

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

**In the Matter of the Accusation )  
and Petition to Revoke Probation )  
Against: )**

**S.N. Shubhakar, M.D. a.k.a., )  
Somwarpet Shubhakar, M.D. )**

**Case No. 800-2016-023937**

**Physician's and Surgeon's )  
Certificate No. A33936 )**

**Respondent )**

**DECISION**

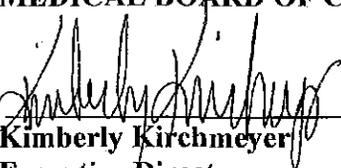
**The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on June 19, 2017.**

**IT IS SO ORDERED June 12, 2017 .**

**MEDICAL BOARD OF CALIFORNIA**

By:

  
**Kimberly Kirchmeyer**  
**Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 RICHARD D. MARINO  
Deputy Attorney General  
4 State Bar No. 90471  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-9395  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation and Petition to  
11 Revoke Probation Against:

12 **S. N. SHUBHAKAR, M.D., a.k.a.,**  
**SOMWARPET SHUBHAKAR, M.D.**  
13 **P.O. Box 53**  
**Porterville, CA 93258**  
14

15 **Physician's and Surgeon's Certificate No.**  
**A33936**

16 Respondent.

Case No. 800-2016-023937

OAH No. 2017020372

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

17  
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 Petition to Revoke Probation.

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 Xavier Becerra, Attorney General of the State of California, by Richard D. Marino,  
27 Deputy Attorney General.

28 //



1 Revoke Probation and all other statutorily required documents were properly served on  
2 Respondent on October 17, 2016. Respondent timely filed his Notice of Defense contesting the  
3 Petition to Revoke Probation. A copy of the Accusation and Petition to Revoke Probation No.  
4 800-2016-023937 is attached as Exhibit A and incorporated by reference.

5 **ADVISEMENT AND WAIVERS**

6 6. Respondent has carefully read, and understands the charges and allegations in the  
7 Accusation and Petition to Revoke Probation No. 800-2016-023937. Respondent also has  
8 carefully read, and understands the effects of this Stipulated Surrender of License and Order.

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

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

18 **CULPABILITY**

19 9. Respondent admits the truth of each and every charge and allegation in the  
20 Accusation and Petition to Revoke Probation No. 800-2016-023937, agrees that cause exists for  
21 discipline and hereby surrenders his Physician's and Surgeon's Certificate No. A33936 for the  
22 Board's formal acceptance.

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

26 **CONTINGENCY**

27 11. This stipulation shall be subject to approval by the Board. Respondent understands  
28 and agrees that counsel for Complainant and the staff of the Board may communicate directly

1 with the Board regarding this stipulation and surrender, without notice to or participation by  
2 Respondent. By signing the stipulation, Respondent understands and agrees that he may not  
3 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers  
4 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
5 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
6 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
7 be disqualified from further action by having considered this matter.

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

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

13 **ORDER**

14 **IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. A33936,  
15 issued to Respondent S. N. SHUBHAKAR, M.D., a.k.a., SOMWARPET SHUBHAKAR, M.D.,  
16 is surrendered and accepted by the Medical Board of California.

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

21 2. Respondent shall lose all rights and privileges as a physician and surgeon in  
22 California as of the effective date of the Board's Decision and Order.

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

25 4. If Respondent ever files an application for licensure or a petition for reinstatement in  
26 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
27 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
28 effect at the time the petition is filed, and all of the charges and allegations contained in Petition

1 Revoke Probation No. 800-2016-023937 shall be deemed to be true, correct and admitted by  
2 Respondent when the Board determines whether to grant or deny the petition.

3 5. If Respondent should ever apply or reapply for a new license or certification, or  
4 petition for reinstatement of a license, by any other health care licensing agency in the State of  
5 California, all of the charges and allegations contained in Petition to Revoke Probation, No. 800-  
6 2016-023937 shall be deemed to be true, correct, and admitted by Respondent for the purpose of  
7 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

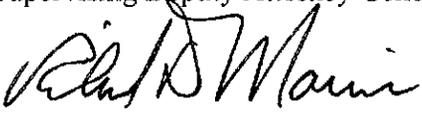
8 **ACCEPTANCE**

9 I have carefully read the Stipulated Surrender of License and Order. I understand the  
10 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into  
11 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and  
12 agree to be bound by the Decision and Order of the Medical Board of California.

