

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
Deputy Attorney General
4 State Bar No. 239872
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9401
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 8002016023228

14 **JASON HUI-TEK YANG, M.D.**
15 **280 S. Euclid Avenue, #205**
Pasadena, CA 91101

ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. A 65311,**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about May 22, 1998, the Board issued Physician's and Surgeon's Certificate
25 No. A 65311 to Jason Hui-Tek Yang, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on February 29, 2020, unless renewed.

28 ///

1 JURISDICTION

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 (Code) unless otherwise
4 indicated.

5 4. Section 2227 of the Code states:

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

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

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

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

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

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

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

27 ///

28 ///

1 5. Section 2234 of the Code, states, in pertinent part:

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

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

7 “...

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

11 “...”

12 6. Section 2236 of the Code states:

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

18 “(b) The district attorney, city attorney, or other prosecuting agency shall
19 notify the Medical Board of the pendency of an action against a licensee charging a
20 felony or misdemeanor immediately upon obtaining information that the defendant is
21 a licensee. The notice shall identify the licensee and describe the crimes charged and
22 the facts alleged. The prosecuting agency shall also notify the clerk of the court in
23 which the action is pending that the defendant is a licensee, and the clerk shall record
24 prominently in the file that the defendant holds a license as a physician and surgeon.

25 “(c) The clerk of the court in which a licensee is convicted of a crime shall,
26 within 48 hours after the conviction, transmit a certified copy of the record of
27 conviction to the board. The division may inquire into the circumstances surrounding
28 the commission of a crime in order to fix the degree of discipline or to determine if

1 the conviction is of an offense substantially related to the qualifications, functions, or
2 duties of a physician and surgeon.

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

7 7. Section 2273 of the Code states, in pertinent part:

8 “...

9 “(b) A licensee shall have his or her license revoked for a period of 10 years
10 upon a second conviction for violating any of the following provisions or upon being
11 convicted of more than one count of violating any of the following provisions in a
12 single case: Section 650 of this code, Section 750 or 1871.4 of the Insurance Code, or
13 Section 549 or 550 of the Penal Code. After the expiration of this 10-year period, an
14 application for license reinstatement may be made pursuant to Section 2307.”

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

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

26 ///

27 ///

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Crimes Substantially Related to the Qualifications, Functions,**
3 **or Duties of a Physician and Surgeon)**

4 9. Respondent has subjected his Physician's and Surgeon's Certificate No. A 65311 to
5 disciplinary action under 2227 and 2234, as defined by 2236 and 2273, of the Code, and section
6 1360 of title 16 of the California Code of Regulations, in that he was convicted of crimes
7 substantially related to the qualifications, functions, or duties of a physician and surgeon, as more
8 particularly alleged hereinafter:

9 10. On or about May 16, 2016, in the case entitled *The People of the State of California v.*
10 *Touba Pakdel-Nabati, Quynam Nguyen, and Jason Yang*, Case No. RIF1670176, a criminal
11 complaint was filed in the Superior Court of California, County of Riverside, charging respondent
12 with one (1) count of violating section 182, subdivision (a)(1), of the Penal Code (Conspiracy),
13 eighteen (18) counts of violating section 550, subdivision (a)(6), of the Penal Code (Insurance
14 Fraud), fourteen (14) counts of violating section 1871.4, subdivision (a)(1), of the Insurance Code
15 (False and Fraudulent Claims), and one (1) count of violating section 549 of the Penal Code
16 (Soliciting, Accepting or Referring Business with the Intent to Violate section 550 of the Penal
17 Code or section 1871.4 of the Insurance Code), all felonies.

18 11. The criminal complaint also alleged enhancements pursuant to section 12022.6,
19 subdivisions (a)(1) and (a)(2), of the Penal Code (value exceeding \$65,000 or \$200,000) as to
20 twenty-one (21) counts, and an enhancement pursuant to section 186.11, subdivision (a)(2) of the
21 Penal Code (value exceeding \$500,000) as to one (1) count.

22 12. On or about October 13, 2016, Respondent signed a change of plea form admitting
23 guilt as to five (5) separate counts of violating section 1871.4, subdivision (a)(1), of the Insurance
24 Code (False and Fraudulent Claims). Respondent also admitted the alleged enhancements as to
25 one (1) count pursuant to section 12022.6, subdivision (a)(1), of the Penal Code (value exceeding
26 \$65,000).

27 13. On or about October 13, 2016, Respondent's plea of guilty was entered as to the five
28 (5) separate counts of violating section 1871.4, subdivision (a)(1) and the alleged enhancements.

1 **PRAYER**

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


4 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 65311, issued
5 to Respondent Jason Hui-Tek Yang, M.D.;

6 2. Revoking, suspending or denying approval of Respondent Jason Hui-Tek Yang,
7 M.D.'s authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Respondent Jason Hui-Tek Yang, M.D., if placed on probation, to pay the
9 Board the costs of probation monitoring; and

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

11
12 DATED: November 15, 2018

13 
14 KIMBERLY KIRCHMEYER
15 Executive Director
16 Medical Board of California
17 Department of Consumer Affairs
18 State of California
19 Complainant

20 SD2018701786
21 13276428.docx