

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against

Tara Alaina Zandvliet, M.D.

Physician's and Surgeon's
License No. A71646

Case No. 800-2017-032412

Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 4, 2020.

IT IS SO ORDERED: August 7, 2020.

MEDICAL BOARD OF CALIFORNIA



Kristina D. Lawson, J.D., Chair
Panel B

1 XAVIER BECERRA
Attorney General of California
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10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 **TARA ALAINA ZANDVLIET, M.D.**
2991 Kalmia St.
San Diego, CA 92104

16 **Physician's and Surgeon's Certificate**
17 **No. A 71646**

18 Respondent.

Case No. 800-2017-032412

OAH No. 2019101092

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board), acting solely in his official capacity. This action was brought by the former
24 Executive Director of the Board, Kimberly Kirchmeyer, acting solely in her official capacity.
25 The Complainant is represented in this matter by Xavier Becerra, Attorney General of the State of
26 California, by Tessa L. Heunis, Deputy Attorney General.

27 2. Respondent Tara Alaina Zandvliet, M.D. (Respondent) is represented in this
28 proceeding by attorney Raymond J. McMahon, whose address is: 5440 Trabuco Road

1 Irvine, CA 926202.1. On or about May 11, 2000, the Board issued Physician's and Surgeon's
2 Certificate No. A 71646 to Respondent. The Physician's and Surgeon's Certificate was in full
3 force and effect at all times relevant to the charges brought in Accusation No. 800-2017-032412,
4 and will expire on July 31, 2021, unless renewed.

5 JURISDICTION

6 3. On October 1, 2019, Accusation No. 800-2017-032412 was filed before the Board,
7 and is currently pending against Respondent. A true and correct copy of Accusation No. 800-
8 2017-032412 and all other statutorily required documents were properly served on Respondent on
9 October 1, 2019. Respondent timely filed her Notice of Defense contesting the Accusation. A
10 copy of Accusation No. 800-2017-032412 is attached as Exhibit A and incorporated herein by
11 reference.

12 ADVISEMENT AND WAIVERS

13 4. Respondent has carefully read, fully discussed with counsel, and fully understands the
14 charges and allegations in Accusation No. 800-2017-032412. Respondent has also carefully read,
15 fully discussed with her counsel, and fully understands the effects of this Stipulated Settlement
16 and Disciplinary Order.

17 5. Respondent is fully aware of her legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 6. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
24 waives and gives up each and every right set forth above.

25 CULPABILITY

26 7. Respondent does not contest that, at an administrative hearing, Complainant could
27 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
28 No. 800-2017-032412 and that her Physician's and Surgeon's Certificate No. A 71646 is

1 therefore subject to discipline. Respondent further agrees that if she ever petitions for early
2 termination or modification of probation, or if an Accusation is filed against her before the Board,
3 all of the charges and allegations contained in Accusation No. 800-2017-032412 shall be deemed
4 true, correct and fully admitted by Respondent for purposes of any such proceeding or any other
5 licensing proceeding involving respondent in the State of California or elsewhere.

6 8. Respondent agrees that her Physician's and Surgeon's Certificate No. A 71646 is
7 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set
8 forth in the Disciplinary Order below.

9 CONTINGENCY

10 9. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the
11 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
12 submitted to the Board for its consideration in the above-entitled matter and, further, that the
13 Board shall have a reasonable period of time in which to consider and act on this Stipulated
14 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
15 understands and agrees that she may not withdraw her agreement or seek to rescind this
16 stipulation prior to the time the Board considers and acts upon it.

17 10. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
18 and void and not binding upon the parties unless approved and adopted by the Board, except for
19 this paragraph, which shall remain in full force and effect. Respondent fully understands and
20 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
21 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
22 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify
23 the Board, any member thereof, and/or any other person from future participation in this or any
24 other matter affecting or involving Respondent. In the event that the Board does not, in its
25 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the
26 exception of this paragraph, it shall not become effective, shall be of no evidentiary value
27 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party
28 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order

1 be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any
2 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this
3 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

4 **ADDITIONAL PROVISIONS**

5 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
6 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
7 signatures thereto, shall have the same force and effect.

