

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

KIMBERLY KIRCHMEYER,  
Executive Director, Medical Board of  
California,

Petitioner,

vs.

MANUEL TANGUMA III, M.D.,  
Physician's and Surgeon's Certificate  
Number A101646,

Respondent.

Case No. 8002013002174

OAH No. 2016050605

**EX PARTE INTERIM SUSPENSION ORDER**

Abraham M. Levy, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on May 20, 2016, in San Diego, California.

Tessa L. Heunis, Deputy Attorney General, represented petitioner Kimberly Kirchmeyer, Executive Director of the Medical Board of California (Board).

Robert W. Frank, Attorney at Law, represented respondent Manuel Tanguma III, M.D., who was not present.

The matter was submitted on May 20, 2016.

I.

1. On May16, 2016, petitioner filed an Ex Parte Petition for Interim Suspension Order under Government Code section 11529, seeking to suspend respondent's certificate number A101646 and prohibit him from practicing medicine pending a noticed hearing on this motion and a final decision on the accusation to be filed in this matter.

2. Petitioner submitted declarations from patients A, B, C, D, E, F, G, and H and the declaration of I.L. Petitioner also submitted declarations from Keith Wahl, M.D., F.A.C.S. and Geeta Malik, M.D. The patient declarations stated that from February 2013 through August

2015, respondent made inappropriate sexual comments to them during exams; made unwanted sexual advances towards them; and engaged in sexual behavior with the patients.

Drs. Malik and Wahl reviewed the declarations of these patients and the medical records of patients A, C, D, E, and F. Dr. Wahl concluded that respondent is a danger to the public and public protection requires his immediate suspension from the practice of medicine because he puts his own self-gratification and sexual predatory behavior above his duty as a physician to care for his patients. Dr. Wahl added that respondent appears to be unable to separate his abnormal behavior from the medical needs of his patients. Dr. Malik opined that respondent's conduct constituted extreme departures in the treatment of patients A, C, E and F due to his inappropriate sexual behavior and/or comments and his failure to maintain adequate and accurate medical records in the care of patients A, C, and E. Dr. Malik also concluded that respondent committed an extreme departure from the standard of care with respect to patient C because he failed to advise her that she had diabetes and she required appropriate treatment.

3. There is a reasonable probability that petitioner will prevail in an action to discipline respondent's certificate for violations of Business and Professions Code sections 726 and 2234, subdivisions (a) and (b).

4. Permitting respondent to engage in the practice of medicine will endanger the public health, safety, and welfare.

5. The likelihood of injury to the public in not issuing the order outweighs the likelihood of injury to respondent in issuing the order.

6. Serious injury would result to the public unless this order is issued before the matter can be heard on notice.

7. Cause exists under Government Code section 11529 to suspend respondent's license pending a full hearing on the merits.

## II.

Accordingly, it is ordered:

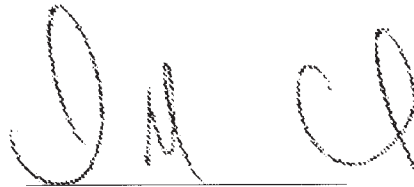
Physician's and Surgeon's Certificate, Number A101646, issued to respondent, is suspended in accordance with Government Code section 11529, pending a full hearing on the merits. During the suspension, respondent may not practice medicine or surgery or do any act for which licensure by the Board is required.

A noticed hearing on the Petition will be held at the Office of Administrative Hearings, 1350 Front Street, Suite 3005, San Diego, California, on June 6, 2016, at 10:30 a.m.

Documents and affidavits in opposition to the Petition may be filed by respondent by close of business on or before May 31, 2016. Petitioner may reply to any documents or affidavits filed by respondent by close of business on or before June 3, 2016.

Petitioner shall serve a copy of this order, with the declarations and all other information in support of the Petition, at respondent's address of record on file with the Board and to his attorney of record by an overnight mail delivery service.

DATED: May 20, 2016



ABRAHAM M. LEVY

Administrative Law Judge  
Office of Administrative Hearings