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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. 800-2018-044399

13 **Kulwinder Singh, M.D.**
14 **PMB 432**
15 **4101 Dublin Blvd. Ste. F**
16 **Dublin, CA 94568**

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
18 **No. A 70440,**

Respondent.

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21 **PARTIES**

22 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
23 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
24 (Board).

25 2. On or about December 3, 1999, the Medical Board issued Physician's and Surgeon's
26 Certificate Number A 70440 to Kulwinder Singh, M.D. (Respondent). The Physician's and
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
28 herein and will expire on July 31, 2021, unless renewed.

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

9 5. Section 490 of the Code, states in part:

10 "(a) In addition to any other action that a board is permitted to take against a licensee, a
11 board may suspend or revoke a license on the ground that the licensee has been convicted of a
12 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
13 or profession for which the license was issued . . .

14 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
15 conviction following a plea of nolo contendere. An action that a board is permitted to take
16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
17 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
18 made suspending the imposition of sentence, irrespective of a subsequent order under Section
19 1203.4 of the Penal Code."

20 6. Section 2234 of the Code, states in part:

21 "The board shall take action against any licensee who is charged with unprofessional
22 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
23 limited to, the following:

24 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
25 violation of, or conspiring to violate any provision of this chapter . . .

26 "(f) Any action or conduct that would have warranted the denial of a certificate."

27 7. Section 2236 of the Code states:
28

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

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

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

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

18 **CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct and/or Criminal Conviction)**

20 9. Respondent Kulwinder Singh, M.D. is subject to disciplinary action under code
21 section 2234 (unprofessional conduct), and/or section 2236 (criminal conviction), and/or
22 California Code of Regulations, Title 16, section 1360 (criminal conviction), in that on or about
23 July 30, 2020, in a criminal proceeding entitled *The People of the State of California v. Kulwinder*
24 *Singh*, in the Contra Costa County Superior Court, Case Number 01-188-443-6, Respondent was
25 convicted for the misdemeanor crime of violating California Penal Code section 243(e)(1). Penal
26 Code Section 243(e)(1) provides in relevant part that: “When a battery is committed against a
27 spouse, a person with whom the defendant is cohabiting, the battery is punishable by a fine not
28

1 exceeding two thousand dollars (\$2000), or by imprisonment in a county jail for a period of not
2 more than one year, or by both that fine and imprisonment.” The circumstances are as follows:

3 **May 1, 2018 Domestic Violence Event:**

4 10. On May 1, 2018, at approximately 8:53 p.m., in San Ramon, California, officers with
5 the San Ramon Police Department were dispatched to Respondent’s residence regarding a
6 domestic violence report. Respondent’s wife, Victim A,¹ had called 911 and reported that
7 Respondent had pushed her down a flight of stairs. When the police officers arrived at
8 Respondent’s residence, they observed Victim A crying and they noted injuries to her shins.
9 Victim A had two small abrasions to her right shin and a red mark about eight inches in length on
10 her left shin. The injuries appeared to have recently occurred as the victim had fresh dried blood
11 on the affected areas.

12 11. Police interviewed Respondent and he told police he was arguing with his wife about
13 their baby and that he told Victim A to get out of the house. Initially, Respondent told police that
14 while the victim was trying to leave the house she fell down the stairs because she “was moving
15 very fast.” Respondent told police that he did not touch Victim A and did not push her down the
16 stairs.

17 12. After interviewing Respondent, Police officers interviewed Victim A. Victim A
18 stated that Respondent put his hand on her shoulder when she was at the top of the stairs and that
19 he pushed her down the stairs. Victim A explained that while Respondent was holding their 20-
20 month-old baby in his hands, he put his hand on the victim’s left shoulder and she felt a hard push
21 on her shoulder. As Respondent pushed Victim A, Respondent told the victim to “get out.”
22 Victim A fell approximately 15 steps and she scraped her shins during the fall. Victim A reported
23 that Respondent had assaulted her two times in the past, the most recent time when she was
24 pregnant with their baby.

