

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 VERONICA VO
Deputy Attorney General
4 State Bar No. 230698
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7508
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Oct. 7 20 19
BY A. BEREMIA ANALYST

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

13 In the Matter of the Accusation Against:

Case No. 800-2017-033048

14 **Michael Jen-Kung Huang, M.D.**
15 **1301 Secret Ravine Pkwy, Ste. 240**
Roseville, CA 95661-3102

ACCUSATION

16 **Physician's and Surgeon's Certificate**
17 **No. A 84045,**

Respondent.

18
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 July 23, 2003, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A 84045 to Michael Jen-Kung Huang, 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 November 30, 2020, unless renewed.

28 ///

JURISDICTION

1
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, be publicly
8 reprimanded, or have such other action taken in relation to discipline as the Division deems
9 proper.

10 5. Section 2234 of the Code, states:

11 The board shall take action against any licensee who is charged with
12 unprofessional conduct. In addition to other provisions of this article, unprofessional
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 (b) Gross negligence.

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

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

23 (d) Incompetence.

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

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

28 (g) The practice of medicine from this state into another state or country
without meeting the legal requirements of that state or country for the practice of

1 medicine. Section 2314 shall not apply to this subdivision. This subdivision shall
2 become operative upon the implementation of the proposed registration program
3 described in Section 2052.5.

4 (h) The repeated failure by a certificate holder, in the absence of good cause, to
5 attend and participate in an interview by the board. This subdivision shall only apply
6 to a certificate holder who is the subject of an investigation by the board.

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

11 7. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
12 adequate and accurate records relating to the provision of services to their patients constitutes
13 unprofessional conduct.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Repeated Negligent Acts)**

16 8. Respondent Michael Jen-Kung Huang, M.D. has subjected his Physician's and
17 Surgeon's Certificate No. A 84045 to disciplinary action under sections 2227 and 2234, as
18 defined by 2234, subdivision (c), of the Code, in that Respondent committed repeated negligent
19 acts in his care and treatment of Patient A¹ as more particularly alleged hereinafter.

20 9. On or about June 5, 2015, Patient A went to Respondent's practice for a wellness
21 visit. Patient A's medical history included seizures with no incidents of reoccurrence, poor
22 circulation involving the hands and feet, chronic persistent yeast infections, persistent anxiety,
23 depression, insomnia, and chronic headaches.

24 10. With respect to the seizures, Respondent advised Patient A to continue to monitor her
25 situation and contact the clinic as needed.

26 11. Respondent determined Patient A's poor circulation was possibly due to Raynaud's
27 syndrome. Respondent advised Patient A to contact the clinic for follow-up if symptoms recurred.

28 ¹ To protect the privacy of the patient involved, the patient name has not been included in
this pleading. Respondent is aware of the identity of the patient referred herein.

1 12. Respondent referred Patient A to a gynecologist for evaluation regarding the yeast
2 infections.

3 13. Respondent conducted a physical exam and spoke with Patient A about the
4 underlying causes for the anxiety and depression. Ultimately, Respondent determined the anxiety
5 and depression were associated with family and social stressors as well as excessive caffeine.
6 Respondent advised Patient A to increase exercise and healthy hobbies, and decrease caffeine
7 intake. Furthermore, Respondent also prescribed Patient A with Prozac. Respondent prescribed a
8 starting dosage of 20 mg. He prescribed 30 (thirty) capsules at the outset, but permitted a total of
9 4 (four) refills. Specifically, Respondent permitted Patient A to increase the dosage to 40 mg after
10 4 weeks, and 60 mg after 8 weeks, if needed. In total, Patient A received enough medication for 2
11 months and 20 days if taken as prescribed. Patient A was to follow-up at the clinic if there were
12 no improvements or if there were any adverse effects from the medication. There were no future
13 appointments scheduled.

14 14. For the headaches, Respondent thought they were secondary to stress-induced tension
15 and advised Patient A to stretch, heat, and massage the area accordingly.

16 15. Sometime between July 8, 2015 and September 11, 2015, Respondent learned Patient
17 A had committed suicide on or about July 8, 2015. Patient A had alcohol and hydrocodone in her
18 system.

19 16. On or about September 11, 2015, Respondent reviewed the medical records for
20 Patient A. On that same date, Respondent modified Patient A's medical records to add "Patient
21 wish medication treatment and will start [Prozac]." This note was added in three separate sections
22 of the medical records. Respondent did not notate the date or time of the addendums.

23 17. On or about December 10, 2018, Respondent was interviewed at the Health Quality
24 Investigation Unit's Sacramento Office regarding the care and treatment provided to Patient A.
25 During the subject interview, Respondent stated he "believe[d]" he asked about Patient A's
26 substance abuse history. Respondent stated his medical assistant would typically ask about a
27 patient's smoking, alcohol, and drug history. Respondent recalled Patient A was not using
28 substances.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate No. A 84045, issued to Michael Jen-Kung Huang, M.D.;
2. Revoking, suspending or denying approval of Michael Jen-Kung Huang, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Michael Jen-Kung Huang, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: October 7, 2019



KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SA2019103721
14037906.docx