

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 HAMSA M. MURTHY  
Deputy Attorney General  
4 State Bar No. 274745  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3495  
6 Facsimile: (415) 703-5480  
E-mail: Hamsa.Murthy@doj.ca.gov  
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. 800-2019-062011

13 **Theodore Pait, M.D.**  
14 **7824 Meadow Park Dr. Apt. 102**  
**Dallas TX 75230-4939**

**A C C U S A T I O N**

15  
16 **Physician's and Surgeon's Certificate**  
**No. C 51394,**

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 October 24, 2003, the Medical Board issued Physician's and Surgeon's  
25 Certificate Number C 51394 to Theodore Pait, 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 June 30, 2021, unless renewed.  
28

**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 (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 provides that the Board shall take action against any  
10 licensee who is charged with “unprofessional conduct,” which includes but is not limited to,  
11 “[v]iolating . . . any provision of this chapter.”

12           6.     Section 2305 of the Code provides, in pertinent part, that the revocation, suspension,  
13 or other discipline, restriction, or limitation imposed by another state upon a license to practice  
14 medicine issued by that state, or the revocation, suspension, or restriction of the authority to  
15 practice medicine by any agency of the federal government, that would have been grounds for  
16 discipline in California, shall constitute grounds for disciplinary action for unprofessional  
17 conduct.

18           7.     Section 141 of the Code provides:

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

24                 (b) Nothing in this section shall preclude a board from applying a specific  
25 statutory provision in the licensing act administered by that board that provides for  
26 discipline based upon a disciplinary action taken against the licensee by another state,  
27 an agency of the federal government, or another country.  
28

**FIRST CAUSE FOR DISCIPLINE**

**(Discipline, Restriction, or Limitation of Imposed by Another State)**

1  
2  
3       8.     On October 18, 2019, the Texas Medical Board (Texas Board) entered an Agreed  
4 Order of Cease and Desist (Order), attached herewith as Exhibit A. The Texas Board found that  
5 on November 30, 2018, Respondent engaged in the unlicensed practice of medicine when he  
6 prescribed a stem cell treatment for a patient in Texas, while not being licensed to practice  
7 medicine in the state. (Exhibit A at pp. 1-2.) Respondent’s written prescription for the Texas  
8 patient, a “telehealth order,” referenced Respondent’s California Physician’s and Surgeon’s  
9 License, but no Texas medical license. (See Exhibit A at p. 2.) Accordingly, the Texas Board  
10 ordered that the Respondent immediately cease the unlawful practice, and also refrain from  
11 engaging in the practice of medicine in Texas, including but not limited to prescribing stem cell  
12 treatments for Texas patients. (Exhibit A at p. 3.) In addition, the Texas Board provided that any  
13 violation of its Order is grounds for imposing on Respondent administrative penalties of up to  
14 \$5,000, and civil penalties of up to \$1,000, for each violation and/or for each day of a continuing  
15 violation. (*Ibid.*)

16       9.     Respondent’s foregoing conduct and the actions of the Texas Board, as set forth in  
17 paragraph 8, above, and Exhibit A, attached, constitute cause for discipline, pursuant to section  
18 2234 and/or section 2305 and/or section 141, subdivision (a) of the Code.

19 //  
20 //  
21 //  
22 //  
23 //  
24 //  
25 //  
26 //  
27 //  
28 //

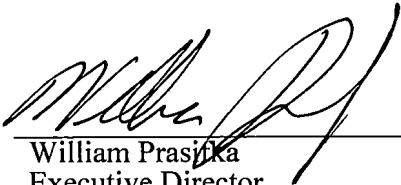
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PRAYER**

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 51394, issued to Theodore Pait, M.D.;
2. Revoking, suspending or denying approval of Theodore Pait, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Theodore Pait, 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:     **JUL 30 2020**    

  
\_\_\_\_\_  
William Prasifka  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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

**EXHIBIT A**

Texas Medical Board Agreed Order of Cease and Desist

IN THE MATTER OF

THEODORE PAIT, M.D.

BEFORE A DISCIPLINARY PANEL

OF

THE TEXAS MEDICAL BOARD

AGREED ORDER OF CEASE AND DESIST

On the 18 day of October, 2019, this matter came on to be heard before the Texas Medical Board (the Board). Theodore Pait, M.D. ("Respondent") did not appear for a hearing, has waived any right to a Cease and Desist hearing and agrees with the entry of this Order. Upon the recommendation of the Board's Staff and with the consent of Respondent, the Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law and all jurisdictional requirements have been satisfied.
2. At the time of the events discussed herein, Respondent was not licensed to practice medicine as a physician in the State of Texas.
3. Respondent was previously licensed in the State of Texas. He was issued License No. G-1740 on February 20, 1982. This license was canceled at Respondent's request on February 1, 1994.
4. Respondent currently holds active medical licenses in Georgia, California and Florida.
5. Respondent reports having retired from the practice of medicine in January 2019 due to personal health issues.
6. Respondent engaged in the unlicensed practice of medicine in the state of Texas when he prescribed stem cell treatment for a Texas patient when he was not licensed in the state. Specifically, on or about November 30, 2018, Respondent issued a telehealth order for the intravenous infusion of stem cells and use of a topical solution containing stem cells (i.e. *six consecutive injections of "Stem Cell 2cc IV," once every six months for 36 months and*

