

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

In the Matter of the Accusation)
Against:)

Robert Andrew Ahtel, M.D.)

Case No. 02-2013-229841

Physician's and Surgeon's)
Certificate No. G 21923)

Respondent)
_____)

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 January 27, 2017.

IT IS SO ORDERED January 20, 2017.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 MEGAN R. O'CARROLL
Deputy Attorney General
4 State Bar No. 215479
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5 P.O. Box 944255
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7

8 *Attorneys for Complainant*
9
10

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

13 In the Matter of the Accusation Against:

14 **ROBERT ANDREW ACHTEL, M.D.**
15 **2315 Stockton Blvd.**
16 **Sacramento, CA 95817**

17 **Physician's and Surgeon's Certificate**
No. G 21923

18 Respondent.
19

Case No. 02-2013-229841

OAH No. 2016061105

STIPULATED SURRENDER OF LICENSE
AND DISCIPLINARY ORDER

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

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 Kamala D. Harris, Attorney General of the State of California, by Megan R.
27 O'Carroll, Deputy Attorney General.

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

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

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

22 **ORDER**

23 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 21923, issued
24 to Respondent Robert Andrew Ahtel, M.D., is surrendered and accepted by the Medical Board
25 of California.

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

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

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

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. 02-2013-229841 shall be deemed to be true, correct and admitted by Respondent
12 when the Board determines whether to grant or deny the petition.

13 5. If Respondent should ever apply or reapply for a new license or certification, or
14 petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation, No. 02-2013-229841 shall
16 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
17 Issues or any other proceeding seeking to deny or restrict licensure.

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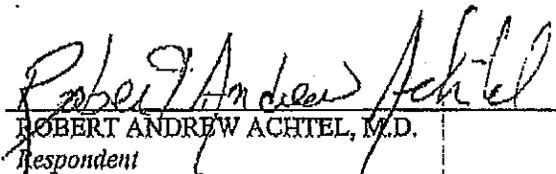
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1 ACCEPTANCE

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

7
8 DATED: Nov. 9, 2016 
9 ROBERT ANDREW ACHEL, M.D.
Respondent

10 I have read and fully discussed with Respondent Robert Andrew Achtel, M.D. the terms
11 and conditions and other matters contained in this Stipulated Surrender of License and
12 Disciplinary Order. I approve its form and content.

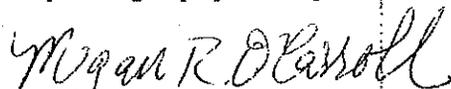
13 DATED: 11/9/16 
14 ROBERT B. ZARO, ESQ.
15 Attorney for Respondent

16 ENDORSEMENT

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

20 Dated: 1-9-17

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

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25 MEGAN R. O'CARROLL
26 Deputy Attorney General
27 Attorneys for Complainant

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Exhibit A

Accusation No. 02-2013-229841

1 KAMALA D. HARRIS
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2 E. A. JONES III
Supervising Deputy Attorney General
3 MIA PEREZ-ARROYO
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO, AUGUST 4, 2015
BY: J. TELLEZ, ANALYST

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

11 In the Matter of the Accusation Against:

12 **ROBERT ACHEL, M.D.**
P.O. Box 476
13 Carmichael, CA 95609-0476

Case No. 02-2013-229841

ACCUSATION

14 Physician's and Surgeon's Certificate No. G21923

15 Respondent.

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18 Complainant alleges:

19 PARTIES

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

23 2. On or about January 18, 1972, the Medical Board of California issued Physician's and
24 Surgeon's Certificate Number G21923 to Robert Achtel, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on May 31, 2017, unless renewed.

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1 that he felt the patient did not have any cardiac condition. There was no clinical or
2 echocardiographic suggestion of mitral valve prolapse. Respondent, however, diagnosed the
3 patient with mitral valve prolapse. He did not explore any other diagnoses.

4 18. The consultation letter to the patient's primary care physician for the October 28,
5 2009, visit was not generated until November 7, 2009, and not signed by Respondent until
6 November 9, 2009. Respondent saw Patient S.B. on or about January 4, 2012. The consultation
7 letter, however, was not generated until March 4, 2012, and not signed by Respondent until
8 March 7, 2012.

9 19. Respondent engaged in a departure from the standard of care in that he diagnosed
10 Patient S.B. with mitral valve prolapse in the absence of clinical or echocardiographic indication
11 and failed to explore alternative diagnoses.

12 20. Respondent engaged in a departure from the standard of care in that he delayed the
13 production of the consultation letters from the patient's October 28, 2009, and January 4, 2012,
14 visits.

15 21. Respondent engaged in a departure from the standard of care in that he ordered a
16 stress echocardiogram work up for pre-syncope in a teenager with a normal cardiac examination.

17 Patient A.B.

18 22. Respondent followed Patient A.B. after surgery for a congenital heart defect with
19 poor LV systolic function. The patient underwent echocardiograms on or about January 15, 2010,
20 February 12, 2010, March 12, 2010, March 17, 2010, and April 9, 2010. The narrative in
21 Respondent's reports state "normal LV systolic motion" and/or "normal LV systolic and diastolic
22 function." The reported quantitative function was anywhere between 10% and 24%, which
23 should have been stated as decreased rather than normal.

24 23. Respondent engaged in a departure from the standard of care by misinterpreting the
25 echocardiograms as normal rather than decreased left ventricle systolic function.

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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 G21923, issued to Robert Achtel, M.D.;
2. Revoking, suspending or denying approval of Robert Achtel M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Robert Achtel, 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.

August 4, 2015

DATED: _____


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