

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

CLIFFORD M. PEREZ, M.D., RESPONDENT

FILE No. 02-11-619

DISMISSAL ORDER

Date: August 28, 2015.

1. Respondent was issued Iowa medical license no. 33226 on December 7, 1999.
2. Respondent's Iowa medical license has been inactive due to non-renewal since February 1, 2006.
3. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced emergency medicine in Cleveland, Ohio.
4. **United States Air Force Action:** On April 19, 2010, the United States Air Force (USAF) permanently restricted Respondent's basic laparoscopic privileges and required supervision by a fully privileged surgeon for basic video-assisted laparoscopic procedures. The USAF alleged that Respondent failed to use appropriate general surgery technique during laparoscopic surgery on patients.

5. **California Disciplinary Action:** On or about September 7, 2011, Respondent was disciplined by the Medical Board of California (California Board) based on the action taken by the USAF. The California Board placed Respondent on probation for a period of four years. Respondent is required to complete a Board-approved clinical training program and continuing medical education program, and practice under the supervision of a Board-approved practice monitor. See Attachment A.

6. **Iowa Disciplinary Charges:** On October 25, 2013, the Iowa Board filed formal disciplinary charges against Respondent charging him with being disciplined by the licensing authority of another state in violation of the laws and rules governing the practice of medicine in Iowa. See Attachment B.

7. **Relinquishment of Iowa Medical License:** Effective July 1, 2015, pursuant to Iowa Code section 148.8A, Respondent's Iowa medical license was relinquished because he failed to apply for renewal or reinstatement of the license within five (5) years after its expiration. See Iowa Code section 148.8A. Respondent's Iowa medical license may not be reinstated, reissued, or restored once it has been relinquished. Therefore, Respondent no longer holds an Iowa medical license.

THEREFORE IT IS ORDERED: that the Board hereby **DISMISSES** the Statement of Charges currently pending against Respondent in this matter. However, should Respondent apply for a new Iowa medical license in the future, the Board will reopen this matter and take appropriate action necessary to protect the public.

This order becomes effective on August 28, 2015.

A handwritten signature in black ink, appearing to read 'Hamed H. Tewfik', written over a horizontal line.

Hamed H. Tewfik, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

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

In the Matter of the Accusation filed)
Against:)
)
CLIFFORD MICHAEL PEREZ, M.D.)
1707 Baywood Lane)
Davis, CA 95618)
)
Physician's and Surgeon's)
Certificate No.: C-53721)
)
Respondent)
_____)

Case No.: 16-2009-202470

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on September 7, 2011.

IT IS SO ORDERED: August 8, 2011.

MEDICAL BOARD OF CALIFORNIA

By: 
HEDY CHANG
Chair

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 SUSAN K. MEADOWS
Deputy Attorney General
4 State Bar No. 115092
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5552
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 16-2009-202470

11 **CLIFFORD MICHAEL PEREZ, M.D.**

OAH No. 2011010778

12 1707 Baywood Lane
13 Davis, CA 95618
14 Physician's and Surgeon's Certificate No. C
53721

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
21 California. She brought this action solely in her official capacity and is represented in this matter
22 by Kamala D. Harris, Attorney General of the State of California, by Susan K. Meadows, Deputy
23 Attorney General.

24 2. Respondent Clifford Michael Perez, M.D. (Respondent) is represented in this
25 proceeding by attorney Timothy J. Aspinwall, Esq., Nossaman, LLP, whose address is 915 L.
26 Street, Suite 1000, Sacramento, California, 95814.

27 3. On or about June 17, 2009, the Medical Board of California issued Physician's and
28 Surgeon's Certificate No. C 53721 to Respondent. The Physician's and Surgeon's Certificate was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 16 2009
2 202470 (hereinafter, "Accusation") and will expire on February 28, 2013, unless renewed.

3 **JURISDICTION**

4 4. The Accusation was filed before the Medical Board of California (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent. A copy of the
7 Accusation is attached as Exhibit A and incorporated herein by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read, fully discussed with counsel, and understands the
10 charges and allegations in the Accusation. Respondent has also carefully read, fully discussed
11 with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20 every right set forth above.

21 **CULPABILITY**

22 8. Respondent does not contest that, at an administrative hearing, Complainant could
23 establish a prima facie case with respect to the charges and allegations contained in the
24 Accusation and that he has thereby subjected his license to disciplinary action. Respondent
25 hereby gives up his right to contest those charges.

