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

10
11 In the Matter of the Accusation Against:

Case No. 800-2020-073023

12 **Satnam S. Atwal, M.D.**
13 **7055 N Chestnut Avenue, Ste. 101**
Fresno, CA 93720

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. A 45196,**

16 Respondent.

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19 **PARTIES**

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

23 2. On or about August 15, 1988, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 45196 to Satnam S. Atwal, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on November 30, 2023, unless renewed.

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JURISDICTION

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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 states:

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

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

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

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

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

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

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

27 5. Section 2234 of the Code, states:

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

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

 (b) Gross negligence.

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

 (1) An initial negligent diagnosis followed by an act or omission medically

1 appropriate for that negligent diagnosis of the patient shall constitute a single
2 negligent act.

3 (2) When the standard of care requires a change in the diagnosis, act, or
4 omission that constitutes the negligent act described in paragraph (1), including, but
5 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
6 licensee's conduct departs from the applicable standard of care, each departure
7 constitutes a separate and distinct breach of the standard of care.

8 (d) Incompetence.

9 (e) The commission of any act involving dishonesty or corruption that is
10 substantially related to the qualifications, functions, or duties of a physician and
11 surgeon.

12 (f) Any action or conduct that would have warranted the denial of a certificate.

13 (g) The failure by a certificate holder, in the absence of good cause, to attend
14 and participate in an interview by the board. This subdivision shall only apply to a
15 certificate holder who is the subject of an investigation by the board.

16 6. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
17 adequate and accurate records relating to the provision of services to their patients constitutes
18 unprofessional conduct.

19 COST RECOVERY

20 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licensee found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
24 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
25 included in a stipulated settlement.

26 FIRST CAUSE FOR DISCIPLINE

27 (Repeated Negligent Acts)

28 8. Respondent Satnam S. Atwal, M.D. is subject to disciplinary action under section
29 2234, subdivision (c), of the Code, in that he committed repeated acts of negligence in his care
30 and treatment of Patients 1 and 2.¹ The circumstances are as follows:

31 9. Between July 16, 2019, and November 24, 2020, Respondent appropriately
32 prescribed benzodiazepines to Patient 1 to treat the patient's anxiety. Respondent continued

33 ¹ Patient names are redacted to protect their privacy.

1 Patient 1's clonazepam prescription that had been started by another provider. On or about
2 October 21, 2020, Respondent started Patient 1 on temazepam, 30 mg at bedtime. Respondent
3 failed to document an informed consent discussion, including a review with Patient 1 of the
4 relevant risks, benefits, and alternatives, prior to prescribing benzodiazepines, which are
5 controlled substances. Respondent's failure to document informed consent constitutes
6 negligence.

7 10. On or about November 12, 2018, Patient 2 first presented to Respondent and was
8 diagnosed with bipolar disorder and depression. On or about April 30, 2020, Respondent started
9 Patient 2 on the benzodiazepine alprazolam, 0.5 mg three times per day as needed, to treat panic
10 attacks. Respondent failed to document an informed consent discussion, including a review with
11 Patient 2 of the relevant risks, benefits, and alternatives, prior to prescribing a benzodiazepine.
12 Respondent's failure to document informed consent constitutes negligence.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Inadequate and Inaccurate Recordkeeping)**

15 11. Respondent is further subject to disciplinary action under section 2266 of the Code in
16 that he failed to maintain adequate and accurate medical records in his care and treatment of
17 Patients 1 and 2. The circumstances are set forth in paragraphs 9 and 10, above, which are
18 incorporated here by reference as if fully set forth.

19 **DISCIPLINARY CONSIDERATIONS**

20 12. To determine the degree of discipline, if any, to be imposed on Respondent Satnam S.
21 Atwal, M.D., Complainant alleges that on or about February 28, 2018, in a prior disciplinary
22 action titled Public Letter of Reprimand against Satnam S. Atwal, M.D. before the Medical Board
23 of California, in Case Number 800-2015-018264, Respondent's license was reprimanded for
24 failure to order or obtain baseline laboratory tests of a patient, failure to justify in writing
25 continuation of a maintenance medicine at a dose above the manufacturer's recommended dose,
26 and failure to include important written documentation in the medical records. That decision is
27 now final and is incorporated by reference as if fully set forth herein.

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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 A 45196, issued to Satnam S. Atwal, M.D.;
- 2. Revoking, suspending or denying approval of Satnam S. Atwal, M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 3. Ordering Satnam S. Atwal, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and
- 4. Taking such other and further action as deemed necessary and proper.

DATED: AUG 25 2023

JENNA JONES FOR
REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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