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

In the Matter of the Accusation       )
Against:                            )
                     )
BOYAO HUANG, M.D.              ) Case No. 8002015011398
                     )
Physician's and Surgeon's         )
Certificate No. A 77036            )
                     )
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 December 30, 2016.

IT IS SO ORDERED December 23, 2016.

MEDICAL BOARD OF CALIFORNIA

By: Kimberly Kirchmeyer
    Executive Director
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BOYAO HUANG, M.D.
2275 Huntington Drive, #781
San Marino, CA 91108

Physician's and Surgeon's Certificate No.
A77036,

Respondent.

Case No. 800-2015-011398
OAH No. 2016091068
STIPULATED SURRENDER OF LICENSE AND ORDER

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

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Brian D. Bill, Deputy Attorney General.

2. BOYAO HUANG, M.D. (Respondent) is represented in this proceeding by attorney Corey E. Krueger, whose address is 245 S. Los Robles Ave., Ste. 600, Pasadena, CA 91101.

3. On or about November 7, 2001, the Board issued Physician's and Surgeon's Certificate No. A77036 to BOYAO HUANG, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation

Stipulated Surrender of License (Case No. 800-2015-011398)
No. 800-2015-011398 and will expire on February 28, 2017, unless renewed.

JURISDICTION
4. Accusation No. 800-2015-011398 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 16, 2016. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2015-011398 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS
5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-011398. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY
8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2015-011398, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. A77036 for the Board's formal acceptance.

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

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

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

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

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A77036, issued to Respondent BOYAO HUANG, M.D., is surrendered and accepted by the Medical Board of California.

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

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

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in
the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2015-011398 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Corey E. Krueger. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. 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: ____________________________  BOYAO HUANG, M.D.
Respondent

I have read and fully discussed with Respondent BOYAO HUANG, 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: ____________________________  COREY E. KRUEGER
Attorney for Respondent

Stipulated Surrender of License (Case No. 800-2015-011398)
the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2015-011398 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Corey E. Krueger. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. 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: 1/2/2016

BOYAO HUANG, M.D.
Respondent

I have read and fully discussed with Respondent BOYAO HUANG, 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: 11/21/2016

COREY E. KRUEGER
Attorney for Respondent

Stipulated Surrender of License (Case No. 800-2015-011398)
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: 11-21-16

Respectfully submitted,

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

BRIAN D. BILL
Deputy Attorney General
Attorneys for Complainant
Exhibit A

Accusation No. 800-2015-011398
KAMALA D. HARRIS  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
BRIAN D. BILL  
Deputy Attorney General  
State Bar No. 239146  
California Department of Justice  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
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Facsimile: (213) 897-9395  
Attorneys for Complainant  

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

In the Matter of the Accusation Against:  

Boyao Huang, M.D.  
2275 Huntington Drive, #781  
San Marino, CA 91108  

Physician's and Surgeon's Certificate  
No. A77036,  

Respondent.  

Case No. 800-2015-011398  

ACCUSATION  

Complainant alleges:  

PARTIES  

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

2. On or about November 7, 2001, the Medical Board issued Physician's and Surgeon's Certificate Number A77036 to Boyao Huang, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2017, unless renewed.  


(BOYAO HUANG, M.D.) ACCUSATION NO. 800-2015-011398
JURISDICTION

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

4. Section 2227 of the Code states:

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

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

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

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

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

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

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

5. Section 2234 of the Code, states:

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

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

"...

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

"...

6. Section 2236 of the Code states:

“(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"...

“(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.”

7. California Code of Regulations, title 16, section 1360, states:

“For the purposes of denial, suspension or revocation of a license, certificate or permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license, certificate or permit under the Medical Practice Act if to a substantial degree it evidences present or potential unfitness of a person holding a license, certificate or permit to perform the functions authorized by the license, certificate or permit in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of the Medical Practice Act.”

8. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
9. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within
the department pursuant to law to deny an application for a license or to suspend or revoke a
license or otherwise take disciplinary action against a person who holds a license, upon the
ground that the applicant or the licensee has been convicted of a crime substantially related to the
qualifications, functions, and duties of the licensee in question, the record of conviction of the
crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
and the board may inquire into the circumstances surrounding the commission of the crime in
order to fix the degree of discipline or to determine if the conviction is substantially related to the
qualifications, functions, and duties of the licensee in question.

"As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and
‘registration.’"

10. Section 810 of the Code states:

"(a) It shall constitute unprofessional conduct and grounds for disciplinary action, including
suspension or revocation of a license or certificate, for a health care professional to do any of the
following in connection with his or her professional activities:

"(1) Knowingly present or cause to be presented any false or fraudulent claim
for the payment of a loss under a contract of insurance.

"(2) Knowingly prepare, make, or subscribe any writing, with intent to present
or use the same, or to allow it to be presented or used in support of any false or
fraudulent claim.

