

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

In the Matter of the Accusation)
Against:)
)
)
PEDRO EVA, M.D.)
)
Physician's and Surgeon's)
Certificate No. A90222)
)
Respondent)
_____)

Case No. 03-2008-195991

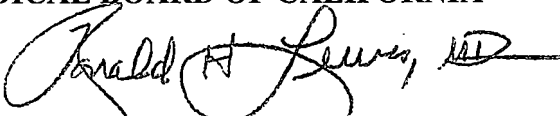
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 27, 2018.

IT IS SO ORDERED March 29, 2018.

MEDICAL BOARD OF CALIFORNIA

By: 

Ronald H. Lewis, M.D., Chair
Panel A

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 STEVE DIEHL
Deputy Attorney General
4 State Bar No. 235250
California Department of Justice
5 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
6 Telephone: (559) 477-1626
Facsimile: (559) 445-5106
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **PEDRO EVA, M.D.**
65 College Dr.
Ventura, CA 93003-3405

14 **Physician's and Surgeon's Certificate No.**
15 **No. A 90222**

16 Respondent.

Case No. 03-2008-195991

OAH No. 2017110347

17 **STIPULATED SETTLEMENT AND**
18 **DISCIPLINARY ORDER**

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

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Steve Diehl,
24 Deputy Attorney General.

25 2. Respondent Pedro Eva, M.D. (Respondent) is represented in this proceeding by
26 attorney Edward J. Caden, Esq., whose address is: 915 L Street C-158, Sacramento, CA 95814.

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1 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
2 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
3 Disciplinary Order below.

4 CIRCUMSTANCES IN MITIGATION

5 11. Respondent Pedro Eva, M.D. has met all the conditions set forth in the plea
6 agreement referenced in Accusation No. 03-2008-195991, and pursuant to an order entered by the
7 Monterey County Superior Court, criminal charges have been dismissed effective February 8,
8 2018.

9 CONTINGENCY

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

20 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
22 signatures thereto, shall have the same force and effect as the originals.

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

26 DISCIPLINARY ORDER

27 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 90222 issued
28 to Respondent Pedro Eva, M.D. shall be and is hereby Publicly Reprimanded pursuant to

1 California Business and Professions Code section 2227, subdivision (a)(4). This Public
2 Reprimand is issued in connection with a misdemeanor conviction Respondent incurred, as set
3 forth in Accusation No. 03-2008-195991, and is as follows:

4 On or about January 8, 2015, Respondent Pedro Eva, M.D. entered a no contest plea to a
5 single misdemeanor violation of Penal Code section 72, Presentation of a Fraudulent Claim, in
6 connection with his billing practices over a four-month period in 2007. This plea constitutes a
7 conviction of an offense substantially related to the qualifications, functions, or duties of a
8 physician and surgeon, within the meaning of Business and Professions Code section 2236.

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10 ACCEPTANCE

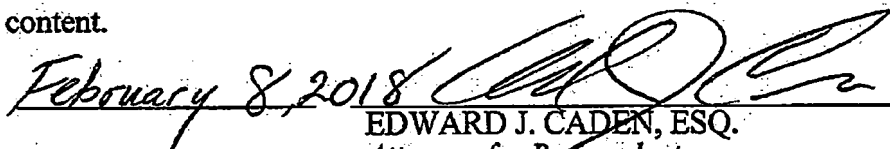
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, Edward J. Caden, Esq. I understand the stipulation and the effect it
13 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
14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

16
17 DATED: 2-8-18

18 
PEDRO EVA, M.D.
Respondent

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

22 DATED: February 8, 2018

23 
EDWARD J. CADEN, ESQ.
Attorney for Respondent

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ENDORSEMENT

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

Dated: 2/9/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



STEVE DIEHL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 03-2008-195991

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 STEVE DIEHL
Deputy Attorney General
4 State Bar No. 235250
California Department of Justice
5 2550 Mariposa Mall, Room 5090
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Oct. 20 20 17
BY [Signature] ANALYST

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:
12 **PEDRO EVA, M.D.**
13 65 College Drive
Ventura, CA 93003
14 **Physician's and Surgeon's Certificate No.**
15 **A90222,**
16 Respondent.

Case No. 03-2008-195991

ACCUSATION

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about February 23, 2005, the Medical Board issued Physician's and Surgeon's
24 Certificate No. A90222 to Pedro Eva, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate No. was in full force and effect at all times relevant to the charges brought herein and
26 will expire on August 31, 2018, unless renewed.

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JURISDICTION

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

4 4. Section 2227 of the Code states:

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

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

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

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

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

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

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

24 5. Section 2236 of the Code states:

25 “(a) The conviction of any offense substantially related to the qualifications, functions, or
26 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
27 chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction
28 occurred.

1 hour when Respondent was off-grounds but on-call. RPSI, in turn, would pay Respondent \$200
2 per hour that Respondent provided services while on prison grounds, and \$40 for each on-call
3 hour.

4 9. Between March 1, 2007, and July 1, 2007, Respondent fraudulently billed CDCR and
5 the State of California for 98.25 hours that he did not work. During the same time period,
6 Respondent knowingly submitted, or caused to be submitted, 31 false and fraudulent claims for
7 services not provided. As a result of Respondent's submission of these false and fraudulent
8 claims, the State of California paid Respondent's employer \$24,563 for services not provided.

9 10. On or about November 20, 2008, a Grand Jury returned an Indictment, filed in the
10 Monterey County Superior Court, Case Number SS082797C, alleging *inter alia* that Respondent
11 violated Penal Code section 72, Presentation of a Fraudulent Claim (two counts); Penal Code
12 section 487(a), Grand Theft by False Pretenses; and Penal Code section 182(a)(a), Conspiracy to
13 Commit Grand Theft; all in connection with his billing to CDCR between May 1, 2007, and June
14 30, 2007.

15 11. On or about January 8, 2015, Respondent entered into a plea agreement in Monterey
16 Superior Court Case Number SS082797C, in which he pled no contest to a single count of Penal
17 Code section 72, as a misdemeanor. Pursuant to the plea agreement, Respondent agreed to
18 perform 300 hours of community service, and to comply with all federal and state law for three
19 years. At the conclusion of the three year period, assuming compliance with the agreement, the
20 plea agreement states that "the Indictment in its entirety will be dismissed."

21 **PRAYER**

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

24 1. Revoking or suspending Physician's and Surgeon's Certificate No. A90222, issued to
25 Pedro Eva, M.D.;

26 2. Revoking, suspending or denying approval of Pedro Eva, M.D.'s authority to
27 supervise physician assistants and advanced practice nurses;

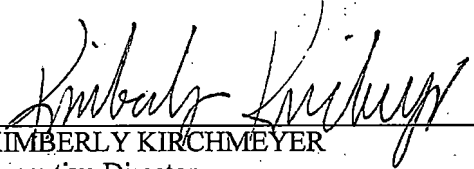
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3. Ordering Pedro Eva, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: October 20, 2017


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

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