

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

**In the Matter of the Accusation)
Against:)
)
)
KING WONG, M.D.)
)
Physician's and Surgeon's)
Certificate No. A 35471)
)
Respondent)
_____)**

File No. 11-2013-230174

DECISION AND ORDER


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 December 7, 2017.

IT IS SO ORDERED November 7, 2017.

MEDICAL BOARD OF CALIFORNIA

By: _____


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

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
Deputy Attorney General
4 State Bar No. 119988
California Department of Justice
5 300 So. Spring Street, Suite 1702
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6 Telephone: (213) 897-7373
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 11-2013-230174

12 KING WONG, M.D.
2392 North Euclid Avenue
13 Upland, CA 91784

OAH No. 2016070975

14 Physician's and Surgeon's Certificate No. A
35471

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Cindy M. Lopez,
24 Deputy Attorney General.

25 2. Respondent KING WONG, M.D. (Respondent) is represented in this proceeding by
26 attorney Raymond J. McMahon, whose address is: 100 Spectrum Center Drive, Suite 520
27 Irvine, CA 92618.
28

1 10. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
4 those charges.

5 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
6 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
7 Disciplinary Order below.

8 **CONTINGENCY**

9 12. This stipulation shall be subject to approval by the Medical Board of California.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
11 Board of California may communicate directly with the Board regarding this stipulation and
12 settlement, without notice to or participation by Respondent or his counsel. By signing the
13 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
15 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
16 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
17 action between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
20 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
21 signatures thereto, shall have the same force and effect as the originals.

22 14. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Board may, without further notice or formal proceeding, issue and enter the following
24 Disciplinary Order:

25 **DISCIPLINARY ORDER**

26 **A. PUBLIC REPRIMAND**

27 IT IS HEREBY ORDERED THAT Respondent King Wong, M.D., as the holder
28

1 of Physician's and Surgeon's Certificate No. A 35471, shall be and hereby is publicly
2 reprimanded pursuant to Business and Professions Code section 2227, subdivision (a)(4) as
3 follows:

4 "You committed two simple departures from the standard of care with regard to patient
5 M.R."

6 **B. CLINICAL COMPETENCE ASSESSMENT PROGRAM.** Within 60 calendar
7 days of the effective date of this Decision, Respondent shall enroll in a clinical competence
8 assessment program approved in advance by the Board or its designee. Respondent shall
9 successfully complete the program not later than six (6) months after Respondent's initial
10 enrollment unless the Board or its designee agrees in writing to an extension of that time.

11 The program shall consist of a comprehensive assessment of Respondent's physical and
12 mental health and the six general domains of clinical competence as defined by the Accreditation
13 Council on Graduate Medical Education and American Board of Medical Specialties pertaining to
14 Respondent's current or intended area of practice. The program shall take into account data
15 obtained from the pre-assessment, self-report forms and interview, and the Decision(s),
16 Accusation(s), and any other information that the Board or its designee deems relevant. The
17 program shall require Respondent's on-site participation for a minimum of three (3) and no more
18 than five (5) days as determined by the program for the assessment and clinical education
19 evaluation. Respondent shall pay all expenses associated with the clinical competence
20 assessment program.

21 At the end of the evaluation, the program will submit a report to the Board or its designee
22 which unequivocally states whether the Respondent has demonstrated the ability to practice
23 safely and independently. Based on Respondent's performance on the clinical competence
24 assessment, the program will advise the Board or its designee of its recommendation(s) for the
25 scope and length of any additional educational or clinical training, evaluation or treatment for any
26 medical condition or psychological condition, or anything else affecting Respondent's practice of
27 medicine. Respondent shall comply with the program's recommendations.

1 Determination as to whether Respondent successfully completed the clinical competence
2 assessment program is solely within the program's jurisdiction.

3 Any violation of this condition or failure to complete the course shall be considered
4 unprofessional conduct and grounds for further disciplinary action for violation of Business and
5 Professions Code section 2234.

6
7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
9 discussed it with my attorney, Raymond J. McMahon. I understand the stipulation and the effect
10 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement
11 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
12 Decision and Order of the Medical Board of California.

