

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

In the Matter of the Petition to Revoke  
Probation Against:

David E. Sosin, M.D.

Case No. 800-2021-074623

Physician's and Surgeon's  
Certificate No. G 13099

Respondent.

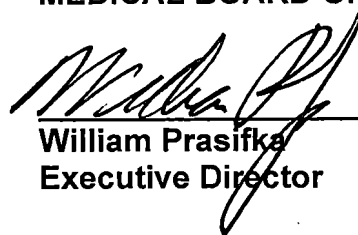
DECISION

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 August 2, 2021.

IT IS SO ORDERED July 26, 2021.

MEDICAL BOARD OF CALIFORNIA



\_\_\_\_\_  
William Prasifka  
Executive Director

1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 LATRICE R. HEMPHILL  
Deputy Attorney General  
4 State Bar No. 285973  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6198  
Facsimile: (916) 731-2117  
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 Petition to Revoke  
Probation Against:  
13 **DAVID E. SOSIN, M.D.**  
14 **13362 Newport Avenue, Suite A**  
**Tustin, CA 92780**  
15 **Physician's and Surgeon's Certificate No. G**  
16 **13099**  
17 Respondent.

Case No. 800-2021-074623  
OAH No. 800-2021-074623  
**STIPULATED SURRENDER OF  
LICENSE AND 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 Latrice R. Hemphill, Deputy  
25 Attorney General.

26 2. David E. Sosin, M.D. (Respondent) is represented in this proceeding by attorney  
27 Kevin D. Cauley, Esq., whose address is: 624 South Grand Avenue, 22nd Floor, Los Angeles,  
28 CA 90017-3323.



1 9. For the purpose of resolving the Petition to Revoke Probation without the expense  
2 and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
3 establish a factual basis for the charges in the Petition to Revoke Probation and that those charges  
4 constitute cause for discipline. Respondent hereby gives up his right to contest that cause for  
5 discipline exists based on those charges.

6 10. Respondent understands that by signing this stipulation he enables the Board to issue  
7 an order accepting the surrender of his Physician's and Surgeon's Certificate without further  
8 process.

9 **RESERVATION**

10 11. The admissions made by Respondent herein are only for the purposes of this  
11 proceeding, or any other proceedings in which the Medical Board of California or other  
12 professional licensing agency is involved, and shall not be admissible in any other criminal or  
13 civil proceeding.

14 **CONTINGENCY**

15 12. This stipulation shall be subject to approval by the Board. Respondent understands  
16 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
17 with the Board regarding this stipulation and surrender, without notice to or participation by  
18 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he  
19 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
20 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
21 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
22 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
23 be disqualified from further action by having considered this matter.

24 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
25 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures  
26 thereto, shall have the same force and effect as the originals.

27 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
28 the Board may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

1  
2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 13099, issued  
3 to Respondent DAVID E. SOSIN, M.D., is surrendered and accepted by the Board.

4 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the  
5 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
6 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
7 of Respondent's license history with the Board.

8 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in  
9 California as of the effective date of the Board's Decision and Order.

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

12 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
13 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
14 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
15 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
16 contained in Petition to Revoke Probation No. 800-2021-074623 shall be deemed to be true,  
17 correct and admitted by Respondent when the Board determines whether to grant or deny the  
18 petition.

19 5. If Respondent should ever apply or reapply for a new license or certification, or  
20 petition for reinstatement of a license, by any other health care licensing agency in the State of  
21 California, all of the charges and allegations contained in Petition to Revoke Probation, No. 800-  
22 2021-074623 shall be deemed to be true, correct, and admitted by Respondent for the purpose of  
23 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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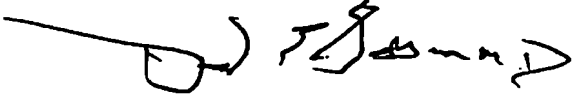
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**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Kevin D. Cauley, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 3/1/21   
\_\_\_\_\_  
DAVID E. SOSIN, M.D.  
*Respondent*

I have read and fully discussed with Respondent DAVID E. SOSIN, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 7-15-21   
\_\_\_\_\_  
KEVIN D. CAULEY, ESQ.  
*Attorney for Respondent*

**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: \_\_\_\_\_

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

LATRICE R. HEMPHILL  
Deputy Attorney General  
*Attorneys for Complainant*

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**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Kevin D. Cauley, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: \_\_\_\_\_  
DAVID E. SOSIN, M.D.  
*Respondent*

