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STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
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BY W. L. K. ANALYST

7
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:

Case No. 800-2018-043778

13 **PAUL YEH, M.D.**

A C C U S A T I O N

14 1200 North State St.
CT A7D-GME
Los Angeles, CA 90033-1083

15 Physician's and Surgeon's
Certificate No. A 155642,

16 Respondent.
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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 April 27, 2018, the Board issued Physician's and Surgeon's Certificate
25 Number A 155642 to Paul Yeh, M.D. (Respondent). The Certificate will expire on April 30,
26 2020, unless renewed. Upon Complainant's ex parte petition, on May 14, 2018, an administrative
27 law judge of the Medical Quality Hearing Panel of the Office of Administrative Hearings issued
28 an Interim Order of Suspension of Respondent's Physician and Surgeon Certificate. After a

1 noticed hearing on the petition on June 4, 2018, the Interim Order of Suspension was upheld and
2 Respondent's Physician's and Surgeon's certificate is suspended pending the Board's Decision
3 and Order rendered in the matter of this Accusation.

4 **JURISDICTION**

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

7 4. Section 2220 of the Code states:

8 "Except as otherwise provided by law, the board may take action against all persons guilty
9 of violating this chapter. The board shall enforce and administer this article as to physician and
10 surgeon certificate holders, including those who hold certificates that do not permit them to
11 practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate
12 holders, and the board shall have all the powers granted in this chapter for these purposes
13 including, but not limited to:

14 "(a) Investigating complaints from the public, from other licensees, from health care
15 facilities, or from the board that a physician and surgeon may be guilty of unprofessional conduct.
16 The board shall investigate the circumstances underlying a report received pursuant to Section
17 805 or 805.01 within 30 days to determine if an interim suspension order or temporary restraining
18 order should be issued. The board shall otherwise provide timely disposition of the reports
19 received pursuant to Section 805 and Section 805.01.

20 "(b) Investigating the circumstances of practice of any physician and surgeon where there
21 have been any judgments, settlements, or arbitration awards requiring the physician and surgeon
22 or his or her professional liability insurer to pay an amount in damages in excess of a cumulative
23 total of thirty thousand dollars (\$30,000) with respect to any claim that injury or damage was
24 proximately caused by the physician's and surgeon's error, negligence, or omission.

25 "(c) Investigating the nature and causes of injuries from cases which shall be reported of a
26 high number of judgments, settlements, or arbitration awards against a physician and surgeon."

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1 5. Section 2234 of the Code states:

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

5 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
6 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 substantially
9 related to the qualifications, functions, or duties of a physician and surgeon.”

10 “....”

11 6. Section 2287 of the Code provides that the altering in any material regard, with
12 fraudulent intent, of any transcript or other evidence required for issuing a certificate under the
13 Medical Practice Act constitutes unprofessional conduct.

14 7. Section 2235 of the Code states:

15 “Upon referral from the division, the Senior Assistant Attorney General of the Health
16 Quality Enforcement Section shall initiate action against any licensee who obtains a certificate by
17 fraud or misrepresentation, including a reciprocity certificate which is based upon a certificate or
18 license obtained by fraud or mistake. The division shall take action against any licensee whose
19 certificate was issued by mistake.”

20 8. Section 2290 of the Code states:

21 “The provisions of Article 4 (commencing with Section 580) of Chapter 1, relating to
22 frauds of medical records, degrees, diplomas, certificates, and transcripts are not affected by the
23 provisions of this article and, so far as any act is a crime within their scope, such provisions
24 control over the provisions of this article.”

25 9. Section 581 of the Code states:

26 “No person, company, or association shall purchase or procure by barter or by any unlawful
27 means or method, or have in possession any diploma, certificate, transcript, or any other writing
28 with intent that it shall be used as evidence of the holder's qualifications to practice as a physician

1 and surgeon, osteopathic physician, podiatrist, any other system or mode of treating the sick or
2 afflicted, as provided in the Medical Practice Act, Chapter 5 (commencing with Section 2000), or
3 to practice as any other licentiate under this division or in any fraud of the law regulating this
4 practice or, shall with fraudulent intent, alter in a material regard, any such diploma, certificate,
5 transcript, or any other writing."

