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

In the Matter of the Accusation Against: **PAUL RICHARD FRANCISCO, M.D.** **9 Wimbledon Circle** **Salinas, CA 93906** **Physician's & Surgeon's Certificate** **No. A 82055,** Respondent.	Case No. 800-2021-084333 **ACCUSATION**

PARTIES

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

2. On or about February 26, 2003, the Medical Board issued Physician's & Surgeon's Certificate Number A 82055 to Paul Richard Francisco, M.D. (Respondent). The Physician's & Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2027, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following

laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2004 of the Code provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2220 of the Code states:

> Except as otherwise provided by law, the Board may take action against all persons guilty of violating this chapter. The Board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders, and the Board shall have all the powers granted in this chapter for those purposes including, but not limited to:
>
> (a) Investigating complaints from the public, from other licensees, from health care facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct. The board shall investigate the circumstances underlying a report received pursuant to Section 805 or 805.1 within 30 days to determine if an 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.

6. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

7. 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 no later than 30 calendar days after being notified by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

(h) Any action of the licensee, or another person acting on behalf of the licensee, intended to cause their patient or their patient's authorized representative to rescind consent to release the patient's medical records to the board or the Department of Consumer Affairs, Health Quality Investigation Unit.

(i) Dissuading, intimidating, or tampering with a patient, witness, or any person in an attempt to prevent them from reporting or testifying about a licensee.

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DEFINITIONS

9. Botox is a brand of botulinum toxin used to smooth facial wrinkles, prevent a muscle

from moving for a limited time, and treat neck spasms, sweating, overactive bladder, lazy eye, and other conditions.

10. Dermal fillers are injections used to plump up wrinkles, smooth lines, and restore volume in the face.

11. Juvederm is a type of dermal filler that is primarily used in the upper areas of the face to restore facial contours and improve signs of aging.

12. Nova Threading is a facelift procedure in which absorbable sutures are placed under the skin to tighten up the skin.

FACTUAL ALLEGATIONS

13. Respondent is a psychiatrist currently employed by Wellpath Care in Salinas, California. Respondent's only training was in psychiatry, and he never obtained any additional training in cosmetic procedures.

14. Respondent and his ex-wife, C.F., a registered nurse, jointly owned Iuvenis Clinic, Inc. (Iuvenis) in Salinas, California. Respondent was also the Chief Executive Officer at Iuvenis, but at all relevant times herein, he was employed off-site. Iuvenis was a medical practice providing medical aesthetic services, including Botox injections, dermal filler injections, laser hair removal, and Nova Threading. At Iuvenis, C.F. was the only person who provided services, including medical treatments, cosmetic filler injections, threading, and hydrofacial treatments. Respondent never saw patients, diagnosed them, or provided any medical consultations or treatments at Iuvenis, and he acknowledged that C.F. was practicing medicine unsupervised there.

15. In September 2019, the Board received a complaint from Patient 1,[1] who alleged that in November 2018, C.F. injected her and her friend with Botox, using the same needle on both individuals. Patient 1 further alleged that she saw C.F. in January 2019, when C.F. injected Botox into Patient 1's forehead. Patient 1 also alleged that in March 2019, she saw C.F. again for threading and received a face lift. Approximately one week later, Patient 1 noticed scar tissue

[1] Patients' actual names are not used in this Accusation to maintain patient confidentiality. Patients' identities are known to Respondent or will be disclosed to him upon a duly issued request for discovery and in accordance with Government Code section 11507.6.

near her lips. Patient 1 additionally alleged that C.F. practiced without an active nursing license for over nine months and used products that were not what C.F. claimed to be.

16. During his December 12, 2023, interview with the Board, Respondent stated he "never really thought about it" and had no response when asked what a medical director's duties were. He was also asked about treatments provided at Iuvenis, including Botox, dermal fillers, and threadlifting, and he said he had no knowledge about these treatments. He further stated that he told C.F. to hire another physician to perform the physical exams and consultations. When asked whether C.F. obtained another physician, Respondent stated, "I don't know if it was done.... It's an error on my fault for trusting her to do the right thing, so -- and my communication with her has been very limited."