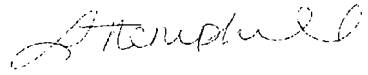
I have read and fully discussed with Respondent DAVID E. SOSIN, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: \_\_\_\_\_  
KEVIN D. CAULEY, ESQ.  
*Attorney for Respondent*

**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: 7/19/2021 \_\_\_\_\_  
Respectfully submitted,  
ROB BONTA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

  
LATRICE R. HEMPHILL  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Petition to Revoke Probation No. 800-2021-074623**



1 MATTHEW RODRIQUEZ  
Acting Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 LATRICE R. HEMPHILL  
Deputy Attorney General  
4 State Bar No. 285973  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6198  
Facsimile: (916) 731-2117  
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 Petition to Revoke  
13 Probation Against:

Case No. 800-2021-074623

14 **DAVID E. SOSIN, M.D.**  
15 **13362 Newport Avenue, Suite A**  
**Tustin, CA 92780**

**PETITION TO REVOKE PROBATION**

16 **Physician's and Surgeon's Certificate**  
17 **No. G 13099,**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. William Prasifka (Complainant) brings this Petition to Revoke Probation 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 April 19, 1967, the Medical Board of California issued Physician's and  
26 Surgeon's Certificate Number G 13099 to DAVID E. SOSIN, M.D. (Respondent). The  
27 Physician's and Surgeon's Certificate was in effect at all times relevant to the charges brought  
28 herein and will expire on October 31, 2021, unless renewed.



1 probation, as the board or an administrative law judge may deem proper.

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

8 **FIRST CAUSE TO REVOKE PROBATION**

9 **(Clinical Competence Assessment Program)**

10 7. At all times after the effective date of Respondent's probation, Condition 21 of the  
11 2020 Decision stated, in pertinent part:

12 "Within 60 calendar days of the effective date of this Decision, Respondent  
13 shall enroll in a clinical competence assessment program approved in advance by the  
14 Board or its designee. Respondent shall successfully complete the program not later  
15 than six (6) months after Respondent's initial enrollment unless the Board or its  
16 designee agrees in writing to an extension of that time. Respondent shall not be  
17 allowed to re-take the Center for Personalized Education for Physicians (CPEP)  
18 program.

19 ...

20 If the Respondent did not successfully complete the clinical competence  
21 assessment program, the Respondent shall not resume the practice of medicine until a  
22 final decision has been rendered on the accusation and/or a petition to revoke  
23 probation. The cessation of practice shall not apply to the reduction of the  
24 probationary time period."

25 8. Respondent's probation is subject to revocation because he failed to comply with  
26 Probation Condition 21, referenced above. The facts and circumstances regarding this violation  
27 are as follows:

28 A. On or about February 19, 2020, Respondent was officially enrolled in the University  
of California, San Diego Physician Assessment and Clinical Education Program ("PACE  
Program"). Respondent participated in the PACE Program on May 28, June 1-2, and August 27-  
28, 2020.

B. On or about November 10, 2020, the PACE Program provided the Board with their  
report regarding Respondent's assessment with the program. The report indicated that  
Respondent's overall performance on the comprehensive physician assessment was consistent  
with a "Fail, Category 4." As such, Respondent did not successfully complete the clinical  
competence assessment program, thereby violating his probation.

1 SECOND CAUSE TO REVOKE PROBATION

2 (Violation of Probation)

3 9. At all times after the effective date of Respondent's probation, Condition 17 of the  
4 2016 Decision states:

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

12 10. Respondent's probation is subject to revocation because he failed to comply with  
13 Probation Condition 17, of the 2016 Decision, referenced above. The facts and circumstances  
14 regarding this violation are as follows:

15 A. Paragraphs 7 through 8, inclusive, above, are incorporated herein by reference.

16 DISCIPLINE CONSIDERATIONS

17 11. To determine the degree of discipline, if any, to be imposed on Respondent,  
18 Complainant alleges that on or about December 15, 2020, the Medical Board of California issued  
19 a Cease Practice Order in Case Nos. 800-2013-000597 and 800-2015-016817, for violation of  
20 Probation Condition 21. Respondent was ordered to immediately cease the practice of medicine.

