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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. 800-2015-018242

12 **EMILIO JOSEPH MIRANDA, M.D.**  
13 **4700 Sunset Boulevard, 4th Floor**  
**Los Angeles, CA 90027**

**DEFAULT DECISION**  
**AND ORDER**

14 **Physician's and Surgeon's**  
15 **Certificate No. A112529**

[Gov. Code, §11520]

16 **Respondent.**

17 **FINDINGS OF FACT**

18 1. On or about July 13, 2016, Kimberly Kirchmeyer (Complainant), in her official  
19 capacity as the Executive Director Executive Director of the Medical Board of California,  
20 Department of Consumer Affairs (Board), filed Accusation No. 800-2015-018242 against Emilio  
21 Joseph Miranda, M.D. (Respondent) before the Board.

22 2. On or about May 26, 2010, the Board issued Physician's and Surgeon's Certificate  
23 Number A112529 to Emilio Joseph Miranda, M.D. (Respondent). This license expired on  
24 April 30, 2016. A true and correct copy of a certification of licensure for Physician's and  
25 Surgeon's Certificate Number A112529 is attached hereto as Exhibit A.

26 3. On or about July 13, 2016, an employee of the Board, served by Certified Mail a copy  
27 of the Accusation No. 800-2015-018242, Statement to Respondent, Notice of Defense form (2  
28 copies), Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to

1 Respondent's address of record with the Board, which was and is 4700 Sunset Blvd., 4th Floor,  
2 Los Angeles, California 90027. A copy of the Accusation, the related documents and  
3 Declaration of Service are attached hereto as Exhibit B, and are incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the provisions of  
5 Government Code section 11505, subdivision (c).

6 5. On or about July 15, 2016, a Certified Mail Receipt, which confirmed service of the  
7 Accusation and the related documents, was signed. A copy of the Certified Mail Receipt is  
8 attached as Exhibit C, and is incorporated herein by reference.

9 6. Business and Professions Code section 118 states, subdivision (b), states in pertinent  
10 part, "The suspension, expiration, or forfeiture by operation of law of a license issued by a board  
11 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order  
12 of a court of law, or its surrender without the written consent of the board, shall not, during any  
13 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
14 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
15 provided by law or to enter an order suspending or revoking the license or otherwise taking  
16 disciplinary action against the licensee on any such ground." Respondent may renew his  
17 physician's and surgeon's certificate for a period of five years from the date that her license  
18 expired (i.e., until July 13, 2021). (Bus. & Prof. Code, § 2427, subd. (a).)

19 7. Government Code section 11506 states, in pertinent part:

20 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
21 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
22 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
23 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

24 8. Respondent failed to file a Notice of Defense within 15 days after service upon him  
25 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
26 800-2015-018242.

27 9. California Government Code section 11520 states, in pertinent part:

28 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the

1 agency may take action based upon the respondent's express admissions or upon other evidence  
2 and affidavits may be used as evidence without any notice to respondent."

3 10. Pursuant to its authority under Government Code section 11520, the Board finds  
4 Respondent is in default. The Board will take action without hearing. The Board find that based  
5 on Respondent's express admissions by way of default and the evidence before it, contained in  
6 the exhibits attached hereto, the allegations in Accusation No. 800-2015-018242 are true. The  
7 Board further finds that Respondent's Physician's and Surgeon's Certificate is subject to  
8 discipline in that he engaged in unprofessional conduct.

9 DETERMINATION OF ISSUES

10 11. Based on the foregoing findings of fact, Respondent Emilio Joseph Miranda, M.D.  
11 has subjected his for Physician's and Surgeon's Certificate Number A112529 to discipline.

12 12. A copy of the Accusation and the related documents and Declaration of Service are  
13 attached.

14 13. The agency has jurisdiction to adjudicate this case by default.

15 14. The Medical Board of California is authorized to revoke Respondent's Physician's  
16 and Surgeon's Certificate based upon the following violations alleged in the Accusation, namely,  
17 Code sections 2227 and 2234 (Unprofessional Conduct), and 821 (Failure to Comply with Order of  
18 Examination).

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7 Attorneys for Petitioner

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO July 13, 2016  
BY: [Signature] ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 800-2015-018242

12 EMILIO JOSEPH MIRANDA, M.D.  
4700 Sunset Boulevard, 4th Floor  
13 Los Angeles, CA 90027

ACCUSATION

14 Physician's and Surgeon's  
Certificate No. A112529

15 Respondent.

16  
17 PARTIES

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

21 2. On or about May 26, 2010, the Board issued Physician's and Surgeon's Certificate  
22 Number A112529 to Emilio Joseph Miranda, M.D. (Respondent). This license expired on  
23 April 30, 2016.

24 JURISDICTION

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

28 4. Section 2227 of the Code provides that a licensee who is found guilty under the

1 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
2 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
3 action taken in relation to discipline as the Board deems proper.

4 5. Section 2234 of the Code, states:

5 "The board shall take action against any licensee who is charged with unprofessional  
6 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
7 limited to, the following:

8 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
9 violation of, or conspiring to violate any provision of this chapter.

10 "(b) Gross negligence.

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

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

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

21 "(d) Incompetence.

22 "(e) The commission of any act involving dishonesty or corruption which is substantially  
23 related to the qualifications, functions, or duties of a physician and surgeon.

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

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



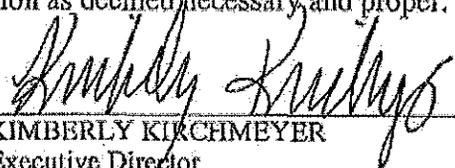
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PRAYER

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 A112529, issued to Emilio Joseph Miranda, M.D.
2. Revoking, suspending or denying approval of Emilio Joseph Miranda, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Emilio Joseph Miranda, M.D. to pay the Medical Board of California, if placed on probation, the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: July 13, 2016

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

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