6 10. Section 583 of the Code states:

7 "No person shall in any document or writing required of an applicant for examination,
8 license, certificate, or registration under this division, the Osteopathic Initiative Act, or the
9 Chiropractic Initiative Act, willfully make a false statement in a material regard."

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Fraudulent Alteration of Transcript)**

12 11. Respondent Paul Yeh, M.D. has committed unprofessional conduct and subjected his
13 license to disciplinary action under sections 2234, 580, and 2287 by fraudulently altering a
14 material portion of the transcript required for licensure as a physician and surgeon. The
15 circumstances are as follows:

16 12. On March 27, 2018, Respondent submitted an application to the Board for licensure
17 as a physician and surgeon. On his application, Respondent attested under penalty of perjury that
18 he had satisfied the examination requirement for licensure by achieving passing scores on Step 1,
19 Step 2, and Step 3 of the United States Medical Licensing Examination (USMLE). Respondent
20 expressly stated that he passed Step 3 of the USMLE on February 12, 2018. The Board received
21 documentation confirming Respondent's completion of medical school and related transcripts,
22 and verifying his participation in a postgraduate training program.

23 13. On April 18, 2018, the Board received a Federal Express package containing a
24 document purporting to be a Certified Transcript of Scores from the Federation of State Medical
25 Boards (FSMB), which administers the USMLE. The document stated that Respondent had
26 successfully passed all three steps of the USMLE.

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1 14. Based in part on the apparent attestation of the FSMB transcript that Respondent had
2 passed all three parts of the USMLE, on April 27, 2018, the Board issued Physician's and
3 Surgeon's Certificate Number A155642 to Respondent.

4 15. On May 4, 2018, the Board was notified by the FSMB that Respondent had submitted
5 a falsified USMLE Certified Transcript of Scores to the Board as part of his application for
6 licensure. The FSMB stated that Respondent had not passed USMLE Step 3 and that the FSMB
7 had not submitted Respondent's scores to the Board. The FSMB also provided the Board with a
8 true copy of Respondent's Certified Transcript of Scores, indicting that Respondent had passed
9 Step 1 and Step 2, but that he had neither taken the required third examination nor passed Step 3.

10 16. Review of the actual transcript and comparison with the altered documents
11 Respondent submitted to the Board in support of his application reveal a remarkably adept
12 forgery, sufficient to pass as genuine under any reasonable degree of scrutiny. Indeed, it did
13 suffice to warrant the Board's issuance of a Physician's and Surgeon's certificate to Respondent.

14 17. Respondent is subject to license discipline for unprofessional conduct under 2287 of
15 the Code in that his willful alteration of the USMLE transcript he submitted to obtain a
16 Physician's and Surgeon's certificate violates the prohibitions of sections 2287 and 581 of the
17 Code.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(False Statement of Material Fact)**

20 18. The allegations of paragraphs 11 through 15 above are incorporated by reference as if
21 set out in full. Respondent has subjected his license to disciplinary action in that his knowingly
22 false assertion that he had passed Step 3 of the USMLE on his sworn application for licensure as
23 a Physician and Surgeon violated the explicit prohibition of section 583 of the Code and
24 constitutes unprofessional conduct under section 2234 of the Code.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Dishonest Act)**

27 19. The allegations of paragraphs 11 through 15 above are incorporated by reference as if
28 set out in full. Respondent has subjected his license to disciplinary action in that his knowingly


1 false statement in his application for licensure and his multiple acts in furtherance of his
2 fraudulent alteration of the USMLE transcript and subsequent submission of that document to the
3 Board are dishonest acts constituting unprofessional conduct under section 2234 and subsection
4 2234(e) of the Code.

5 **PRAYER**

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

- 8 1. Revoking Physician's and Surgeon's Certificate Number A 155642, issued to Paul
9 Yeh, M.D.;
- 10 2. Revoking approval of Paul Yeh, M.D.'s authority to supervise physician assistants
11 and advanced practice nurses; and
- 12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: July 3, 2018


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

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