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

11 In the Matter of the Accusation Against:

Case No. 800-2021-082670

12 **Mark Samuel Fettman, M.D.**
13 **1125 NW 12th Ave., Apt. 323**
Portland, OR 97209-3134

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. G 31617,**

Respondent.

16
17
18 **PARTIES**

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

21 2. On or about April 21, 1976, the Medical Board issued Physician's and Surgeon's
22 Certificate Number G 31617 to Mark Samuel Fettman, M.D. (Respondent). The Physician's and
23 Surgeon's Certificate expired on November 30, 2023, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board, under the authority of the following laws.
26 All section references are to the Business and Professions Code (Code) unless otherwise
27 indicated.

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1 4. Section 2227 of the Code states:

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

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

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

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

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

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

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

22 5. Section 2234 of the Code, in pertinent part, states:

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

25 ...

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

28 ...

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

6. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications,
functions, or duties of a physician and surgeon constitutes unprofessional conduct within
the meaning of this chapter. The record of conviction shall be conclusive evidence only of
the fact that the conviction occurred.

1 (b) The district attorney, city attorney, or other prosecuting agency shall notify the
2 Division of Medical Quality of the pendency of an action against a licensee charging a
3 felony or misdemeanor immediately upon obtaining information that the defendant is a
4 licensee. The notice shall identify the licensee and describe the crimes charged and the
5 facts alleged. The prosecuting agency shall also notify the clerk of the court in which the
6 action is pending that the defendant is a licensee, and the clerk shall record prominently in
7 the file that the defendant holds a license as a physician and surgeon.

8 (c) The clerk of the court in which a licensee is convicted of a crime shall, within 48
9 hours after the conviction, transmit a certified copy of the record of conviction to the board.
10 The division may inquire into the circumstances surrounding the commission of a crime in
11 order to fix the degree of discipline or to determine if the conviction is of an offense
12 substantially related to the qualifications, functions, or duties of a physician and surgeon.

13 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
14 deemed to be a conviction within the meaning of this section and Section 2236.1. The
15 record of conviction shall be conclusive evidence of the fact that the conviction occurred.

16 7. Section 1360 of Title 16 of the California Code of Regulations states:

17 (a) For the purposes of denial, suspension or revocation of a license pursuant to
18 Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime,
19 professional misconduct, or act shall be considered to be substantially related to the
20 qualifications, functions or duties of a person holding a license if to a substantial degree it
21 evidences present or potential unfitness of a person holding a license to perform the
22 functions authorized by the license in a manner consistent with the public health, safety or
23 welfare. Such crimes, professional misconduct, or acts shall include but not be limited to
24 the following: Violating or attempting to violate, directly or indirectly, or assisting in or
25 abetting the violation of, or conspiring to violate any provision of state or federal law
26 governing the applicant's or licensee's professional practice.

27 (b) In making the substantial relationship determination required under subdivision
28 (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the crime;

(2) The number of years elapsed since the date of the crime; and

(3) The nature and duties of the profession.

COST RECOVERY

8. Section 125.3 of the Code states:

(a) Except as otherwise provided by law, in any order issued in resolution of a
disciplinary proceeding before any board within the department or before the Osteopathic
Medical Board, upon request of the entity bringing the proceeding, the administrative law
judge may direct a licensee found to have committed a violation or violations of the

1 licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

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

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

11 (d) The administrative law judge shall make a proposed finding of the amount of
12 reasonable costs of investigation and prosecution of the case when requested pursuant to
13 subdivision (a). The finding of the administrative law judge with regard to costs shall not
14 be reviewable by the board to increase the cost award. The board may reduce or eliminate
15 the cost award, or remand to the administrative law judge if the proposed decision fails to
16 make a finding on costs requested pursuant to subdivision (a).

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

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

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

25 (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally
26 renew or reinstate for a maximum of one year the license of any licensee who demonstrates
27 financial hardship and who enters into a formal agreement with the board to reimburse the
28 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 that
board's licensing act provides for recovery of costs in an administrative disciplinary
proceeding.

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1 **FACTUAL ALLEGATIONS**

2 **First Criminal Conviction (Case No. 21-CR-004441)**

3 9. On or about May 1, 2025, in the Franklin County Court of Common Pleas, State of Ohio,
4 in the matter of *State of Ohio v. Mark S. Fettman*, Case No. 21-CR-004441, Respondent entered a
5 plea of guilty and was convicted of Trafficking in Drugs with a Forfeiture Specification, in
6 violation of Ohio Revised Code (ORC) Section 2925.03, a felony of the fifth degree.

7 10. The conviction arose from conduct occurring on or about September 17, 2020, wherein
8 Respondent knowingly sold or offered to sell buprenorphine/naloxone, a Schedule III controlled
9 substance, in violation of ORC Section 2925.03.