"(b) It shall constitute cause for revocation or suspension of a license or certificate for a
health care professional to engage in any conduct prohibited under Section 1871.4 of the
Insurance Code or Section 549 or 550 of the Penal Code.

"(c) (1) It shall constitute cause for automatic suspension of a license or certificate issued
pursuant to Chapter 4 (commencing with Section 1600), Chapter 5 (commencing with Section
2000), Chapter 6.6 (commencing with Section 2900), Chapter 7 (commencing with Section
3000), or Chapter 9 (commencing with Section 4000), or pursuant to the Chiropractic Act or the
Osteopathic Act, if a licensee or certificate holder has been convicted of any felony involving fraud committed by the licensee or certificate holder in conjunction with providing benefits covered by worker's compensation insurance, or has been convicted of any felony involving Medi-Cal fraud committed by the licensee or certificate holder in conjunction with the Medi-Cal program, including the Denti-Cal element of the Medi-Cal program, pursuant to Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200), of Part 3 of Division 9 of the Welfare and Institutions Code. The board shall convene a disciplinary hearing to determine whether or not the license or certificate shall be suspended, revoked, or some other disposition shall be considered, including, but not limited to, revocation with the opportunity to petition for reinstatement, suspension, or other limitations on the license or certificate as the board deems appropriate.

“(2) It shall constitute cause for automatic suspension and for revocation of a license or certificate issued pursuant to Chapter 4 (commencing with Section 1600), Chapter 5 (commencing with Section 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7 (commencing with Section 3000), or Chapter 9 (commencing with Section 4000), or pursuant to the Chiropractic Act or the Osteopathic Act, if a licensee or certificate holder has more than one conviction of any felony arising out of separate prosecutions involving fraud committed by the licensee or certificate holder in conjunction with providing benefits covered by worker's compensation insurance, or in conjunction with the Medi-Cal program, including the Denti-Cal element of the Medi-Cal program pursuant to Chapter 7 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200), of Part 3 of Division 9 of the Welfare and Institutions Code. The board shall convene a disciplinary hearing to revoke the license or certificate and an order of revocation shall be issued unless the board finds mitigating circumstances to order some other disposition.

“(3) It is the intent of the Legislature that paragraph (2) apply to a licensee or certificate holder who has one or more convictions prior to January 1, 2004, as provided in this subdivision.
“(4) Nothing in this subdivision shall preclude a board from suspending or
revoking a license or certificate pursuant to any other provision of law.
“(5) Board, as used in this subdivision, means the Dental Board of California,
the Medical Board of California, the Board of Psychology, the State Board of
Optometry, the California State Board of Pharmacy, the Osteopathic Medical Board
of California, and the State Board of Chiropractic Examiners.
“(6) More than one conviction, as used in this subdivision, means that the
licensee or certificate holder has one or more convictions prior to January 1, 2004,
and at least one conviction on or after that date, or the licensee or certificate holder
has two or more convictions on or after January 1, 2004. However, a licensee or
certificate holder who has one or more convictions prior to January 1, 2004, but who
has no convictions and is currently licensed or holds a certificate after that date, does
not have "more than one conviction" for the purposes of this subdivision.
“…”

FIRST CAUSE FOR DISCIPLINE
(Conviction of Crimes)

11. Respondent Boyao Huang, M.D. is subject to disciplinary action under section 490,
493, 810, subdivision (c), and 2236, subdivision (a), and California Code of Regulations, title 16,
section 1360, in that Respondent was convicted of offenses related to the qualifications, functions,
or duties of a physician. The circumstances are as follows:

12. On or about May 5, 2016, Respondent was convicted, in a criminal proceeding
entitled United States of America v. Villabroza, et al., in the United States District Court for the
Central District of California, case number CR 14-00512, of four counts of felony healthcare

13. The matter is scheduled for sentencing on or about August 15, 2016, at 9:00 A.M.

14. The record of the criminal proceeding is incorporated as if fully set forth herein.
SECOND CAUSE FOR DISCIPLINE

(Commission of Acts Involving Dishonesty)

15. Respondent Boyao Huang, M.D. is subject to disciplinary action under sections 2234, subdivision (e), and 810, of the Code, in that Respondent was convicted of crimes substantially related to the qualifications, functions, or duties of a physician, as more particularly alleged in paragraphs 11 through 14.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

16. Respondent Boyao Huang, M.D. is subject to disciplinary action under sections 2234 and 810 of the Code, in that Respondent was convicted of crimes substantially related to the qualifications, functions, or duties of a physician, as more particularly alleged in paragraphs 11 through 14.
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 A77036, issued to Boyao Huang, M.D.;

2. Revoking, suspending or denying approval of Boyao Huang, M.D.’s authority to supervise physician assistants, pursuant to section 3527 of the Code;

3. Ordering Boyao Huang, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: August 16, 2016

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