26 9. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
27 discipline and he agrees to be bound by the Medical Board of California (Board)'s imposition of
28 discipline as set forth in the Disciplinary Order below.

1 1. CLINICAL TRAINING PROGRAM

2 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
3 clinical training or educational program equivalent to the Physician Assessment and Clinical
4 Education Program (PACE) offered at the University of California - San Diego School of
5 Medicine ("Program").

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

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

19 At the completion of any additional educational or clinical training, Respondent shall
20 submit to and pass an examination. The Program's determination whether or not Respondent
21 passed the examination or successfully completed the Program shall be binding.

22 Respondent shall complete the Program not later than six months after Respondent's initial
23 enrollment unless the Board or its designee agrees in writing to a later time for completion.

24 Failure to participate in and complete successfully all phases of the clinical training
25 program outlined above is a violation of probation.

26 2. PRACTICE MONITOR Within 30 calendar days of the effective date of this
27 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
28 monitor, the name and qualifications of one or more licensed physicians and surgeons whose

1 licenses are valid and in good standing, and who are preferably American Board of Medical
2 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
3 relationship with Respondent, or other relationship that could reasonably be expected to
4 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
5 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
6 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

7 The Board or its designee shall provide the approved monitor with a copy of the Decision
8 and Accusation, and a proposed monitoring plan.

9 Within 15 calendar days of receipt of the Decision, Accusation, and proposed monitoring
10 plan, the monitor shall submit a signed statement that the monitor has read the Decision and
11 Accusation, fully understands the role of a monitor, and agrees or disagrees with the proposed
12 monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall
13 submit a revised monitoring plan with the signed statement.

14 Within 60 calendar days of the effective date of this Decision, and continuing throughout
15 probation, Respondent's practices shall be monitored by the approved monitor. Respondent shall
16 make all records available for immediate inspection and copying on the premises by the monitor
17 at all times during business hours and shall retain the records for the entire term of probation.

18 The monitor shall submit a quarterly written report to the Board or its designee which
19 includes an evaluation of Respondent's performance, indicating whether Respondent's medical
20 practices and prescribing practices are within the standards of practice of medicine, and whether
21 Respondent is practicing medicine safely.

22 It shall be the sole responsibility of Respondent to ensure that the monitor submits the
23 quarterly written reports to the Board or its designee within 10 calendar days after the end of the
24 preceding quarter.

25 If the monitor resigns or is no longer available, respondent shall, within 5 calendar days of
26 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
27 name and qualifications of a replacement monitor who will be assuming that responsibility within
28 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60 days

1 of the resignation or unavailability of the monitor, Respondent shall be suspended from the
2 practice of medicine until a replacement monitor is approved and prepared to assume immediate
3 monitoring responsibility. Respondent shall cease the practice of medicine within 3 calendar
4 days after being so notified by the Board or designee.

5 In lieu of a monitor, Respondent may participate in a professional enhancement program
6 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the
7 University of California, San Diego School of Medicine, that includes, at minimum, quarterly
8 chart review, semi-annual practice assessment, and semi-annual review of professional growth
9 and education. Respondent shall participate in the professional enhancement program at
10 respondent's expense during the term of probation.

11 Failure to maintain all records, or to make all appropriate records available for immediate
12 inspection and copying on the premises, or to comply with this condition as outlined above is a
13 violation of probation.

14 3. EDUCATION COURSE Within 60 calendar days of the effective date of this
15 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
16 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
17 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
18 correcting any areas of deficient practice or knowledge and shall be Category I certified, limited
19 to classroom, conference, or seminar settings. The educational program(s) or course(s) shall be at
20 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)
21 requirements for renewal of licensure. Following the completion of each course, the Board or its
22 designee may administer an examination to test respondent's knowledge of the course.
23 Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in
24 satisfaction of this condition.

25 4. NOTIFICATION Prior to engaging in the practice of medicine, Respondent shall
26 provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief
27 Executive Officer at every hospital where privileges or membership are extended to Respondent,
28 at any other facility where Respondent engages in the practice of medicine, including all

1 physician and locum tenens registries or other similar agencies, and to the Chief Executive
2 Officer at every insurance carrier which extends malpractice insurance coverage to Respondent.
3 Respondent shall submit proof of compliance to the Board or its designee within 15 calendar
4 days.

