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

12 In the Matter of the Accusation Against:

Case No. 800-2021-082976

13 **Robert Jay Rowen, M.D.**
14 **7048 E. Hurlbut Ave.**
Sebastopol, CA 95472

ACCUSATION

15
16 **2200 County Center Drive, Suite C**
Santa Rosa, CA 95403

17 **Physician's and Surgeon's Certificate**
18 **No. G 39465,**

19 Respondent.

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21 **PARTIES**

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

25 2. On or about June 18, 1979, the Medical Board (Board) issued Physician's and
26 Surgeon's Certificate No. G 39465 to Robert Jay Rowen, M.D. (Respondent). The Physician's
27 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
28 herein and will expire on November 30, 2024, unless renewed. On October 7, 2022, the Board

1 issued an order automatically suspending Respondent's Physician's and Surgeon's Certificate by
2 operation of law, pursuant to Business and Professions Code Section 2236.1.

3 **JURISDICTION**

4 3. This Accusation is brought before the Board, under the authority of the following
5 laws. All section references are to the Business and Professions Code (Code) unless otherwise
6 indicated.

7 4. Section 2227 of the Code states:

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

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

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

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

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

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

23 (b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review
24 or advisory conferences, professional competency examinations, continuing education activities,
25 and cost reimbursement associated therewith that are agreed to with the board and successfully
26 completed by the licensee, or other matters made confidential or privileged by existing law, is
27 deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

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1 STATUTORY PROVISIONS

2 5. Section 2234 of the Code, states:

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

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

8 (b) Gross negligence.

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

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

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

21 (d) Incompetence.

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

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

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

6. Section 726 of the Code states:

(a) The commission of any act of sexual abuse, misconduct, or relations with a
patient, client, or customer constitutes unprofessional conduct and grounds for
disciplinary action for any person licensed under this or under any initiative act
referred to in this division.

(b) This section shall not apply to consensual sexual contact between a licensee
and his or her spouse or person in an equivalent domestic relationship when that
licensee provides medical treatment, to his or her spouse or person in an equivalent
domestic relationship.

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1 to be available upon appropriation by the Legislature.

2 (i) Nothing in this section shall preclude a board from including the recovery of
3 the costs of investigation and enforcement of a case in any stipulated settlement.

4 (j) This section does not apply to any board if a specific statutory provision in
5 that board's licensing act provides for recovery of costs in an administrative
6 disciplinary proceeding.

7 **FACTUAL ALLEGATIONS**

8 9. At all times alleged herein, Respondent, was a physician who practices Integrative,
9 Complementary, and Alternative Medicine in Santa Rosa, California at private clinic in Santa
10 Rosa, California.

11 10. On or about October 26, 2021, Respondent saw Patient A in his clinic. Patient A
12 complained of "low energy" and saw Respondent for ozone therapy as well as overall preventive
13 healthcare. Respondent documented that Patient A had seen youtube videos and was interested in
14 ozone therapy for fatigue. Respondent documented fatigue, possibly secondary to chemical
15 exposure at the plant where Patient A works.

16 11. During the visit, Respondent asked Patient A if she was married and stated that
17 Patient A reminded him of his daughter, although she appeared older in appearance. Respondent
18 did muscle testing and checked Patient A's vitals. During this time, Patient A was seated on a
19 chair while Respondent was seated on a rolling stool. Respondent was so close to her that Patient
20 A felt Respondent's penis on her hand. Patient A immediately moved her hand.

21 12. Patient A was asked to lie down on the exam table and Respondent performed Energy
22 Field Testing and brushed his hand repeatedly up and down her entire chest from her neck to
23 stomach. Respondent brushed his hand on top of Patient A's chest, Respondent told Patient A
24 that "it was nothing personal." Respondent failed to explain to Patient A what he was going to do
25 prior to performing the maneuver.

