

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

In the Matter of the Accusation Against:

Jonathan Jude Whitfield, M.D.

Physician's & Surgeon's
Certificate No. A 67730

Respondent.

Case No. 800-2021-083872

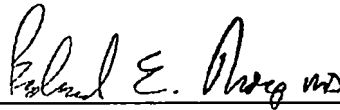
DECISION

The attached Stipulated Settlement and Disciplinary 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 March 13, 2024.

IT IS SO ORDERED: February 12, 2024.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, Chair
Panel B

1 ROB BONTA
 Attorney General of California
 2 JUDITH T. ALVARADO
 Supervising Deputy Attorney General
 3 MARSHA E. BARR-FERNANDEZ
 Deputy Attorney General
 4 State Bar No. 200896
 300 South Spring Street, Suite 1702
 5 Los Angeles, CA 90013
 Telephone: (213) 269-6249
 6 Facsimile: (916) 731-2117
Attorneys for Complainant
 7

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

11 **In the Matter of the Accusation Against:**

12 **JONATHAN JUDE WHITFIELD, M.D.**
 13 **16055 Ventura Blvd, Suite 601**
Encino, CA 91436-2618

14 **Physician's and Surgeon's Certificate**
 15 **No. A 67730,**

16 Respondent.

Case No. 800-2021-083872

OAH No. 2023090499

**STIPULATED SETTLEMENT AND
 DISCIPLINARY ORDER**

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. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
 22 California (Board). He brought this action solely in his official capacity and is represented in this
 23 matter by Rob Bonta, Attorney General of the State of California, by Marsha E. Barr-Fernandez,
 24 Deputy Attorney General.

25 2. Respondent Jonathan Jude Whitfield, M.D. (Respondent) is represented in this
 26 proceeding by attorney Edward C. Stark, whose address is: 401 Wilshire Boulevard, Suite 1200,
 27 Santa Monica, CA 90401.

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 67730 issued to Respondent Jonathan Jude Whitfield, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions:

1. PETITION FOR PENALTY RELIEF – WAIVER: Respondent waives his right to seek early termination of probation.
2. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within fifteen (15) calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

3. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

4. PSYCHOTHERAPY. Within sixty (60) calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval the name and qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five (5) years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

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1 The psychotherapist shall consider any information provided by the Board or its designee
2 and any other information the psychotherapist deems relevant and shall furnish a written
3 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
4 psychotherapist with any information and documents that the psychotherapist may deem
5 pertinent.

6 Respondent shall have the treating psychotherapist submit quarterly status reports to the
7 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
8 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
9 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
10 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
11 period of probation shall be extended until the Board determines that Respondent is mentally fit
12 to resume the practice of medicine without restrictions.

13 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

14 5. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
15 days of the effective date of this Decision, Respondent shall provide to the Board the names,
16 physical addresses, mailing addresses, and telephone numbers of any and all employers and
17 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
18 worksite monitor, and Respondent's employers and supervisors to communicate regarding
19 Respondent's work status, performance, and monitoring.

20 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
21 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
22 privileges.

23 6. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
24 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
25 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
26 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
27 make daily contact with the Board or its designee to determine whether biological fluid testing is
28 required. Respondent shall be tested on the date of the notification as directed by the Board or its

1 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
2 any time, including weekends and holidays. Except when testing on a specific date as ordered by
3 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
4 basis. The cost of biological fluid testing shall be borne by the Respondent.

5 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
6 During the second year of probation and for the duration of the probationary term, up to four (4)
7 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no
8 positive biological fluid tests in the previous four (4) consecutive years of probation, may testing
9 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
10 of random tests to the first-year level of frequency for any reason.