25 13. When the police officers re-interviewed Respondent and confronted him with Victim
26 A’s account of what happened, Respondent changed his original story and explained that he did

27 ¹ Names and initials will not be used in order to protect the victim’s identity. Respondent
28 is aware of the victim’s identity.

1 in fact push Victim A while she was at the top of the stairs while he was yelling “get out.”
2 However, Respondent told police that his push was not the cause of Victim A falling down the
3 flight of stairs. Respondent then changed his story again and stated that he actually pushed a
4 suitcase that Victim A was holding and not the victim’s shoulder.

5 14. Due to Respondent’s inconsistent statements about what happened, given Victim A’s
6 account of domestic violence and her shin injuries, the officers arrested Respondent for domestic
7 violence. After the officers read Respondent his Miranda Rights, Respondent stated that he “did
8 push [Victim A] but the push did not cause her to fall.”

9 **Criminal Case Filing, Plea Agreement, and Sentencing:**

10 15. On January 7, 2019, the Contra Costa County District Attorney’s Office filed a
11 criminal complaint against Respondent in the Superior Court of California, Contra Costa County
12 in the matter entitled: *The People of the State of California v. Kulwinder Singh*, Case No. 01-
13 188-443-6. The Respondent was charged with the crime of Corporal Injury to a
14 Spouse/Cohabitant/Child’s Parent in violation of Penal Code section 273.5(a). Section 273.5(a)
15 states in pertinent part that any person who willfully inflicts a corporal injury resulting in a
16 traumatic condition upon a [spouse] is guilty of a felony and upon conviction shall be imprisoned
17 for two, three or four years or by a fine of up to \$6000 dollars, or by a fine and imprisonment.

18 16. On or about May 16, 2019, Respondent pled “no contest” to a lesser charge of
19 violating Penal Code section 243(e)(1) (battery on a spouse).

20 17. On or about July 30, 2020, Respondent was sentenced by the Contra Costa Superior
21 Court to the following terms and conditions:

- 22 a. Three years of probation;
- 23 b. 12 days of an alternative work program in lieu of 25 days in County Jail;
- 24 c. 20 hours community service;
- 25 d. 52 weeks of anger management;
- 26 e. Domestic violence fee in the amount of \$500.00 dollars;
- 27 f. Victim restitution to Victim A in the amount of \$150.00 dollars;
- 28 g. Do not annoy, threaten, or contact Victim A;

- 1 h. Do not possess any dangerous or deadly weapons; and
- 2 i. Pay other various fees and fines.

3 18. On January 6, 2021, Respondent was interviewed by the Board. Respondent told the
4 Board investigator that Victim A fell down the stairs because she was in a "hyper state."
5 Respondent omitted the fact that he put his hand on the victim's shoulder when she was at the top
6 of the stairs and pushed her down the stairs. When the Board investigator confronted Respondent
7 with the San Ramon Police report, Respondent admitted that he did touch Victim A when she was
8 at the top of the stairs but that she did not fall because of his touch but rather fell because of the
9 "height ... of her anxiety ... emotions."


10 19. Respondent is subject to disciplinary action under 2234, and/or 2236, and/or
11 California Code of Regulations, title 16, section 1360, in that Respondent was convicted of a
12 crime as alleged in paragraphs 9 through 18.

13
14 **PRAYER**

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

- 17 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 70440,
18 issued to Kulwinder Singh, M.D.;
- 19 2. Revoking, suspending or denying approval of Kulwinder Singh, M.D.'s authority to
20 supervise physician assistants and advanced practice nurses;
- 21 3. Ordering Kulwinder Singh, M.D., if placed on probation, to pay the Board the costs
22 of probation monitoring; and
- 23 4. Taking such other and further action as deemed necessary and proper.

24
25 DATED: MAR 01 2021

26 
27 WILLIAM PRASIFKA
28 Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant