

IN THE MATTER
OF
MANUEL TANGUMA, III., M.D.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: MANUEL TANGUMA, III, M.D.


The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of California, has made a finding substantially equivalent to a finding that the practice of medicine by MANUEL TANGUMA, III., M.D. (the Respondent) in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the Ex Parte Interim Suspension Order, dated May 20, 2016, the Decision on Petition for Interim Suspension Order, dated June 13, 2016 and the First Amended Accusation, dated July 1, 2016, attached hereto as Appendix "A" and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York, or practice in any setting under the authority of Respondent's New York license 234556 .

Any practice of medicine in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the predicate action. The hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing

will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Hearing or Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the proceeding in the predicate action. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719 via Certified Mail, Return Receipt Requested, of the final conclusion of the proceeding in the predicate action, immediately upon such conclusion.

THE NEW YORK PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
October 24, 2016


Howard A. Zucker, M.D., J.D.
Commissioner of Health
New York State Department of Health

Inquiries should be directed to:

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BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

KIMBERLY KIRCHMEYER,
Executive Director, Medical Board of
California,

Petitioner,

vs.

MANUEL TANGUMA III, M.D.,
Physician's and Surgeon's Certificate
Number A101646,

Respondent.

Case No. 8002013002174

OAH No. 2016050605

EX PARTE INTERIM SUSPENSION ORDER

Abraham M. Levy, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on May 20, 2016, in San Diego, California.

Tessa L. Heunis, Deputy Attorney General, represented petitioner Kimberly Kirchmeyer, Executive Director of the Medical Board of California (Board)

Robert W. Frank, Attorney at Law, represented respondent Manuel Tanguma III, M.D., who was not present.

The matter was submitted on May 20, 2016.

I.

1. On May 16, 2016, petitioner filed an Ex Parte Petition for Interim Suspension Order under Government Code section 11529, seeking to suspend respondent's certificate number A101646 and prohibit him from practicing medicine pending a noticed hearing on this motion and a final decision on the accusation to be filed in this matter.

2. Petitioner submitted declarations from patients A, B, C, D, E, F, G, and H and the declaration of L.L. Petitioner also submitted declarations from Keith Wahl, M.D., F.A.C.S. and Geeta Malik, M.D. The patient declarations stated that from February 2013 through August

2015, respondent made inappropriate sexual comments to them during exams; made unwanted sexual advances towards them; and engaged in sexual behavior with the patients.

Drs. Malik and Wahl reviewed the declarations of these patients and the medical records of patients A, C, D, E, and F. Dr. Wahl concluded that respondent is a danger to the public and public protection requires his immediate suspension from the practice of medicine because he puts his own self-gratification and sexual predatory behavior above his duty as a physician to care for his patients. Dr. Wahl added that respondent appears to be unable to separate his abnormal behavior from the medical needs of his patients. Dr. Malik opined that respondent's conduct constituted extreme departures in the treatment of patients A, C, E and F due to his inappropriate sexual behavior and/or comments and his failure to maintain adequate and accurate medical records in the care of patients A, C, and E. Dr. Malik also concluded that respondent committed an extreme departure from the standard of care with respect to patient C because he failed to advise her that she had diabetes and she required appropriate treatment.

3. There is a reasonable probability that petitioner will prevail in an action to discipline respondent's certificate for violations of Business and Professions Code sections 726 and 2234, subdivisions (a) and (b).

4. Permitting respondent to engage in the practice of medicine will endanger the public health, safety, and welfare.

5. The likelihood of injury to the public in not issuing the order outweighs the likelihood of injury to respondent in issuing the order.

6. Serious injury would result to the public unless this order is issued before the matter can be heard on notice.

7. Cause exists under Government Code section 11529 to suspend respondent's license pending a full hearing on the merits.

II.

Accordingly, it is ordered:

Physician's and Surgeon's Certificate, Number A101646, issued to respondent, is suspended in accordance with Government Code section 11529, pending a full hearing on the merits. During the suspension, respondent may not practice medicine or surgery or do any act for which licensure by the Board is required.

A noticed hearing on the Petition will be held at the Office of Administrative Hearings, 1350 Front Street, Suite 3005, San Diego, California, on June 6, 2016, at 10:30 a.m.

Documents and affidavits in opposition to the Petition may be filed by respondent by close of business on or before May 31, 2016. Petitioner may reply to any documents or affidavits filed by respondent by close of business on or before June 3, 2016.