10 **Second Criminal Conviction (Case No. 24-CR-002134)**

11 11. On or about May 1, 2025, in the Franklin County Court of Common Pleas, State of Ohio,
12 in the matter of *State of Ohio v. Mark S. Fettman*, Case No. 24-CR-002134, Respondent was
13 convicted of multiple felony offenses within a 147-count Grand Jury Indictment. Specifically,
14 Respondent pled guilty to, and was convicted of, the following specific counts:

15 a. **Count One: Engaging in a Pattern of Corrupt Activity (ORC § 2923.32), a felony**
16 **of the Third degree.** From January 1, 2021, through October 31, 2021, within Franklin
17 County, Ohio, Respondent, while employed by or associated with Ohio Suboxone
18 Doctors, conducted or participated in, directly or indirectly, the affairs of the enterprise
19 through money laundering in violation of ORC Section 1315.55 and drug trafficking in
20 violation of ORC Section 2925.03.

21 b. **Count Two: Money Laundering (ORC § 1315.55), a felony of the Fourth degree.**
22 From January 8, 2021, to January 11, 2021, within Franklin County, Ohio, Respondent
23 conducted or attempted to conduct a financial transaction involving property known to
24 be the proceeds of unlawful activity, with the intent to conceal or disguise its nature,
25 location, source, ownership, or control, or to avoid transaction reporting requirements
26 under ORC Section 1315.53 or federal law.

27 c. **Count Eleven: Trafficking in Drugs (ORC § 2925.03), a felony of the Fifth degree.**
28 On or about January 7, 2021, within Franklin County, Ohio, Respondent knowingly

1 sold or offered to sell buprenorphine/naloxone, 8mg-2mg, a Schedule III controlled
2 substance. At the time of this offense, Respondent was an Ohio-licensed physician
3 providing Office-Based Treatment for Opioid Addiction and failed to comply with
4 statutory controlled substance prescribing rules, including but not limited to ORC
5 Section 3719.06 and Ohio Administrative Code Section 4731-33-03.

- 6 d. **Count One Hundred Forty-Seven: Trafficking in Drugs (ORC § 2925.03), a felony**
7 **of the Fifth degree.** On or about October 14, 2021, within Franklin County, Ohio,
8 Respondent knowingly sold or offered to sell buprenorphine/naloxone 8mg-2mg,
9 a Schedule III controlled substance. At the time of this offense, Respondent was an
10 Ohio-licensed physician providing Office-Based Treatment for Opioid Addiction and
11 failed to comply with statutory controlled substance prescribing rules, including but not
12 limited to ORC Section 3719.06 and Ohio Administrative Code Section 4731-33-03.

13 **Sentence Imposed in Case Nos. 21-CR-004441 and 24-CR-002134**

14 12. The Court ordered a twelve (12) month sentence in Case No. 21-CR-004441. For Case
15 No. 24-CR-002134, the Court ordered individual sentences of twenty-four (24) months for Count
16 One; eighteen (18) months for Count Two; twelve (12) months for Count Eleven; and twelve (12)
17 months for Count One Hundred Forty-Seven. The Court ordered all counts within Case No. 24-
18 CR-002134 to run concurrently with each other, and with the sentence in Case No. 21-CR-
19 004441, to be served in the Ohio Department of Rehabilitation and Correction.

20 13. Respondent was also ordered to the forfeiture of \$70,162 in Case No. 21-CR-004441,
21 and an additional criminal forfeiture of \$500,000 in Case No. 24-CR-002134.

22 **CAUSE FOR DISCIPLINE**

23 **(Conviction of a Crime)**

24 14. The allegations set forth in Paragraphs 9 through 13 are incorporated by reference as if
25 fully set out herein.

26 15. Respondent's license is subject to disciplinary action under sections 2234, subdivisions
27 (a), (e), and (f), and 2236 of the Code, and under Title 16 of the California Code of Regulations,
28 section 1360, in that Respondent was convicted of a crime substantially related to the

1 qualifications, functions and duties of a person licensed to practice medicine.

2 **PRAYER**

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

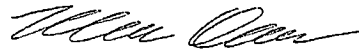
5 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 31617,
6 issued to Respondent Mark Samuel Fettman, M.D.;

7 2. Revoking, suspending or denying approval of Respondent Mark Samuel Fettman,
8 M.D.'s authority to supervise physician assistants and advanced practice nurses;

9 3. Ordering Respondent Mark Samuel Fettman, M.D., to pay the Board the costs of the
10 investigation and enforcement of this case, and if placed on probation, the costs of probation
11 monitoring; and

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

13
14 DATED: AUG 03 2026



for

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