

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

In the Matter of the Accusation )  
Against: )  
 )  
MARK D. PERRAULT, M.D. )  
 )  
 )  
Physician's and Surgeon's )  
Certificate #A 43550 )  
 )  
Respondent. )  
\_\_\_\_\_ )

Case No. 02-2004-156881

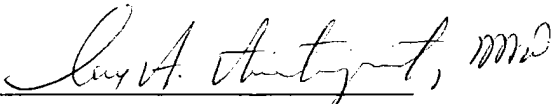
DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on October 13, 2006

IT IS SO ORDERED September 15, 2006

MEDICAL BOARD OF CALIFORNIA

  
Cesar Aristeiguieta, M.D.  
Chair, Consolidated Panel  
Division of Medical Quality

1 BILL LOCKYER, Attorney General  
of the State of California  
2 E. A. JONES III, State Bar No. 71375  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2543  
5 Facsimile: (213) 897-9395

6  
7 Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

14 MARK D. PERRAULT, M.D.  
6245 Bristol Parkway, #142  
15 Culver City, California 90230

16 Physician and Surgeon's Certificate No. No. A  
43550

17 Respondent.

Case No. 02-2004-156881

OAH No. L2006010063

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

20 **PARTIES**

21 1. David T. Thornton (Complainant) is the Executive Director of the Medical  
22 Board of California (Board). He brought this action solely in his official capacity and is  
23 represented in this matter by Bill Lockyer, Attorney General of the State of California, by E. A.  
24 Jones III, Deputy Attorney General.

25 2. Respondent Mark D. Perrault, M.D. (Respondent) is represented in this  
26 proceeding by attorney Brian A. Newman, whose address is 300 Corporate Pointe, Suite 330,  
27 Culver City, CA 90230.

28 3. On or about April 13, 1987, the Board issued Physician's and Surgeon's

1 Certificate No. A 43550 to Respondent. Physician and Surgeon's Certificate No. A 43550 was in  
2 full force and effect at all times relevant to the charges brought in Accusation No.  
3 02-2004-156881 and will expire on April 30, 2007, unless renewed.

4 **JURISDICTION**

5 4. Accusation No. 02-2004-156881 was filed before the Board's Division of  
6 Medical Quality (Division) and is currently pending against Respondent. The Accusation and all  
7 other statutorily required documents were properly served on Respondent on December 21, 2005.  
8 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
9 No. 02-2004-156881 is attached as Exhibit A and incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and  
12 understands the charges and allegations in Accusation No. 02-2004-156881. Respondent has  
13 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
14 Settlement and Disciplinary Order.

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

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

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in  
26 paragraphs 11, 13 and 15 of Accusation No. 02-2004-156881.

27 9. Respondent agrees that his Physician and Surgeon's Certificate No. is  
28 subject to discipline and he agrees to be bound by the Division's imposition of discipline as set

1 forth in the Disciplinary Order below.

2 **MITIGATION**

3 10. Respondent's practice of psychiatry involved consulting with non-profit  
4 agencies and seeing individual patients. Respondent practices in an area that has a shortage of  
5 physicians--south central Los Angeles, a federally designated health care shortage area. He was  
6 involved in the circumstances that lead to his plea bargain of a *nolo contendere* plea for a short  
7 period--six weeks. The circumstances did not involve his psychiatric practice. As part of his  
8 sentencing, respondent paid restitution of \$20,000.00 to the State of California.

9 **CONTINGENCY**

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

20 12. The parties understand and agree that facsimile copies of this Stipulated  
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
22 force and effect as the originals.

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

26 **DISCIPLINARY ORDER**

27 **IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. No.  
28 A 43550 issued to Respondent Mark D. Perrault, M.D. (Respondent) is revoked. However, the

1 revocation is stayed and Respondent is placed on probation for three (3) years on the following  
2 terms and conditions.

