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

In the Matter of the Accusation
Against:

JOSE VELASQUEZ DEJESUS, M.D.
Physician's and Surgeon's
Certificate No. A 42214

Respondent

Case No. 05-2011-220235

DECISION

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 August 15, 2013.

IT IS SO ORDERED August 8, 2013.

MEDICAL BOARD OF CALIFORNIA

By: Kimberly Karchmeyer,
Interim Executive Director
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:
JOSE VELASQUEZ DEJESUS, M.D.
868 West Avenue J
Lancaster, CA 93534
Physician's and Surgeon's Certificate No. A 42214,
Respondent.

Case No. 05-2011-220235

STIPULATED SURRENDER OF LICENSE AND ORDER

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

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Interim Executive Officer of the Medical Board of California. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Randall R. Murphy, Deputy Attorney General.
2. Jose Velasquez DeJesus, M.D. (Respondent) is represented in this proceeding by attorney Raymond McMahon, Esq., whose address is Raymond McMahon, Esq., 1851 East First Street, Suite 810, Santa Ana, CA 92705-4041.

3. On or about October 15, 1985, the Medical Board of California issued Physician’s and Surgeon’s Certificate No. A 42214 to Jose Velasquez DeJesus, M.D. (Respondent). Unless renewed, the license will expire on February 28, 2015.

JURISDICTION

4. Accusation No. 05-2011-220235 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 11, 2013. A copy of Accusation No. 05-2011-220235 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 05-2011-220235. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 05-2011-220235, agrees that cause exists for discipline and hereby surrenders his Physician’s and Surgeon’s Certificate No. A 42214 for the Board’s formal acceptance.

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

CONTINGENCY

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

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

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

ORDER

IT IS HEREBY ORDERED that Physician’s and Surgeon’s Certificate No. A 42214, issued to Respondent Jose Velasquez DeJesus, M.D., is surrendered and accepted by the Medical Board of California.
1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

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

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

4. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 05-2011-220235 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 05-2011-220235 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Raymond McMahon, 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.

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

2. DATED: JUNE 24, 2013

3. JOSEVELASQUEZ DEJESUS, M.D.

4. Respondent

5. DATED: JUNE 27, 2013

6. RAYMOND MCSMAHON, ESQ.

7. Attorney for Respondent

8. ENFORCEMENT

9. 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.

10. Dated:

11. Respectfully submitted,

12. KAMALA D. HARRIS

13. Attorney General of California

14. ROBERT MCKIM BELL

15. Supervising Deputy Attorney General

16. RANDALL R. MURPHY

17. Deputy Attorney General

18. Attorneys for Complainant

19. LA2013607739

20. 61027111.doc

21. Stipulated Surrender of License (Case No. 05-2011-220235)
DATED: ___________________________ JOSE VELASQUEZ DEJESUS, M.D.
Respondent

I have read and fully discussed with Respondent Jose Velasquez DeJesus, 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: ___________________________ RAYMOND MCMAHON, 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: ___________________________ Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

RANDALL R. MURPHY
Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against:

JOSE VELASQUEZ DE JESUS, M.D.
868 West Avenue J
Lancaster, California 93534
Physician’s and Surgeon’s Certificate No. A 42214

Respondent.

Complainant alleges:

PARTIES

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

2. On or about October 15, 1985, the Medical Board of California issued Physician’s and
Surgeon’s Certificate Number A 42214 to Jose Velasquez De Jesus, M.D. (Respondent). Unless
renewed, the license will expire on February 28, 2015.

JURISDICTION
3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code states:
   "The board shall have the responsibility for the following:
   
   "(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.
   
   "(b) The administration and hearing of disciplinary actions.
   
   "(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.
   
   "(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.
   
   "(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.
   
   "..."

5. 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 Division deems proper.

6. Section 2234 of the Code states:
   "The Division of Medical Quality¹ 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:

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¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Cal. Bus. & Prof. Code, section 2000, et. seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.
(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 [Chapter 5, the Medical Practice Act].

(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.

FIRST CAUSE FOR DISCIPLINE
(Unprofessional Conduct-Repeated Negligent Acts)

7. Respondent is subject to disciplinary action under Code section 2234(c), in that he engaged in unprofessional conduct by repeated negligent acts. The facts and circumstances are as follows:

8. On or about October 27, 2010, December 17, 2010 and January 14, 2011, M.C. presented to Respondent with complaints of cough, shortness of breath, and chest pain. On each occasion Respondent prescribed cephalexin\(^2\) to M.C. for diagnoses of acute nasopharyngitis,\(^3\) cough, and acute bronchitis and acute nasopharyngitis, on the respective dates.

\(^2\)Cephalexin is a first-generation cephalosporin orally administered antibiotic.

\(^3\)Nasopharyngitis, otherwise known as the common cold, is a viral infectious disease of the upper respiratory system, caused primarily by rhinoviruses and coronaviruses.
9. This use of antibiotics, and of cephalexin in particular, is inappropriate for the
treatment of acute upper respiratory symptoms, and Respondent's prescribing of cephalexin to
M.C. constitutes negligence.

10. On or about December 11, 2011, Respondent diagnosed S.C. with acute otitis media and
treated S.C. with cortisporin otic, which is a treatment for otitis externa but will not treat
otitis media because it does not penetrate the tympanic membrane.

11. Respondent's treatment of S.C. constitutes negligence because he did not treat acute
otitis media appropriately.

12. Respondent's treatment of M.C. and S.C. consist of repeated negligent acts and are a
violation of Code section 2234(c), and constitute unprofessional conduct.

**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 A 42214,
   issued to Jose Velasquez DeJesus, M.D.

2. Revoking, suspending or denying approval of his authority to supervise physician's
   assistants, pursuant to section 3527 of the Code;

3. Ordering Jose Velasquez DeJesus, M.D. to pay the Medical Board of California, if
   placed on probation, the costs of probation monitoring;

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

DATED: June 11, 2013

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

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4 Otitis media is inflammation of the middle ear, or an internal middle ear infection.
5 Cortisporin otic is a drug consisting of neomycin, bacitracin, polymyxin B and
   hydrocortisone. It is a combination antibiotic and cortisone-like medicine used to treat infections
   of the ear canal.
6 Otitis externa is an inflammation of the external ear.