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

6 5. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent
7 is prohibited from supervising physician assistants.

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

11 7. QUARTERLY DECLARATIONS Respondent shall submit quarterly
12 declarations under penalty of perjury on forms provided by the Board, stating whether there has
13 been compliance with all the conditions of probation. Respondent shall submit quarterly
14 declarations not later than 10 calendar days after the end of the preceding quarter.

15 8. PROBATION UNIT COMPLIANCE Respondent shall comply with the
16 Division's probation unit. Respondent shall, at all times, keep the Board informed of
17 Respondent's business and residence addresses. Changes of such addresses shall be immediately
18 communicated in writing to the Board or its designee. Under no circumstances shall a post office
19 box serve as an address of record, except as allowed by Business and Professions Code section
20 2021(b).

21 Respondent shall not engage in the practice of medicine in Respondent's place of residence.
22 Respondent shall maintain a current and renewed California physician's and surgeon's license.

23 Respondent shall immediately inform the Board, or its designee, in writing, of travel to any
24 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30
25 calendar days.

26 9. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall be
27 available in person for interviews either at Respondent's place of business or at the probation unit
28 office, with the Board or its designee, upon request at various intervals, and either with or without

1 prior notice throughout the term of probation.

2 10. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should
3 leave the State of California to reside or to practice, Respondent shall notify the Board or its
4 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is
5 defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in
6 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

7 All time spent in an intensive training program outside the State of California which has
8 been approved by the Board or its designee shall be considered as time spent in the practice of
9 medicine within the State. A Board-ordered suspension of practice shall not be considered as a
10 period of non-practice. Periods of temporary or permanent residence or practice outside
11 California will not apply to the reduction of the probationary term. Periods of temporary or
12 permanent residence or practice outside California will relieve Respondent of the responsibility to
13 comply with the probationary terms and conditions with the exception of this condition and the
14 following terms and conditions of probation: Obey All Laws and Probation Unit Compliance.

15 Respondent's license shall be automatically cancelled if Respondent's periods of temporary
16 or permanent residence or practice outside California total two years. However, Respondent's
17 license shall not be cancelled as long as Respondent is residing and practicing medicine in
18 another state of the United States and is on active probation with the medical licensing authority
19 of that state, in which case the two year period shall begin on the date probation is completed or
20 terminated in that state.

21 11. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

22 In the event Respondent resides in the State of California and for any reason Respondent
23 stops practicing medicine in California, Respondent shall notify the Board or its designee in
24 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any
25 period of non-practice within California, as defined in this condition, will not apply to the
26 reduction of the probationary term and does not relieve Respondent of the responsibility to
27 comply with the terms and conditions of probation. Non-practice is defined as any period of time
28 exceeding 30 calendar days in which Respondent is not engaging in any activities defined in

1 sections 2051 and 2052 of the Business and Professions Code.

2 All time spent in an intensive training program which has been approved by the Board or its
3 designee shall be considered time spent in the practice of medicine. For purposes of this
4 condition, non-practice due to a Board-ordered suspension or in compliance with any other
5 condition of probation, shall not be considered a period of non-practice.

6 Respondent's license shall be automatically cancelled if Respondent resides in California
7 and for a total of two years, fails to engage in California in any of the activities described in
8 Business and Professions Code sections 2051 and 2052.

9 12. COMPLETION OF PROBATION Respondent shall comply with all financial
10 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior
11 to the completion of probation. Upon successful completion of probation, Respondent's
12 certificate shall be fully restored.

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

20 14. LICENSE SURRENDER Following the effective date of this Decision, if
21 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
22 the terms and conditions of probation, Respondent may request the voluntary surrender of
23 Respondent's license. The Board reserves the right to evaluate Respondent's request and to
24 exercise its discretion whether or not to grant the request, or to take any other action deemed
25 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
26 Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the
27 Board or its designee and Respondent shall no longer practice medicine. Respondent will no
28 longer be subject to the terms and conditions of probation and the surrender of Respondent's

1 license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the
2 application shall be treated as a petition for reinstatement of a revoked certificate.

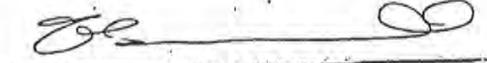
3 15. PROBATION MONITORING COSTS Respondent shall pay the costs associated
4 with probation monitoring each and every year of probation, as designated by the Board, which
5 are currently set at \$3,999.00, but may be adjusted on an annual basis. Such costs shall be
6 payable to the Medical Board of California and delivered to the Board or its designee no later
7 than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due
8 date is a violation of probation.