3 1. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of  
4 the effective date of this decision, respondent shall enroll in a course in Medical record keeping,  
5 at respondent's expense, approved in advance by the Division or its designee. Failure to  
6 successfully complete the course during the first 6 months of probation is a violation of  
7 probation.

8 A Medical record keeping course taken after the acts that gave rise to the charges  
9 in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the  
10 Division or its designee, be accepted towards the fulfillment of this condition if the course would  
11 have been approved by the Division or its designee had the course been taken after the effective  
12 date of this Decision.

13 Respondent shall submit a certification of successful completion to the Division  
14 or its designee not later than 15 calendar days after successfully completing the course, or not  
15 later than 15 calendar days after the effective date of the Decision, whichever is later.

16 2. ETHICS COURSE Within 60 calendar days of the effective date of this  
17 Decision, respondent shall enroll in a course in ethics, at respondent's expense, approved in  
18 advance by the Division or its designee. Failure to successfully complete the course during the  
19 first year of probation is a violation of probation.

20 An ethics course taken after the acts that gave rise to the charges in the  
21 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the  
22 Division or its designee, be accepted towards the fulfillment of this condition if the course would  
23 have been approved by the Division or its designee had the course been taken after the effective  
24 date of this Decision.

25 Respondent shall submit a certification of successful completion to the Division  
26 or its designee not later than 15 calendar days after successfully completing the course, or not  
27 later than 15 calendar days after the effective date of the Decision, whichever is later.

28 3. MONITORING - BILLING Within 30 calendar days of the

1 effective date of this Decision, respondent shall submit to the Division or its designee for prior  
2 approval as a billing monitor, the name and qualifications of one or more licensed physicians and  
3 surgeons whose licenses are valid and in good standing, and who are preferably American Board  
4 of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or  
5 personal relationship with respondent, or other relationship that could reasonably be expected to  
6 compromise the ability of the monitor to render fair and unbiased reports to the Division,  
7 including, but not limited to, any form of bartering, shall be in respondent's field of practice, and  
8 must agree to serve as respondent's monitor. Respondent shall pay all monitoring costs.

9           The Division or its designee shall provide the approved monitor with copies of the  
10 Decision(s) and Accusation(s), and a proposed monitoring plan providing for quarterly  
11 monitoring visits. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and  
12 proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read  
13 the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or  
14 disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed  
15 monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement.

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

21           The monitor(s) shall submit a quarterly written report to the Division or its  
22 designee which includes an evaluation of respondent's performance, indicating whether  
23 respondent's practices are within the standards of practice of billing and whether respondent is  
24 practicing billing appropriately.

25           It shall be the sole responsibility of respondent to ensure that the monitor submits  
26 the quarterly written reports to the Division or its designee within 10 calendar days after the end  
27 of the preceding quarter.

28           If the monitor resigns or is no longer available, respondent shall, within 5 business

1 days of such resignation or unavailability, submit to the Division or its designee, for prior  
2 approval, the name and qualifications of a replacement monitor who will be assuming that  
3 responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement  
4 monitor within 60 days of the resignation or unavailability of the monitor, respondent shall be  
5 suspended from the practice of medicine until a replacement monitor is approved and prepared to  
6 assume immediate monitoring responsibility. Respondent shall cease the practice of medicine  
7 within 3 calendar days after being so notified by the Division or designee.

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

11 4. NOTIFICATION Prior to engaging in the practice of medicine, the  
12 respondent shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or  
13 the Chief Executive Officer at every hospital where privileges or membership are extended to  
14 respondent, at any other facility where respondent engages in the practice of medicine, including  
15 all physician and locum tenens registries or other similar agencies, and to the Chief Executive  
16 Officer at every insurance carrier which extends malpractice insurance coverage to respondent.  
17 Respondent shall submit proof of compliance to the Division or its designee within 15 calendar  
18 days.

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

21 5. OBEY ALL LAWS Respondent shall obey all federal, state and local  
22 laws, all rules governing the practice of medicine in California, and remain in full compliance  
23 with any court ordered criminal probation, payments and other orders.