26 13. While Patient A's arms were hanging over the exam table, she felt his flaccid penis
27 and testicles against her right hand. Patient A moved her hand closer to her body to avoid contact
28 with Respondent. Respondent checked for vital signs with his stethoscope, and had Patient A lay
down on his left side. Respondent used his left hand and lifted Patient A's bra without

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1 permission. Patient A believed that Respondent saw her breasts since she was wearing a skinny,
2 thin layered bra.

3 14. Respondent evaluated and palpated Patient A's femoral artery palpations.
4 Respondent asked Patient A to lie down on her back. Respondent used a stethoscope, and
5 lowered Patient A's pants and underwear away from her body and looked down her vagina.
6 Patient A did not know what he was looking for and she felt awkward and uncomfortable.
7 Respondent failed to explain to Patient A what he was going to do prior to performing the
8 maneuver.

9 15. Respondent also used his hands to brush up and down 4 to 6 times, starting on top of
10 Patient A's collar bone past Patient A's chest down to her bellybutton. Respondent told Patient A
11 that white blood cells were detected from the laboratory testing which was performed and asked
12 her when was the last time that she had sex.

13 16. Respondent requested a hug from Patient A as the conclusion of her examination.
14 Patient A felt that she was "powerless", and complied with Respondent's request.

15 **FIRST CAUSE FOR DISCIPLINE**
16 **(Sexual Abuse and Contact - Patient A)**

17 17. Respondent's license is subject to disciplinary action under Code sections 2234, and
18 726, in that he committed sexual abuse, misconduct, relations, exploitation, contact, and/or
19 harassment of Patient A¹. Paragraphs 9 through 16, above, are hereby incorporated by reference
20 and realleged as if fully set forth herein.

21 18. Respondent committed sexual abuse, misconduct, relations, exploitation, contact,
22 and/or harassment of Patient A which included, but is not limited to the following:

23 A. Respondent performed inappropriate sexual contact with his penis.

24 B. Respondent repetitively brushed his hand up and down Patient A's chest, touching
25 Patient A's nipples, while she was wearing a thin bra.

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28 ¹ Patient and witness names and information have been omitted to protect privacy. All
witnesses will be fully identified in discovery.

1 C. Respondent lifted her pants and underwear away from her body in order to look at
2 Patient A's vagina.

3 **SECOND CAUSE FOR DISCIPLINE**
4 **(Repeated Negligent Acts)**

5 19. Respondent's license is subject to disciplinary action under section 2234, subdivision
6 (c), of the Code, in that he committed repeated negligent acts during the care and treatment of
7 Patients A, as more particularly alleged hereinafter. Paragraphs 9 through 18, above, are hereby
8 incorporated by reference and realleged as if fully set forth herein.

9 20. Respondent committed repeated negligent acts in his care and treatment of Patient A,
10 which included, but is not limited to the following:

11 A. Respondent failed to provide a female chaperone during Respondent's examination of
12 Patient A which involved close skin to skin contact.

13 B. Respondent failed to adequately inform Patient A that he was conducting Energy
14 Field Testing which mandated close skin-to-skin contact.

15 C. Respondent failed to ask for informed consent from Patient A prior to conducting the
16 Energy Field Testing.

17 D. Respondent requested a hug from Patient A at the conclusion of the examination.

18 E. Respondent failed to explain to Patient A why he pulled down Patient A's pants and
19 underwear while performing femoral artery palpation.

20 **THIRD CAUSE FOR DISCIPLINE**
21 **(Failure to Maintain Adequate and Accurate Records)**

22 21. Respondent's license is subject to disciplinary action under section 2266, of the Code,
23 in that he failed to maintain adequate and accurate medical records relating to his care and
24 treatment of Patient A, as more particularly alleged hereinafter. Paragraphs 9 through 19, above,
25 are hereby incorporated by reference and realleged as if fully set forth herein.