Petitioner shall serve a copy of this order, with the declarations and all other information in support of the Petition, at respondent's address of record on file with the Board and to his attorney of record by an overnight mail delivery service.

DATED: May 20, 2016

[REDACTED]

ABRAHAM M. LEVY
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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

Petitioner,

vs.

MANUEL TANGUMA III, M.D.,
Physician's and Surgeon's Certificate No.
A 101646 ,

Respondent.

Case No. 8002013002174

OAH No. 2016050605

DECISION ON PETITION FOR INTERIM SUSPENSION ORDER

On May 16, 2016, Kimberly Kirchmeyer, Executive Director of the Medical Board California (Board), filed a Petition for an Ex Parte Interim Suspension Order pursuant to Government Code section 11529, seeking to suspend, pending a full hearing on the merits, the physician's and surgeon's certificate issued to Respondent Manuel Tanguma III, M.D. Tessu L. Heunis, Deputy Attorney General, represents petitioner. Robert W. Frank, Attorney at Law, represents Manuel Tanguma III, M.D.

On May 20, 2016, Abraham M. Levy, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard the request for an ex parte order at the Office of Administrative Hearings in San Diego. On May 20, 2016, an ex parte order was issued suspending Dr. Tanguma's license to practice medicine, and a hearing was set for June 6, 2016, under Government Code section 11529, at OAH in San Diego. On that date, a hearing was held and the parties argued their respective positions. On June 6, 2016, the matter was submitted for decision.

PREHEARING MOTION

On June 2, 2016, a hearing was held to address petitioner's request to quash subpoenas respondent served upon the declarants in this matter. Respondent argued that the testimony of these persons was necessary to assess their credibility. After hearing from the parties, in an order dated June 2, 2016, petitioner's motion to quash was granted.

FACTUAL FINDINGS

1. Dr. Tanguma was issued Physician's and Surgeon's Certificate No. A 101646 on September 26, 2007. The certificate will expire on July 31, 2017, unless renewed.
2. On October 30, 2014, petitioner filed an accusation against Dr. Tanguma alleging that in 2013, Dr. Tanguma committed an act or acts of sexual abuse, misconduct, or relations with patient M.M. While that matter was pending, eight patients came forward and claimed that, from February 2013 through August 2015, Dr. Tanguma made inappropriate sexual comments to them during exams; made unwanted sexual advances towards them; and engaged in sexual behavior with them. One patient claimed that Dr. Tanguma demanded sex from her in exchange for prescriptions for controlled substances. The declarations of these eight patients were submitted in support of the petition in this matter.
3. Petitioner also submitted the declarations of Keith Wahl, M.D., F.A.C.S. and Geeta Malik, M.D. in support of the petition. Drs. Wahl and Malik reviewed the declarations of these eight patients, plus the medical records of five of these patients.¹

Declarations of Patients

In their declarations, each of the eight female patients detail Dr. Tanguma's sexually charged conduct with them.

4. Patient A, a married woman in her 40s, first saw Dr. Tanguma in August 2013. She saw him for knee pain, and he wrote her a prescription for 5 mg/500 mg Vicodin tablets. She described Dr. Tanguma as a little "flirty." She returned to review the results from the x-ray Dr. Tanguma ordered. During her consult with him, he suggested that her husband may be cheating on her because he had lost weight, and he asked her if "she does what she wants," which she took to mean whether she cheated on her husband. Dr. Tanguma then asked if he could call her sometime. She became uncomfortable and told him only if it is medically related.

¹ Petitioner also attached the declaration of Medical Assistant J.L. Drs. Malik and Wahl did not address the conduct depicted in J.L.'s declaration and it is not addressed in this decision.

On November 1, 2013, Patient A went to Dr. Tanguma's medical group office due to a urinary tract infection. She felt ill and was worried. She asked if she could give a urine sample to see if there was an infection. The nurse stated that Dr. Tanguma wanted to see her. Because she did not feel well, Patient A felt that she had no choice but to see him.

During his examination of Patient A, Dr. Tanguma expressed concern about her discomfort and said he wanted to check her. He pulled her shirt up and the back of his hands were on her breasts; he felt around her belly and asked if she had plastic surgery; she told him she had a "tummy tuck." Dr. Tanguma then rubbed Patient A's stomach and told her that she had some fat pockets but that she "still looked good." Dr. Tanguma asked if this was the only plastic surgery she had as he was looking at her breasts. He made a gesture that he was getting hot all of a sudden and said to her, "I feel like I'm your puppy dog when I'm around you." Patient A wanted to leave and asked him if he was going to give her antibiotics. He said he would, but his nurse needed to give her a shot and she needed to wait a bit. Dr. Tanguma then gave Patient A his hand and tried to kiss her on the lips. Patient A moved her head and he kissed her on the cheek. Dr. Tanguma asked her if she got lipstick on him, she said no, and he asked her, "Do you want to try again?" Patient A said "no" as she was walking out.