21 12. To further determine the degree of discipline, if any, to be imposed on Respondent,  
22 Complainant refers to the details of the prior disciplinary action, as more particularly alleged in  
23 paragraph 3, above, which are hereby incorporated by reference and alleged as if fully set forth  
24 herein. The disciplinary action was taken due to the following sustained allegations: gross  
25 negligence, repeated negligent acts, inadequate records, incompetence, prescribing without  
26 exam/indication, excessive prescribing, general unprofessional conduct, and aiding and abetting  
27 the unlicensed practice of medicine. That Decision is now final and is incorporated by reference  
28 as if fully set forth.

13 13. To further determine the degree of discipline, if any, to be imposed on Respondent,  
14 Complainant alleges that on or about June 14, 1999, in a prior disciplinary action, before the  
15 Board, titled "*In the Matter of the Accusation Against David E. Sosin, M.D.*," Case No. 04-1996-

1 66892, Respondent's license was revoked, with the revocation stayed, and Respondent was  
2 placed on probation for three (3) years, subject to terms and conditions. This action was taken  
3 due to the following sustained allegations: excessive prescribing, repeated negligent acts, gross  
4 negligence, and prescribing dangerous drugs without a good faith prior examination and medical  
5 indication therefor. That Decision is now final and is incorporated by reference as if fully set  
6 forth herein.

7 **PRAYER**

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

10 1. Revoking the probation that was granted by the Medical Board of California in Case  
11 No. 800-2015-016817 and imposing the disciplinary order that was stayed, thereby revoking  
12 Physician's and Surgeon's Certificate No. G 13099 issued to David E. Sosin, M.D.;

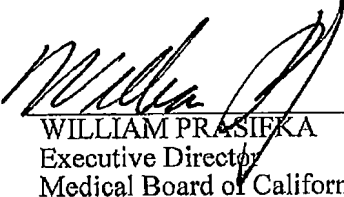
13 2. Revoking or suspending Physician's and Surgeon's Certificate No. G 13099, issued to  
14 David E. Sosin, M.D.;

15 3. Revoking, suspending or denying approval of David E. Sosin, M.D.'s authority to  
16 supervise physicians assistants, pursuant to section 3527 of the Code, and advanced practice  
17 nurses;

18 4. Ordering David E. Sosin, M.D., if placed on probation, to pay the Medical Board of  
19 California the costs of probation monitoring; and

20 5. Taking such other and further action as deemed necessary and proper.

21  
22  
23 DATED: MAR 23 2021

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

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**Exhibit A**

**Decision and Order**

**Medical Board of California Case No. 800-2013-000597**

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

In the Matter of the Accusation Against: )  
 )  
DAVID E. SOSIN, M.D. ) Case No. 8002013000597  
 )  
Physician's and Surgeon's )  
Certificate No. G 13099 )  
 )  
Respondent. )  
\_\_\_\_\_ )

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on December 2, 2016.

IT IS SO ORDERED November 3, 2016.

MEDICAL BOARD OF CALIFORNIA

By: Michelle Anne Bholat MD  
Michelle Bholat, M.D., Chair  
Panel B

MEDICAL BOARD OF CALIFORNIA  
I do hereby certify that this document is a true  
and correct copy of the original on file in this  
office.

S. Woods  
Signature  
For Custodian of Records  
Date 11/30/2020

1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 TAN N. TRAN  
Deputy Attorney General  
4 State Bar No. 197775  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6793  
6 Facsimile: (213) 897-9395  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 800-2013-000597

11  
12 **David E. Sosin, M.D.**  
13 13362 Newport Avenue, Suite A  
Tustin, CA 92780

OAH No. 2015120974

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Physician's and Surgeon's Certificate  
15 No. G13099,

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board.  
22 of California. She brought this action solely in her official capacity and is represented in this  
23 matter by Kamala D. Harris, Attorney General of the State of California, by Tan N. Tran, Deputy  
24 Attorney General.

25 2. Respondent DAVID E. SOSIN, M.D. ("Respondent") is represented in this  
26 proceeding by attorney Scott A. Martin, whose address is: PIVO, HALBREICH, MARTIN &  
27 WILSON, LLP, 525 North Cabrillo Park Drive, Santa Ana, CA 92701.

28 ///



1 3. On or about April 19, 1967, the Medical Board of California issued Physician's and  
2 Surgeon's Certificate No. G13099 to DAVID E. SOSIN, 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. 800-2013-000597, and will expire on October 31, 2016, unless renewed.