11 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
12 approved in advance by the Board or its designee that will conduct random, unannounced,
13 observed, biological fluid testing and meets all of the following standards:

- 14 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
15 Association or have completed the training required to serve as a collector for the United
16 States Department of Transportation.
- 17 (b) Its specimen collectors conform to the current United States Department of
18 Transportation Specimen Collection Guidelines.
- 19 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
20 by the United States Department of Transportation without regard to the type of test
21 administered.
- 22 (d) Its specimen collectors observe the collection of testing specimens.
- 23 (e) Its laboratories are certified and accredited by the United States Department of Health
24 and Human Services.
- 25 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
26 of receipt and all specimens collected shall be handled pursuant to chain of custody
27 procedures. The laboratory shall process and analyze the specimens and provide legally
28 defensible test results to the Board within seven (7) business days of receipt of the

1 specimen. The Board will be notified of non-negative results within one (1) business day
2 and will be notified of negative test results within seven (7) business days.

3 (g) Its testing locations possess all the materials, equipment, and technical expertise
4 necessary in order to test Respondent on any day of the week.

5 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
6 for the detection of alcohol and illegal and controlled substances.

7 (i) It maintains testing sites located throughout California.

8 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
9 computer database that allows the Respondent to check in daily for testing.

10 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
11 access to drug test results and compliance reporting information that is available 24 hours a
12 day.

13 (l) It employs or contracts with toxicologists that are licensed physicians and have
14 knowledge of substance abuse disorders and the appropriate medical training to interpret
15 and evaluate laboratory biological fluid test results, medical histories, and any other
16 information relevant to biomedical information.

17 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
18 while practicing, even if the Respondent holds a valid prescription for the substance.

19 Prior to changing testing locations for any reason, including during vacation or other travel,
20 alternative testing locations must be approved by the Board and meet the requirements above.

21 The contract shall require that the laboratory directly notify the Board or its designee of
22 non-negative results within one (1) business day and negative test results within seven (7)
23 business days of the results becoming available. Respondent shall maintain this laboratory or
24 service contract during the period of probation.

25 A certified copy of any laboratory test result may be received in evidence in any
26 proceedings between the Board and Respondent.

27 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
28 administered to himself or herself a prohibited substance, the Board shall order Respondent to

1 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
2 medicine or providing medical services. The Board shall immediately notify all of Respondent's
3 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
4 provide medical services while the cease-practice order is in effect.

5 A biological fluid test will not be considered negative if a positive result is obtained while
6 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
7 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

8 After the issuance of a cease-practice order, the Board shall determine whether the positive
9 biological fluid test is in fact evidence of prohibited substance use by consulting with the
10 specimen collector and the laboratory, communicating with the licensee, his or her treating
11 physician(s), other health care provider, or group facilitator, as applicable.

12 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
13 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

14 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
15 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
16 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
17 instructed by the Board not to use, consume, ingest, or administer to himself.

18 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
19 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
20 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
21 any other terms or conditions the Board determines are necessary for public protection or to
22 enhance Respondent's rehabilitation.

23 7. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
24 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
25 prior approval, the name of a substance abuse support group, which he or she shall attend for the
26 duration of probation. Respondent shall attend substance abuse support group meetings at least
27 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
28 abuse support group meeting costs.

1 The facilitator of the substance abuse support group meeting shall have a minimum of three
2 (3) years' experience in the treatment and rehabilitation of substance abuse, and shall be licensed
3 or certified by the state or nationally certified organizations. The facilitator shall not have a
4 current or former financial, personal, or business relationship with Respondent within the last five
5 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
6 the same facilitator does not constitute a prohibited current or former financial, personal, or
7 business relationship.

8 The facilitator shall provide a signed document to the Board or its designee showing
9 Respondent's name, the group name, the date and location of the meeting, Respondent's
10 attendance, and Respondent's level of participation and progress. The facilitator shall report any
11 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
12 or its designee, within twenty-four (24) hours of the unexcused absence.

13 8. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
14 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
15 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
16 licensed physician and surgeon, other licensed health care professional if no physician and
17 surgeon is available, or, as approved by the Board or its designee, a person in a position of
18 authority who is capable of monitoring the Respondent at work.

