

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

In the Matter of the Accusation)
Against:)
)
)
Vergil D. Sisson, M.D.)
)
Physician's and Surgeon's)
Certificate No. C27156)
)
Respondent)
_____)

Case No. 800-2016-026235

DECISION

The attached Stipulated Surrender of License and Disciplinary 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 September 25, 2017.

IT IS SO ORDERED September 18, 2017.

MEDICAL BOARD OF CALIFORNIA

By: *Kimberly Kirchmeyer*
Kimberly Kirchmeyer
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 GIOVANNI F. MEJIA
Deputy Attorney General
4 State Bar No. 125345
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9449
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9

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

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In the Matter of the Accusation Against:

Case No. 800-2016-026235

14

VERGIL D. SISSON, M.D.
330 North D Street, Suite 300
15 San Bernardino, CA 92401

OAH Case No.

15

16

**Physician's and Surgeon's Certificate
No. C 27156,**

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

17

18

Respondent.

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IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21

PARTIES

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1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by Giovanni F. Mejia,
25 Deputy Attorney General.

26

2. Vergil D. Sisson, M.D. (Respondent) has elected to represent himself in the above-
27 captioned matter and has chosen not to exercise his right to be represented by counsel.

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1 whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order,
2 the Executive Director and/or the Board may receive oral and written communications from its
3 staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not
4 disqualify the Executive Director, the Board, any member thereof, and/or any other person from
5 future participation in this or any other matter affecting or involving Respondent. In the event
6 that the Executive Director on behalf of the Board does not, in her discretion, approve and adopt
7 this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph,
8 it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
9 upon or introduced in any disciplinary action by either party hereto. Respondent and his attorney-
10 in-fact further agree that should this Stipulated Surrender of License and Disciplinary Order be
11 rejected for any reason by the Executive Director on behalf of the Board, Respondent or his
12 attorney-in-fact, or both, will assert no claim that the Executive Director, the Board, or any
13 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this
14 Stipulated Surrender of License and Disciplinary Order or of any matter or matters related hereto.

15 **ADDITIONAL PROVISIONS**

16 14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
17 herein to be an integrated writing representing the complete, final and exclusive embodiment of
18 the agreements of the parties in the above-entitled matter.

19 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
20 copies of this Stipulated Surrender of License and Disciplinary Order, including Portable
21 Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as
22 the originals.

23 16. In consideration of the foregoing admissions and stipulations, the parties agree the
24 Executive Director of the Medical Board may, without further notice to or opportunity to be heard
25 by Respondent, issue and enter the following Order on behalf of the Board:

26 / / / /
27 / / / /
28 / / / /

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 27156, issued to Respondent Vergil D. Sisson, M.D., is surrendered and accepted by the Executive Director on behalf of the Medical Board of California.

1. 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.

2. 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.

3. With respect to the action that has been taken herein pursuant to California Business and Professions Code section 822, any future reinstatement of Respondent's Physician's and Surgeon's Certificate No. C 27156 shall be governed by the procedures contained in Article 12.5 of Chapter 1 of Division 2 of the California Business and Professions Code. (Bus. & Prof. Code § 823.)

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2016-026235 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the 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. 800-2016-026235 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.

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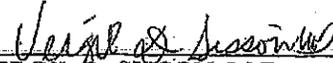
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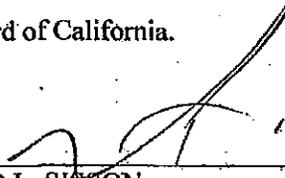
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1 ACCEPTANCE

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

7 DATED: 7 Sept, 2017 
8 VERGIL D. SISSON, M.D.
9 Respondent

10 I, as attorney-in-fact for Respondent Vergil D. Sisson, M.D., have carefully read the above
11 Stipulated Surrender of License and Disciplinary Order. I understand the stipulation and the
12 effect it will have on Respondent Vergil D. Sisson, M.D.'s Physician's and Surgeon's Certificate
13 No. C 27156. I enter into this Stipulated Surrender of License and Disciplinary Order, along with
14 Respondent Vergil D. Sisson, M.D., voluntarily, knowingly, and intelligently, and agree to be
15 bound by the Decision and Order of the Medical Board of California.

16 DATED: 7 September, 2017 
17 DAVID L. SISSON
18 Attorney-in-fact

19 ENDORSEMENT

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

23 Dated: Sep. 8, 2017

24 Respectfully submitted,
25 XAVIER BECERRA
26 Attorney General of California
27 MATTHEW M. DAVIS
28 Supervising Deputy Attorney General

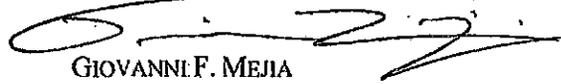

GIOVANNI F. MEJIA
Deputy Attorney General
Attorneys for Complainant

Exhibit A
Power of Attorney

ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTHCARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, V. Duane Sisson M.D., residing at 3850 E. Atlantic Ave. #247, Highland, California 92346, hereby appoint David L. Sisson of 6715 Barnard Ave., Highland, California 92346, as my attorney-in-fact ("Agent") to exercise the powers and discretions described below.