24 6. QUARTERLY DECLARATIONS Respondent shall submit quarterly  
25 declarations under penalty of perjury on forms provided by the Division, stating whether there  
26 has been compliance with all the conditions of probation. Respondent shall submit quarterly  
27 declarations not later than 10 calendar days after the end of the preceding quarter.

28 7. PROBATION UNIT COMPLIANCE Respondent shall comply with the

1 Division's probation unit. Respondent shall, at all times, keep the Division informed of  
2 respondent's business and residence addresses. Changes of such addresses shall be immediately  
3 communicated in writing to the Division or its designee. Under no circumstances shall a post  
4 office box serve as an address of record, except as allowed by Business and Professions Code  
5 section 2021(b).

6 Respondent shall not engage in the practice of medicine in respondent's place of  
7 residence, except for not-for-profit patients. Respondent shall maintain a current and renewed  
8 California physician's and surgeon's license.

9 Respondent shall immediately inform the Division, or its designee, in writing, of  
10 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last,  
11 more than 30 calendar days.

12 8. INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE Respondent  
13 shall be available in person for interviews either at respondent's place of business or at the  
14 probation unit office, with the Division or its designee, upon request at various intervals, and  
15 either with or without prior notice throughout the term of probation.

16 9. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent  
17 should leave the State of California to reside or to practice, respondent shall notify the Division  
18 or its designee in writing 30 calendar days prior to the dates of departure and return. Non-  
19 practice is defined as any period of time exceeding 30 calendar days in which respondent is not  
20 engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions  
21 Code.

22 All time spent in an intensive training program outside the State of California  
23 which has been approved by the Division or its designee shall be considered as time spent in the  
24 practice of medicine within the State. A Board-ordered suspension of practice shall not be  
25 considered as a period of non-practice. Periods of temporary or permanent residence or practice  
26 outside California will not apply to the reduction of the probationary term. Periods of temporary  
27 or permanent residence or practice outside California will relieve respondent of the responsibility  
28 to comply with the probationary terms and conditions with the exception of this condition and



1 the following terms and conditions of probation: Obey All Laws and Probation Unit  
2 Compliance.

3           Respondent's license shall be automatically canceled if respondent's periods of  
4 temporary or permanent residence or practice outside California total two years. However,  
5 respondent's license shall not be canceled as long as respondent is residing and practicing  
6 medicine in another state of the United States and is on active probation with the Medical  
7 licensing authority of that state, in which case the two year period shall begin on the date  
8 probation is completed or terminated in that state.

9           10.    FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

10           In the event respondent resides in the State of California and for any reason  
11 respondent stops practicing medicine in California, respondent shall notify the Division or its  
12 designee in writing within 30 calendar days prior to the dates of non-practice and return to  
13 practice. Any period of non-practice within California, as defined in this condition, will not  
14 apply to the reduction of the probationary term and does not relieve respondent of the  
15 responsibility to comply with the terms and conditions of probation. Non-practice is defined as  
16 any period of time exceeding 30 calendar days in which respondent is not engaging in any  
17 activities defined in sections 2051 and 2052 of the Business and Professions Code.

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

22           Respondent's license shall be automatically canceled if respondent resides in  
23 California and for a total of two years, fails to engage in California in any of the activities  
24 described in Business and Professions Code sections 2051 and 2052.

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



1 bound by the Decision and Order of the Division of Medical Quality, Medical Board of  
2 California.

3 DATED: 6-15-06

4  
5  
6   
7 MARK D. PERRAULT, M.D.  
8 Respondent

9 I have read and fully discussed with Respondent Mark D. Perrault, M.D. the terms  
10 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
11 Order. I approve its form and content.

12 DATED: 6/19/06

13  
14   
15 BRIAN A. NEWMAN  
16 Attorney for Respondent

17 **ENDORSEMENT**

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Division of Medical Quality, Medical Board of California of  
20 the Department of Consumer Affairs.