19 The worksite monitor shall not have a current or former financial, personal, or familial
20 relationship with Respondent, or any other relationship that could reasonably be expected to
21 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
22 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
23 monitor, this requirement may be waived by the Board or its designee, however, under no
24 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

25 The worksite monitor shall have an active unrestricted license with no disciplinary action
26 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
27 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
28 by the Board or its designee.

1 Respondent shall pay all worksite monitoring costs.

2 The worksite monitor shall have face-to-face contact with Respondent in the work
3 environment on as frequent a basis as determined by the Board or its designee, but not less than
4 once per week; interview other staff in the office regarding Respondent's behavior, if requested
5 by the Board or its designee; and review Respondent's work attendance.

6 The worksite monitor shall verbally report any suspected substance abuse to the Board and
7 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
8 substance abuse does not occur during the Board's normal business hours, the verbal report shall
9 be made to the Board or its designee within one (1) hour of the next business day. A written
10 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
11 any other information deemed important by the worksite monitor shall be submitted to the Board
12 or its designee within 48 hours of the occurrence.

13 The worksite monitor shall complete and submit a written report monthly or as directed by
14 the Board or its designee which shall include the following: (1) Respondent's name and
15 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
16 the worksite monitor's license number, if applicable; (4) the location or locations of the worksite;
17 (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the names of
18 worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance; (8) any
19 change in Respondent's behavior and/or personal habits; and (9) any indicators that can lead to
20 suspected substance abuse by Respondent. Respondent shall complete any required consent
21 forms and execute agreements with the approved worksite monitor and the Board, or its designee,
22 authorizing the Board, or its designee, and worksite monitor to exchange information.

23 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
24 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
25 approval, the name and qualifications of a replacement monitor who will be assuming that
26 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
27 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
28 monitor, Respondent shall receive a notification from the Board or its designee to cease the

1 practice of medicine within three (3) calendar days after being so notified. Respondent shall
2 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
3 responsibility.

4 9. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
5 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
6 probation.

7 A. If Respondent commits a major violation of probation as defined by section
8 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
9 one or more of the following actions:

10 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
11 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
12 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
13 order issued by the Board or its designee shall state that Respondent must test negative for at least
14 a month of continuous biological fluid testing before being allowed to resume practice. For
15 purposes of determining the length of time a Respondent must test negative while undergoing
16 continuous biological fluid testing following issuance of a cease-practice order, a month is
17 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
18 notified in writing by the Board or its designee that he or she may do so.

19 (2) Increase the frequency of biological fluid testing.

20 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
21 other action as determined by the Board or its designee.

22 B. If Respondent commits a minor violation of probation as defined by section
23 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
24 one or more of the following actions:

25 (1) Issue a cease-practice order;

26 (2) Order practice limitations;

27 (3) Order or increase supervision of Respondent;

28 (4) Order increased documentation;

1 (5) Issue a citation and fine, or a warning letter;

2 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
3 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
4 Regulations, at Respondent's expense;

5 (7) Take any other action as determined by the Board or its designee.

6 C. Nothing in this Decision shall be considered a limitation on the Board's authority
7 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
8 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
9 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
10 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
11 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
12 is final, and the period of probation shall be extended until the matter is final.

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

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

22 11. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
23 NURSES. During probation, Respondent is prohibited from supervising Physician Assistants and
24 Advanced Practice Nurses.

25 12. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
26 governing the practice of medicine in California, and remain in full compliance with any court-
27 ordered criminal probation, payments, and other orders.

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1 13. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
2 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
3 limited to, expert review, amended accusations, legal reviews, investigations, and subpoena
4 enforcement, as applicable, in the estimated amount of \$ 14,400.50. Costs shall be payable to the
5 Medical Board of California. Failure to pay such costs shall be considered a violation of
6 probation.

