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

10 In the Matter of the Accusation Against:

Case No. 08-2012-222987

11 **SAKREPATNA MANOHARA, M.D.**
12 **6001 Truxtum Ave, #160**
13 **Bakersfield, CA 93309**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Physician's and Surgeon's Certificate**
15 **No. A34791**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

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

25 2. SAKREPATNA MANOHARA, M.D. (Respondent) is represented in this proceeding
26 by attorney Stewart Hsieh, Esq., whose address is Frye & Hsieh, LLP, 700 South Flower Street,
27 Suite 3280, Los Angeles, California 90017.

28 .2. On or about December 10, 1979, the Medical Board of California issued Physician's and

1 Surgeon's Certificate No. A34791 to SAKREPATNA MANOHARA, M.D. (Respondent). The
2 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
3 charges brought in Accusation No. 08-2012-222987 and will expire on January 31, 2013, unless
4 renewed.

5 JURISDICTION

6 3. Accusation No. 08-2012-222987 was filed before the Medical Board of California
7 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
8 Accusation and all other statutorily required documents were properly served on Respondent on
9 or about September 17, 2012. A copy of Accusation No. 08-2012-222987 is attached as Exhibit
10 A and incorporated by reference.

11 ADVISEMENT AND WAIVERS

12 4. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 08-2012-222987. Respondent also has carefully read,
14 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
15 and Order.

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

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

25 CULPABILITY

26 7. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 08-2012-222987, agrees that cause exists for discipline and hereby surrenders his Physician's
28 and Surgeon's Certificate No. A34791 for the Board's formal acceptance.

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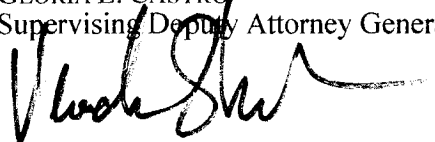
ENDORSEMENT

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: 12/17/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GLORIA L. CASTRO
Supervising Deputy Attorney General



VLADIMIR SHALKEVICH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 08-2012-222987

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO October 12, 2012
BY: [Signature] JUDGE ANALYST

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

In the Matter of the Accusation Against:
SAKREPATNA MANOHARA, M.D.
6001 Truxtum Ave, #160
Bakersfield, CA 93309

Physician's and Surgeon's Certificate
No. A34791

Respondent.

Case No. 08-2012-222987

A C C U S A T I O N

Complainant alleges:

PARTIES

1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
2. On or about December 10, 1979, the Medical Board of California issued Physician's and Surgeon's Certificate Number A34791 to SAKREPATNA MANOHARA, 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 January 31, 2013, unless renewed.

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 820 of the Code states:

2 "Whenever it appears that any person holding a license, certificate or permit under this
3 division or under any initiative act referred to in this division may be unable to practice his or her
4 profession safely because the licentiate's ability to practice is impaired due to mental illness, or
5 physical illness affecting competency, the licensing agency may order the licentiate to be
6 examined by one or more physicians and surgeons or psychologists designated by the agency.
7 The report of the examiners shall be made available to the licentiate and may be received as direct
8 evidence in proceedings conducted pursuant to Section 822."

9 5. Section 822 of the Code states:

10 "If a licensing agency determines that its licentiate's ability to practice his or her profession
11 safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the
12 licensing agency may take action by any one of the following methods:

13 (a) Revoking the licentiate's certificate or license.

14 (b) Suspending the licentiate's right to practice.

15 (c) Placing the licentiate on probation.

16 (d) Taking such other action in relation to the licentiate as the licensing agency in its
17 discretion deems proper.

18 The licensing agency shall not reinstate a revoked or suspended certificate or license until it
19 has received competent evidence of the absence or control of the condition which caused its
20 action and until it is satisfied that with due regard for the public health and safety the person's
21 right to practice his or her profession may be safely reinstated."

22 6. Section 824 of the Code states:

23 "The licensing agency may proceed against a licentiate under either Section 820, or 822,
24 or under both sections."

25 7. Section 825 of the Code states:

26 "As used in this article with reference to persons holding licenses as physicians and
27
28

1 surgeons, 'licensing agency' means a panel of the Division of Medical Quality¹."

2 8. Section 826 of the Code states:

3 "The proceedings under Sections 821 and 822 shall be conducted in accordance with
4 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
5 Code, and the licensing agency and the licentiate shall have all the rights and powers granted
6 therein."

7 CAUSE FOR DISCIPLINE

8 (Disability Affecting Competence)

9 9. Respondent is subject to disciplinary action under Section 822 of the Code in that he
10 is disabled, and his disability impacts his ability to practice medicine safely. The circumstances
11 are as follows:

12 10. On or about August 22, 2012, after reviewing Respondent's medical records and
13 correspondence from his treating physicians, the Board determined that Respondent's ability to
14 practice medicine safely is impaired because he is suffering from an illness affecting his
15 competency.

16 PRAYER

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

19 1. Revoking or suspending Physician's and Surgeon's Certificate Number A34791,
20 issued to Sakrepatna Manohara, M.D.

21 2. Revoking, suspending or denying approval of Sakrepatna Manohara, M.D.'s authority
22 to supervise physician's assistants, pursuant to section 3527 of the Code;
23

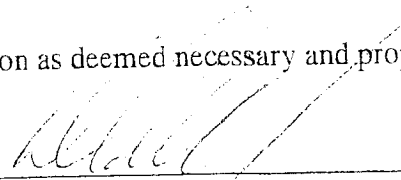
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25 ¹ Calif. B&P Code section 2002, as amended and effective 1/1/08, provides that, unless otherwise
26 expressly provided, the term "board" as used in the State Medical Practice Act (Cal. Bus. & Prof.
27 Code sections 2000, et seq) means the Medical Board of California," and reference to the
28 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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3. Ordering Sakrepatna Manohara, M.D., if placed on probation, to pay the costs of probation monitoring;

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

DATED: October 12, 2012


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

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