13
14 DATED: 5/19/17


15 KING WONG, M.D.
Respondent

16 I have read and fully discussed with Respondent KING WONG, M.D. the terms and
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
18 I approve its form and content.

19 DATED: 5/19/17


20 RAYMOND J. MCMAHON
Attorney for Respondent

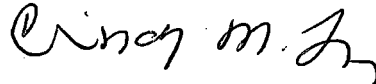
21
22 ENDORSEMENT

23 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
24 submitted for consideration by the Medical Board of California.

Dated: 8.10.17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General



CINDY M. LÓPEZ
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 11-2013-230174

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 29, 2015
BY: J. K. [Signature] 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. 11-2013-230174

12 **King Wong, M.D.**
13 **2392 North Euclid Avenue**
Upland, CA 91784

ACCUSATION

14 **Physician's and Surgeon's Certificate**
15 **No. A 35471,**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about July 1, 1980, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 35471 to King Wong, 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 February 29, 2016, unless renewed.

27 ///

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 unprofessional
11 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
12 limited to, the following:

13 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
14 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 negligent acts or
17 omissions. An initial negligent act or omission followed by a separate and distinct departure from
18 the applicable standard of care shall constitute repeated negligent acts.

19 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
20 for that negligent diagnosis of the patient shall constitute a single negligent act.

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

26 “(d) Incompetence.

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

1 did not place an order for an internal fetal monitor. When fetal heart tones are low, the Pitocin
2 should be turned off. If the mother keeps having contractions, the baby gets no rest, which is
3 what likely occurred in this case.

4 E. At 8:18 p.m. she was only dilated 4-5 centimeters. She had spontaneous rupture of
5 the membranes with thick meconium noticed. At 8:50 p.m., the patient was dilated to 8
6 centimeters, 0 station.

7 F. There was no mention of a possible C-section in the notes. On July 31, 2009, a female
8 infant weighing 9 pounds and five ounces was delivered using a vacuum because a shoulder
9 dystocia was encountered. Unfortunately, the baby was deceased.

10 Allegations of Gross Negligence

11 G. Respondent did not properly manage M.R.'s labor. Respondent failed to estimate the
12 fetal size, fetal lie (which way the baby is facing) and pelvic adequacy. There should have been a
13 note if the baby was felt to be too large to deliver vaginally.

14 H. During labor and delivery, Pitocin should have been stopped if the contractions
15 showed a low fetal heart rate and tachysystole (no rest between contractions).

16 I. This patient was a poor candidate for induction because she had a Bishop score of 4.

17 J. There was no mention of the application of a fetal electrode. This is important
18 because Respondent did not know if the heart rate was coming from the mother or the baby; thus,
19 an internal electrode would have been an accurate way to measure the baby's heart rate. Review
20 of the fetal monitor strips showed back to back contractions and inadequate recordings.

21 K. There were many errors which lead to the untimely demise of this baby. Had there
22 been an estimate of fetal weight, or an ultrasound performed within 6 weeks of induction of labor,
23 Respondent would have known the patient was having a big baby and Respondent might have
24 performed a C-section.

25 L. When the membranes were ruptured with 3 plus meconium, this should have alerted
26 Respondent that the baby was somehow compromised and action by Respondent was required.

27 ///

28

1 SECOND CAUSE FOR DISCIPLINE

2 (Repeated Negligent Acts)

3 7. Respondent is subject to disciplinary action under section 2234, subdivision (c), in
4 that his care and treatment of patient M.R. was negligent. The circumstances are as follows:

5 A. Complainant realleges the allegations in paragraphs 6, A-L, as though fully set forth
6 herein.

7 B. M.R. was a transfer patient but Respondent did not order lab studies or an ultrasound.
8 The notes did not indicate fetal size, presentation of cervix or maternal pelvic adequacy. She was
9 a rather small but obese patient.

10 PRAYER

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

13 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 35471,
14 issued to King Wong, M.D.;

15 2. Revoking, suspending or denying approval of King Wong, M.D.'s authority to
16 supervise physician assistants, pursuant to section 3527 of the Code;

17 3. Ordering King Wong, M.D., if placed on probation, to pay the Board the costs of
18 probation monitoring; and

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

20
21
22 DATED: August 20, 2015


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

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