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorney, Timothy J. Aspinwall, Esq. I understand the stipulation and the
12 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
13 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
14 bound by the Decision and Order of the Medical Board of California.

15
16 DATED: 5/26/11 
17 CLIFFORD MICHAEL PEREZ, M.D.
18 Respondent

19 I have read and fully discussed with Respondent Clifford Michael Perez, M.D. the terms
20 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
21 Order. I approve its form and content.

22
23 DATED: 5/26/11 
24 TIMOTHY J. ASPINWALL, ESQ.
25 NOSSAMAN, LLP
26 Attorney for Respondent
27
28

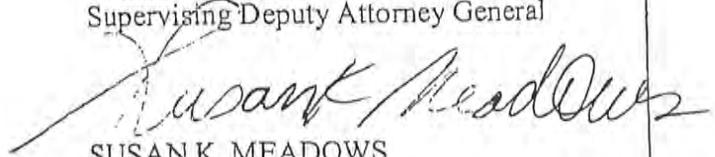
ENDORSEMENT

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

Dated: 5-26-2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



SUSANK K. MEADOWS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 16-2009-202470

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 12 20 10
BY Valerie K. [Signature] ANALYST

1 EDMUND G. BROWN JR.
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 SUSAN K. MEADOWS
Deputy Attorney General
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455 Golden Gate Avenue, Suite 11000
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Telephone: (415) 703-5552
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 16-2009-202470

12 **Clifford Michael Perez, M.D.**
13 **1707 Baywood Lane**
Davis, CA 95618

ACCUSATION

14 **Physician's and Surgeon's Certificate**
15 **No. C 53721**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20
21 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs,
23 State of California (hereinafter "Board").

24 2. On or about June 17, 2009, the Board of California issued Physician's and Surgeon's
25 Certificate Number C 53721 to Clifford Michael Perez, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and the certificate is renewed and current with an expiration date of February 28, 2011.

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JURISDICTION

3. This Accusation is brought before the Board¹, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

A. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

B. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

C. Section 141 of the Code provides:

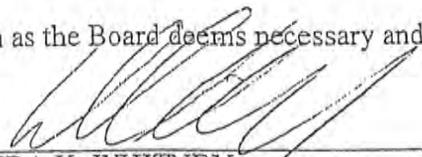
"(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein."

¹ . Cal. Bus. & Prof. Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical practice Act (Cal. Bus. & Prof. Code, sections 2000 et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 3. Revoking, suspending or denying approval of the Respondent's authority to supervise
2 physician assistants; and,

3 4. Taking such other and further action as the Board deems necessary and proper.

4 DATED: August 12, 2010


LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

CLIFFORD M. PEREZ, M.D., RESPONDENT

FILE No. 02-11-619

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on October 25, 2013, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 33226 on December 7, 1999. Respondent's Iowa medical license went inactive due to nonrenewal on February 1, 2006.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on January 9, 2014, before the Iowa Board of Medicine. The hearing shall begin at 3:00 p.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 Iowa Administrative Code 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on December 4, 2013, at 10:30 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code Chapter 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Julie Bussanmas at 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C.

9. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 148, and 272C (2005) and 653 Iowa Administrative Code Chapter 25.25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 653 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

12. Respondent is an Iowa-licensed physician who currently practices emergency medicine in Cleveland, Ohio.

13. **United States Air Force Action:** On April 19, 2010, the United States Air Force (USAF) permanently restricted Respondent's basic laparoscopic privileges and required supervision by a fully privileged surgeon for basic video-assisted laparoscopic procedures. The USAF alleged that Respondent failed to use appropriate general surgery technique during laparoscopic surgery on patients.

14. **California Disciplinary Action:** On or about September 7, 2011, Respondent was disciplined by the Medical Board of California (California Board) based on the action taken by the USAF. The California Board placed Respondent on probation for a period of four years. Respondent is required to complete a Board-approved clinical training program and continuing medical education program, and practice under the supervision of a Board-approved practice monitor. See Attachment A.

