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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. 11-2012-227398

13 RAUL GALINDO IXTLAHUAC, M.D.

14 664 E. Workman Street
Covina, CA 91723

**DEFAULT DECISION
AND ORDER**

15 Physician's and Surgeon's Certificate
16 No. G 64373,

[Gov. Code, §11520]

17 Respondent.
18

19 **FINDINGS OF FACT**

20 1. On October 17, 1988, the Medical Board of California (Board) issued Physician's and
21 Surgeon's Certificate number G 64373 to Respondent, Raul Galindo Ixtlahuac, M.D. That
22 certificate was in full force and effect at all times relevant to the charges brought herein and will
23 expire on August 31, 2014, unless renewed. A Certificate of License Status is attached hereto as
24 Exhibit A and incorporated by reference.

25 2. On May 29, 2013, Complainant Linda K. Whitney, the former Executive Director of
26 the Board, acting in her official capacity as the Executive Director of the Board, filed an
27 Accusation against Respondent, case number 11-2012-227398.

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1 3. On or about May 29, 2013, Christina Haydon, a Staff Services Analyst of the Board's
2 Discipline Coordination Unit, served by Certified Mail, a copy of the Accusation No. 11-2012-
3 227398, a Statement to Respondent, a Notice of Defense, a Request for Discovery and copies of
4 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
5 with the Board, which is 664 East Workman Street, Covina, California 91723. In addition,
6 because Respondent is incarcerated at the Men's Correctional Training Facility (CTF) in Soledad,
7 California, a copy of the Accusation and related documents was sent by Certified Mail to
8 Respondent in care of the CTF at Highway 101 North, Soledad, California 93960. A copy of the
9 Accusation, the related documents, and Declaration of Service are attached hereto as Exhibit B
10 and incorporated herein by reference.

11 4. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c).

13 5. On May 31, 2013, the United States Postal Service return receipt for Certified Mail
14 was signed indicating receipt of the Accusation and related documents, which were served by the
15 Board on May 29, 2013, to the Covina address for Respondent. On June 3, 2013, the United
16 States Postal Service return receipt for Certified Mail was signed indicating receipt of the
17 Accusation and related documents, which were served by the Board on May 29, 2013, to the CTF
18 address for Respondent. A true and correct copy of said United States Postal Service Return
19 Receipts for Certified Mail are attached hereto as Exhibit C and is incorporated herein by
20 reference.

21 6. A Notice of Defense was due from Respondent on or about June 13, 2013. To date,
22 Respondent has not submitted a Notice of Defense to the Board or its counsel of record on this
23 matter.

24 7. The Declaration of Judith T. Alvarado attesting to the forgoing facts is attached
25 hereto as Exhibit D and is incorporated herein by reference.

26 8. Government Code section 11506 states, in pertinent part:

27 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
28 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation

1 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
2 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

3 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
4 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 11-2012-
5 227398.

6 9. California Government Code section 11520 states, in pertinent part:

7 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
8 agency may take action based upon the respondent's express admissions or upon other evidence
9 and affidavits may be used as evidence without any notice to respondent."

10 10. Pursuant to its authority under Government Code section 11520, the Board finds
11 Respondent is in default. The Board will take action without further hearing and, based on
12 Respondent's express admissions by way of default and the evidence before it, contained in
13 Exhibits A, B, C, D, and E, find that the allegations in Accusation No. 11-2012-227398 are true.

14 **DETERMINATION OF ISSUES**

15 1. Based on the foregoing findings of fact, Respondent Raul Galindo Ixtlahuac, M.D.
16 has subjected his Physician's and Surgeon's Certificate No. G 64373 to discipline.

17 2. A copy of the Accusation and the related documents and Declaration of Service are
18 attached.

19 3. The agency has jurisdiction to adjudicate this case by default.

20 4. The Medical Board of California is authorized to revoke Respondent's Physician's
21 and Surgeon's Certificate based upon the following violations alleged in the Accusation:

22 a. The requirement that he register as a sex offender pursuant to Penal Code section
23 290;

24 b. His conviction of a crime, a felony, substantially related to the qualifications,
25 functions, or duties of a physician, pursuant to Business and Professions Code section 2236.