8 12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
9 be an integrated writing representing the complete, final and exclusive embodiment of the
10 agreements of the parties in the above-entitled matter.

11 13. In consideration of the foregoing admissions and stipulations, the parties agree the
12 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter
13 the following Disciplinary Order:

14 **DISCIPLINARY ORDER**

15 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 71646 issued
16 to Respondent Tara Alaina Zandvliet, M.D. is revoked. However, the revocation is stayed and
17 Respondent is placed on probation for three (3) years on the following terms and conditions:

18 1. **MEDICAL RECORD KEEPING COURSE.** Within 60 calendar days of the effective
19 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
20 advance by the Board or its designee. Respondent shall provide the approved course provider
21 with any information and documents that the approved course provider may deem pertinent.
22 Respondent shall participate in and successfully complete the classroom component of the course
23 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
24 complete any other component of the course within one (1) year of enrollment. The medical
25 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing
26 Medical Education (CME) requirements for renewal of licensure.

27 A medical record keeping course taken after the acts that gave rise to the charges in the
28 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board

1 or its designee, be accepted towards the fulfillment of this condition if the course would have
2 been approved by the Board or its designee had the course been taken after the effective date of
3 this Decision.

4 Respondent shall submit a certification of successful completion to the Board or its
5 designee not later than 15 calendar days after successfully completing the course, or not later than
6 15 calendar days after the effective date of the Decision, whichever is later.

7 2. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
8 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
9 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.

10 Respondent shall participate in and successfully complete that program. Respondent shall
11 provide any information and documents that the program may deem pertinent. Respondent shall
12 successfully complete the classroom component of the program not later than six (6) months after
13 Respondent's initial enrollment, and the longitudinal component of the program not later than the
14 time specified by the program, but no later than one (1) year after attending the classroom
15 component. The professionalism program shall be at Respondent's expense and shall be in
16 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

17 A professionalism program taken after the acts that gave rise to the charges in the
18 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
19 or its designee, be accepted towards the fulfillment of this condition if the program would have
20 been approved by the Board or its designee had the program been taken after the effective date of
21 this Decision.

22 Respondent shall submit a certification of successful completion to the Board or its
23 designee not later than 15 calendar days after successfully completing the program or not later
24 than 15 calendar days after the effective date of the Decision, whichever is later.

25 3. PROHIBITED PRACTICE. During probation, Respondent is prohibited from
26 making or issuing any written exemption from immunization, or any other written statements
27 providing that any child is exempt from the requirements of Chapter 1 (commencing with Section
28 120325, but excluding Section 120380) and Sections 120400, 120405, 120410, and 120415 of the

1 Health and Safety Code. After the effective date of this Decision, all patients being treated by
2 Respondent shall be notified of this prohibition. Any new patients must be provided this
3 notification at the time of their initial appointment.

4 Respondent shall maintain a log of all patients to whom the required oral notification was
5 made. The log shall contain the: 1) patient's name, address and phone number; 2) patient's
6 medical record number, if available; 3) the full name of the person making the notification; 4) the
7 date the notification was made; and 5) a description of the notification given. Respondent shall
8 keep this log in a separate file or ledger, in chronological order, shall make the log available for
9 immediate inspection and copying on the premises at all times during business hours by the Board
10 or its designee, and shall retain the log for the entire term of probation.

11 As used in this section, "patient(s)" refers to minor patients and their parents, custodians
12 and other legal guardians.

13 4. NOTIFICATION. Within seven (7) days of the effective date of this Decision,
14 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
15 Chief Executive Officer at every hospital where privileges or membership are extended to
16 Respondent, at any other facility where Respondent engages in the practice of medicine,
17 including all physician and *locum tenens* registries or other similar agencies, and to the Chief
18 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
19 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
20 calendar days.