E. SETTLEMENT

15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

16. On October 25, 2013, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

CLIFFORD M. PEREZ, M.D., RESPONDENT

FILE No. 02-11-619

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on October 25, 2013, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 33226 on December 7, 1999. Respondent's Iowa medical license went inactive due to nonrenewal on February 1, 2006.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on January 9, 2014, before the Iowa Board of Medicine. The hearing shall begin at 3:00 p.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 Iowa Administrative Code 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on December 4, 2013, at 10:30 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code Chapter 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Julie Bussanmas at 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C.

9. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 148, and 272C (2005) and 653 Iowa Administrative Code Chapter 25.25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 653 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

12. Respondent is an Iowa-licensed physician who currently practices emergency medicine in Cleveland, Ohio.

13. **United States Air Force Action:** On April 19, 2010, the United States Air Force (USAF) permanently restricted Respondent's basic laparoscopic privileges and required supervision by a fully privileged surgeon for basic video-assisted laparoscopic procedures. The USAF alleged that Respondent failed to use appropriate general surgery technique during laparoscopic surgery on patients.

14. **California Disciplinary Action:** On or about September 7, 2011, Respondent was disciplined by the Medical Board of California (California Board) based on the action taken by the USAF. The California Board placed Respondent on probation for a period of four years. Respondent is required to complete a Board-approved clinical training program and continuing medical education program, and practice under the supervision of a Board-approved practice monitor. See Attachment A.

E. SETTLEMENT

15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

16. On October 25, 2013, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

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

In the Matter of the Accusation filed)
Against:)
CLIFFORD MICHAEL PEREZ, M.D.)
1707 Baywood Lane)
Davis, CA 95618)
Physician's and Surgeon's)
Certificate No.: C-53721)
Respondent)

Case No.: 16-2009-202470

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on September 7, 2011.

IT IS SO ORDERED: August 8, 2011.

MEDICAL BOARD OF CALIFORNIA

By: 
HEDY CHANG
Chair

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 SUSAN K. MEADOWS
Deputy Attorney General
4 State Bar No. 115092
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5552
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **CLIFFORD MICHAEL PEREZ, M.D.**
12 **1707 Baywood Lane**
13 **Davis, CA 95618**
14 **Physician's and Surgeon's Certificate No. C**
53721
15 Respondent.

Case No. 16-2009-202470

OAH No. 2011010778
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
21 California. She brought this action solely in her official capacity and is represented in this matter
22 by Kamala D. Harris, Attorney General of the State of California, by Susan K. Meadows, Deputy
23 Attorney General.

24 2. Respondent Clifford Michael Perez, M.D. (Respondent) is represented in this
25 proceeding by attorney Timothy J. Aspinwall, Esq., Nossaman, LLP, whose address is 915 L.
26 Street, Suite 1000, Sacramento, California, 95814.

27 3. On or about June 17, 2009, the Medical Board of California issued Physician's and
28 Surgeon's Certificate No. C 53721 to Respondent. The Physician's and Surgeon's Certificate was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 16 2009
2 202470 (hereinafter, "Accusation") and will expire on February 28, 2013, unless renewed.

3 **JURISDICTION**

4 4. The Accusation was filed before the Medical Board of California (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent. A copy of the
7 Accusation is attached as Exhibit A and incorporated herein by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read, fully discussed with counsel, and understands the
10 charges and allegations in the Accusation. Respondent has also carefully read, fully discussed
11 with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20 every right set forth above.

21 **CULPABILITY**

22 8. Respondent does not contest that, at an administrative hearing, Complainant could
23 establish a prima facie case with respect to the charges and allegations contained in the
24 Accusation and that he has thereby subjected his license to disciplinary action. Respondent
25 hereby gives up his right to contest those charges.

26 9. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
27 discipline and he agrees to be bound by the Medical Board of California (Board)'s imposition of
28 discipline as set forth in the Disciplinary Order below.

1 1. CLINICAL TRAINING PROGRAM

2 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
3 clinical training or educational program equivalent to the Physician Assessment and Clinical
4 Education Program (PACE) offered at the University of California - San Diego School of
5 Medicine ("Program").

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

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

19 At the completion of any additional educational or clinical training, Respondent shall
20 submit to and pass an examination. The Program's determination whether or not Respondent
21 passed the examination or successfully completed the Program shall be binding.

22 Respondent shall complete the Program not later than six months after Respondent's initial
23 enrollment unless the Board or its designee agrees in writing to a later time for completion.

24 Failure to participate in and complete successfully all phases of the clinical training
25 program outlined above is a violation of probation.

