

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

In the Matter of the Accusation)	
Against:)	
)	
Renato Francisco Guzman, M.D.)	Case No. 8002014007388
)	
Physician's and Surgeon's)	
Certificate No. A 24088)	
)	
Respondent)	
<hr/>		


DECISION AND ORDER

The attached Stipulated Surrender of License and 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 February 17, 2017

IT IS SO ORDERED February 10, 2017.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 BRIAN D. BILL
Deputy Attorney General
4 State Bar No. 239146
California Department of Justice
5 300 So. Spring Street, Suite 1702
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6 Telephone: (213) 897-9474
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:	Case No. 800-2014-007388
12 RENATO FRANCISCO GUZMAN, M.D.	OAH No. 2016070100
13 64965 AUGUSTA AVENUE	STIPULATED SURRENDER OF
14 DESERT HOT SPRINGS, CA	LICENSE AND ORDER
15 92240	
16 Physician's and Surgeon's Certificate No.	
17 A24088,	
18 Respondent.	

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Medical Board of California of the Department of Consumer
20 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order
21 which will be submitted to the Board for approval and adoption as the final disposition of the
22 Accusation.

23 PARTIES

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
25 of California (Board). She brought this action solely in her official capacity and is represented in
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Brian D. Bill,
27 Deputy Attorney General.

28 2. RENATO FRANCISCO GUZMAN, M.D. (Respondent) is represented in this

1 proceeding by attorney Deborah deBoer, Esq., whose address is 74770 Highway 111, Ste. 201
2 Indian Wells, CA 92210.

3 3. On or about February 22, 1971, the Board issued Physician's and Surgeon's
4 Certificate No. A24088 to RENATO FRANCISCO GUZMAN, M.D. (Respondent). The
5 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
6 charges brought in Accusation No. 800-2014-007388 and will expire on May 31, 2018, unless
7 renewed.

8 JURISDICTION

9 4. Accusation No. 800-2014-007388 was filed before the (Board), and is currently
10 pending against Respondent. The Accusation and all other statutorily required documents were
11 properly served on Respondent on May 19, 2016. Respondent timely filed his Notice of Defense
12 contesting the Accusation. A copy of Accusation No. 800-2014-007388 is attached as Exhibit A
13 and incorporated by reference.

14 ADVISEMENT AND WAIVERS

15 5. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in Accusation No. 800-2014-007388. Respondent also has carefully read,
17 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
18 and Order.

19 6. Respondent is fully aware of his legal rights in this matter, including the right to a
20 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
21 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
22 to the issuance of subpoenas to compel the attendance of witnesses and the production of
23 documents; the right to reconsideration and court review of an adverse decision; and all other
24 rights accorded by the California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
26 every right set forth above.

27 CULPABILITY

28 8. Respondent understands that the charges and allegations in Accusation No. 800-2014-

1 007388, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and
2 Surgeon's Certificate.

3 9. For the purpose of resolving the Accusation without the expense and uncertainty of
4 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
5 basis for the charges in the Accusation and that those charges constitute cause for discipline.
6 Respondent hereby gives up his right to contest that cause for discipline exists based on those
7 charges.

8 10. Respondent understands that by signing this stipulation he enables the Board to issue
9 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
10 process.

11 RESERVATION

12 11. The admissions made by Respondent herein are only for the purposes of this
13 proceeding, or any other proceedings in which the Medical Board of California or other
14 professional licensing agency is involved, and shall not be admissible in any other criminal or
15 civil proceeding.

16 CONTINGENCY

17 12. This stipulation shall be subject to approval by the Board. Respondent understands
18 and agrees that counsel for Complainant and the staff of the Board may communicate directly
19 with the Board regarding this stipulation and surrender, without notice to or participation by
20 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
21 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
22 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
23 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
24 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
25 be disqualified from further action by having considered this matter.

26 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
27 copies of this Stipulated Surrender of License and Order, including Portable Document Format
28 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following Order:

3 **ORDER**

4 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A24088, issued
5 to Respondent RENATO FRANCISCO GUZMAN, M.D., is surrendered and accepted by the
6 Medical Board of California.

7 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
8 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
9 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
10 of Respondent's license history with the Medical Board of California.

11 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
12 California as of the effective date of the Board's Decision and Order.

13 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
14 issued, his wall certificate on or before the effective date of the Decision and Order.

15 4. If Respondent ever files an application for licensure or a petition for reinstatement in
16 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
17 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
18 effect at the time the petition is filed, and all of the charges and allegations contained in
19 Accusation No. 800-2014-007388 shall be deemed to be true, correct and admitted by Respondent
20 when the Board determines whether to grant or deny the petition.