21 DATED: \_\_\_\_\_

22 **BILL LOCKYER, Attorney General**  
23 of the State of California

24  
25 E. A. JONES III  
26 Deputy Attorney General  
27 Attorneys for Complainant

1 bound by the Decision and Order of the Division of Medical Quality, Medical Board of  
2 California.

3 DATED: \_\_\_\_\_  
4  
5

6 \_\_\_\_\_  
7 MARK D. PERRAULT, M.D.  
Respondent

8 I have read and fully discussed with Respondent Mark D. Perrault, M.D. the terms  
9 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
10 Order. I approve its form and content.

11 DATED: \_\_\_\_\_  
12  
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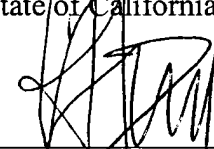
14 \_\_\_\_\_  
15 BRIAN A. NEWMAN  
Attorney for Respondent

16  
17 **ENDORSEMENT**

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Division of Medical Quality, Medical Board of California of  
20 the Department of Consumer Affairs.

21 DATED: 6/20/06  
22

23 BILL LOCKYER, Attorney General  
of the State of California

24   
25 \_\_\_\_\_  
26 E. A. JONES III  
Deputy Attorney General  
27 Attorneys for Complainant

**Exhibit A**

**Accusation No. 02-2004-156881**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 AMY FAN, State Bar No. 156211  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-0188  
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 02-2004-156881

13 **MARK D. PERRAULT, M.D.**  
14 6245 Bristol Parkway, #142  
Culver City, California 90230

**A C C U S A T I O N**

15 Physician's and Surgeon's Certificate  
16 No. A 43550

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. David T. Thornton (Complainant) brings this Accusation solely in his  
20 official capacity as the Executive Director of the Medical Board of California, Department of  
21 Consumer Affairs (Board).

22 2. On or about April 13, 1987, the Board issued Physician's and Surgeon's  
23 Certificate Number A 43550 to Mark D. Perrault, M.D. (Respondent). The Physician's and  
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on April 30, 2007, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board's Division of Medical Quality  
28 (Division), under the authority of the following laws. All section references are to the Business

1 and Professions Code unless otherwise indicated.

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

6           5.       Section 2234 of the Code states:

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

10           "(a) Violating or attempting to violate, directly or indirectly, assisting in or  
11 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5,  
12 the Medical Practice Act].

13           "(b) Gross negligence.

14           "(c) Repeated negligent acts. To be repeated, there must be two or more  
15 negligent acts or omissions. An initial negligent act or omission followed by a separate  
16 and distinct departure from the applicable standard of care shall constitute repeated  
17 negligent acts.

18           "(1) An initial negligent diagnosis followed by an act or omission medically  
19 appropriate for that negligent diagnosis of the patient shall constitute a single negligent  
20 act.

21           "(2) When the standard of care requires a change in the diagnosis, act, or  
22 omission that constitutes the negligent act described in paragraph (1), including, but not  
23 limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's  
24 conduct departs from the applicable standard of care, each departure constitutes a separate  
25 and distinct breach of the standard of care.

26           "(d) Incompetence.

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

1           “(f) Any action or conduct which would have warranted the denial of a  
2 certificate.”

3           6.       Section 2236 of the Code states:

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

8           “ . . .

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

13          7.       Section 480 of the Code states, in relevant part:

14          “(a) A board may deny a license regulated by this code on the grounds that the  
15 applicant has one of the following:

16               “(1) Been convicted of a crime. A conviction within the meaning of this section  
17 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action  
18 which a board is permitted to take following the establishment of a conviction may be taken  
19 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,  
20 or when an order granting probation is made suspending the imposition of sentence, irrespective  
21 of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

22               “(2) Done any act involving dishonesty, fraud or deceit with the intent to  
23 substantially benefit himself or another, or substantially injure another; or

24               “(3) Done any act which if done by a licentiate of the business or profession in  
25 question, would be grounds for suspension or revocation of license.