26 2. PRACTICE MONITOR Within 30 calendar days of the effective date of this
27 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
28 monitor, the name and qualifications of one or more licensed physicians and surgeons whose

1 licenses are valid and in good standing, and who are preferably American Board of Medical
2 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
3 relationship with Respondent, or other relationship that could reasonably be expected to
4 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
5 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
6 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

7 The Board or its designee shall provide the approved monitor with a copy of the Decision
8 and Accusation, and a proposed monitoring plan.

9 Within 15 calendar days of receipt of the Decision, Accusation, and proposed monitoring
10 plan, the monitor shall submit a signed statement that the monitor has read the Decision and
11 Accusation, fully understands the role of a monitor, and agrees or disagrees with the proposed
12 monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall
13 submit a revised monitoring plan with the signed statement.

14 Within 60 calendar days of the effective date of this Decision, and continuing throughout
15 probation, Respondent's practices shall be monitored by the approved monitor. Respondent shall
16 make all records available for immediate inspection and copying on the premises by the monitor
17 at all times during business hours and shall retain the records for the entire term of probation.

18 The monitor shall submit a quarterly written report to the Board or its designee which
19 includes an evaluation of Respondent's performance, indicating whether Respondent's medical
20 practices and prescribing practices are within the standards of practice of medicine, and whether
21 Respondent is practicing medicine safely.

22 It shall be the sole responsibility of Respondent to ensure that the monitor submits the
23 quarterly written reports to the Board or its designee within 10 calendar days after the end of the
24 preceding quarter.

25 If the monitor resigns or is no longer available, respondent shall, within 5 calendar days of
26 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
27 name and qualifications of a replacement monitor who will be assuming that responsibility within
28 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60 days

1 of the resignation or unavailability of the monitor, Respondent shall be suspended from the
2 practice of medicine until a replacement monitor is approved and prepared to assume immediate
3 monitoring responsibility. Respondent shall cease the practice of medicine within 3 calendar
4 days after being so notified by the Board or designee.

5 In lieu of a monitor, Respondent may participate in a professional enhancement program
6 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the
7 University of California, San Diego School of Medicine, that includes, at minimum, quarterly
8 chart review, semi-annual practice assessment, and semi-annual review of professional growth
9 and education. Respondent shall participate in the professional enhancement program at
10 respondent's expense during the term of probation.

11 Failure to maintain all records, or to make all appropriate records available for immediate
12 inspection and copying on the premises, or to comply with this condition as outlined above is a
13 violation of probation.

14 3. EDUCATION COURSE Within 60 calendar days of the effective date of this
15 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
16 for its prior approval educational program(s) or course(s) which shall not be less than 40 hours
17 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
18 correcting any areas of deficient practice or knowledge and shall be Category I certified, limited
19 to classroom, conference, or seminar settings. The educational program(s) or course(s) shall be at
20 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)
21 requirements for renewal of licensure. Following the completion of each course, the Board or its
22 designee may administer an examination to test respondent's knowledge of the course.
23 Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in
24 satisfaction of this condition.

25 4. NOTIFICATION Prior to engaging in the practice of medicine, Respondent shall
26 provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief
27 Executive Officer at every hospital where privileges or membership are extended to Respondent,
28 at any other facility where Respondent engages in the practice of medicine, including all

1 physician and locum tenens registries or other similar agencies, and to the Chief Executive
2 Officer at every insurance carrier which extends malpractice insurance coverage to Respondent.
3 Respondent shall submit proof of compliance to the Board or its designee within 15 calendar
4 days.

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

6 5. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent
7 is prohibited from supervising physician assistants.

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

11 7. QUARTERLY DECLARATIONS Respondent shall submit quarterly
12 declarations under penalty of perjury on forms provided by the Board, stating whether there has
13 been compliance with all the conditions of probation. Respondent shall submit quarterly
14 declarations not later than 10 calendar days after the end of the preceding quarter.

15 8. PROBATION UNIT COMPLIANCE Respondent shall comply with the
16 Division's probation unit. Respondent shall, at all times, keep the Board informed of
17 Respondent's business and residence addresses. Changes of such addresses shall be immediately
18 communicated in writing to the Board or its designee. Under no circumstances shall a post office
19 box serve as an address of record, except as allowed by Business and Professions Code section
20 2021(b).

21 Respondent shall not engage in the practice of medicine in Respondent's place of residence.
22 Respondent shall maintain a current and renewed California physician's and surgeon's license.