26 Copies of the records of Respondent's conviction in Superior Court of California, County of Los
27 Angeles, Case Number KA099628 are attached hereto as Exhibit E and incorporated by
28 reference.

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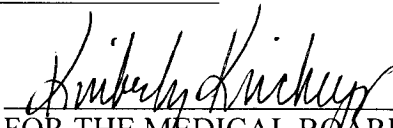
ORDER

IT IS ORDERED THAT Physician's and Surgeon's Certificate No. A109882, heretofore issued to Respondent Raul Galindo Ixtlahuac, M.D., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on September 12, 2013.

IT IS SO ORDERED August 13, 2013



FOR THE MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
KIMBERLY KIRCHMEYER
Interim Executive Director

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 29 2013
BY Christina Lujan ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 11-2012-227398

12 RAUL GALINDO IXTLAHUAC, M.D.

13 664 E. Workman Street
14 Covina, CA 91723

A C C U S A T I O N

15 Physician's and Surgeon's Certificate
16 No. G 64373,

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

23 2. On or about October 17, 1988, the Medical Board of California (Board) issued
24 Physician's and Surgeon's Certificate number G 64373 to Respondent, Raul Galindo Ixtlahuac,
25 M.D. That certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on August 31, 2014, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2227 of the Code provides that a licensee who is found guilty under the
3 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
4 one year, placed on probation and required to pay the costs of probation monitoring, or such other
5 action taken in relation to discipline as the Board deems proper.

6 5. Section 2232 of the Code states:

7 "(a) Except as provided in subdivisions (b), (c) , and (d), the board shall promptly revoke
8 the license of any person who, at any time after January 1, 1947, has been required to register as a
9 sex offender pursuant to the provisions of Section 290 of the Penal Code.

10 "(b) This section shall not apply to a person who is required to register as a sex offender
11 pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under
12 Section 314 of the Penal Code.

13 "(c)(1) Five years after the effective date of the revocation and three years after successful
14 discharge from parole, probation, or both parole and probation if under simultaneous supervision,
15 an individual who after January 1, 1947, and prior to January 1, 2005, was subject to subdivision
16 (a), may petition the superior court, in the county in which the individual has resided for, at
17 minimum, five years prior to filing the petition, to hold a hearing within one year of the date of
18 the petition, in order for the court to determine whether the individual no longer poses a possible
19 risk to patients. The individual shall provide notice of the petition to the Attorney General and to
20 the board at the time of its filing. The Attorney General and the board may present written and
21 oral argument to the court on the merits of the petition.

22 "(2) If the court finds that the individual no longer poses a possible risk to patients, and
23 there are no other underlying reasons for which the board pursued disciplinary action, the court
24 shall order, in writing, the board to reinstate the individual's license within 180 days of the date of
25 the order. The board may issue a probationary license to a person subject to this paragraph
26 subject to terms and conditions, including, but not limited to, any of the conditions of probation
27 specified in Section 2221.

28 "(3) If the court finds that the individual continues to pose a possible risk to patients, the

1 court shall deny relief. The court's decision shall be binding on the individual and the board, and
2 the individual shall be prohibited from filing a subsequent petition under this section based on the
3 same conviction.

4 "(d) This section shall not apply to a person who has been relieved under Section 290.5 of
5 the Penal Code of his or her duty to register as a sex offender, or whose duty to register has
6 otherwise been formally terminated under California law."

7 6. Section 2236 of the Code states:

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

12 (b) The district attorney, city attorney, or other prosecuting agency shall notify the Division
13 of Medical Quality^[1] of the pendency of an action against a licensee charging a felony or
14 misdemeanor immediately upon obtaining information that the defendant is a licensee. The
15 notice shall identify the licensee and describe the crimes charged and the facts alleged. The
16 prosecuting agency shall also notify the clerk of the court in which the action is pending that the
17 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds
18 a license as a physician and surgeon.

