully set forth herein,

4 **PRAYER**

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

- 7 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 85485, issued
8 to Arturo Lo Villamor, M.D.;
- 9 2. Revoking, suspending or denying approval of Arturo Lo Villamor, M.D.'s authority
10 to supervise physician assistants and advanced practice nurses;
- 11 3. Ordering Arturo Lo Villamor, M.D., if placed on probation, to pay the Board the
12 costs of probation monitoring; and
- 13 4. Taking such other and further action as deemed necessary and proper.

14
15 DATED: **FEB 04 2021**

16 
17 WILLIAM PRASIFKA
18 Executive Director
19 Medical Board of California
20 Department of Consumer Affairs
21 State of California
22 Complainant

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