

1 ROB BONTA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 JASON J. AHN  
Deputy Attorney General  
4 State Bar No. 253172  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9433  
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the First Amended Accusation  
Against:

14 **JONATHAN LAM YUEN WATT, M.D.**  
15 **PO Box 12078**  
**San Bernardino, CA 92423-2078**

16 **Physician's and Surgeon's**  
17 **Certificate No. A 107815,**

18 Respondent.

Case No. 800-2019-058499

OAH No. 2021110521

**FIRST AMENDED ACCUSATION**

19  
20  
21 **PARTIES**

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

25 2. On or about May 15, 2009, the Board issued Physician's and Surgeon's Certificate  
26 No. A 107815 to Jonathan Lam Yuen Watt, M.D. (Respondent). The Physician's and Surgeon's  
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on April 30, 2023, unless renewed.

JURISDICTION

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

3. This First Amended Accusation which supersedes Accusation No. 800-2018-048552, filed on October 20, 2021, in the above-entitled matter, is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 726 of the Code states:

“(a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division.

“...”

5. Section 729 of the Code states:

“(a) Any physician and surgeon, psychotherapist, alcohol and drug abuse counselor or any person holding himself or herself out to be a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client . . . is guilty of sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor. . .”

“For purposes of subdivision (a), in no instance shall consent of the patient or client be a defense. However, physicians and surgeons shall not be guilty of sexual exploitation for touching any intimate part of a patient or client unless the touching is outside the scope of medical examination and treatment, or the touching is done for sexual gratification.

“(c) For purposes of this section:

“ . . . ”

“(3) “Sexual contact” means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.

“(4) “Intimate part” and “touching” have the same meanings as defined in Section 243.4 of the Penal Code.”

///  
///  
///  
///  
///  
///

1           6.    Section 2234 of the Code, states in part:

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

5           “...”

6           “(b) Gross negligence.

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

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

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

17          “...”

18          7.    Section 2228.1 of the Code states:

19           (a) On and after July 1, 2019, except as otherwise provided in subdivision (c),  
20           the board shall require a licensee to provide a separate disclosure that includes the  
21           licensee’s probation status, the length of the probation, the probation end date, all  
22           practice restrictions placed on the licensee by the board, the board’s telephone  
23           number, and an explanation of how the patient can find further information on the  
24           licensee’s probation on the licensee’s profile page on the board’s online license  
25           information Internet Web site, to a patient or the patient’s guardian or health care  
26           surrogate before the patient’s first visit following the probationary order while the  
27           licensee is on probation pursuant to a probationary order made on and after July 1,  
28           2019, in any of the following circumstances:

          (1) A final adjudication by the board following an administrative hearing or  
          admitted findings or prima facie showing in a stipulated settlement establishing any  
          of the following:

          (A) The commission of any act of sexual abuse, misconduct, or relations with a  
          patient or client as defined in Section 726 or 729.

          “...”

          (2) An accusation or statement of issues alleged that the licensee committed any  
          of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a

1 stipulated settlement based upon a nolo contendere or other similar compromise that  
2 does not include any prima facie showing or admission of guilt or fact but does  
3 include an express acknowledgment that the disclosure requirements of this section  
4 would serve to protect the public interest.

5 (b) A licensee required to provide a disclosure pursuant to subdivision (a) shall  
6 obtain from the patient, or the patient's guardian or health care surrogate, a separate,  
7 signed copy of that disclosure.

8 (c) A licensee shall not be required to provide a disclosure pursuant to  
9 subdivision (a) if any of the following applies:

10 (1) The patient is unconscious or otherwise unable to comprehend the  
11 disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a  
12 guardian or health care surrogate is unavailable to comprehend the disclosure and  
13 sign the copy.

14 (2) The visit occurs in an emergency room or an urgent care facility or the visit  
15 is unscheduled, including consultations in inpatient facilities.

16 (3) The licensee who will be treating the patient during the visit is not known to  
17 the patient until immediately prior to the start of the visit.

18 (4) The licensee does not have a direct treatment relationship with the patient.

19 "..."

20 8. Section 2266 of the Code states:

21 "The failure of a physician and surgeon to maintain adequate and accurate records relating  
22 to the provision of services to their patients constitutes unprofessional conduct."

23 9. Unprofessional conduct under Business and Professions Code section 2234 is conduct  
24 which breaches the rules or ethical code of the medical profession, or conduct which is  
25 unbecoming a member in good standing of the medical profession, and which demonstrates an  
26 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,  
27 575.)