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1 **FOURTH CAUSE FOR DISCIPLINE**
2 **(General Unprofessional Conduct)**

3 22. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
4 defined by section 2234, of the Code, in that he has engaged in conduct which breaches the rules
5 or ethical code of the medical profession, or conduct which is unbecoming of a member in good
6 standing of the medical profession, and which demonstrates an unfitness to practice medicine, as
7 more particularly alleged in paragraphs 9 through 19, above, which are hereby realleged and
8 incorporated by reference as if fully set forth herein.

9 **DISCIPLINARY CONSIDERATIONS**

10 23. To determine the degree of discipline, if any, to be imposed on Respondent Robert
11 Jay Rowen, M.D., Complainant alleges that on or about August 11, 1998, in a prior disciplinary
12 action titled *In the Matter of the Accusation Against Robert Jay Rowen, M.D.*, Certificate # No.
13 G-39465, File No. 16-97-74289 before the Medical Board of California, Respondent's license
14 was disciplined when the Board issued a Decision ordering that Respondent is publicly
15 reprimanded, finding an allegation of conviction for federal tax obstruction to be true, pursuant to
16 Section 2236 subdivision (a) of the Code. That Public Reprimand decision is now final and
17 incorporated by reference as if fully set forth herein.

18 24. Respondent entered into a Plea Agreement (Plea Agreement) in *United States of*
19 *America v. Robert Rowen*, United States District Court, Northern District of California, Case No.
20 19-cr-00468-CRB. On or about September 29, 2021, Respondent signed the Plea Agreement.
21 The Plea Agreement was filed on October 13, 2021. In the Plea Agreement, Respondent agreed
22 to plead guilty to the charge of Tax Evasion in violation of 26 U.S.C. section 7201.

23 25. Respondent agreed that he was guilty of the offense to which he was pleading guilty,
24 and that the following facts (summarized below) were true:

- 25 • that as of September 26, 2019, Respondent owed federal income tax liabilities in the
26 amount of approximately \$1,209,587.63.
- 27 • that Respondent willfully attempted to evade payment of his tax liability by
28 committing various affirmative acts of evasion.

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- that Respondent concealed income received in exchange for providing promotional research and writing articles by incorporating an entity to receive income and use those funds to purchase gold coins.
- that Respondent intentionally tried to conceal his ownership, management, and financial interest in the entity by directing other individuals to receive and deposit checks received for providing promotional research and writing articles into the entity’s account; sign and issue checks from the entity’s account to a gold dealer for gold purchases; and falsely represent on the entity’s corporate documents and tax forms that they were 99% shareholders of the company, even though they had no ownership interest in the business, and Respondent exclusively directed payments of funds and exercised day-to-day management and control over operations.
- that in order to conceal from the Internal Revenue Service (“IRS”) the income that he earned from his medical practice, from approximately January 2007 through April 2014, Respondent instructed patients, either personally or through staff, to make their checks for medical services payable to a gold dealer.
- that Respondent deposited these patient checks, along with other checks, into bank accounts for a gold dealer, and pursuant to arrangements Respondent made with a gold dealer, in exchange for these deposits, a gold dealer would send Respondent gold and silver coins.
- that Respondent admitted he deposited these patient checks into these bank accounts in order to conceal his assets from IRS collection.
- that between 2008 and 2013, Respondent used his income from providing promotional research and writing articles, along with income from his medical practice, to purchase more than \$3.7 million in gold and silver coins from a gold dealer.

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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. G 39465, issued to Robert Jay Rowen, M.D.;

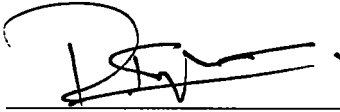
2. Revoking, suspending or denying approval of Robert Jay Rowen, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Robert Jay Rowen, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;

4. Ordering Respondent Robert Jay Rowen, M.D., if placed on probation, to provide patient notification in accordance with Business and Professions Code section 2228.1; and

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

DATED: JUN 29 2023



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

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