*administration of "Stem Cell 0.5 cc of a topically in the wound area" following each injection) for an eleven-year-old patient whom he had evaluated via video chat.*

7. Respondent billed the patient and received compensation for the medical services provided.

8. At the time Respondent evaluated the patient, created a treatment plan, prescribed stem cell substances and billed for medical services, the patient was a resident of Texas and Respondent was a resident of California. The written prescription (or "telehealth order") bore a Newport Beach address and referenced California Medical License C-51394.

9. Respondent's conduct, as described above, shows that Respondent has engaged in the unauthorized practice of medicine in Texas without a valid Texas Medical License.

#### **I. LEGAL AUTHORITY**

1. Section 165.052(a) of the Act authorizes the Board to issue a Cease and Desist Order prohibiting a person from engaging in any activity in violation of the Act.

2. Section 155.001 of the Act prohibits Respondent from practicing medicine in the State of Texas unless the person holds a license issued under this subtitle.

3. Section 151.002(A)(12) of the Act defines a physician as a person licensed to practice medicine in this state.

4. Section 151.002(A)(13) of the Act defines "practicing medicine" as the diagnosis, treatment, or offer to treat a mental or physical disease or disorder or a physical deformity or injury by any system or method, or the attempt to effect cures of those conditions, by a person who: (A) publicly professes to be a physician or surgeon; or (B) directly or indirectly charges money or other compensation for those services.

5. Section 165.101 of the Act provides that a violation or attempted violation of an Order under Section 165.052(a) constitutes grounds for imposing a fine of \$1,000 for each violation, and each date a violation continues constitutes a separate violation.

6. Section 165.052(b) of the Act provides that a violation of an Order under Section 165.052(a) constitutes grounds for imposing an administrative penalty under TEX. OCC. CODE, Title 3, Subtitle B, Chapter 165, Subchapter A, which allows for an administrative penalty of up to \$5,000 for each violation to be assessed, and each day of a violation continues constitutes a separate violation.

7. 22 Tex. Admin. Code § 187.84 authorizes the Board to impose an administrative penalty for violation of a cease and desist order, or refer the matter to the Attorney General to institute action for: an injunction against violation of the order; any administrative penalty assessed by the Board; a civil penalty in accord with Section 165.101 of the Act; expenses in accord with Section 165.103 of the Act; and any other remedy provided by law.

ORDER

Based on the findings of fact and conclusions of law, the Board ORDERS the following:

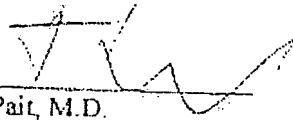
1. Respondent immediately cease with the practice of medicine.
2. Respondent shall not engage in the practice of medicine in Texas, which includes, but is not limited to, providing stem cell treatment in Texas or to Texas patients.
3. Any violation of this Order constitutes grounds for imposing an administrative penalty of up to \$5,000 and a civil penalty of up to \$1,000 for each violation and/or for each day of a continuing violation of the Medical Practice Act.

**THIS ORDER IS A PUBLIC RECORD.**



I, THEODORE PAIT, M.D., RESPONDENT, WAIVE THE RIGHT TO A HEARING PURSUANT TO THE ACT, §165.052 AND 22 TEX. ADMIN. CODE, CHAPTER 198, AND ALL RIGHTS PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT, TEX. GOV'T CODE, CHAPTER 2001, INCLUDING THE RIGHT TO NOTICE AND HEARING, AND TO ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO THIS ORDER. RESPONDENT AGREES TO THE ENTRY OF THIS ORDER AND AGREES THAT THIS IS A FINAL ORDER.

I, THEODORE PAIT, M.D., HAVE READ AND UNDERSTAND THIS ORDER. MY SIGNATURE BELOW IS VOLUNTARY. THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I HAVE SIGNED THIS ORDER ON THE 15 DAY OF AUGUST, 2019.



Theodore Pait, M.D.  
Respondent

STATE OF \_\_\_\_\_ §

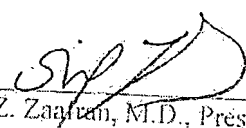
COUNTY OF \_\_\_\_\_ §

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

(Notary Seal)

\_\_\_\_\_  
Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
18 day of October, 2019.

  
\_\_\_\_\_  
Sherif Z. Zafran, M.D., President  
Texas Medical Board

STATE OF TEXAS  
COUNTY OF TRAVIS

Christine Lodge certify that I am an official  
in the direct custodian of records for the Texas Medical Board  
and that this is a true and correct Copy of the original, as it  
appears on the file in this office.

Witness my official hand and seal of the BOARD.

This 17th Day of December, 2019  
Christine Lodge  
\_\_\_\_\_  
Assistant Custodian of Records