7 Payment must be made in full within thirty (30) calendar days of the effective date of the
8 Order, or by a payment plan approved by the Medical Board of California. Any and all requests
9 for a payment plan shall be submitted in writing by Respondent to the Board. Failure to comply
10 with the payment plan shall be considered a violation of probation.

11 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
12 to repay investigation and enforcement costs, including expert review costs (if applicable).

13 14. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
14 under penalty of perjury on forms provided by the Board, stating whether there has been
15 compliance with all the conditions of probation.

16 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
17 the end of the preceding quarter.

18 15. GENERAL PROBATION REQUIREMENTS.

19 Compliance with Probation Unit

20 Respondent shall comply with the Board's probation unit.

21 Address Changes

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

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1 Place of Practice

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

5 License Renewal

6 Respondent shall maintain a current and renewed California physician's and surgeon's
7 license.

8 Travel or Residence Outside California

9 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
10 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
11 (30) calendar days.

12 In the event Respondent should leave the State of California to reside or to practice
13 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the
14 dates of departure and return.

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

18 17. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
19 its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting
20 more than thirty (30) calendar days and within fifteen (15) calendar days of Respondent's return
21 to practice. Non-practice is defined as any period of time Respondent is not practicing medicine
22 as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours
23 in a calendar month in direct patient care, clinical activity or teaching, or other activity as
24 approved by the Board. If Respondent resides in California and is considered to be in non-
25 practice, Respondent shall comply with all terms and conditions of probation. All time spent in
26 an intensive training program, which has been approved by the Board or its designee, shall not be
27 considered non-practice and does not relieve Respondent from complying with all the terms and
28 conditions of probation. Practicing medicine in another state of the United States or Federal

1 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction
2 shall not be considered non-practice. A Board-ordered suspension of practice shall not be
3 considered as a period of non-practice.

4 In the event Respondent's period of non-practice while on probation exceeds eighteen (18)
5 calendar months, Respondent shall successfully complete the Federation of State Medical
6 Boards's Special Purpose Examination, or, at the Board's discretion, a clinical competence
7 assessment program that meets the criteria of Condition 18 of the current version of the Board's
8 "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the
9 practice of medicine.

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

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

12 Periods of non-practice for a Respondent residing outside of California will relieve
13 Respondent of the responsibility to comply with the probationary terms and conditions with the
14 exception of this condition and the following terms and conditions of probation: Obey All Laws;
15 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
16 Controlled Substances; and Biological Fluid Testing.

17 18. COMPLETION OF PROBATION. Respondent shall comply with all financial
18 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar
19 days prior to the completion of probation. This term does not include cost recovery, which is due
20 within thirty (30) calendar days of the effective date of the Order, or by a payment plan approved
21 by the Medical Board and timely satisfied. Upon successful completion of probation,
22 Respondent's certificate shall be fully restored.

23 19. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
24 of probation is a violation of probation. If Respondent violates probation in any respect, the
25 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
26 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke

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1 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
2 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
3 be extended until the matter is final.

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

14 21. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
15 with probation monitoring each and every year of probation, as designated by the Board, which
16 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
17 California and delivered to the Board or its designee no later than January 31 of each calendar
18 year.

19 22. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
20 a new license or certification, or petition for reinstatement of a license, by any other health care
21 licensing action agency in the State of California, all of the charges and allegations contained in
22 Accusation No. 800-2021-083872 shall be deemed to be true, correct, and admitted by
23 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
24 restrict license.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Edward C. Stark. 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: 1/18/2024

DocuSigned by:
Jonathan Whitfield, M.D.
1A7395BF969A4D6...

