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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. 800-2021-077352

13 **Lindsay Marie Clark, M.D.**
14 **1250 Newell Ave., Rm. 200**
Walnut Creek, CA 94596

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A 96580,**

Respondent.

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19 **PARTIES**

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

23 2. On July 28, 2006, the Medical Board issued Physician's and Surgeon's Certificate
24 Number A 96580 to Lindsay Marie Clark, M.D. (Respondent). The Physician's and Surgeon's
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2023, 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 2001.1 of the Code provides that the Board's highest priority shall be public
6 protection.

7 5. Section 2004 of the Code states:

8 The board shall have the responsibility for the following:

9 (a) The enforcement of the disciplinary and criminal provisions of the Medical
10 Practice Act.

11 (b) The administration and hearing of disciplinary actions.

12 (c) Carrying out disciplinary actions appropriate to findings made by a panel or
13 an administrative law judge.

14 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion
15 of disciplinary actions.

16 (e) Reviewing the quality of medical practice carried out by physician and
17 surgeon certificate holders under the jurisdiction of the board.

18 (f) Approving undergraduate and graduate medical education programs.

19 (g) Approving clinical clerkship and special programs and hospitals for the
20 programs in subdivision (f).

21 (h) Issuing licenses and certificates under the board's jurisdiction.

22 (i) Administering the board's continuing medical education program.

23 6. Section 2227 of the Code states:

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

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

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

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

9 (4) Be publicly reprimanded by the board. The public reprimand may include a
10 requirement that the licensee complete relevant educational courses approved by the
11 board.

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

14 7. Section 2234 of the Code, states:

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

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

20 (b) Gross negligence.

21 (c) Repeated negligent acts. To be repeated, there must be two or more
22 negligent acts or omissions. An initial negligent act or omission followed by a
23 separate and distinct departure from the applicable standard of care shall constitute
24 repeated negligent acts.
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1 (1) An initial negligent diagnosis followed by an act or omission medically
2 appropriate for that negligent diagnosis of the patient shall constitute a single
3 negligent act.

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

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10 (d) Incompetence.

11 (e) The commission of any act involving dishonesty or corruption that is
12 substantially related to the qualifications, functions, or duties of a physician and
13 surgeon.

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

15 (g) The failure by a certificate holder, in the absence of good cause, to attend
16 and participate in an interview by the board. This subdivision shall only apply to a
17 certificate holder who is the subject of an investigation by the board.

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19 8. Section 2236 of the Code states:

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

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27 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
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1 deemed to be a conviction within the meaning of this section and Section 2236.1.

2 The record of conviction shall be conclusive evidence of the fact that the conviction
3 occurred.

4 **COST RECOVERY**

5 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licensee found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
9 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
10 included in a stipulated settlement.

11 **FACTUAL ALLEGATIONS**

12 10. On April 1, 2021, Respondent was indicted by a federal grand jury and was charged
13 in the United States District Court, Northern District of California, with Count One as follows:
14 “21 U.S.C. sections 331(c), 333(a)(2), Receipt in interstate commerce of drugs that are
15 misbranded, and devices that are misbranded and adulterated, and the delivery and proffered
16 delivery thereof for pay or otherwise, with intent to defraud and mislead.”¹

17 11. On November 22, 2022, Respondent pled guilty to Count One of the Indictment,
18 Receipt in Interstate Commerce of Adulterated and Misbranded Drugs and Devices, in violation
19 of 21 U.S.C. sections 331(c), 333(a)(1), as a misdemeanor. In her signed plea agreement,
20 Respondent admitted the following:

21 “From at least April 1, 2016, until no earlier than June 3, 2020, I obtained and injected
22 patients with prescription drugs and devices that were not the subject of an FDA biologics
23 license, drug approval, or Class III device approval, from foreign sources, primarily by ordering
24 the drugs and devices over the phone and internet. I took steps to conceal this conduct from
25 patients, Allergan and the FDA.”²

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27 ¹ *United States of America v. Lindsay Marie Clark*, Case No. 3:21-CR-00132 SI,
Indictment.

28 ² Plea Agreement, 3:21-CR-00132-SI, pp. 2-3.

1 drugs and hyaluronic acid devices into patients. Respondent's conduct constitutes unprofessional
2 conduct, and/or dishonest, fraudulent and corrupt acts in violation of section 2234 and/or 2234(e).

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4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Conviction)**

6 19. The allegations set for in Paragraphs 9 through 16 are incorporated by reference as if
7 fully set forth herein.

8 20. Respondent Lindsay Marie Clark, M.D., is subject to disciplinary action under section
9 2236 in that she has entered a guilty plea to, and has been convicted of, a federal crime involving
10 fraud, dishonesty and/or corruption.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Conviction)**

13 21. The allegations set for in Paragraphs 9 through 16 are incorporated by reference as if
14 fully set forth herein.

15 22. Respondent Lindsay Marie Clark, M.D., is subject to disciplinary action under section
16 2236 in that she has, through her alter ego medical corporation, entered a guilty plea to, and has
17 been convicted of, a federal felony involving fraud, dishonesty and/or corruption.

18 **PRAYER**

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

21 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 96580,
22 issued to Lindsay Marie Clark, M.D.;

23 2. Revoking, suspending or denying approval of Lindsay Marie Clark, M.D.'s authority
24 to supervise physician assistants and advanced practice nurses;

25 3. Ordering Lindsay Marie Clark, M.D., to pay the Board the costs of the investigation
26 and enforcement of this case, and if placed on probation, the costs of probation monitoring;

27 4. Ordering Respondent Lindsay Marie Clark, M.D., if placed on probation, to provide
28 patient notification in accordance with Business and Professions Code section 2228.1; and

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5. Taking such other and further action as deemed necessary and proper.

DATED: JUL 14 2023



REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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