23 Respondent shall immediately inform the Board, or its designee, in writing, of travel to any
24 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30
25 calendar days.

26 9. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall be
27 available in person for interviews either at Respondent's place of business or at the probation unit
28 office, with the Board or its designee, upon request at various intervals, and either with or without

1 prior notice throughout the term of probation.

2 10. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should
3 leave the State of California to reside or to practice, Respondent shall notify the Board or its
4 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is
5 defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in
6 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

7 All time spent in an intensive training program outside the State of California which has
8 been approved by the Board or its designee shall be considered as time spent in the practice of
9 medicine within the State. A Board-ordered suspension of practice shall not be considered as a
10 period of non-practice. Periods of temporary or permanent residence or practice outside
11 California will not apply to the reduction of the probationary term. Periods of temporary or
12 permanent residence or practice outside California will relieve Respondent of the responsibility to
13 comply with the probationary terms and conditions with the exception of this condition and the
14 following terms and conditions of probation: Obey All Laws and Probation Unit Compliance.

15 Respondent's license shall be automatically cancelled if Respondent's periods of temporary
16 or permanent residence or practice outside California total two years. However, Respondent's
17 license shall not be cancelled as long as Respondent is residing and practicing medicine in
18 another state of the United States and is on active probation with the medical licensing authority
19 of that state, in which case the two year period shall begin on the date probation is completed or
20 terminated in that state.

21 11. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

22 In the event Respondent resides in the State of California and for any reason Respondent
23 stops practicing medicine in California, Respondent shall notify the Board or its designee in
24 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any
25 period of non-practice within California, as defined in this condition, will not apply to the
26 reduction of the probationary term and does not relieve Respondent of the responsibility to
27 comply with the terms and conditions of probation. Non-practice is defined as any period of time
28 exceeding 30 calendar days in which Respondent is not engaging in any activities defined in

1 sections 2051 and 2052 of the Business and Professions Code.

2 All time spent in an intensive training program which has been approved by the Board or its
3 designee shall be considered time spent in the practice of medicine. For purposes of this
4 condition, non-practice due to a Board-ordered suspension or in compliance with any other
5 condition of probation, shall not be considered a period of non-practice.

6 Respondent's license shall be automatically cancelled if Respondent resides in California
7 and for a total of two years, fails to engage in California in any of the activities described in
8 Business and Professions Code sections 2051 and 2052.

9 12. COMPLETION OF PROBATION Respondent shall comply with all financial
10 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior
11 to the completion of probation. Upon successful completion of probation, Respondent's
12 certificate shall be fully restored.

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

20 14. LICENSE SURRENDER Following the effective date of this Decision, if
21 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
22 the terms and conditions of probation, Respondent may request the voluntary surrender of
23 Respondent's license. The Board reserves the right to evaluate Respondent's request and to
24 exercise its discretion whether or not to grant the request, or to take any other action deemed
25 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
26 Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the
27 Board or its designee and Respondent shall no longer practice medicine. Respondent will no
28 longer be subject to the terms and conditions of probation and the surrender of Respondent's

1 license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the
2 application shall be treated as a petition for reinstatement of a revoked certificate.

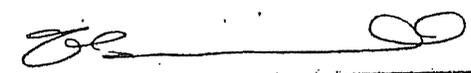
3 15. PROBATION MONITORING COSTS Respondent shall pay the costs associated
4 with probation monitoring each and every year of probation, as designated by the Board, which
5 are currently set at \$3,999.00, but may be adjusted on an annual basis. Such costs shall be
6 payable to the Medical Board of California and delivered to the Board or its designee no later
7 than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due
8 date is a violation of probation.

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorney, Timothy J. Aspinwall, Esq. I understand the stipulation and the
12 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
13 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
14 bound by the Decision and Order of the Medical Board of California.

15
16 DATED: 5/26/11 
17 CLIFFORD MICHAEL PEREZ, M.D.
18 Respondent

19 I have read and fully discussed with Respondent Clifford Michael Perez, M.D. the terms
20 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
21 Order. I approve its form and content.