28 ///

///

///

///

///

1 COST RECOVERY

2 10. Section 125.3 of the Code states that:

3 (a) Except as otherwise provided by law, in any order issued in resolution of a  
4 disciplinary proceeding before any board within the department or before the  
5 Osteopathic Medical Board upon request of the entity bringing the proceeding, the  
6 administrative law judge may direct a licensee found to have committed a violation or  
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
8 investigation and enforcement of the case.

9 (b) In the case of a disciplined licentiate that is a corporation or a partnership,  
10 the order may be made against the licensed corporate entity or licensed partnership.

11 (c) A certified copy of the actual costs, or a good faith estimate of costs where  
12 actual costs are not available, signed by the entity bringing the proceeding or its  
13 designated representative shall be prima facie evidence of reasonable costs of  
14 investigation and prosecution of the case. The costs shall include the amount of  
15 investigative and enforcement costs up to the date of the hearing, including, but not  
16 limited to, charges imposed by the Attorney General.

17 (d) The administrative law judge shall make a proposed finding of the amount  
18 of reasonable costs of investigation and prosecution of the case when requested  
19 pursuant to subdivision (a). The finding of the administrative law judge with regard  
20 to costs shall not be reviewable by the board to increase the cost award. The board  
21 may reduce or eliminate the cost award, or remand to the administrative law judge if  
22 the proposed decision fails to make a finding on costs requested pursuant to  
23 subdivision (a).

24 (e) If an order for recovery of costs is made and timely payment is not made as  
25 directed in the board's decision, the board may enforce the order for repayment in any  
26 appropriate court. This right of enforcement shall be in addition to any other rights  
27 the board may have as to any licensee to pay costs.

28 (f) In any action for recovery of costs, proof of the board's decision shall be  
conclusive proof of the validity of the order of payment and the terms for payment.

(g)(1) Except as provided in paragraph (2), the board shall not renew or  
reinstate the license of any licensee who has failed to pay all of the costs ordered  
under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion,  
conditionally renew or reinstate for a maximum of one year the license of any  
licensee who demonstrates financial hardship and who enters into a formal agreement  
with the board to reimburse the board within that one-year period for the unpaid  
costs.

(h) All costs recovered under this section shall be considered a reimbursement  
for costs incurred and shall be deposited in the fund of the board recovering the costs  
to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of  
the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in

1 that board's licensing act provides for recovery of costs in an administrative  
2 disciplinary proceeding.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 11. Respondent has subjected his Physician's and Surgeon's Certificate No. A 107815 to  
6 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of  
7 the Code, in that he committed gross negligence in his care and treatment of Patient A<sup>1</sup> and  
8 Patient B, as more particularly alleged hereinafter:

9 **Patient A**

10 12. On or about May 24, 2017, Patient A first presented to Respondent's office  
11 complaining of lack of motivation and unhappiness. At that time, Patient A was a twenty-seven  
12 (27) year-old female. At the end of this visit, Respondent hugged Patient A, while whispering  
13 into Patient A's ear, "We are not supposed to touch our patients." A follow-up appointment was  
14 scheduled in thirty (30) days.

15 13. After Patient A's visit on or about May 24, 2017 and before the next visit on or about  
16 June 26, 2017, Respondent repeatedly contacted Patient A via telephone and/or social media,  
17 expressing his desire to see Patient A again prior to the next scheduled appointment. Respondent  
18 repeatedly requested permission to visit Patient A at her residence. Patient A at first refused, but  
19 eventually agreed to allow Respondent to visit Patient A at Patient A's residence.

20 14. After Patient A's visit on or about May 24, 2017 and before the next visit on or about  
21 June 26, 2017, Respondent went to Patient A's residence and they had a sexual intercourse.

22 15. On or about June 26, 2017, Patient A returned to Respondent's office for a follow-up  
23 psychiatric care and/or treatment. During this visit, Patient A confronted Respondent by stating  
24 that Patient A believed Respondent had used her [for sex] and as a result, Patient A felt worthless.  
25 Respondent apologized to Patient A, broke down emotionally, and stated he did not want to hurt  
26 Patient A. Respondent then prompted Patient A to hug Respondent. Patient A obliged and they  
27 began kissing each other. The kissing eventually led to Patient A performing fellatio on

28 <sup>1</sup> References to "Patient A" and "Patient B" are used to protect patient privacy.