JONATHAN JUDE WHITFIELD, M.D.
Respondent

I have read and fully discussed with Respondent Jonathan Jude Whitfield, 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: 1/18/2024

DocuSigned by:
Edward C. Stark, Esq.
072A33AB8A0E426...
EDWARD C. STARK
Attorney for Respondent

ENDORSEMENT

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

DATED: 1/18/2024

Respectfully submitted,

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

Marsha E. Barr-Fernandez
MARSHA E. BARR-FERNANDEZ
Deputy Attorney General
Attorneys for Complainant

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| 11 In the Matter of the Accusation Against: | Case No. 800-2021-083872 |
| 12 JONATHAN JUDE WHITFIELD, M.D. | A C C U S A T I O N |
| 13 16055 Ventura Blvd, Suite 601 | |
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| 16 No. A 67730, | |
| Respondent. | |

17 **PARTIES**

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

21 2. On or about March 5, 1999, the Board issued Physician's and Surgeon's Certificate
 22 Number A 67730 to Jonathan Jude Whitfield, M.D. (Respondent). The Physician's and Surgeon's
 23 Certificate was in full force and effect at all times relevant to the charges brought herein and will
 24 expire on March 31, 2025, unless renewed.

25 **JURISDICTION**

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

1 4. Section 2004 of the Code states:

2 The board shall have the responsibility for the following:

3 (a) The enforcement of the disciplinary and criminal provisions of the Medical
4 Practice Act.

5 (b) The administration and hearing of disciplinary actions.

6 (c) Carrying out disciplinary actions appropriate to findings made by a panel or
7 an administrative law judge.

8 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion
9 of disciplinary actions.

10 (e) Reviewing the quality of medical practice carried out by physician and
11 surgeon certificate holders under the jurisdiction of the board.

12 (f) Approving undergraduate and graduate medical education programs.

13 (g) Approving clinical clerkship and special programs and hospitals for the
14 programs in subdivision (f).

15 (h) Issuing licenses and certificates under the board's jurisdiction.

16 (i) Administering the board's continuing medical education program.

17 5. Section 2220 of the Code states:

18 Except as otherwise provided by law, the board may take action against all
19 persons guilty of violating this chapter. The board shall enforce and administer this
20 article as to physician and surgeon certificate holders, including those who hold
21 certificates that do not permit them to practice medicine, such as, but not limited to,
22 retired, inactive, or disabled status certificate holders, and the board shall have all the
23 powers granted in this chapter for these purposes including, but not limited to:

24 (a) Investigating complaints from the public, from other licensees, from health
25 care facilities, or from the board that a physician and surgeon may be guilty of
26 unprofessional conduct. The board shall investigate the circumstances underlying a
27 report received pursuant to Section 805 or 805.01 within 30 days to determine if an
28 interim suspension order or temporary restraining order should be issued. The board
shall otherwise provide timely disposition of the reports received pursuant to Section
805 and Section 805.01.

(b) Investigating the circumstances of practice of any physician and surgeon
where there have been any judgments, settlements, or arbitration awards requiring the
physician and surgeon or his or her professional liability insurer to pay an amount in
damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with
respect to any claim that injury or damage was proximately caused by the physician's
and surgeon's error, negligence, or omission.

(c) Investigating the nature and causes of injuries from cases which shall be
reported of a high number of judgments, settlements, or arbitration awards against a
physician and surgeon.

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6. Section 2227 of the Code states:

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

- (1) Have his or her license revoked upon order of the board.
- (2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.
- (3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.
- (4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.
- (5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

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

7. Section 2228 of the Code states:

The authority of the board or the California Board of Podiatric Medicine to discipline a licensee by placing him or her on probation includes, but is not limited to, the following:

- (a) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or the administrative law judge.
- (b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If an examination is ordered, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee's choice.
- (c) Restricting or limiting the extent, scope, or type of practice of the licensee, including requiring notice to applicable patients that the licensee is unable to perform the indicated treatment, where appropriate.
- (d) Providing the option of alternative community service in cases other than violations relating to quality of care.

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STATUTORY PROVISIONS

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8. Section 2234 of the Code, states:

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

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

(d) Incompetence.