19 (c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours
20 after the conviction, transmit a certified copy of the record of conviction to the board. The
21 division may inquire into the circumstances surrounding the commission of a crime in order to fix
22 the degree of discipline or to determine if the conviction is of an offense substantially related to
23 the qualifications, functions, or duties of a physician and surgeon.

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

27 ¹ Pursuant to Business and Professions Code section 2002, "Division of Medical Quality"
28 or "Division" shall be deemed to refer to the Medical Board of California.

1 CAUSE FOR MANDATORY REVOCATION OF LICENSE

2 (Registration as a Sex Offender)

3 7. Respondent's Physician's and Surgeon's Certificate number G 64373 is subject to
4 mandatory revocation under section 2232, subdivision (a), of the Code in that he has been
5 required to register as a sex offender pursuant to the provisions of section 290 of the Penal Code.
6 The circumstances are as follows:

7 8. On or about October 5, 2012, in the case of *The People of the State of California v.*
8 *Raul Galindo Ixtlahuac*, Los Angeles County Superior Court case number KA099628,
9 Respondent was charged with violating Penal Code section 288.5, subdivision (a), continuous
10 sexual abuse of a child, a felony, and Penal Code section 289, subdivision (d), sexual penetration
11 by foreign object on an unconscious individual, a felony.

12 9. On or about December 4, 2012, a Second Amended Complaint was filed against
13 Respondent adding two additional charges of sexual penetration by foreign object on an
14 unconscious individual (Penal Code section 289, subdivision (d)), against a second child victim.

15 10. On or about December 4, 2012, Respondent was convicted, by way of plea of nolo
16 contendere, of the crime of continuous sexual abuse of a child, a felony (Penal Code section
17 288.5), as to victim Nina Doe and the crime of sexual penetration by foreign object on an
18 unconscious individual, a felony (Penal Code section 289, subdivision (d)), as to victim Tina Doe.

19 11. Respondent was sentenced on or about January 14, 2013, to serve six years in state
20 prison for each count, to run concurrently. Respondent was ordered to pay restitution to the
21 victims and pay additional fines and fees and to submit a biological swabs and samples pursuant
22 to Penal Code section 296.

23 12. As part of his sentence, Respondent was ordered to register a sex offender pursuant
24 the provisions of Penal Code section 290.

25 13. As a result of the order to register as a sex offender, Respondent's Physician's and
26 Surgeon's Certificate number G 64373 is subject to mandatory revocation pursuant to the
27 provisions of Business and Professions Code section 2232.

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1 **CAUSE FOR DISCIPLINE**

2 (Conviction of a Crime)

3 14. Respondent is subject to disciplinary action under section 2236 in that he was
4 convicted of a crime substantially related to the qualifications, functions, or duties of a physician.
5 The circumstances are as follows:

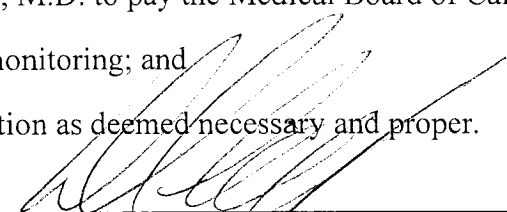
6 15. The allegations set forth in the Cause for Mandatory Revocation of License are
7 incorporated by reference as if fully set forth herein.

8 **PRAYER**

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

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 64373,
12 issued to Raul Galindo Ixtlahuac, M.D.;
- 13 2. Revoking, suspending or denying approval of Raul Galindo Ixtlahuac, M.D.'s
14 authority to supervise physician assistants, pursuant to section 3527 of the Code;
- 15 3. Ordering Raul Galindo Ixtlahuac, M.D. to pay the Medical Board of California, if
16 placed on probation, the costs of probation monitoring; and
- 17 4. Taking such other and further action as deemed necessary and proper.

18 DATED: May 29, 2013

19 
 20 LINDA K. WHITNEY
 21 Executive Director
 22 Medical Board of California
 23 Department of Consumer Affairs
 24 State of California
 25 Complainant

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