

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

In the Matter of the Accusation )  
Against: )

CAROLINA VELEZ, M.D. )

Case No. 800-2015-015490

Physician's and Surgeon's )  
Certificate No. A 117655 )

Respondent )  
\_\_\_\_\_ )

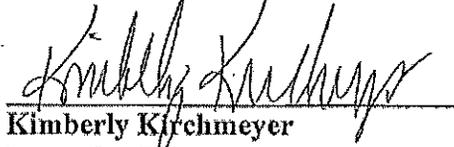
DECISION AND ORDER

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 April 22, 2019

IT IS SO ORDERED April 15, 2019

MEDICAL BOARD OF CALIFORNIA

By: 

Kimberly Kirchmeyer  
Executive Director

1 XAVIER BECERRA  
Attorney General of California  
2 STEVEN D. MUNI  
Supervising Deputy Attorney General  
3 DEMOND L. PHILSON  
Deputy Attorney General  
4 State Bar No. 220220  
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7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **CAROLINA VELEZ, M.D.**  
15 **4015 S. Lamar Blvd.**  
16 **Austin, TX 78704**

17 **Physician's and Surgeon's Certificate No.**  
18 **No. A 117655**

19 Respondent.

Case No. 800-2015-015490

OAH No. 2018030117

20 **STIPULATED SURRENDER OF**  
21 **LICENSE AND ORDER**

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

24 **PARTIES**

25 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
26 of California (Board). She brought this action solely in her official capacity and is represented in  
27 this matter by Xavier Becerra, Attorney General of the State of California, by Demond L. Philson,  
28 Deputy Attorney General.

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1 CULPABILITY

2 8. Respondent understands that the charges and allegations in Accusation No. 800-2015-  
3 015490 if proven at a hearing, constitute cause for imposing discipline upon her Physician's and  
4 Surgeon's Certificate.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation and that those charges constitute cause for discipline.  
8 Respondent hereby gives up her right to contest that cause for discipline exists based on those  
9 charges.

10 10. Respondent understands that by signing this stipulation she enables the Board to issue  
11 an order accepting the surrender of her Physician's and Surgeon's Certificate No. without further  
12 process.

13 CONTINGENCY

14 11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent  
15 part, that the Medical Board "shall delegate to its executive director the authority to adopt a . . .  
16 stipulation for surrender of a license."

17 12. This stipulation shall be subject to approval by the Board. Respondent understands  
18 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
19 with the Board regarding this stipulation and surrender, without notice to or participation by  
20 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that  
21 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board  
22 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
23 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
24 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
25 be disqualified from further action by having considered this matter.

26 13. The parties agree that this Stipulated Surrender of License and Disciplinary Order  
27 shall be null and void and not binding upon the parties unless approved and adopted by the  
28 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full

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 on behalf of the Board, respondent will assert no claim that the  
13 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,  
14 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or  
15 of any matter or matters related hereto.

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

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

21 **ORDER**

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 117655,  
23 issued to Respondent Carolina Velez, M.D., is surrendered and accepted by the Board.

24 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. A 117655  
25 and the acceptance of the surrendered license by the Board shall constitute the imposition of  
26 discipline against Respondent. This stipulation constitutes a record of the discipline and shall  
27 become a part of Respondent's license history with the Board.

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

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

5           4.    If she ever applies for licensure or petitions for reinstatement in the State of  
6 California, the Board shall treat it as a petition for reinstatement. Respondent must comply with  
7 all the laws, regulations and procedures for licensure in effect at the time the petition is filed, and  
8 all of the charges and allegations contained in Accusation No. 800-2015-015490 shall be deemed  
9 to be true, correct and admitted by Respondent when the Board determines whether to grant or  
10 deny the petition.