5 JURISDICTION

6 4. Accusation No. 800-2013-000597 was filed before the Medical Board of California  
7 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
8 Accusation and all other statutorily required documents were properly served on Respondent on  
9 July 1, 2015. Respondent timely filed his Notice of Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2013-000597 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. 800-2013-000597. Respondent has also carefully read,  
15 fully discussed with 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 does not contest that at an administrative hearing, complainant could  
27 establish a *prima facie* case with respect to the charges and allegations contained in Accusation  
28

1 No. 800-2013-000597, and that he has thereby subjected his Physician's and Surgeon's Certificate  
2 No. G13099 to disciplinary action.

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

6 RESERVATION

7 11. The admissions made by Respondent herein are only for the purposes of this  
8 proceeding, or any other proceedings in which the Medical Board of California or other  
9 professional licensing agency is involved, and shall not be admissible in any other criminal or  
10 civil proceeding.

11 CONTINGENCY

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

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

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
26 the Board may, without further notice or formal proceeding, issue and enter the following  
27 Disciplinary Order:

28 ///

1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G13099 issued  
3 to David E. Sosin, M.D. (Respondent) is revoked. However, the revocation is stayed and  
4 Respondent is placed on probation for five (5) years on the following terms and conditions.

5 1. CONTROLLED SUBSTANCES - PARTIAL RESTRICTION. During the first  
6 three years of probation, for any prescription for controlled substances as listed in Schedule(s) II  
7 and III of the California Uniform Controlled Substances Act, Respondent shall, within five  
8 business days after issuing said prescription(s), forward said patient(s)' medical record to the  
9 Board or its Designee. Said medical record(s) shall show all the following: 1) the name and  
10 address of patient; 2) the date; 3) the character and quantity of controlled substances involved;  
11 and 4) the indications and diagnosis for which the controlled substances were furnished.

12 Although Respondent has never previously prescribed or recommended medical  
13 marijuana for any patient, it is nonetheless ordered that Respondent shall not issue an oral or  
14 written recommendation or approval to a patient or a patient's primary caregiver for the  
15 possession or cultivation of marijuana for the personal medical purposes of the patient within the  
16 meaning of Health and Safety Code section 11362.5. If Respondent forms the medical opinion,  
17 after an appropriate prior examination and medical indication, that a patient's medical condition  
18 may benefit from the use of marijuana, Respondent shall so inform the patient and shall refer the  
19 patient to another physician who, following an appropriate prior examination and medical  
20 indication, may independently issue a medically appropriate recommendation or approval for the  
21 possession or cultivation of marijuana for the personal medical purposes of the patient within the  
22 meaning of Health and Safety Code section 11362.5. In addition, Respondent shall inform the  
23 patient or the patient's primary caregiver that Respondent is prohibited from issuing a  
24 recommendation or approval for the possession or cultivation of marijuana for the personal  
25 medical purposes of the patient and that the patient or the patient's primary caregiver may not  
26 rely on Respondent's statements to legally possess or cultivate marijuana for the personal medical  
27 purposes of the patient. Respondent shall fully document in the patient's chart that the patient or  
28 the patient's primary caregiver was so informed. Nothing in this condition prohibits Respondent

1 from providing the patient or the patient's primary caregiver information about the possible  
2 medical benefits resulting from the use of marijuana.

3 2. CONTROLLED SUBSTANCES- MAINTAIN RECORDS AND ACCESS TO  
4 RECORDS AND INVENTORIES. Respondent shall maintain a record of all controlled  
5 substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any  
6 recommendation or approval which enables a patient or patient's primary caregiver to possess or  
7 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health  
8 and Safety Code section 11362.5, during probation, showing all the following: 1) the name and  
9 address of patient; 2) the date; 3) the character and quantity of controlled substances involved;  
10 and 4) the indications and diagnosis for which the controlled substances were furnished.

11 Respondent shall keep these records in a separate file or ledger, in chronological order. All  
12 records and any inventories of controlled substances shall be available for immediate inspection  
13 and copying on the premises by the Board or its designee at all times during business hours and  
14 shall be retained for the entire term of probation.

15 3. EDUCATION COURSE. Within 60 calendar days of the effective date of this  
16 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee  
17 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours  
18 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at  
19 correcting any areas of deficient practice or knowledge and shall be Category I certified. The  
20 educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to  
21 the Continuing Medical Education (CME) requirements for renewal of licensure. Following the  
22 completion of each course, the Board or its designee may administer an examination to test  
23 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65  
24 hours of CME of which 40 hours were in satisfaction of this condition.