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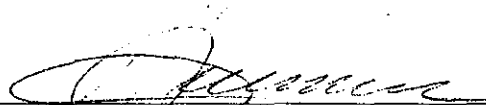
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1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order and have fully
3 discussed it with my attorney, Deborah deBoer, Esq.. I understand the stipulation and the effect it
4 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
5 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: 12/24/2016 
9 RENATO FRANCISCO GUZMAN, M.D.
Respondent

10 I have read and fully discussed with Respondent RENATO FRANCISCO GUZMAN, M.D.
11 the terms and conditions and other matters contained in this Stipulated Surrender of License and
12 Order. I approve its form and content.

13 DATED: 12-29-2016 
14 DEBORAH DEBOER, ESQ.
15 Attorney for Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
18 for consideration by the Medical Board of California of the Department of Consumer Affairs.

19 Dated: Respectfully submitted,
20 KAMALA D. HARRIS
21 Attorney General of California
22 JUDITH T. ALVARADO
23 Supervising Deputy Attorney General

24 BRIAN D. BILL
25 Deputy Attorney General
26 Attorneys for Complainant

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Deborah deBoer, Esq.. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: _____
RENATO FRANCISCO GUZMAN, M.D.
Respondent

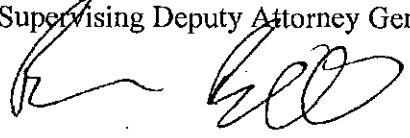
I have read and fully discussed with Respondent RENATO FRANCISCO GUZMAN, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____
DEBORAH DEBOER, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 1-3-17

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General

BRIAN D. BILL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2014-007388

1 KAMALA D. HARRIS
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 BRIAN D. BILL
Deputy Attorney General
4 State Bar No. 239146
California Department of Justice
5 300 So. Spring Street, Suite 1702
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 19 20 16
BY [Signature] ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 800-2014-007388

12 **RENATO FRANCISCO GUZMAN, M.D.**
13 **64965 Augusta Avenue**
Desert Hot Springs, CA
14 **92240**

ACCUSATION

15 **Physician's and Surgeon's Certificate**
No. A24088,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about February 22, 1971, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A24088 to Renato Francisco Guzman, M.D. (Respondent). The Physician's
25 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on May 31, 2018, unless renewed.

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28 //

JURISDICTION

1
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 unless otherwise indicated.

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

8 5. Section 2234 of the Code, states:

9 “The board shall take action against any licensee who is charged with unprofessional
10 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
11 limited to, the following:

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

14 “(b) Gross negligence.

15 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
16 omissions. An initial negligent act or omission followed by a separate and distinct departure from
17 the applicable standard of care shall constitute repeated negligent acts.

18 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
19 for that negligent diagnosis of the patient shall constitute a single negligent act.

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

25 “(d) Incompetence.

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

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

1 “(g) The practice of medicine from this state into another state or country without meeting
 2 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
 3 apply to this subdivision. This subdivision shall become operative upon the implementation of
 4 the proposed registration program described in Section 2052.5.

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Gross negligence)**

10 6. Respondent Renato Francisco Guzman, M.D. is subject to disciplinary action under
 11 section 2234, subdivision (b), of the Code in that Respondent negligently performed a surgery that
 12 resulted in the perforation of patient P.E.’s¹ bowels. Respondent then failed to timely recognize
 13 the negative post-surgery symptoms that resulted in the patient’s death. The circumstances are as
 14 follows:

15 7. On or about August 15, 2011, Respondent performed a laparoscopic cholecystectomy
 16 on P.E. Prior to the date of surgery, P.E. completed a battery of tests that indicated she was
 17 healthy to proceed with surgery.

18 8. During the surgery, Respondent removed P.E.’s gallbladder and attempted to “divide”
 19 adhesions “in the lower right quadrant.” However, Respondent elected to not remove the
 20 adhesions due to the close proximity to the bowels. The surgery lasted approximately one hour
 21 and concluded at 10:36 AM.

22 9. After the surgery, P.E. was taken to the recovery room and was admitted for
 23 observation at 12:30 PM because of her high blood pressure and complaints of pain. P.E. was
 24 given morphine via intravenous drip at 1:15 PM, an oral dose of hydrocodone at 5:15 PM, a
 25 Demerol drip at 7:55 PM, and a second oral dose of hydrocodone at 10:10 PM.

26 //

27 _____
 28 ¹ In this Accusation, the patient is referred to by initial to protect her right to privacy.

1 10. Respondent did not visit or conduct a post-operative exam on P.E. on August 15,
2 2011.

3 11. On August 16, 2011, P.E. continued to complain of pain and received Dilaudid at
4 3:05 AM and 10:20 AM, Vicodin at 5:55 AM, and Zofran for nausea at 5:55 AM and 3:30 PM.