11          5.    If Respondent should ever apply or reapply for a new license or certification, or  
12 petition for reinstatement of a license, by any other health care licensing agency in the State of  
13 California, all of the charges and allegations contained in Accusation, No. 800-2015-015490 shall  
14 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
15 Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney John Quincy Brown III. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 117655. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 3/13/19   
CAROLINA VELEZ, M.D.  
*Respondent*

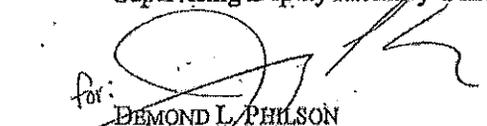
I have read and fully discussed with Respondent Carolina Velez, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 3/15/19   
JOHN QUINCY BROWN III  
*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: 3/30/2019 Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
STEVEN D. MUNI  
Supervising Deputy Attorney General

for:   
DEMOND L. PHILSON  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2015-015490**

1 XAVIER BECERRA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 DEMOND L. PHILSON  
Deputy Attorney General  
4 State Bar No. 220220  
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Facsimile: (916) 327-2247  
7 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO *October 16 2017*  
BY: *K. Wong* 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. 800-2015-015490

12 Carolina Velez, M.D.  
4015 S. Lamar Blvd.  
13 Austin, TX 78704

ACCUSATION

14 Physician's and Surgeon's Certificate No.  
No. A 117655,

15 Respondent.  
16

17 Complainant alleges:

18 PARTIES

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

22 2. On or about July 22, 2011, the Medical Board issued Physician's and Surgeon's  
23 Certificate No. A 117655 to Carolina Velez, M.D. (Respondent). The Physician's and Surgeon's  
24 Certificate No. A 117655 was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on November 30, 2018, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board, under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1           4.       Section 2234 of the Code, states:

2           “The board shall take action against any licensee who is charged with unprofessional  
3 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
4 limited to, the following:

5           “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
6 violation of, or conspiring to violate any provision of this chapter.

7           “(b) Gross negligence.

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

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

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

18           “(d) Incompetence.

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

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

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

26           “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and  
27 participate in an interview by the board. This subdivision shall only apply to a certificate holder  
28 who is the subject of an investigation by the board.”

1 CAUSE FOR DISCIPLINE

2 (Repeated Acts of Negligence)

3 5. Respondent Carolina Velez, M.D. is subject to disciplinary action under section 2234  
4 subdivision (c) of the Code in that she committed repeated negligent acts in the care and treatment  
5 of patient Y.B. The circumstances are as follows:

6 6. The Medical Board of California received a Report of Settlement filed by The  
7 Doctors Company, notifying that it had paid a settlement on behalf of Respondent to patient  
8 Y.B.'s spouse M.S. for alleged failure to diagnose subarachnoid hemorrhage secondary to  
9 ruptured aneurysm<sup>1</sup>.

10 7. Patient Y.B. was a 57-year-old female, and spouse of M.S., who presented to  
11 Methodist Hospital Emergency Department by ambulance on April 25, 2012, at 12:06 a.m. with  
12 the complaint of a headache. She was picked up by an ambulance (EMS) from her home where  
13 she was found lying on the floor. EMS reported she was alert and oriented, but a poor historian  
14 and it was difficult to obtain information from her. Patient Y.B. had a past history of  
15 hypertension and migraines. Patient Y.B. had a recent three-day history of headache, neck pain,  
16 nausea, and vomiting. Patient Y.B.'s initial vital signs included a blood pressure of 113/94, heart  
17 rate of 59, respiratory rate of 18, oxygen saturation on room air 100% and a temperature of 98.4  
18 degrees Fahrenheit. Her pain scale was a 10/10.

19 8. Respondent evaluated the patient with the assistance of a scribe who documented the  
20 history and exam findings on a "T-sheet". Later, the chart was dictated by Respondent. Per the T-  
21 sheet and dictation, the history included the information that the patient had a severe headache  
22 and neck pain for 2-3 days, with nausea, vomiting, and diaphoresis. Patient Y.B. was suffering  
23 from unalleviated pain. The pain quality or the description of the onset of symptoms was not  
24 obtained. In the review of systems, Patient Y.B. was noted to be crying and was a poor historian.  
25 Patient Y.B. had no indication of fever, chest pain, shortness of breath or cough. Patient Y.B.'s

26  
27 <sup>1</sup> Subarachnoid hemorrhage (SAH) is a life-threatening type of stroke caused by bleeding  
28 into the space surrounding the brain. SAH can be caused by a ruptured aneurysm, arteriovenous  
malformation, or head injury.