5. Patient B was Dr. Tanguma's patient on September 28, 2011, June 28, 2013, and October 7, 2013. On June 28, 2013, Patient B saw Dr. Tanguma for a foot rash. While she was describing the rash, Dr. Tanguma told her something to the effect of, "I'm sorry, I've been lost in your eyes." He then asked her about her relationship status and whether she was married or had a boyfriend. Dr. Tanguma asked her when her last pap smear was and wanted to do it at that appointment. He said there was no need for her to see a gynecologist. At a follow-up appointment with Dr. Tanguma on October 7, 2013, concerned about Dr. Tanguma's previous conduct, Patient B brought her boyfriend with her.

6. Patient C was a 69-year-old patient of Dr. Tanguma's from July 2013 to August 2014. At her July 30, 2013 appointment, Patient C saw Dr. Tanguma for an unspecified medical problem. She disclosed many personal issues to him about her history. Dr. Tanguma asked her if she was sexually active. She told him that she was not because her husband had passed away twenty years earlier and she had not dated. Dr. Tanguma then said, "What no friends with benefits?" Patient C also said that she was experiencing stress incontinence when she sneezed or laughed. Dr. Tanguma did a urine analysis and diagnosed a urinary tract infection. Her urine also showed elevated glucose and Dr. Tanguma appeared concerned that she may have diabetes so he ordered additional lab work.

During this exam Dr. Tanguma asked if she had any birthmarks or tattoos and asked if he could see them. When she told him she had a tattoo he asked to see it and commented, "No, that's very unprofessional of me. I could get into a lot of trouble." After the appointment Dr. Tanguma walked her into the hallway and, while holding her hand, told her, "If you haven't figured it out, I'm flirting with you." Just before letting go of her hand he used his middle finger to rub the inside of Patient C's palm. She tried to remove her hand but Dr. Tanguma held onto it.

Although the lab work was completed on August 3, 2013, Patient C did not hear from Dr. Tanguma. Much later Patient C learned that she had very abnormal values, indicating she was diabetic.

Patient C returned to see Dr. Tanguma on January 15, 2014. During this visit, she told Dr. Tanguma she was very depressed because her adult daughter had a life-threatening medical condition. Dr. Tanguma sat on a chair, rolled it over to Patient C, took both her hands, and kissed her several times on the lips. Patient C was stunned but liked the attention he gave her. Patient C asked him for a referral to a gynecologist, and he said "he could do it" for her. Patient C declined his offer. He then asked her if she lived alone. Dr. Tanguma said he was very busy that week and told her he would like to set up a time with her to get together. Dr. Tanguma said he had her number, and he would make sure she had his.

Patient C next saw Dr. Tanguma for a medical appointment on April 4, 2014 for a regularly scheduled appointment. At this visit, Dr. Tanguma kissed her on the cheek when he first saw her. He also referred her to a dermatologist. He told her he had been busy with family issues but could not stop thinking about her. Dr. Tanguma told her, "When I'm around you, I feel like I am in high school again." He kissed her a couple of times.

At this point, Dr. Tanguma stood up in front of Patient C; unzipped his pants and pulled out his erect penis. He told Patient C, "see what you do to me" and asked her to touch his penis. She described her state as "stunned, embarrassed, a little fearful" and she refused his request. When she refused he said, "Wow, look at the time!" He then said he had to go and see a patient. He walked her out without performing a physical examination and promised to call her.

Although Patient C decided not to see Dr. Tanguma again, on December 16, 2014, she accompanied her adult daughter for an appointment to have Dr. Tanguma remove staples following back surgery. During the appointment, Patient C's daughter had to leave the exam room to go to the restroom. When she was out of the room, Dr. Tanguma asked her if she was mad at him. She told him she was and that he had hurt and embarrassed her. Dr. Tanguma apologized, said that was not his intention, that he had not stopped thinking about her, and that she made him feel like he was in high school.

Dr. Tanguma then swiveled on his stool and said, "Look what you do to me." He opened his lap coat and showed her that his penis was erect and visible through his pants. He reached to unzip his pants and Patient C told him "No, what are you thinking?!" She asked him if he was married and whether he had children. Dr. Tanguma responded he was "technically" married, although he was not happy in his marriage; he had a little boy; and he could not stop thinking about her. Patient C's daughter returned, Patient C left the room, went to her car, and cried.