25 4. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective  
26 date of this Decision, Respondent shall enroll in a course in prescribing practices equivalent to the  
27 Prescribing Practices Course at the Physician Assessment and Clinical Education Program,  
28 University of California, San Diego School of Medicine (Program), approved in advance by the

1 Board or its designee. Respondent shall provide the program with any information and documents  
2 that the Program may deem pertinent. Respondent shall participate in and successfully complete  
3 the classroom component of the course not later than six (6) months after Respondent's initial  
4 enrollment. Respondent shall successfully complete any other component of the course within  
5 one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense  
6 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of  
7 licensure.

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

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

16 5. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective  
17 date of this Decision, Respondent shall enroll in a course in medical record keeping equivalent to  
18 the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education  
19 Program, University of California, San Diego School of Medicine (Program), approved in  
20 advance by the Board or its designee. Respondent shall provide the program with any information  
21 and documents that the Program may deem pertinent. Respondent shall participate in and  
22 successfully complete the classroom component of the course not later than six (6) months after  
23 Respondent's initial enrollment. Respondent shall successfully complete any other component of  
24 the course within one (1) year of enrollment. The medical record keeping course shall be at  
25 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)  
26 requirements for renewal of licensure.

27 A medical record keeping course taken after the acts that gave rise to the charges in the  
28 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board

1 or its designee, be accepted towards the fulfillment of this condition if the course would have  
2 been approved by the Board or its designee had the course been taken after the effective date of  
3 this Decision.

4 Respondent shall submit a certification of successful completion to the Board or its  
5 designee not later than 15 calendar days after successfully completing the course, or not later than  
6 15 calendar days after the effective date of the Decision, whichever is later.

7 6. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of  
8 the effective date of this Decision, Respondent shall enroll in a professionalism program, that  
9 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.  
10 Respondent shall participate in and successfully complete that program. Respondent shall  
11 provide any information and documents that the program may deem pertinent. Respondent shall  
12 successfully complete the classroom component of the program not later than six (6) months after  
13 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
14 time specified by the program, but no later than one (1) year after attending the classroom  
15 component. The professionalism program shall be at Respondent's expense and shall be in  
16 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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

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

25 7. CLINICAL TRAINING PROGRAM. Within 60 calendar days of the effective date  
26 of this Decision, Respondent shall enroll in a clinical training or educational program equivalent  
27 to the Physician Assessment and Clinical Education Program (PACE) offered at the University of  
28 California - San Diego School of Medicine ("Program"). Respondent shall successfully complete

1 the Program not later than six (6) months after Respondent's initial enrollment unless the Board  
2 or its designee agrees in writing to an extension of that time.

3 The Program shall consist of a Comprehensive Assessment program comprised of a two-  
4 day assessment of Respondent's physical and mental health; basic clinical and communication  
5 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to  
6 Respondent's area of practice in which Respondent was alleged to be deficient, and at minimum,  
7 a 40 hour program of clinical education in the area of practice in which Respondent was alleged  
8 to be deficient and which takes into account data obtained from the assessment, Decision(s),  
9 Accusation(s), and any other information that the Board or its designee deems relevant.  
10 Respondent shall pay all expenses associated with the clinical training program.

11 Based on Respondent's performance and test results in the assessment and clinical  
12 education, the Program will advise the Board or its designee of its recommendation(s) for the  
13 scope and length of any additional educational or clinical training, treatment for any medical  
14 condition, treatment for any psychological condition, or anything else affecting Respondent's  
15 practice of medicine. Respondent shall comply with Program recommendations.

16 At the completion of any additional educational or clinical training, Respondent shall  
17 submit to and pass an examination. Determination as to whether Respondent successfully  
18 completed the examination or successfully completed the program is solely within the program's  
19 jurisdiction.

20 If Respondent fails to enroll, participate in, or successfully complete the clinical training  
21 program within the designated time period, Respondent shall receive a notification from the  
22 Board or its designee to cease the practice of medicine within three (3) calendar days after being  
23 so notified. The Respondent shall not resume the practice of medicine until enrollment or  
24 participation in the outstanding portions of the clinical training program have been completed. If  
25 the Respondent did not successfully complete the clinical training program, the Respondent shall  
26 not resume the practice of medicine until a final decision has been rendered on the accusation  
27 and/or a petition to revoke probation. The cessation of practice shall not apply to the reduction of  
28 the probationary time period.