1 Respondent, in his office, during this visit. Then, Patient A left.

2 16. Respondent committed gross negligence in his care and treatment of Patient A, which  
3 included, but was not limited to, the following:

4 (a) Respondent inappropriately engaged in sexual activities with Patient A.

5 **Patient B**

6 17. On or about April 26, 2017, Patient B first presented to Respondent's, complaining of  
7 anxiety and depression. At that time, Patient B was a forty-two (42) year-old female. During this  
8 visit, Respondent hugged Patient B, told her she should feel "loved," and said she is "beautiful."

9 18. On or about May 15, 2017, Patient B returned to Respondent for a follow-up visit. At  
10 this visit, Respondent greeted Patient B with a hug. During this visit, Respondent sat down next  
11 to Patient B, stating that he wanted to try some "relaxation techniques." Respondent began  
12 rubbing Patient B's shoulders with his hands and started to breathe heavily on her ear.  
13 Respondent stated, "I want you to have an orgasm." Respondent started to rub Patient B's  
14 breasts. At this point, Patient B froze and did not know what to do. Respondent stood up from  
15 the couch, removed Patient B's pants and underwear, and performed cunnilingus on Patient B.  
16 Patient B remained frozen. Respondent stopped, removed his pants, exposed his penis to Patient  
17 B, and attempted to move Patient B's head towards Respondent's penis for Patient B to perform  
18 fellatio on Respondent. Patient B resisted and Respondent pulled up his pants. In a stern voice,  
19 Respondent told Patient B not to tell anyone regarding what happened.

20 19. Respondent committed gross negligence in his care and treatment of Patient B, which  
21 included, but was not limited to, the following:

22 (a) Respondent inappropriately engaged in sexual activity with Patient B.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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

**SECOND CAUSE FOR DISCIPLINE**

**(Repeated Negligent Acts)**

20. Respondent has further subjected his Physician's and Surgeon's Certificate No. A 107815 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his care and treatment of Patient A and Patient B, as more particularly alleged herein:

(a) Paragraphs 11 through 19, above, are hereby incorporated by reference and realleged as if fully set forth herein;

(b) Respondent inappropriately engaged in sexual activities with Patient A; and

(c) Respondent inappropriately engaged in sexual activity with Patient B.

**THIRD CAUSE FOR DISCIPLINE**

**(Sexual Misconduct)**

21. Respondent has subjected his Physician's and Surgeon's Certificate No. A 107815 to disciplinary action under section 726, of the Code, in that he engaged in sexual misconduct with Patient A and Patient B, as more particularly alleged hereinafter:

22. Paragraphs 11 through 19, above, is hereby incorporated by reference and realleged as if fully set forth herein.

**FOURTH CAUSE FOR DISCIPLINE**

**(Sexual Exploitation of Patients)**

23. Respondent has subjected his Physician's and Surgeon's Certificate No. A 107815 to disciplinary action under section 729, of the Code, in that he sexually exploited Patients A and B, as more particularly alleged hereinafter:

24. Paragraphs 11 through 19, above, is hereby incorporated by reference and realleged as if fully set forth herein.

///  
///  
///  
///



1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(General Unprofessional Conduct)**

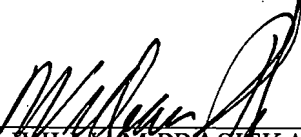
3 25. Respondent has further subjected his Physician's and Surgeon's Certificate No. A  
4 107815 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged in  
5 conduct which breaches the rules or ethical code of the medical profession, or conduct which is  
6 unbecoming to a member in good standing of the medical profession, and which demonstrates an  
7 unfitness to practice medicine, as more particularly alleged in paragraphs 11 through 24, above,  
8 which are hereby incorporated by reference as if fully set forth herein.

9 **PRAYER**

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

- 12 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 107815, issued  
13 to Respondent Jonathan Lam Yuen Watt, M.D.;
- 14 2. Revoking, suspending or denying approval of Respondent Jonathan Lam Yuen Watt,  
15 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 16 3. Ordering Respondent Jonathan Lam Yuen Watt, M.D., if placed on probation, to pay,  
17 the Board the costs of the investigation and enforcement of this case, and if placed on probation,  
18 the costs of probation monitoring; and
- 19 4. Taking such other and further action as deemed necessary and proper.

20  
21 DATED:     **JAN 25 2022**    

22   
23 WILLIAM PRASIFKA  
24 Executive Director  
25 Medical Board of California  
26 Department of Consumer Affairs  
27 State of California  
28 *Complainant*

SD2021801793  
Accusation - Medical Board.docx