17. C.F. continued practicing with an expired nursing license between August 2018 and May 2019.

18. Between 2018 and 2021, Iuvenis maintained medical records for Patients 2 through 7, who received Botox, Juvederm, facial fillers, threading, and laser hair removal. Iuvenis did not locate any records for Patient 1 because they reported that they had misplaced them.

a. Patient 2 received hydrafacial treatments and Botox injections from C.F. between February 2018 and June 2019. Respondent admitted that he did not know Patient 2 and had never provided services to her. Nor did Respondent perform a physical examination or take Patient 2's medical history, even though his stamped signature appeared on Patient 2's medical records for a consultation.

b. Patient 3 received Botox, hydrafacial, and Juvederm treatments from C.F. between January 2018 and February 2019. Respondent admitted that he knew Patient 3 as a nurse with whom he worked at Natividad Medical Center in Salinas, he never saw Patient 3 as a patient, and his signature had been stamped for the consultation on her records without his knowledge.

c. Patient 4 received Botox injections, threading, and facials from C.F. between March 2018 and September 2021. Respondent admitted that he did not know Patient 4 and that he was unaware C.F. had provided Patient 4 with Botox

injections and dermal fillers. Respondent also admitted that he did not know Patient 4 had written 11 checks to C.F. while her nursing license was suspended.

d. Between March 2018 and February 2019, Patient 5 received threading from C.F. Respondent admitted that he knew Patient 5 and that he had worked with her at Natividad Hospital. Respondent did not treat Patient 5 as a patient and admitted that his signature had been stamped on Patient 5's records without his knowledge.

e. Patient 6 received Botox and derma fillers from C.F. in August 2018. Respondent's stamped signature appeared on Patient 6's medical records stating that he had performed a consultation on her. Respondent stated that he had not done this consultation.

f. Patient 7 received Botox and Juvederm injections and skin tag removal services from C.F. between July 2018 and December 2018. Respondent's stamped signature appeared on a consultation for threads and Botox for Patient 7. Respondent stated that he did not know Patient 7 or write on her medical records.

19. Under the standard of care, a licensed registered nurse is legally authorized to perform treatments with dermal fillers and neuromodulators and to operate laser treatments under a physician's supervision. However, Respondent admitted that C.F. treated patients at their jointly owned clinic, Iuvenis, without supervision and that he never examined any patient or signed a chart, and his stamped signature was used despite this. Based on these facts, Respondent committed an extreme departure from the standard of care.

20. Under the standard of care, Respondent, as the medical director, was responsible for establishing policies and procedures for the clinic, but there were none. He was also responsible for supervising the care and treatment of patients at the clinic and performing a good faith history and physical exam on every patient, but he failed to do so. Additionally, he allowed his signature stamp to be used on medical records of patients that he never examined or of whom he did not have knowledge.

21. Under the standard of care, a physician cannot practice outside of his education, training, experience, and competence. However, it is possible for any licensed physician to

obtain training and develop the expertise needed to own and operate a medical clinic providing the treatments given at Iuvenis and to supervise a registered nurse performing such treatments. Respondent admittedly did not possess the knowledge, education, training, or experience in any of the treatments provided at Iuvenis, and accordingly, Respondent committed an extreme departure from the standard of care.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Gross Negligence)

22. The allegations set forth in Paragraphs 13 through 21 are incorporated by reference as if fully set forth therein.

23. By reason of the facts stated in Paragraphs 13 through 21, Respondent is subject to disciplinary action under sections 2234 (unprofessional conduct) and 2234(b) (gross negligence) of the Code. The circumstances are as follows:

a. Though Respondent jointly owned Iuvenis with C.F., a registered nurse, Respondent admittedly did not provide any services or treat any patients there.

b. Respondent allowed C.F. to treat patients while unlicensed and without supervision at Iuvenis between 2018 and 2021.

c. Respondent allowed his stamped signature to be used on the medical records of six patients that he never examined.

d. Respondent did not possess the knowledge, education, training, and experience necessary to provide the treatments given at Iuvenis.

PRAYER

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

1. Revoking or suspending Physician's & Surgeon's Certificate Number A 82055, issued to Respondent Paul Richard Francisco, M.D.;

2. Revoking, suspending or denying approval of Respondent Paul Richard Francisco, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Paul Richard Francisco, M.D., to pay the Board the costs of the

investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

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

DATED: DEC 0 6 2024

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

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