13  
14 DATED: May 1, 2017   
15 S. N. SHUBHAKARA, M.D., a.k.a.,  
16 SOMWARPET SHUBHAKAR, M.D.  
17 Respondent

18 **ENDORSEMENT**

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

21 Dated: May 1, 2017  
22 Respectfully submitted,  
23 XAVIER BECERRA  
24 Attorney General of California  
25 JUDITH T. ALVARADO  
26 Supervising Deputy Attorney General  
27   
28 RICHARD D. MARINO  
Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation and Petition to Revoke Probation No. 800-2016-023937**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 RICHARD D. MARINO  
Deputy Attorney General  
4 State Bar No. 90471  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 897-8644  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO October 17 20 16  
BY R. Firdaus 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 and Petition to  
12 Revoke Probation Against:

13 **S. N. Shubhakar, M.D., a.k.a. Somwarpet**  
14 **Shubhakar, M.D.**  
15 **P.O. Box 53**  
16 **Porterville, CA 93258**

17 **Physician's and Surgeon's Certificate**  
18 **No. A33936,**

19 Respondent.

Case No. 800-2016-023937

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation and Petition to Revoke  
23 Probation solely in her official capacity as the Executive Director of the Medical Board of  
24 California, Department of Consumer Affairs (Board).

25 2. On or about June 11, 1979, the Medical Board issued Physician's and Surgeon's  
26 Certificate Number A33936 to S.N. Shubhakar, M.D., a.k.a. Somwarpet Shubhakar, M.D.  
27 (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times  
28 relevant to the charges brought herein and will expire on October 31, 2016, unless renewed.

//



1 initial enrollment unless the Board or its designee agrees in writing to an extension of that  
2 time.

3 "The Program shall consist of a Comprehensive Assessment program comprised of  
4 a two-day assessment of Respondent's physical and mental health; basic clinical and  
5 communication skills common to all clinicians; and medical knowledge, skill and judgment  
6 pertaining to Respondent's area of practice in which Respondent was alleged to be  
7 deficient, and at minimum, a 40 hour program of clinical education in the area of practice in  
8 which Respondent was alleged to be deficient and which takes into account data obtained  
9 from the assessment, Decision(s), Accusation(s), and any other information that the Board  
10 or its designee deems relevant. Respondent shall pay all expenses associated with the  
11 clinical training program.

12 "Based on Respondent's performance and test results in the assessment and clinical  
13 education, the Program will advise the Board or its designee of its recommendation(s) for  
14 the scope and length of any additional educational or clinical training, treatment for any  
15 medical condition, treatment for any psychological condition, or anything else affecting  
16 Respondent's practice of medicine. Respondent shall comply with Program  
17 recommendations.

18 "At the completion of any additional educational or clinical training, Respondent  
19 shall submit to and pass an examination. Determination as to whether Respondent  
20 successfully completed the examination or successfully completed the program is solely  
21 within the program's jurisdiction.

22 "...."

23 C. Respondent did not enroll in an approved clinical education program within 60  
24 calendars of the effective date of the Board's Decision and Order *In the Matter of the*  
25 *Accusation Against S. N. Shubhakar, M.D., a.k.a. Somwarpet Shubhakar, M.D.*, Medical  
26 Board of California, Case Number 08-2011-220081, or at any other time.  
27  
28

1 CAUSE TO REVOKE PROBATION

2 (Failure to Complete Approved Clinical Training Program

3 8. Respondent's probation granted by the Board in its Decision and Order *In the Matter*  
4 *of the Accusation Against S. N. Shubhakar, M.D., a.k.a. Somwarpet Shubhakar, M.D.*, Medical  
5 Board of California in Case Number 08-2011-220081, effective December 17, 2015, is subject to  
6 revocation, as follows:

7 A. Complainant refers to and, by this reference, incorporates herein Paragraph 7,  
8 subparagraphs A, B and C, above, as though fully set forth.