21 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

22 5. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
23 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
24 advanced practice nurses.

25 6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
26 governing the practice of medicine in California and remain in full compliance with any court
27 ordered criminal probation, payments, and other orders.

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1 7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
2 under penalty of perjury on forms provided by the Board, stating whether there has been
3 compliance with all the conditions of probation.

4 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
5 of the preceding quarter.

6 8. GENERAL PROBATION REQUIREMENTS.

7 Compliance with Probation Unit

8 Respondent shall comply with the Board's probation unit.

9 Address Changes

10 Respondent shall, at all times, keep the Board informed of Respondent's business and
11 residence addresses, email address (if available), and telephone number. Changes of such
12 addresses shall be immediately communicated in writing to the Board or its designee. Under no
13 circumstances shall a post office box serve as an address of record, except as allowed by Business
14 and Professions Code section 2021, subdivision (b).

15 Place of Practice

16 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
17 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
18 facility.

19 License Renewal

20 Respondent shall maintain a current and renewed California physician's and surgeon's
21 license.

22 Travel or Residence Outside California

23 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
24 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
25 (30) calendar days.

26 In the event Respondent should leave the State of California to reside or to practice,
27 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
28 departure and return.

1 9. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
2 available in person upon request for interviews either at Respondent's place of business or at the
3 probation unit office, with or without prior notice throughout the term of probation.

4 10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
5 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
6 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
7 defined as any period of time Respondent is not practicing medicine as defined in Business and
8 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
9 patient care, clinical activity or teaching, or other activity as approved by the Board. If
10 Respondent resides in California and is considered to be in non-practice, Respondent shall
11 comply with all terms and conditions of probation. All time spent in an intensive training
12 program which has been approved by the Board or its designee shall not be considered non-
13 practice and does not relieve Respondent from complying with all the terms and conditions of
14 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
15 on probation with the medical licensing authority of that state or jurisdiction shall not be
16 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
17 period of non-practice.

18 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
19 months, Respondent shall successfully complete the Federation of State Medical Boards' Special
20 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
21 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
22 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

23 Respondent's period of non-practice while on probation shall not exceed two (2) years.

24 Periods of non-practice will not apply to the reduction of the probationary term.

25 Periods of non-practice for a Respondent residing outside of California will relieve
26 Respondent of the responsibility to comply with the probationary terms and conditions with the
27 exception of this condition and the following terms and conditions of probation: Obey All Laws;
28 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or

1 Controlled Substances; and Biological Fluid Testing..

2 11. COMPLETION OF PROBATION. Respondent shall comply with all financial
3 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
4 completion of probation. Upon successful completion of probation, Respondent's certificate shall
5 be fully restored.

6 12. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
7 of probation is a violation of probation. If Respondent violates probation in any respect, the
8 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
9 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke
10 Probation, or an Interim Suspension Order is filed against Respondent during probation, the
11 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall
12 be extended until the matter is final.

13 13. LICENSE SURRENDER. Following the effective date of this Decision, if
14 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
15 the terms and conditions of probation, Respondent may request to surrender her license. The
16 Board reserves the right to evaluate Respondent's request and to exercise its discretion in
17 determining whether or not to grant the request, or to take any other action deemed appropriate
18 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
19 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
20 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
21 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
22 application shall be treated as a petition for reinstatement of a revoked certificate.

23 14. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
24 with probation monitoring each and every year of probation, as designated by the Board, which
25 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
26 California and delivered to the Board or its designee no later than January 31 of each calendar
27 year.

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15. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2017-032412 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Raymond J. McMahon. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 71646. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 6/17/2020

TARA ALAINA ZANDVLIET, M.D.
Respondent

I have read and fully discussed with Respondent Tara Alaina Zandvliet, M.D., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: June 18, 2020

RAYMOND J. MCMAHON, ESQ.
Attorney for Respondent

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DATED: July 20, 2020

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

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