

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 )

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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 Kirchmeyer  
Kimberly Kirchmeyer,  
Interim Executive Director

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 RANDALL R. MURPHY  
Deputy Attorney General  
4 State Bar No. 165851  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
6 Telephone: (213) 897-2493  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 05-2011-220235

12 JOSE VELASQUEZ DEJESUS, M.D.  
868 West Avenue J  
13 Lancaster, CA 93534  
Physician's and Surgeon's Certificate No. A  
14 42214,

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 Respondent.

16  
17 In the interest of a prompt and speedy resolution of this matter, consistent with the public  
18 interest and the responsibility of the Medical Board of California of the Department of Consumer  
19 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which  
20 will be submitted to the Board for approval and adoption as the final disposition of the  
21 Accusation.

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Interim Executive Officer of the Medical  
24 Board of California. She brought this action solely in her official capacity and is represented in  
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Randall R.  
26 Murphy, Deputy Attorney General.  
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1 CULPABILITY

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

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

8 CONTINGENCY

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

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

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

24 ORDER

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 42214, issued  
26 to Respondent Jose Velasquez DeJesus, M.D., is surrendered and accepted by the Medical Board  
27 of California.

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

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

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

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

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

20 **ACCEPTANCE**

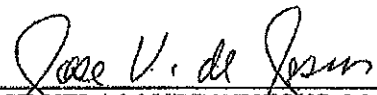
21 I have carefully read the above Stipulated Surrender of License and Order and have fully  
22 discussed it with my attorney, Raymond McMahon, Esq.. I understand the stipulation and the  
23 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated  
24 Surrender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

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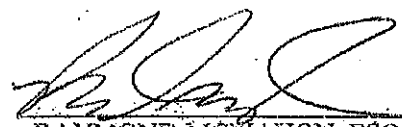
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DATED: JUNE 24 2013   
JOSE VELASQUEZ DEJESUS, M.D.  
Respondent

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: June 27, 2013   
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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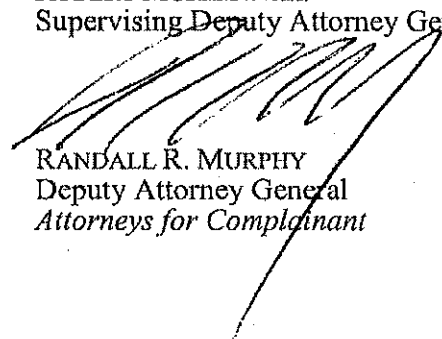
DATED: \_\_\_\_\_  
JOSE VELASQUEZ DEJESUS, M.D.  
Respondent

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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**Exhibit A**

**Accusation No. 05-2011-220235**



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KAMALA D. HARRIS  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
RANDALL R. MURPHY  
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Facsimile: (213) 897-9395  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO NOV 11 2013  
BY: [Signature] ANALYST

**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.

Case No. 05-2011-220235

**ACCUSATION**

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**

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

4           4. Section 2004 of the Code states:

5           "The board shall have the responsibility for the following:

6           "(a) The enforcement of the disciplinary and criminal provisions of the Medical  
7 Practice Act.

8           "(b) The administration and hearing of disciplinary actions.

9           "(c) Carrying out disciplinary actions appropriate to findings made by a panel or an  
10 administrative law judge.

11           "(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of  
12 disciplinary actions.

13           "(e) Reviewing the quality of medical practice carried out by physician and surgeon  
14 certificate holders under the jurisdiction of the board.

15           "..."

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

20           6. Section 2234 of the Code states:

21           "The Division of Medical Quality<sup>1</sup> shall take action against any licensee who is charged  
22 with unprofessional conduct. In addition to other provisions of this article, unprofessional  
23 conduct includes, but is not limited to, the following:

24  
25           <sup>1</sup> California Business and Professions Code section 2002, as amended and effective  
26 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in  
27 the State Medical Practice Act (Cal. Bus. & Prof. Code, section 2000, et. seq.) means the  
28 "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.

1           (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
2 violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical  
3 Practice Act].

4           (b) Gross negligence.

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

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

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

15           ...

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

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

21           8. On or about October 27, 2010, December 17, 2010 and January 14, 2011, M.C.  
22 presented to Respondent with complaints of cough, shortness of breath, and chest pain. On each  
23 occasion Respondent prescribed cephalixin<sup>2</sup> to M.C. for diagnoses of acute nasopharyngitis,<sup>3</sup>  
24 cough, and acute bronchitis and acute nasopharyngitis, on the respective dates.

25

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26           <sup>2</sup> Cephalixin is a first-generation cephalosporin orally administered antibiotic.

27           <sup>3</sup> Nasopharyngitis, otherwise known as the common cold, is a viral infectious disease of  
28 the upper respiratory system, caused primarily by rhinoviruses and coronaviruses.



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