9 DISCIPLINARY CONSIDERATIONS

10 9. To determine the degree of discipline, if any, to be imposed on Respondent,  
11 Complainant alleges that on or about December 17, 2015, in a prior disciplinary action entitled *In*  
12 *the Matter of the Accusation Against S. N. Shubhakar, M.D., a.k.a. Somwarpet Shubhakar, M.D.*,  
13 before the Medical Board of California, in Case Number 08-2011-220081, Respondent's  
14 physician's and surgeon's certificate was revoked with revocation being stayed and Respondent  
15 being placed on probation for three (3) years with certain terms and conditions.

16 10. To determine the degree of discipline, if any, to be imposed on Respondent,  
17 Complainant alleges that on or about February 4, 1998, in a prior disciplinary action entitled *In*  
18 *the Matter of the Accusation and Petition to Revoke Probation Against S. N. Shubhakar, M.D.*,  
19 before the Medical Board of California, in Case Number D1-1990-2780, Respondent's  
20 physician's and surgeon's certificate was revoked with revocation being stayed and  
21 Respondent's seven year probation being extended an additional two years.

22 11. To determine the degree of discipline, if any, to be imposed on Respondent  
23 Somwarpet Shubhakar, M.D., Complainant alleges that on or about August 12, 1992, in a prior  
24 disciplinary action entitled *In the Matter of the Accusation Against Somwarpet Shubhakar, M.D.*,  
25 before the Medical Board of California, in Case Number 08-1990-2780, Respondent's physician's  
26 and surgeon's certificate was revoked with revocation being stayed and Respondent being placed  
27 on probation for seven (7) years with certain terms and conditions, including a 60 day suspension.  
28

1 PRAYER

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

4 1. Revoking the probation that was granted by the Medical Board of California, in Case  
5 No. 08-2011-220081, and imposing the disciplinary order that was stayed, thereby revoking  
6 Physician's and Surgeon's Certificate No. A33936, issued to S.N. Shubhakar, M.D., a.k.a.  
7 Somwarpet Shubhakar, M.D.

8 2. Revoking or suspending Physician's and Surgeon's Certificate Number A33936,  
9 issued to S.N. Shubhakar, M.D., a.k.a. Somwarpet Shubhakar, M.D.

10 3. Revoking, suspending or denying approval of S.N. Shubhakar, M.D., a.k.a.  
11 Somwarpet Shubhakar, M.D. 's authority to supervise physician assistants, pursuant to section  
12 3527 of the Code;

13 4. Ordering S.N. Shubhakar, M.D., a.k.a. Somwarpet Shubhakar, M.D., if placed on  
14 probation, to pay the Board the costs of probation monitoring; and

15 5. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: October 17, 2016

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

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EXHIBIT 1

Decision and Order, MBC Case No. 08-2011-220081



1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 RICHARD D. MARINO  
Deputy Attorney General  
4 State Bar No. 90471  
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Telephone: (213) 897-8644  
6 Facsimile: (213) 897-9395  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation Against:

Case No. 08-2011-220081

11 **SOMWARPET SHUBHAKAR, M.D.**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

12 P.O. Box 53  
Porterville, CA 93258

13 Physician's and Surgeon's Certificate No. A  
14 33936

15 Respondent.

16  
17 In the interest of a prompt and speedy settlement 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 Settlement and Disciplinary Order  
20 which 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 Executive Director 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 Richard D.  
26 Marino, Deputy Attorney General.





1 action between the parties, and the Board shall not be disqualified from further action by having  
2 considered this matter.

3 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
4 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
5 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 33936 issued  
11 to Respondent: Somwarpet Shubhakar, M.D. (Respondent) is revoked. However, the revocation is  
12 stayed and Respondent is placed on probation for three (3) years on the following terms and  
13 conditions.