This Power of Attorney shall not be affected by my subsequent incapacity.

I hereby revoke any and all general powers of attorney and special powers of attorney that previously have been signed by me. However, the preceding sentence shall not have the effect of revoking any powers of attorney that are directly related to my health care that previously have been signed by me.

My Agent shall have full power and authority to act on my behalf. This power and authority shall authorize my Agent to manage and conduct all of my affairs and to exercise all of my legal rights and powers, including all rights and powers that I may acquire in the future. My Agent's powers shall include, but not be limited to, the power to:

1. Open, maintain or close bank accounts (including, but not limited to, checking accounts, savings accounts, and certificates of deposit), brokerage accounts, retirement plan accounts, and other similar accounts with financial institutions.

a. Conduct any business with any banking or financial institution with respect to any of my accounts, including, but not limited to, making deposits and withdrawals, negotiating or endorsing any checks or other instruments with respect to any such accounts, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity.

b. Add, delete or change beneficiaries to any financial accounts I own including insurance policies, annuities, retirement accounts, payable on death savings or checking accounts or other investments.

c. Perform any act necessary to deposit, negotiate, sell or transfer any note, security, or draft of the United States of America, including U.S. Treasury Securities.

d. Have access to any safe deposit box that I might own, including its contents.

2. Provide for the support and protection of myself, my spouse, or of any minor child I have a duty to support or have established a pattern of prior support, including, without limitation, provision for food, lodging, housing, medical services, recreation and travel;

3. Sell, exchange, buy, invest, or reinvest any assets or property owned by me. Such assets or property may include income producing or non-income producing assets and property.

4. Take any and all legal steps necessary to collect any amount or debt owed to me, or to settle any claim, whether made against me or asserted on my behalf against any other person or entity.

5. Enter into binding contracts on my behalf.

6. Maintain and/or operate any business that I may own.

7. Employ professional and business assistance as may be appropriate, including attorneys, accountants, and real estate Agents.

8. Sell, convey, lease, mortgage, manage, insure, improve, repair, or perform any other act with respect to any of my property (now owned or later acquired) including, but not limited to, real estate and real estate rights (including the right to remove tenants and to recover possession). This includes the right to sell or encumber any homestead that I now own or may own in the future.

9. Prepare, sign, and file documents with any governmental body or agency, including, but not limited to, authorization to:

a. Prepare, sign and file income and other tax returns with federal, state, local, and other governmental bodies.

b. Obtain information or documents from any government or its agencies, and represent me in all tax matters, including the authority to negotiate, compromise, or settle any matter with such government or agency.

c. Prepare applications, provide information, and perform any other act reasonably requested by any government or its agencies in connection with governmental benefits (including medical, military and social security benefits), and to appoint anyone, including my Agent, to act as my "Representative Payee" for the purpose of receiving Social Security benefits.

10. Make gifts from my assets to members of my family, including to the Agent, and to such other persons or charitable organizations with whom I have an established pattern of giving (or if it is appropriate to make such gifts for estate planning, long-term care planning and/or tax purposes), to file state and federal gift tax returns, and to file a tax election to split gifts with my spouse, if any. No Agent acting under this instrument, except as specifically authorized in this instrument, shall have the power or authority to (a) gift, appoint, assign or designate any of my assets, interests or rights, directly or indirectly, to such Agent, such Agent's estate, such Agent's creditors, or the creditors of such Agent's estate, (b) exercise any powers of appointment I may hold in favor of such Agent, such Agent's estate, such Agent's creditors, or the creditors of such Agent's estate, or (c) use any of my assets to discharge any of such Agent's legal obligations, including any obligations of support which such Agent may owe to others, *excluding* those whom I am legally obligated to support.

11. To transfer any of my assets to the trustee of any revocable trust created by me, if such trust is in existence at the time of such transfer.

12. To utilize my assets to fund a trust not created by me, but to which I have either established a pattern of funding, or to fund a trust created by my Agent for my benefit or the benefit of my dependents, heirs or devisees upon the advice of a financial adviser.

13. To create, sign, modify or revoke any trust agreements or other trust documents in an attempt to manage or create a trust that was created for my benefit or the benefit of my dependants, heirs or devisees. This shall include the creation, modification or revocation of any inter vivos, family living, irrevocable or revocable trusts.

14. Have access to my healthcare and medical records and statements regarding billing, insurance and payments.

This Power of Attorney shall be construed broadly as a General Power of Attorney. The listing of specific powers is not intended to limit or restrict the general powers granted in this Power of Attorney in any manner.

Any power or authority granted to my Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing, (i) my income to be taxable to my Agent, (ii) my assets to be subject to a general power of appointment by my Agent, or (iii) my Agent to have any incidents of ownership with respect to any life insurance policies that I may own on the life of my Agent.

My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney. A Successor Agent shall not be liable for acts of a prior Agent.

No person who relies in good faith on the authority of my Agent under this instrument shall incur any liability to me, my estate or my personal representative. I authorize my Agent to indemnify and hold harmless any third party who accepts and acts under this document.