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

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

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

9. 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 [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

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

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

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

10. Section 2239 of the Code states:

(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Medical Board may order discipline of the licensee in accordance with Section 2227 or the Medical Board may order the denial of the license when the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.

11. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on

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appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law.

12. Section 493 of the Code states:

(a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b)(1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

- (A) The nature and gravity of the offense.
- (B) The number of years elapsed since the date of the offense.
- (C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(d) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(e) This section shall become operative on July 1, 2020.

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REGULATORY PROVISIONS

13. California Code of Regulations, title 16, section 1360, states:

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

(b) In making the substantial relationship determination required under subdivision (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

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

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

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

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

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

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

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

7 (2) Notwithstanding paragraph (1), the board may, in its discretion,
8 conditionally renew or reinstate for a maximum of one year the license of any
9 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.

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

12 (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.

13 (j) This section does not apply to any board if a specific statutory provision in
14 that board's licensing act provides for recovery of costs in an administrative
disciplinary proceeding.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Conviction of a Substantially Related Crime)**

17 15. Respondent Jonathan Jude Whitfield, M.D. is subject to disciplinary action under
18 sections 490, 493, 2234, and 2236 of the Code, in that Respondent was convicted of a crime
19 substantially related to the qualifications, functions, or duties of a physician. The circumstances
20 are as follows:

21 16. On or about November 27, 2021, at approximately 1515 hours, Respondent was
22 involved in a motor vehicle accident while under the influence of alcohol, resulting in bodily
23 harm to the other driver. Officers from the Los Angeles Police Department (LAPD) responded to
24 the scene and arrested Respondent for violation of Vehicle Code section 23153, subdivision (a),
25 driving under the influence of alcohol. At the LAPD Metro Detention Center, Respondent
26 performed two breath tests revealing a blood alcohol content of 0.26 at 1844 and 0.263 at 1848.
27 Respondent was booked on November 27, 2021, and released on November 28, 2021.

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1 17. On or about March 11, 2022, the Los Angeles City Attorney filed a misdemeanor
2 complaint against Respondent in the case of *The People of the State of California v. Jonathan*
3 *Whitfield*, Los Angeles Superior Court Case Number 2MN00619. In that complaint, Respondent
4 was charged with violating Vehicle Code section 23152, subdivision (a), driving under the
5 influence of an alcoholic beverage, and Vehicle Code section 23152, subdivision (b), driving
6 while having a 0.08 percent or more, by weight, of alcohol in the blood.

7 18. On or about April 15, 2022, Respondent was convicted by way of plea of *nolo*
8 *contendere*, for violation of Vehicle Code section 23152, subdivision (b), and was placed on
9 summary probation for three (3) years, with terms and conditions, including performing one
10 hundred eighty (180) hours of community service and completing a nine (9) month first-offender
11 alcohol and other drug education and counseling program.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Excessive Use of Alcohol)**

14 19. Respondent Jonathan Jude Whitfield, M.D. is subject to disciplinary action under
15 section 2234, subdivision (a), and 2239 of the Code, in that Respondent used alcoholic beverages,
16 to the extent, or in such a manner as to be dangerous or injurious to himself, or to any other
17 person, or to the public, and/or to an extent that such use impaired Respondent's ability to
18 practice medicine safely. The circumstances are as follows:

19 20. The facts and allegations set forth in the First Cause for Discipline are incorporated
20 herein by reference as if fully set forth.

21 **PRAYER**

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

24 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 67730,
25 issued to Jonathan Jude Whitfield, M.D.;

26 2. Revoking, suspending or denying approval of Jonathan Jude Whitfield, M.D.'s
27 authority to supervise physician assistants and advanced practice nurses;

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1 3. Ordering Jonathan Jude Whitfield, M.D., to pay the Board the costs of the
2 investigation and enforcement of this case, and if placed on probation, the costs of probation
3 monitoring; and

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

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6 DATED: AUG 30 2023

Jenna Jones on behalf of
REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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