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

13 In the Matter of the Accusation Against:

Case No. 800-2019-055303

14 **Arturo Lo Villamor, M.D.**  
15 **2319 Cezanne Ct.**  
16 **Davis, CA 95618-0502**

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

17 **Physician's and Surgeon's Certificate**  
18 **No. A 85485,**

Respondent.

19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about December 17, 2003, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. A 85485 to Arturo Lo Villamor, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on December 31, 2021, unless renewed.

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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 2234 of the Code, states:

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

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

15 "..."

16 6. Unprofessional conduct under Business and Professions Code section 2234 is conduct  
17 which breaches the rules or ethical conduct of the medical profession, or conduct which is  
18 unbecoming to a member in good standing of the medical profession, and which demonstrates an  
19 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,  
20 575.)

21 7. Section 2236 of the Code states:

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

27 "..."

28 "(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is

1 deemed to be a conviction within the meaning of this section and Section 2236.1. The  
2 record of conviction shall be conclusive evidence of the fact that the conviction  
3 occurred.”

4 8. Section 2239 of the Code states:

5 “(a) The use or prescribing for or administering to himself or herself, of any  
6 controlled substance; or the use of any of the dangerous drugs specified in Section  
7 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous  
8 or injurious to the licensee, or to any other person or to the public, or to the extent that  
9 such use impairs the ability of the licensee to practice medicine safely or more than  
10 one misdemeanor or any felony involving the use, consumption, or  
11 self-administration of any of the substances referred to in this section, or any  
12 combination thereof, constitutes unprofessional conduct. The record of the conviction  
13 is conclusive evidence of such unprofessional conduct.

14 “(b) A plea or verdict of guilty or a conviction following a plea of nolo  
15 contendere is deemed to be a conviction within the meaning of this section. The  
16 Medical Board may order discipline of the licensee in accordance with Section 2227  
17 or the Medical Board may order the denial of the license when the time for appeal has  
18 elapsed or the judgment of conviction has been affirmed on appeal or when an order  
19 granting probation is made suspending imposition of sentence, irrespective of a  
20 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing  
21 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or  
22 setting aside the verdict of guilty, or dismissing the accusation, complaint,  
23 information, or indictment.”<sup>1</sup>

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27 <sup>1</sup> There is a nexus between a physician’s use of alcoholic beverages and his or her fitness to  
28 practice medicine, established by the Legislature in section 2239, “in all cases where a licensed physician  
used alcoholic beverages to the extent or in such a manner as to pose a danger to himself or others.”  
(*Watson v. Superior Court (Medical Board)* (2009) 176 Cal.App.4th 1407, 1411.)

1 9. California Code of Regulations, title 16, section 1360, states:

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

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Use of Alcohol in a Dangerous or Injurious Manner)**

14 10. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined  
15 by section 2239, of the Code, and California Code of Regulations, title 16, section 1360, in that  
16 he used alcoholic beverages, to the extent, or in such a manner, as to be dangerous or injurious to  
17 himself, or to any other person or to the public, as more particularly alleged as follows:

18 11. On or about June 10, 2017, at approximately 1:38 a.m., Sacramento Communications  
19 Center advised of a solo vehicle traffic collision with an ambulance responding on the Mace  
20 Boulevard off-ramp from Interstate-80 westbound. California Highway Patrol (CHP) Officers  
21 A.P. and N.H.<sup>2</sup> responded and arrived at approximately 1:40 a.m. CHP Officer A.P. observed a  
22 red Honda HRV against a large pole facing west. It had major front-end damage and the front  
23 airbags were deployed. The CHP Officers checked the registration, which showed Respondent as  
24 the owner.

25 12. CHP Officer A.P. observed paramedics evaluating Respondent behind the vehicle.  
26 Respondent had sustained a small laceration to his left wrist as a result of the collision. (It was

27 \_\_\_\_\_  
28 <sup>2</sup> Officer and witness identities are omitted to protect privacy. They will be provided in  
discovery.

1 discovered shortly after that Respondent had also suffered a broken back.) CHP Officer A.P.  
2 observed that Respondent's eyes were red and watery, his speech was slurred, and his breath had  
3 the strong odor of an alcoholic beverage.

4 13. While paramedics evaluated Respondent, CHP Officer A.P. contacted a male  
5 ("Passenger A") who was sitting on the curb just north of Respondent's vehicle. He stated that he  
6 was the right front passenger in Respondent's vehicle at the time of the collision. He further  
7 stated that Respondent was driving the vehicle at the time of the collision, and that they were on  
8 their way to Respondent's residence coming from a bar/nightclub in Sacramento.