1 additional history was she had no known drug allergies and was taking Digoxin. Patient Y.B.  
2 smoked cigarettes, but there was no alcohol or drug use.

3 9. During Respondent's examination of Patient Y.B., she had the vital signs noted  
4 above, with a general appearance of mild distress, and was described as not opening her eyes  
5 voluntarily. Patient Y.B. communicated she did not want to be examined. Respondent's  
6 examination of Patient Y.B. showed her pupils being equal, round, and reactive to light, with her  
7 extra-ocular movements intact. Respondent's examination also showed Patient Y.B. was mildly  
8 sweating, her vision and motor functions were intact, and she moved all four of her extremities,  
9 but was non cooperative. The patient had an IV placed and was treated initially with IV fluids,  
10 Toradol<sup>2</sup>, Zofran<sup>3</sup> and morphine.

11 10. Patient Y.B. was later re-evaluated by Respondent wherein she was sleepy and still  
12 vomiting. Patient Y.B. then received Phenergan IM<sup>4</sup> and more IV fluids. Patient Y.B. began to  
13 feel better but she was still sleepy. Patient Y.B.'s records do not show Respondent performed any  
14 additional neurologic examination. Patient Y.B.'s pain subsided and she was ordered for  
15 discharge. A nurse attempted to discharge the patient but the patient was difficult to arouse.  
16 Respondent was made aware of this and she re-evaluated the patient. The patient was not  
17 responsive and was found to be bradycardic<sup>5</sup> and pulseless. CPR was initiated and the patient was  
18 intubated and taken to the CT scanner and was found to have a massive subarachnoid hemorrhage  
19 with brain herniation. Neurosurgery was contacted and the patient was transferred to a higher  
20 level of care where she later died.

21 11. Respondent committed acts of repeated negligence in her care and treatment of  
22 patient Y.B., which included, but was not limited to, the following:

23 <sup>2</sup> Toradol (ketorolac) is a nonsteroidal anti-inflammatory drug (NSAID). Ketorolac works  
24 by reducing hormones that cause inflammation and pain in the body.

25 <sup>3</sup> Zofran is used alone or with other medications to prevent nausea and vomiting caused by  
26 cancer drug treatment (chemotherapy) and radiation therapy. It is also used to prevent and treat  
27 nausea and vomiting after surgery. It works by blocking one of the body's natural substances  
(serotonin) that causes vomiting.

28 <sup>4</sup> Phenergan is a commonly used injectable product that possesses antihistamine, sedative,  
anti-motion sickness, and anti-emetic effects.

<sup>5</sup> Bradycardia is a condition wherein an individual has a slow heart rate, typically defined  
as a heart rate of under 60 beats per minute in adults.

1 (a) Respondent failed to obtain an adequate history on a patient who presented with  
2 a headache and/or history of migraines;

3 (b) Respondent failed to conduct an adequate physical examination on a patient  
4 who presented with a headache and/or history of migraines;

5 (c) Respondent administered potentially harmful medication with a risk of  
6 worsening the patient's condition without adequate historical and examination information to rule  
7 out certain dangerous causes of a patient's headache; and

8 (d) Respondent failed to adequately reassess the patient and the disposition of the  
9 patient with a complaint of headache and/or history of migraines.

10 PRAYER

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

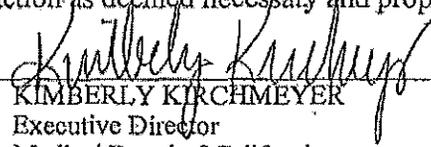
13 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 117655, issued  
14 to Carolina Velez, M.D.;

15 2. Revoking, suspending or denying approval of Carolina Velez, M.D.'s authority to  
16 supervise physician assistants and advanced practice nurses;

17 3. Ordering Carolina Velez, M.D., if placed on probation, to pay the Board the costs of  
18 probation monitoring; and

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

20 DATED: October 16, 2017

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

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