1           8. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this  
2 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice  
3 monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose  
4 licenses are valid and in good standing, and who are preferably American Board of Medical  
5 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal  
6 relationship with Respondent, or other relationship that could reasonably be expected to  
7 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
8 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
9 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

10           The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
11 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the  
12 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed  
13 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role  
14 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees  
15 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the  
16 signed statement for approval by the Board or its designee.

17           Within 60 calendar days of the effective date of this Decision, and continuing throughout  
18 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall  
19 make all records available for immediate inspection and copying on the premises by the monitor  
20 at all times during business hours and shall retain the records for the entire term of probation.

21           If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective  
22 date of this Decision, Respondent shall receive a notification from the Board or its designee to  
23 cease the practice of medicine within three (3) calendar days after being so notified. Respondent  
24 shall cease the practice of medicine until a monitor is approved to provide monitoring  
25 responsibility.

26           The monitor(s) shall submit a quarterly written report to the Board or its designee which  
27 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
28 are within the standards of practice of medicine, and whether Respondent is practicing medicine



1 safely. It shall be the sole responsibility of Respondent to ensure that the monitor submits the  
2 quarterly written reports to the Board or its designee within 10 calendar days after the end of the  
3 preceding quarter.

4 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
5 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
6 name and qualifications of a replacement monitor who will be assuming that responsibility within  
7 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
8 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
9 notification from the Board or its designee to cease the practice of medicine within three (3)  
10 calendar days after being so notified Respondent shall cease the practice of medicine until a  
11 replacement monitor is approved and assumes monitoring responsibility.

12 In lieu of a monitor, Respondent may participate in a professional enhancement program  
13 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the  
14 University of California, San Diego School of Medicine, that includes, at minimum, quarterly  
15 chart review, semi-annual practice assessment, and semi-annual review of professional growth  
16 and education. Respondent shall participate in the professional enhancement program at  
17 Respondent's expense during the term of probation.

#### 18 STANDARD CONDITIONS

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

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

28 10. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is

1 prohibited from supervising physician assistants.

2 11. 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 12. 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 13. GENERAL PROBATION REQUIREMENTS.

11 Compliance with Probation Unit

12 Respondent shall comply with the Board's probation unit and all terms and conditions of  
13 this Decision.

14 Address Changes

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

20 Place of Practice

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

24 License Renewal

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

27 Travel or Residence Outside California

28 Respondent shall immediately inform the Board or its designee, in writing, of travel to any

1 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
2 (30) calendar days.

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

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

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

20 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
21 months, Respondent shall successfully complete a clinical training program that meets the criteria  
22 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and  
23 Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

26 Periods of non-practice will relieve Respondent of the responsibility to comply with the  
27 probationary terms and conditions with the exception of this condition and the following terms  
28 and conditions of probation: Obey All Laws; and General Probation Requirements.

1           16. COMPLETION OF PROBATION. Respondent shall comply with all financial  
2 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
3 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
4 be fully restored.

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

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

22           19. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
23 with probation monitoring each and every year of probation, as designated by the Board, which  
24 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
25 California and delivered to the Board or its designee no later than January 31 of each calendar  
26 year.

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ACCEPTANCE

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

DATED: 10/6/16   
DAVID E. SOSIN, M.D.  
*Respondent*

I have read and fully discussed with Respondent, DAVID E. SOSIN, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_  
SCOTT A. MARTIN  
*Attorney for Respondent*

ENDORSEMENT

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

Dated: \_\_\_\_\_ Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

TANN. TRAN  
Deputy Attorney General  
*Attorneys for Complainant*

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Scott A. Martin. I understand the substance and the effect of what my my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DAVID:

DAVID E. SOSES, M.D.  
Respondent

I have read and fully discussed with Respondent DAVID E. SOSES, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DAVID:

June 6, 2016

*Scott A. Martin*  
SCOTT A. MARTIN  
Attorney for Respondent

ENDORSEMENT

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

Dated:

6/7/16

Respectfully submitted,

KARLA D. HARRIS  
Attorney General of California  
JENNIFER L. HARRIS  
Supervising Deputy Attorney General

*[Signature]*  
TAS N. HARRIS  
Deputy Attorney General  
Attorney for the Respondent

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