

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

In the Matter of the Accusation
Against:

Herbert Sim-On Chin, M.D.

Physician's and Surgeon's
Certificate No. A 65244

Respondent.

Case No. 800-2019-056409

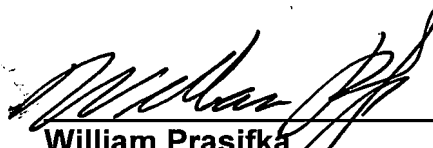
DECISION

The attached Stipulated Surrender of License and 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 FEB 15 2021.

IT IS SO ORDERED FEB 08 2021.

MEDICAL BOARD OF CALIFORNIA



William Prasifka
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
California Department of Justice
5 300 South Spring Street, Suite 1702
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6 Telephone: (213) 269-6475
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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:

Case No. 800-2019-056409

13 HERBERT SIM-ON CHIN, M.D.
14 9209 South Colima Road, Suite 3600
Whittier, CA 90605

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Physician's and Surgeon's Certificate
16 No. A 65244,

17 Respondent.

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 Xavier Becerra, Attorney General of the State of California, by Rebecca L. Smith,
25 Deputy Attorney General.

26 2. Herbert Sim-On Chin, M.D. ("Respondent") is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.

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1 3. On or about May 22, 1998, the Board issued Physician's and Surgeon's Certificate
2 No. A 65244 to Respondent. That license was in full force and effect at all times relevant to the
3 charges brought in Accusation No. 800-2019-056409 and will expire on May 31, 2022, unless
4 renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2019-056409 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. A copy of Accusation No. 800-2019-056409 is attached as
9 Exhibit A and incorporated by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 800-2019-056409. Respondent also has carefully read, and understands the
13 effects of this Stipulated Surrender of License and Order.

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

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 800-2019-056409, agrees that cause exists for discipline and hereby surrenders his
26 Physician's and Surgeon's Certificate No A 65244 for the Board's formal acceptance.

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1 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
2 issued, his wall certificate on or before the effective date of the Decision and Order.

3 4. If Respondent ever files an application for licensure or a petition for reinstatement in
4 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
5 comply with all the laws, regulations and procedures for reinstatement of a revoked or
6 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
7 contained in Accusation No. 800-2019-056409 shall be deemed to be true, correct and admitted
8 by Respondent when the Board determines whether to grant or deny the petition.

9 5. If Respondent should ever apply or reapply for a new license or certification, or
10 petition for reinstatement of a license, by any other health care licensing agency in the State of
11 California, all of the charges and allegations contained in Accusation No. 800-2019-056409 shall
12 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
13 Issues or any other proceeding seeking to deny or restrict licensure.

14 ACCEPTANCE

15 I have carefully read the Stipulated Surrender of License and Order. I understand the
16 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this
17 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
18 be bound by the Decision and Order of the Medical Board of California.

19 DATED: Feb 3, 2021

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21 CHRISTOPHER CHIN, ATTORNEY-IN-
22 FACT for HERBERT SIM-ON CHIN, M.D.

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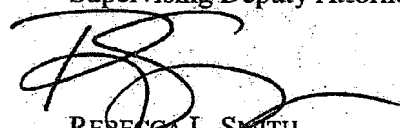
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 2/3/2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



REBECCA L. SMITH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2019-056409

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 REBECCA L. SMITH
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12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2019-056409

14 HERBERT SIM-ON CHIN, M.D.
9209 South Colima Road, Suite 3600
15 Whittier, CA 90605

A C C U S A T I O N

16 Physician's and Surgeon's Certificate
No. A 65244,

17 Respondent.
18

19
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 May 22, 1998, the Medical Board issued Physician's and Surgeon's
25 Certificate Number A 65244 to Herbert Sim-On Chin, 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 May 31, 2022, unless renewed.

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1 3. On January 22, 2021, an Order on Petition for Interim Suspension Order was issued
2 pursuant to stipulation by Respondent. Pursuant to that Order, Respondent's Physician's &
3 Surgeon's Certificate No. A 65244 is suspended and Respondent is restrained and prohibited
4 from
5 practicing or attempting to practice as a physician and surgeon in California pending a final
6 Decision by the Board. Respondent is immediately restrained and prohibited from the following:
7 a. Practicing or attempting to practice as a physician and surgeon in California;
8 b. Advertising, by any means, or holding himself out as practicing or available to
9 practice medicine or to supervise physician assistants or advanced practice nurses;
10 c. Possessing, ordering, purchasing, receiving, prescribing, dispensing, furnishing,
11 administering or otherwise distributing any controlled substance or any dangerous drug in
12 California, as defined by federal or state law, except legally permitted drugs prescribed to
13 Respondent by his treating physician and surgeon;
14 d. Possessing or holding his California physician's and surgeon's wall and wallet
15 certificates, and possessing any and all prescription blanks.
16 e. Respondent was further ordered to immediately deliver to the Board, or its
17 agent, for safekeeping pending a final administrative order of the Board in this matter, all indicia
18 of his licensure as a physician, as contemplated by Business and Professions Code Section 119,
19 including but not limited to his wall certificate and wallet card issued by the Board, as well as all
20 prescription forms, all prescription drugs not legally prescribed to Respondent by his treating
21 physician and surgeon, all Drug Enforcement Administration Drug Order forms, and all Drug
22 Enforcement Administration permits.

JURISDICTION

24 4. This Accusation is brought before the Board under the authority of the following
25 provisions of the Business and Professions Code ("Code") unless otherwise indicated.

26 5. Section 2004 of the Code states:

27 The board shall have the responsibility for the following:

28 (a) The enforcement of the disciplinary and criminal provisions of the Medical

Practice Act.

(b) The administration and hearing of disciplinary actions.

(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

(f) Approving undergraduate and graduate medical education programs.

(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

(h) Issuing licenses and certificates under the board's jurisdiction.

(i) Administering the board's continuing medical education program.

6. Section 2227 of the Code states:

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

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

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

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

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

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

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

7. Section 822 of the Code states:

If a licensing agency determines that its licentiate's ability to practice his or her

1 profession safely is impaired because the licentiate is mentally ill, or physically ill
2 affecting competency, the licensing agency may take action by any one of the
3 following methods:

4 (a) Revoking the licentiate's certificate or license.

5 (b) Suspending the licentiate's right to practice.

6 (c) Placing the licentiate on probation.

7 (d) Taking such other action in relation to the licentiate as the licensing agency
8 in its discretion deems proper.

9 The licensing section shall not reinstate a revoked or suspended certificate or
10 license until it has received competent evidence of the absence or control of the
11 condition which caused its action and until it is satisfied that with due regard for the
12 public health and safety the person's right to practice his or her profession may be
13 safely reinstated.

14 CAUSE FOR DISCIPLINE

15 (Inability to Practice)

16 8. Respondent Herbert Sim-On Chin, M.D. is subject to disciplinary action under
17 section 822 of the Code in that he is unable to safely engage in the practice of medicine due to
18 physical and/or mental impairments.

19 PRAYER

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

22 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 65244,
23 issued to Herbert Sim-On Chin, M.D.;

24 2. Revoking, suspending or denying approval of Herbert Sim-On Chin, M.D.'s authority
25 to supervise physician assistants and advanced practice nurses;

26 3. Ordering Herbert Sim-On Chin, M.D., if placed on probation, to pay the Board the
27 costs of probation monitoring;

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4. Taking such other and further action as deemed necessary and proper.

DATED: FEB 0 1 2021



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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