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

12 In the Matter of the First Amended Accusation
Against:

13 **DEVANAND SADANAND MANOLI M.D.**
14 **675 18th STREET**
SAN FRANCISCO, CA 94143-3134

15 **Physician's and Surgeon's Certificate**
16 **No. A 105573**

17 Respondent.

Case No. 800-2023-102990

OAH No. 2025010594

FIRST AMENDED ACCUSATION

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19 **PARTIES**

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

23 2. On or about September 17, 2008, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 105573 to Devanand Sadanand Manoli, M.D. (Respondent). The
25 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
26 charges brought herein and will expire on March 31, 2026, unless renewed.

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JURISDICTION

3. This First Amended 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 2227 of the Code states, in pertinent part:

(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.

5. 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

1 distinct departure from the applicable standard of care shall constitute repeated
2 negligent acts.

3 6. Section 2236 of the Code states:

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

8 "..."

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

12 7. Section 2239 of the Code states:

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

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

22 For the purposes of denial, suspension or revocation of a license, certificate or permit
23 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
24 considered to be substantially related to the qualifications, functions or duties of a person holding
25 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
26 evidences present or potential unfitness of a person holding a license, certificate or permit to
27 perform the functions authorized by the license, certificate or permit in a manner consistent with
28 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the

1 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violation of, or conspiring to violate any provision of the Medical Practice Act.

3 **COST RECOVERY**

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

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction of an Offense Substantially Related to the Qualifications, Functions or Duties of 12 a Physician and Surgeon)**

13 10. Respondent Devanand Sadanand Manoli, M.D. is subject to disciplinary action under
14 sections 2227 and 2234, as defined by section 2236, of the Code, and California Code of
15 Regulations, title 16, section 1360, in that Respondent was convicted of an offense substantially
16 related to the qualifications, functions or duties of a physician and surgeon. The circumstances are
17 as follows:

18 11. On or about October 16, 2022, at approximately 7:35 p.m., a California Highway
19 Patrol (CHP) Officer¹ responded to a report of a traffic crash on Highway 101 in Sonoma County.
20 The officer noticed the car, later determined to belong to Respondent, to have moderate driver
21 side damage, consistent with damage sustained from sideswiping a concrete wall. The officer
22 approached Respondent and immediately noticed a strong odor of an alcoholic beverage coming
23 from Respondent.

24 12. Respondent told the officer that, as he was driving home to San Francisco, a vehicle
25 suddenly "cut him off" as the vehicle was changing lanes. Respondent said he swerved to the left
26 into the concrete wall of the center median. The officer asked Respondent if he consumed any

27 ¹ Identity of officer is withheld at this time for privacy concerns. The name(s) will be
28 provided to Respondent upon written request for discovery.

1 alcohol and he responded he had not. While Respondent performed a series of field sobriety tests
2 (FST), the officer noticed Respondent to have an unsteady gait and noticed Respondent stumbling
3 while walking in a straight line. Respondent was unable to perform a series of FSTs and the
4 officer determined Respondent had been driving under the influence of alcohol in violation of
5 Vehicle Code section 23152(a) and placed him under arrest. Respondent submitted to two
6 chemical breath tests, resulting in .19% and .18% blood alcohol concentrations.

7 13. On or about October 28, 2022, the Sonoma County District Attorney's Office filed a
8 criminal complaint against Respondent in the matter of *The People of the State of California vs.*
9 *Devanand Sadanand Manoli*, Sonoma County Superior Court Case No. 23CR01921. Respondent
10 was charged with two misdemeanor counts: violation of Vehicle Code section 23152(a), driving a
11 vehicle while under the influence of alcohol; and violation of Vehicle Code section 23152(b),
12 driving a vehicle while having a blood alcohol level of .08% or higher. Additionally, Respondent
13 was charged with an enhanced penalty pursuant to Vehicle Code section 23578, excessive blood
14 alcohol concentration.

15 14. On or about January 8, 2024, Respondent was convicted upon a plea of "no contest,"
16 to one misdemeanor count of violating Vehicle Code section 23152(b), driving a vehicle while
17 having .08 percent or more of alcohol in his blood. Respondent was sentenced to three (3) years'
18 probation, ordered to enroll in and complete a three (3) month first offender DUI program, install
19 an interlock system on his car, and pay fines and fees.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Dangerous Use of Alcohol)**

22 15. Respondent further subjected his Physician's and Surgeon's Certificate No. A 105573
23 to disciplinary action under section 2239 of the Code, in that Respondent used alcoholic
24 beverages to the extent, or in such a manner, as to be dangerous or injurious to himself, another
25 person, or the public, as more particularly alleged in paragraphs 11 and 12, above, hereby
26 incorporated by reference and re-alleged as if fully set forth herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Gross Negligence)**

3 16. Respondent further subjected his Physician's and Surgeon's Certificate No. A 105573
4 to disciplinary action under Section 2234 (b) of the Code, when Respondent committed gross
5 negligence with regard to the care and treatment of Patient 1.² The circumstances are as follows.

6 17. Between on or about October 16, 2016, and on or about September 16, 2021,
7 Respondent, a psychiatrist, participated in the care and treatment of Patient 1, an adolescent at the
8 commencement of treatment. This treatment included the prescribing of lithium. During this time
9 period, Respondent failed to order kidney function tests and failed to monitor Patient 1's lithium
10 levels despite monthly medical visits with Patient 1. By November 19, 2020, Patient 1 was
11 diagnosed with lithium toxicity and Patient 1's kidney functions continued to be problematic until
12 at least September 16, 2021.

13 **PRAYER**

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

16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 105573,
17 issued to Respondent Devanand Sadanand Manoli, M.D.;

18 2. Revoking, suspending or denying approval of Respondent Devanand Sadanand
19 Manoli, M.D.'s authority to supervise physician assistants and advanced practice nurses;

20 3. Ordering Respondent Devanand Sadanand Manoli, M.D., to pay the Board the costs
21 of the investigation and enforcement of this case, and if placed on probation, the costs of
22 probation monitoring; and

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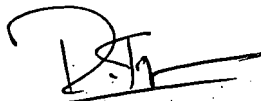
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28 ² To protect the patient's privacy, they are referenced by number. Patient 1's identity will
be provided to Respondent in discovery.

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

DATED: MAR 06 2025



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