26               “The board may deny a license pursuant to this subdivision only if the crime or act  
27 is substantially related to the qualifications, functions or duties of the business or profession for  
28 which application is made.”





1 charging him with conspiracy to commit Medi-Cal fraud and presenting false Medi-Cal claims.

2 Specifically, Respondent was charged with:

3 Count 1 - conspiracy in violation of Penal Code section 182 (a) (1),

4 Count 2 - grand theft in violation of Penal Code section 487 (a),

5 Counts 3, 6, 9, 11, 13, 15, 17, 19, 21, 23, 25, 26, 27, 28 and 38 - presenting false Medi-  
6 Cal claims in violation of Welfare and Institutions Code section 14107, and

7 Count 42 - accessory after commission of a felony in violation of Penal Code section 32.

8 13. On or about March 9, 2005, Respondent pleaded nolo contendere to Count  
9 42, being an accessory after the commission of a felony, in violation of Penal Code section 32, a  
10 misdemeanor. Respondent agreed that from October 1, 2002 to August 31, 2003, Respondent  
11 facilitated others in presenting false claims to the Medi-Cal program and received financial  
12 remuneration as a result thereof. Respondent also admitted that as a result of his alleged  
13 criminal activities, the Medi-Cal program disbursed \$20,000. Respondent agreed to pay  
14 restitution in the amount of \$15,000.

15 14. On March 9, 2005, Respondent was sentenced to a three-year term of  
16 probation. Respondent was further ordered to pay restitution in the amount of \$15,000.  
17 Respondent may also be excluded from Medi-Cal and Medicare programs for a period of five  
18 years.

19 15. On August 9, 2005, the superior court approved a stipulation to set aside  
20 Petitioner's nolo contendere plea pursuant to Penal Code section 1203.3 and 1203.4. A not guilty  
21 plea was thereafter entered and the case was dismissed.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(MAKING FALSE STATEMENTS OR REPRESENTATIONS)**

24 16. Respondent is subject to discipline under section 2261 of the Code in he  
25 made false statements or representations relating to Medi-Cal claims. The circumstances are as  
26 follows:

27 17. Complainant incorporates by reference paragraphs 11 through 15 above, as  
28 if fully set forth herein.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(ACTS INVOLVING DISHONESTY, FRAUD OR DECEIT)**

3 18. Respondent is subject to discipline under section 480, subdivision (a)(3) of  
4 the Code in he engaged in acts involving dishonesty, fraud or deceit with the intent to  
5 substantially benefit himself or another. The circumstances are as follows:

6 19. Complainant incorporates by reference paragraphs 11 through 15 above, as  
7 if fully set forth herein.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(DISHONEST OR CORRUPT ACTS)**

10 20. Respondent is subject to discipline under section 2234, subdivision (e) of  
11 the Code in that he engaged in dishonest or corrupt acts in his participation to defraud the Medi-  
12 Cal program. The circumstances are as follows:

13 21. Complainant incorporates by reference paragraphs 11 through 15 above, as  
14 if fully set forth herein.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
17 alleged, and that following the hearing, the Division of Licensing issue a decision:

18 1. Revoking or suspending Physician's and Surgeon's Certificate Number A  
19 43550 issued to Respondent Mark D. Perrault, M.D.;

20 2. Revoking, suspending or denying approval of Respondent Mark D.  
21 Perrault M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the  
22 Code;

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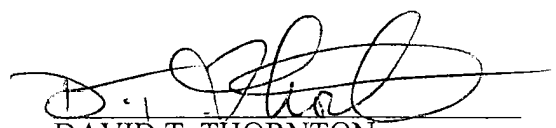
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3. Ordering Respondent Mark D. Perrault, M.D. to pay the Division of  
Licensing the costs of probation monitoring, if placed on probation;

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

DATED: December 21, 2005



DAVID T. THORNTON  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant