

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

13 In the Matter of the Accusation Against:

MBC Case No. 8002018043142

14 **CRAIG AARON BEACH, M.D.**
3853 Rosecrans Street
15 San Diego, CA 92110

A C C U S A T I O N

16 Physician's and Surgeon's Certificate
No. C 149908,

17 Respondent.
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19 **PARTIES**

20 1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity
21 as the Interim Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about June 14, 2017, the Board issued Physician's and Surgeon's Certificate
24 No. C 149908 to Craig Aaron Beach, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on January 31, 2021, unless renewed.

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JURISDICTION

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

5 4. Section 2227 of the Code states:

6 (a) A licensee whose matter has been heard by an administrative law judge of
7 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
8 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:

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

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

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

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

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

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

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

26 The board shall take action against any licensee who is charged with
27 unprofessional conduct. In addition to other provisions of this article, unprofessional
28 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.

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1 6. Section 2236 of the Code states, in pertinent part:

2 (a) The conviction of any offense substantially related to the qualifications,
3 functions, or duties of a physician and surgeon constitutes unprofessional conduct
4 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.

5 ...

6 (c) The clerk of the court in which a licensee is convicted of a crime shall,
7 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
8 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
9 duties of a physician and surgeon.

10 (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.
11 The record of conviction 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
14 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
15 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
16 one misdemeanor or any felony involving the use, consumption, or
self-administration of any of the substances referred to in this section, or any
17 combination thereof, constitutes unprofessional conduct. The record of the
conviction is conclusive evidence of such unprofessional conduct.

18 (b) A plea or verdict of guilty or a conviction following a plea of nolo
19 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
20 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
21 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
22 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,
23 information, or indictment.

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

25 For the purposes of denial, suspension or revocation of a license, certificate or
26 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
or act shall be considered to be substantially related to the qualifications, functions or
27 duties of a person holding a license, certificate or permit under the Medical Practice
Act if to a substantial degree it evidences present or potential unfitness of a person
28 holding a license, certificate or permit to perform the functions authorized by the
license, certificate or permit in a manner consistent with the public health, safety or

1 welfare. Such crimes or acts shall include but not be limited to the following:
2 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
3 violation of, or conspiring to violate any provision of the Medical Practice Act.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Conviction of a Crime Substantially Related to the Qualifications,
6 Functions, or Duties of a Physician and Surgeon)**

7 9. Respondent has subjected his Physician's and Surgeon's Certificate No. C 149908 to
8 disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, in that
9 he has been convicted of a crime substantially related to the qualifications, functions, or duties of
10 a physician and surgeon. The circumstances are as follows:

11 10. On or about April 4, 2018, at approximately 2:15 a.m., officers with the California
12 Highway Patrol contacted Respondent in his vehicle which was blocking a traffic signal
13 controlled intersection. Officers discovered Respondent seated in the driver's seat asleep. After
14 repeatedly knocking on the window, Respondent eventually woke up and began fumbling with
15 the vehicle controls. Respondent rolled down his window, allowing an officer to reach inside and
16 place the vehicle into park.

17 11. Upon exiting the vehicle, the officers noticed Respondent appeared disoriented,
18 emitted a strong odor of an alcoholic beverage, had slurred speech, and swayed while standing.
19 Respondent declined to answer questions or perform field sobriety tests. Officers placed
20 Respondent under arrest for driving under the influence of alcohol.

21 12. Upon arrest, Respondent initially elected to submit a blood sample. Respondent then
22 refused to provide a blood sample or submit to a breath test. After obtaining a warrant,
23 Respondent's blood was drawn at approximately 5:08 a.m. Respondent's blood sample revealed
24 a blood alcohol concentration level of 0.25%.

25 13. On or about May 1, 2018, a criminal complaint was filed against Respondent in the
26 matter entitled, *The People of the State of California v. Craig Aaron Beach*, Superior Court of
27 California, County of San Diego, East County Division, Case No. C380692. Count one of the
28 criminal complaint charged Respondent with driving while under the influence of an alcoholic

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1 beverage, in violation of Vehicle Code section 23152, subdivision (a), a misdemeanor. Count
2 two of the criminal complaint charged Respondent with driving with a blood alcohol
3 concentration of 0.08 percent or more, in violation of Vehicle Code section 23152, subdivision
4 (b), a misdemeanor. As to both counts, the criminal complaint also alleged an enhancement, that
5 Respondent had a blood alcohol concentration of 0.15 percent or more, pursuant to Vehicle Code
6 section 23578.

7 14. On or about March 4, 2019, Respondent signed a change of plea form wherein
8 Respondent pled guilty to driving with a blood alcohol concentration of 0.08 percent or more, in
9 violation of Vehicle Code section 23152, subdivision (b), and admitted the enhancement of
10 having a blood alcohol concentration of 0.15 percent or more, pursuant to Vehicle Code section
11 23578. Respondent also signed a DUI Addendum admitting his blood alcohol concentration was
12 0.19 percent.

13 15. On or about March 4, 2019, Respondent was sentenced on his guilty plea to five
14 years' summary probation, with terms and conditions imposed, including, but not limited to,
15 standard alcohol conditions, completion of a three-month first conviction program, and MADD
16 program.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Use of Alcohol to an Extent, or in a Manner, as to be**
19 **Dangerous or Injurious to Himself, Others, or the Public)**

20 16. Respondent has further subjected his Physician's and Surgeon's Certificate No. C
21 149908 to disciplinary action under sections 2227 and 2234, as defined by section 2239,
22 subdivision (a), of the Code, in that he has used, or administered to himself, alcohol to the extent,
23 or in such a manner, as to be dangerous or injurious to himself, others, or the public, as more
24 particularly alleged in paragraphs 10 through 15, above, which are hereby incorporated by
25 reference and realleged as if fully set forth herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Violation of a Provision or Provisions of the Medical Practice Act)**

3 17. Respondent has further subjected his Physician's and Surgeon's Certificate No. C
4 149908 to disciplinary action under section 2227 and 2234, as defined by section 2234,
5 subdivision (a), of the Code, in that he has violated a provision or provisions of the Medical
6 Practice Act, as more particularly alleged in paragraphs 9 through 16, above, which are hereby
7 incorporated by reference and realleged as if fully set forth herein.

8 **PRAYER**

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

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate No. C 149908, issued
12 to Respondent Craig Aaron Beach, M.D.;
- 13 2. Revoking, suspending or denying approval of Respondent Craig Aaron Beach,
14 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 15 3. Ordering Respondent Craig Aaron Beach, M.D., if placed on probation, to pay the
16 Board the costs of probation monitoring; and
- 17 4. Taking such other and further action as deemed necessary and proper.

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19 DATED: November 25, 2019

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21 CHRISTINE J. LALLY
22 Interim Executive Director
23 Medical Board of California
24 Department of Consumer Affairs
25 State of California
26 Complainant

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