14 1. CLINICAL TRAINING PROGRAM. Within 60 calendar days of the effective date  
15 of this Decision, Respondent shall enroll in a clinical training or educational program equivalent  
16 to the Physician Assessment and Clinical Education Program (PACE) offered at the University of  
17 California - San Diego School of Medicine ("Program"). Respondent shall successfully complete  
18 the Program not later than six (6) months after Respondent's initial enrollment unless the Board  
19 or its designee agrees in writing to an extension of that time.

20 The Program shall consist of a Comprehensive Assessment program comprised of a two-  
21 day assessment of Respondent's physical and mental health; basic clinical and communication  
22 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to  
23 Respondent's area of practice in which Respondent was alleged to be deficient, and at minimum,  
24 a 40 hour program of clinical education in the area of practice in which Respondent was alleged  
25 to be deficient and which takes into account data obtained from the assessment, Decision(s),  
26 Accusation(s), and any other information that the Board or its designee deems relevant.  
27 Respondent shall pay all expenses associated with the clinical training program.

28 Based on Respondent's performance and test results in the assessment and clinical

1 education, the Program will advise the Board or its designee of its recommendation(s) for the  
2 scope and length of any additional educational or clinical training, treatment for any medical  
3 condition, treatment for any psychological condition, or anything else affecting Respondent's  
4 practice of medicine. Respondent shall comply with Program recommendations.

5 At the completion of any additional educational or clinical training, Respondent shall  
6 submit to and pass an examination. Determination as to whether Respondent successfully  
7 completed the examination or successfully completed the program is solely within the program's  
8 jurisdiction.

9 The following language shall be included in this condition unless Option #1 is included: If  
10 Respondent fails to enroll, participate in, or successfully complete the clinical training program  
11 within the designated time period, Respondent shall receive a notification from the Board or its  
12 designee to cease the practice of medicine within three (3) calendar days after being so notified.  
13 The Respondent shall not resume the practice of medicine until enrollment or participation in the  
14 outstanding portions of the clinical training program have been completed. If the Respondent did  
15 not successfully complete the clinical training program, the Respondent shall not resume the  
16 practice of medicine until a final decision has been rendered on the accusation and/or a petition to  
17 revoke probation. The cessation of practice shall not apply to the reduction of the probationary  
18 time period. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
19 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
20 Chief Executive Officer at every hospital where privileges or membership are extended to  
21 Respondent, at any other facility where Respondent engages in the practice of medicine,  
22 including all physician and locum tenens registries or other similar agencies, and to the Chief  
23 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
24 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
25 calendar days.

26 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

27 2. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is  
28 prohibited from supervising physician assistants.

1           3.    OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
2 governing the practice of medicine in California and remain in full compliance with any court  
3 ordered criminal probation, payments, and other orders.

4           4.    QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
5 under penalty of perjury on forms provided by the Board, stating whether there has been  
6 compliance with all the conditions of probation.

7           Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
8 of the preceding quarter.

9           5.    GENERAL PROBATION REQUIREMENTS.

10          Compliance with Probation Unit

11          Respondent shall comply with the Board's probation unit and all terms and conditions of  
12 this Decision.

13          Address Changes

14          Respondent shall, at all times, keep the Board informed of Respondent's business and  
15 residence addresses, email address (if available), and telephone number. Changes of such  
16 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
17 circumstances shall a post office box serve as an address of record, except as allowed by Business  
18 and Professions Code section 2021(b).

19          Place of Practice

20          Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
21 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
22 facility.

23          License Renewal

24          Respondent shall maintain a current and renewed California physician's and surgeon's  
25 license.

26          Travel or Residence Outside California

27          Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
28 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty

1 (30) calendar days.

2 In the event Respondent should leave the State of California to reside or to practice  
3 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
4 departure and return.

5 6. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
6 available in person upon request for interviews either at Respondent's place of business or at the  
7 probation unit office, with or without prior notice throughout the term of probation.

8 7. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
9 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
10 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
11 defined as any period of time Respondent is not practicing medicine in California as defined in  
12 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month  
13 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All  
14 time spent in an intensive training program which has been approved by the Board or its designee  
15 shall not be considered non-practice. Practicing medicine in another state of the United States or  
16 Federal jurisdiction while on probation with the medical licensing authority of that state or  
17 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
18 not be considered as a period of non-practice.