22
23 DATED: 5/26/11 
24 TIMOTHY J. ASPINWALL, ESQ.
25 NOSSAMAN, LLP
26 Attorney for Respondent
27
28

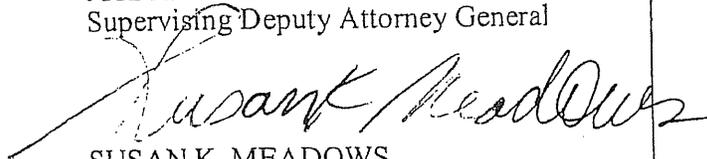
ENDORSEMENT

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

Dated: 5-26-2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



SUSAN K. MEADOWS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 16-2009-202470

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 12 20 10
BY Alene K. Reynolds ANALYST

1 EDMUND G. BROWN JR.
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 SUSAN K. MEADOWS
Deputy Attorney General
4 State Bar No. 115092
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5552
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against: Case No. 16-2009-202470
12 **Clifford Michael Perez, M.D.** **ACCUSATION**
13 **1707 Baywood Lane**
Davis, CA 95618
14 **Physician's and Surgeon's Certificate**
15 **No. C 53721**
16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20
21 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs,
23 State of California (hereinafter "Board").

24 2. On or about June 17, 2009, the Board of California issued Physician's and Surgeon's
25 Certificate Number C 53721 to Clifford Michael Perez, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and the certificate is renewed and current with an expiration date of February 28, 2011.

28 //

JURISDICTION

1
2 3. This Accusation is brought before the Board¹, under the authority of the following
3 laws. All section references are to the Business and Professions Code (“Code”) unless otherwise
4 indicated.

5 A. Section 2227 of the Code provides that a licensee who is found guilty under the
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
7 one year, placed on probation and required to pay the costs of probation monitoring, or such other
8 action taken in relation to discipline as the Division deems proper.

9 B. Section 2305 of the Code states:

10 “The revocation, suspension, or other discipline, restriction or limitation imposed by
11 another state upon a license or certificate to practice medicine issued by that state, or the
12 revocation, suspension, or restriction of the authority to practice medicine by any agency of the
13 federal government, that would have been grounds for discipline in California of a licensee under
14 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action
15 for unprofessional conduct against the licensee in this state.”

16 C. Section 141 of the Code provides:

17 “(a) For any licensee holding a license issued by a board under the jurisdiction of a
18 department, a disciplinary action taken by another state, by any agency of the federal government,
19 or by another country for any act substantially related to the practice regulated by the California
20 license, may be a ground for disciplinary action by the respective state licensing board. A
21 certified copy of the record of the disciplinary action taken against the licensee by another state,
22 an agency of the federal government, or by another country shall be conclusive evidence of the
23 events related therein.”

24
25 _____
26 ¹ . Cal. Bus. & Prof. Code section 2002, as amended and effective January 1, 2008,
27 provides that, unless otherwise expressly provided, the term “board” as used in the State Medical
28 practice Act (Cal. Bus. & Prof. Code, sections 2000 et seq.) means the “Medical Board of
California,” and references to the “Division of Medical Quality” and “Division of Licensing” in
the Act or any other provision of law shall be deemed to refer to the Board.

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"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

4. Respondent is subject to discipline within the meaning of sections 2305 and/or 141 of the Code as more particularly set forth herein below.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Federal Government)

5. On or about April 19, 2010, the United States Air Force ("USAF") permanently restricted Respondent's basic laparoscopic privileges and required supervision by a fully privileged surgeon for basic video-assisted laparoscopic procedures. The above action was taken due to Respondent's failure to use appropriate general surgery technique during laparoscopic surgery on multiple patients. USAF determined that Respondent's conduct adversely affected the quality of patient care and has the potential to adversely affect patient care and safety in the future.

6. The above action by the USAF regarding Respondent's license to practice medicine, as set forth above, constitutes cause for disciplinary action and/or unprofessional conduct within the meaning of sections 141 and/or 2305 of the Code. Therefore, cause for discipline exists.

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 C 53721 issued to Respondent, Clifford Michael Perez, M.D.;

2. Ordering Respondent to pay the Medical Board of California the costs of probation monitoring upon order of the Board;

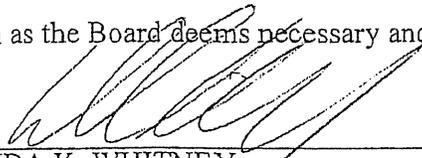
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3. Revoking, suspending or denying approval of the Respondent's authority to supervise physician assistants; and,

4. Taking such other and further action as the Board deems necessary and proper.

DATED: August 12, 2010



LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2010200894