9 14. After Respondent declined hospital treatment and signed a medical release, he  
10 admitted to CHP Officer A.P. that he had been driving his vehicle. The ignition key was in his  
11 right front pocket, which he provided to CHP Officer A.P. Respondent admitted to drinking two  
12 16-ounce beers at the bar/nightclub in Sacramento prior to the collision. Respondent stated that he  
13 was exiting on Mace Boulevard at an unknown speed when he hit the pole. He further stated that  
14 he had lived in Davis since 2005 and taken that exit on countless occasions.

15 15. CHP Officer A.P. explained and demonstrated a series of field sobriety tests to  
16 Respondent, including the Horizontal Gaze Nystagmus, Romberg, Finger to Nose, and One Leg  
17 Stand. Respondent failed to perform each test as explained and demonstrated. Respondent also  
18 consented to a preliminary breath test. He provided two breath samples that measured 0.137% at  
19 2:05 a.m., and 0.134% at 2:07 a.m.

20 16. The CHP Officers arrested Respondent at 2:12 a.m. but did not handcuff Respondent  
21 so that paramedics could re-evaluate him. The paramedics observed a protrusion on Respondent's  
22 lower back, and he was placed in an ambulance for transport to U.C. Davis Medical Center. Prior  
23 to leaving for the hospital, Respondent agreed to submit a blood sample. At approximately 2:25  
24 a.m., the paramedic removed a blood sample from Respondent's right wrist, which measured a  
25 blood alcohol concentration of 0.175%.

26 17. On or about August 1, 2017, in *The People of the State of California v. Arturo Lo*  
27 *Villamor*, Yolo County Superior Court Case No. CR-17004114, Respondent was charged with the  
28 following misdemeanors: (1) Driving Under the Influence of Alcohol, in violation of Vehicle

1 Code section 23152(a); (2) Driving at 0.08% or Above, in violation of Vehicle Code section  
2 23152(b). It was further alleged that Respondent had a blood alcohol concentration that was  
3 0.15% or more, thus subjecting him to additional punishment under Vehicle Code section 23578.

4 18. On or about January 30, 2019, Respondent pleaded no contest to the charge of driving  
5 at 0.08% or above, in violation of Vehicle Code section 23152(b). The Court sentenced  
6 Respondent to: serve 4 days in jail; serve 3 years' probation; enroll in and complete a 3-month  
7 DUI program; pay fines and fees in the amount of \$2,158.00; refrain from driving after  
8 consuming any alcohol; submit to chemical tests when stopped or suspected of driving while  
9 under the influence of alcohol or drugs; and refrain from consuming alcoholic beverages for  
10 approximately six months.

11 19. On or about August 26, 2020, a Board Investigator interviewed Respondent.  
12 Respondent stated that he had a glass of wine at dinner and approximately 2-3 beers and a Jell-O  
13 shot at the bar/nightclub in the several hours before his arrest. Respondent stated that, as a result  
14 of the drunk driving accident, he suffered a broken back and had surgery the day after the  
15 accident. In addition, his vehicle was totaled.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a**  
18 **Physician)**

19 20. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined  
20 by section 2236, of the Code, and California Code of Regulations, title 16, section 1360, in that  
21 he has been convicted of a crime, to wit: violation of Vehicle Code section 23152(b) driving at  
22 .08% or above, which is substantially related to the qualifications, functions or duties of a  
23 physician and surgeon, as more particularly alleged in paragraphs 10 through 19, above, which  
24 are hereby incorporated by reference as if fully set forth herein.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(General Unprofessional Conduct)**

27 21. Respondent is subject to disciplinary action under Code sections 2227 and 2234, in  
28 that he has engaged in conduct which breaches the rules or ethical code of the medical profession,

1 or conduct which is unbecoming a member in good standing of the medical profession, and which  
2 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 10  
3 through 20, above, which are hereby incorporated by reference as if fully set forth herein,

4 **PRAYER**

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

7 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 85485, issued  
8 to Arturo Lo Villamor, M.D.;

9 2. Revoking, suspending or denying approval of Arturo Lo Villamor, M.D.'s authority  
10 to supervise physician assistants and advanced practice nurses;

11 3. Ordering Arturo Lo Villamor, M.D., if placed on probation, to pay the Board the  
12 costs of probation monitoring; and

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

14  
15 DATED: FEB 04 2021



16 WILLIAM PRASIPKA  
17 Executive Director  
18 Medical Board of California  
19 Department of Consumer Affairs  
20 State of California  
21 *Complainant*

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