19 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
20 months, Respondent shall successfully complete a clinical training program that meets the criteria  
21 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and  
22 Disciplinary Guidelines" prior to resuming the practice of medicine.

23 Respondent's period of non-practice while on probation shall not exceed two (2) years.

24 Periods of non-practice will not apply to the reduction of the probationary term.

25 Periods of non-practice will relieve Respondent of the responsibility to comply with the  
26 probationary terms and conditions with the exception of this condition and the following terms  
27 and conditions of probation: Obey All Laws; and General Probation Requirements.

28 8. COMPLETION OF PROBATION. Respondent shall comply with all financial

1 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
2 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
3 be fully restored.

4 9. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
5 of probation is a violation of probation. If Respondent violates probation in any respect, the  
6 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
7 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
8 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
9 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
10 the matter is final.

11 10. LICENSE SURRENDER. Following the effective date of this Decision, if  
12 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
13 the terms and conditions of probation, Respondent may request to surrender his or her license.  
14 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
15 determining whether or not to grant the request, or to take any other action deemed appropriate  
16 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
17 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
18 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
19 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
20 application shall be treated as a petition for reinstatement of a revoked certificate.

21 11. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
22 with probation monitoring each and every year of probation, as designated by the Board, which  
23 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
24 California and delivered to the Board or its designee no later than January 31 of each calendar  
25 year.

26  
27  
28 //

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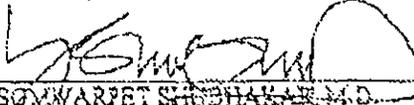
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10 13 PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
 11 with probation monitoring each and every year of probation, as designated by the Board, which  
 12 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
 13 California and delivered to the Board or its designee no later than January 31 of each calendar  
 14 year.

ACCEPTANCE

15  
 16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
 17 discussed it with my attorney, George L. Strasser, Esq. I understand the stipulation and the effect  
 18 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement  
 19 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
 20 Decision and Order of the Medical Board of California.

21  
22 DATED: October 9, 2014

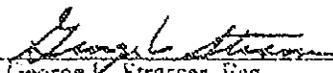
23   
 24 SOWWARPET SRINIVASIAH, M.D.  
 25 Respondent

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I have read and fully discussed with Respondent Somwarpet Smbhakar, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/9/2014

  
George E. Strasser, Esq.  
Attorney for Respondent

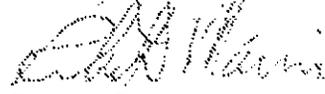
**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 10/9/2014

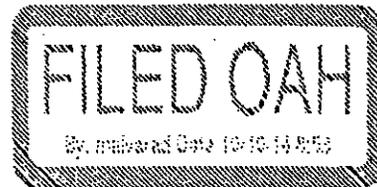
Respectfully submitted,

KAMRILA D. HARRIS  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General



RICHARD D. MARINO  
Deputy Attorney General

*Attorneys for Complainant*



**Exhibit A**

**Accusation No. 08-2011-220081**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 STEVE DIEHL  
Deputy Attorney General  
4 State Bar No. 235250  
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5 Fresno, California 93721  
6 Telephone: (559) 477-1626  
7 Facsimile: (559) 445-5106  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO, December 12, 2013  
BY: *[Signature]* ATTORNEY

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

11 In the Matter of the Accusation Against:  
12 SOMWARPET SHUBHAKAR, M.D.  
13 Post Office Box 53  
14 Porterville, California 93258  
15 Physician's and Surgeon's Certificate No. A  
33936,  
16 Respondent.

Case No. 08-2011-220081

ACCUSATION

17  
18  
19 Complainant alleges:

20 PARTIES

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

24 2. On or about June 11, 1979, the Medical Board of California issued Physician's and  
25 Surgeon's Certificate number A 33936 to Somwarpet Shubhakar, M.D. (Respondent). That  
26 license was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on October 31, 2014, unless renewed.

28 //



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

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

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

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

13           6.       Section 2234 of the Code, states, in pertinent part:

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

17           "...