5 12. Respondent's first, and only, visit with P.E. occurred on August 16, 2011, at 4:45 PM.
6 Respondent noted that P.E. reported incisional pain of 6/10, that her incision-sites were dry, that
7 she was seated upright and her blood pressure was 97/66. Respondent ordered various lab tests,
8 and requested that P.E.'s blood pressure be taken while seated upright. Respondent noticed that
9 P.E.'s blood pressure dropped to 64/50 with a heart rate of 118. Respondent ordered additional
10 tests and a 500 ml saline drip. Respondent then left P.E.

11 13. At 8:00 PM, Respondent was informed that P.E.'s blood pressure had dropped to
12 82/64 with a heart rate of 123. Respondent ordered a second saline drip, a cardiac enzyme test,
13 and an EKG. The results of testing suggested that P.E. either was experiencing a severe stress
14 response or was developing an infection. Respondent ordered a catheter and additional testing
15 because he was concerned with possible internal bleeding.

16 14. At 8:15 PM, the on duty nurse placed the catheter and administered additional
17 Vicodin because of continued complaints of pain. Further, the nurse documented that P.E. was
18 "clammy" and had vomited.

19 15. At 8:45 PM, P.E.'s nurse contacted Respondent to report that the cardiac enzyme
20 level was normal. Additionally, Respondent ordered an EKG test and asked P.E.'s nurse to
21 contact the cardiology department if the results were abnormal. The EKG test was reported as
22 normal.

23 16. At 9:50 PM, P.E. still complained of pain and felt dizzy when standing. P.E.
24 attempted to walk, but was too weak and dizzy.

25 17. At 12:45 AM on August 17, 2011, P.E. reported more abdominal pain and received
26 additional Vicodin.

27 18. At 1:25 AM, P.E. had trouble breathing and had a blood pressure of 70/40.

28 19. Respondent was again contacted regarding P.E.'s condition at 1:40 AM. Respondent

1 ordered P.E. to be transferred to the intensive care unit (ICU).

2 20. En route to the ICU, P.E. vomited again and had cardiopulmonary arrest. Hospital
3 staff intubated and attempted to resuscitate P.E. However, P.E. died at 2:10 AM.

4 21. Hospital staff informed Respondent about P.E.'s death. Respondent then called
5 P.E.'s spouse and reported the death.

6 22. The pathologist who conducted the post-mortem examination determined that the
7 cause of death was peritonitis due to a small bowel perforation. The pathologist also concluded
8 that P.E.'s subsequent clinical course resulted in sepsis and vomiting with aspiration,
9 cardiopulmonary arrest, and ultimately death.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 23. Respondent Renato Francisco Guzman, M.D. is subject to disciplinary action under
13 section 2234, of the Code in that Respondent improperly performed a surgery which resulted in
14 the perforation of patient P.E.'s bowel during surgery and Respondent failed to timely recognize
15 the negative post-surgery symptoms, which resulted in the patient's death, as more particularly
16 alleged in paragraphs 6 through 22 above, which are incorporated by reference and realleged as if
17 fully set forth herein.

18 **DISCIPLINARY CONSIDERATIONS**

19 24. On or about March 25, 2011 and *In the matter of the Public Letter of Reprimand*
20 *Issued to: Renato Guzman, M.D.*, Case No. 09-2009-198148, a public letter of reprimand was
21 issued to Respondent by the Board. Specifically, Respondent was reprimanded after the Board
22 determined that in August 2005, Respondent failed to adequately discuss the range of potential
23 post-surgical complications with his patient. Additionally, Respondent failed to admit the same
24 patient to the hospital after the first or second postoperative emergency room presentations.
25 Respondent's failure to discuss potential complications relating to surgery and inadequate
26 postsurgical care for his patient was deemed to be grossly negligent and incompetent as defined in
27 Business and Professions Code sections 2234, subdivisions (b) and (d) respectively. According to
28 the letter of reprimand, the Board issued Respondent a letter of reprimand in lieu of prosecuting a

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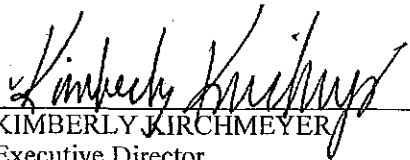
formal Accusation against his license.

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 and Surgeon's Certificate Number A24088, issued to Renato Francisco Guzman, M.D.;
- 2. Revoking, suspending or denying approval of Renato Francisco Guzman, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
- 3. Ordering Renato Francisco Guzman, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
- 4. Taking such other and further action as deemed necessary and proper.

DATED: May 19, 2016


 KIMBERLY KIRCHMEYER
 Executive Director
 Medical Board of California
 Department of Consumer Affairs
 State of California
 Complainant

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