If any part of any provision of this instrument shall be invalid or unenforceable under applicable law, such part shall be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of such provision or the remaining provisions of this instrument.

My Agent shall not be entitled to any compensation, during my lifetime or upon my death, for any services provided as my Agent. My Agent shall not be entitled to reimbursement of expenses incurred as a result of carrying out any provision of this Power of Attorney.

My Agent shall provide an accounting for all funds handled and all acts performed as my Agent as required under state law or upon my request or the request of any authorized personal representative, fiduciary or court of record acting on my behalf.

This Power of Attorney shall become effective immediately, and shall not be affected by my disability or lack of mental competence, except as may be provided otherwise by an applicable state statute. This is a Durable Power of Attorney. This Power of Attorney shall continue effective until my death. This Power of Attorney may be revoked by me at any time by providing written notice to my Agent.

Dated June 6th, 2015, at Highland, California.

Vergil Duane Sisson M.D.
Vergil Duane Sisson M.D.

A notary public or other officer completing this certificate verifies only the identity of the individual(s) who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA,
COUNTY OF SAN BERNARDINO, ss:

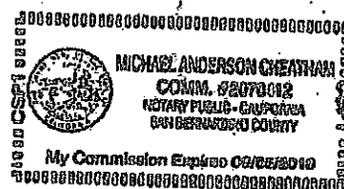
On 6/6/2015 before me, Michael Anderson Cheatham, Notary Public, personally appeared Vergil Duane Sisson M.D., who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]

Signature of Notary Public



(Notary Seal)

Notice to Person Accepting the Appointment as Attorney-in-Fact:

By acting or agreeing to act as the agent (attorney-in-fact) under this power of attorney you assume the fiduciary and other legal responsibilities of an agent. These responsibilities include:

1. The legal duty to act solely in the interest of the principal and to avoid conflicts of interest.
2. The legal duty to keep the principal's property separate and distinct from any other property owned or controlled by you.

You may not transfer the principals property to yourself without full and adequate consideration or accept a gift of the principals property unless this power of attorney specifically authorizes you to transfer property to yourself or accept a gift of the principal's property. If you transfer the principals property to yourself without specific authorization in the power of attorney, you may be prosecuted for fraud and/or embezzlement. If the principal is 65 years of age or older at the time that the property is transferred to you without authority, you may also be prosecuted for elder abuse under Penal Code Section 368. In addition to criminal prosecution, you may also be sued in civil court.

I have read the foregoing notice and I understand the legal and fiduciary duties that I assume by acting or agreeing to act as the agent (attorney-in-fact) under the terms of this power of attorney.

Date:

6 June 2015

Signed:

David L. Sisson

Exhibit B

Accusation No. 800-2016-026235

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 GIOVANNI F. MEJIA
Deputy Attorney General
4 State Bar No. 309951
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 6 20 17
BY Carla Pasion ANALYST

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

12
13 In the Matter of the Accusation Against:

Case No. 800-2016-026235

14 **Vergil D. Sisson, M.D.**
330 North D Street, Suite 300
15 San Bernardino, CA 92401

ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. C 27156,**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about June 16, 1965, the Medical Board issued Physician's and Surgeon's
24 Certificate No. C.27156 to Respondent Vergil D. Sisson, 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 December 31, 2018, unless renewed.

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1 JURISDICTION

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 states:

5 "(a) A licensee whose matter has been heard by an administrative law judge of the
6 Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or
7 whose default has been entered, and who is found guilty, or who has entered into a
8 stipulation for disciplinary action with the board, may, in accordance with the provisions of
9 this chapter:

10 "(1) Have his or her license revoked upon order of the board.

11 "(2) Have his or her right to practice suspended for a period not to exceed one year
12 upon order of the board.

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

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

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

19 "...."

20 5. Section 820 of the Code states:

21 "Whenever it appears that any person holding a license, certificate or permit under
22 this division¹ or under any initiative act referred to in this division may be unable to practice
23 his or her profession safely because the licentiate's ability to practice is impaired due to
24 mental illness, or physical illness affecting competency, the licensing agency may order the
25 licentiate to be examined by one or more physicians and surgeons or psychologists
26 designated by the agency. The report of the examiners shall be made available to the
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28 ¹ Division 2 of the Code entitled, "Healing Arts."

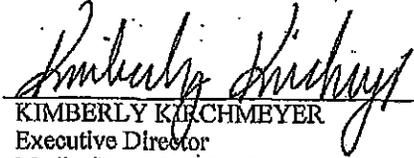
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PRAYER

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 No. C 27156, issued to Respondent Vergil D. Sisson, M.D.;
2. Revoking, suspending or denying approval of Respondent Vergil D. Sisson, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Taking action as authorized by section 822 of the Code as the Medical Board, in its discretion, deems necessary and proper; and
4. Taking such other and further action as deemed necessary and proper.

DATED: September 6, 2017



KIMBERLY KIRSCHMEYER
Executive Director
Medical Board of California
State of California
Complainant