18           "(b) Gross negligence.

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

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

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

1 13. The patient was not seen again by Respondent, and next presented to a physician  
2 assistant at Sequoia Family Medical Center on or about November 16, 2009. A plain X-ray on  
3 this date showed slipped capital femoral epiphysis (SCFE)<sup>1</sup> in the left hip. The physician assistant  
4 immediately referred the patient to Valley Children's Hospital in Madera, California, for urgent  
5 orthopedic surgical consultation.

6 14. The standard of care is to obtain a complete history of the presenting complaint,  
7 perform a relevant physical examination and then utilize this information to formulate a  
8 differential diagnosis of possible etiologies to best explain the clinical picture. Chronic hip pain  
9 in an overweight teenage patient with positive findings on physical examination should cause  
10 suspicion of SCFE or hip fracture, both of which require emergent evaluation and close follow-up  
11 examination.

12 15. When the patient presented on or about June 24, 2009, his hip pain was significantly  
13 worse and he presented with an abnormal examination in that his left leg was shorter than the  
14 right. Respondent failed to recognize these signs and symptoms of possible SCFE or hip fracture.  
15 As a result, Respondent departed from the standard of care.

16 16. The standard of care is to identify and order the most appropriate test(s) likely to  
17 confirm the diagnosis when the history and physical exam do not conclusively do so on their own  
18 merits. The diagnostic evaluation should be timely and lead to a specific therapy when indicated.

19 17. When the patient presented on or about June 24, 2009, the most appropriate test to  
20 confirm a possible diagnosis of SCFE or hip fracture would have been a repeat plain X-ray of the  
21 hip. Instead, Respondent ordered an MRI, which he knew would take an inordinate amount of  
22 time to complete in light of the Medi-Cal approval process. As a result, the patient's care was  
23 detrimentally delayed, and Respondent departed from the standard of care.

24 18. The standard of care is to follow up on significantly abnormal laboratory or  
25 radiographic diagnostic studies to insure that the patient receives appropriate treatment. "Hip

26 <sup>1</sup> SCFE is a common hip disorder in obese adolescent males, in which the head (or capital)  
27 of the femur fractures and slips out of position with respect to the femoral neck.

1 fracture" is a diagnosis which requires an urgent referral to an orthopedic surgeon for further  
2 evaluation. Interval care in the form of crutches or a wheel chair, with restriction of physical  
3 activity, is also required.

4 19. When Respondent diagnosed the patient with "hip fracture" on or about August 4,  
5 2009, he should have made an urgent referral to an orthopedic surgeon. Instead, he further  
6 delayed treatment of the patient by ordering a CT scan and instructing the patient to return in two  
7 weeks. Furthermore, Respondent failed to contact the patient when the CT scan was not  
8 performed, either to reschedule the CT, to have the patient return for a follow-up visit, or to make  
9 a referral to an orthopedic surgeon. As a result, the patient's care was detrimentally delayed.  
10 Additionally, in the interim, Respondent failed to restrict the patient's activity, or to provide  
11 crutches or a wheel chair. Thus, Respondent departed from the standard of care.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Incompetence – Patient C.M.)

14 20. By reason of the facts set forth above in paragraphs 9 through 19, Respondent is  
15 subject to disciplinary action under section 2234, subdivision (d) for incompetence.

16 **THIRD CAUSE FOR DISCIPLINE**

17 (Repeated Negligent Acts – Patient C.M.)

18 21. By reasons of the facts set forth above in paragraphs 9 through 19, Respondent is  
19 subject to disciplinary action under section 2234, subdivision (c) for repeated negligent acts.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 (Record-Keeping – Patient C.M.)

22 22 Respondent is subject to disciplinary action under section 2266 in that he failed to  
23 keep adequate and accurate records related to the provision of services for a patient. The  
24 circumstances are set forth in paragraphs 9 through 13, which are incorporated by reference  
25 herein.

26 23. The standard of care is to keep timely, legible, accurate, and complete medical  
27 records.

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

December 12, 2013

DATED: \_\_\_\_\_



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

*Complainant*

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