In April 2015, during a visit with a new primary care doctor, Patient C was informed for the first time that she was in fact diabetic. She was placed on medication and attended educational classes.

7. Patient D treated with Dr. Tanguma, along with her two children, from 2008 to 2013. Patient D had many medical issues, which caused her physical pain. On her last visit with Dr. Tanguma, Dr. Tanguma was conducting an examination of her breasts or abdomen while she was lying down on the examination table. Dr. Tanguma was standing next to her, at her side, when he reached into his pants and pulled out his erect penis inches from her face. Dr. Tanguma looked at her and waited for a reaction. Patient D froze and refused to show any reaction.

8. Patient E was Dr. Tanguma's patient from 2012 to August 28, 2015. During her initial visit with him, he asked her if she had a satisfying sex life and about her dating or marital status. He hugged her multiple times. At a follow-up appointment, he asked her if she lived closed by and if they could have lunch together. Patient E declined. During her visits with him, Dr. Tanguma hugged her multiple times and made sexual innuendos to her. At her last visit with him on August 28, 2015, he hugged her very tightly and she observed that he had an erection.

9. Patient F was Dr. Tanguma's patient in 2015. During one visit with Dr. Tanguma, he asked her how often she used the implanted intrauterine contraceptive device. When she told him "everyday," because the device is implanted, Dr. Tanguma told her "Oh, you're killing me right now." Dr. Tanguma then asked her about her last pap smear and told her "When its next due I would love to do your pap smear." Dr. Tanguma also asked Patient F when she last had her breasts examined, and with both hands opened to approximately chest level said, "I'd love to do your breast exam, just to make sure all is well." Patient F declined to have Dr. Tanguma perform the exam. He then asked her whether she had a boyfriend. She asked him if he had a girlfriend and he said something to the effect of, "On again, off again." Dr. Tanguma then told her that he is "not getting any at home," and he was flustered when he saw Patient F.

10. Patient G was Dr. Tanguma's patient from 2010 to 2015. In her declaration she detailed a number of sexually charged comments by Dr. Tanguma and sexual encounters she had with Dr. Tanguma. She stated that she tolerated his behavior in order to obtain prescription controlled substances from him. Patient G noted she had a history of alcohol abuse.

In one instance, Dr. Tanguma instructed her to undress the upper half of her body while she waited for an echocardiogram to be performed. He then opened the door to the exam room without knocking and said, "Man, I missed seeing your boobs." In other instances, he rubbed his penis to get it erect while examining her. Dr. Tanguma frequently had erections during her office visits with him. He told her his penis was nine and a half inches; he asked if she minded it uncircumcised; he also said things to her like "Do you want to taste it?" and "Do you want to feel it in your mouth?" Dr. Tanguma also said he would like to see Patient G's vagina and asked her for a picture of it.

During another visit, she saw Dr. Tanguma for stomach problems she was having. He asked her to unzip her pants, and she asked him if a nurse should be present. Dr. Tanguma

told her that that was not necessary. She thought he was going to palpate her stomach area, but then he tried to unzip her pants and pull them down to rub her vagina. She said that she "could not get away from him" and kept telling him to stop, which he eventually did. On another occasion, Dr. Tanguma told her to take all her clothes off as he went to see another patient. When he returned, he asked her why she did not take her clothes off. Patient G said Dr. Tanguma's hands were shaking because he was "expecting it." Dr. Tanguma asked her if she would have sex with him and a friend as a "threesome" and described a sexual relationship he had with this person.

Ultimately, on multiple occasions, Dr. Tanguma demanded fellatio from Patient G in exchange for prescription pain medications which Patient G performed. After their relations, Dr. Tanguma wrote prescriptions for her. If she refused to perform, Patient G said he threatened to withhold the pain medications, and once told her he would say things to her husband about what she had done.

11. Patient H was Dr. Tanguma's patient from 2008 to 2009 and returned to see him from October 2014 to June 2015. Patient H was concerned because she had difficulty walking and diagnostic testing had not revealed a cause for her condition. She thought Dr. Tanguma could help her because she helped her daughter with a medical problem she had.

When she returned to see him for this condition in October 2014, Dr. Tanguma said to her, "I just want you know-I've always been attracted to you and I want to have sex with you. . . I'm only going to ask this once." She told him no and thought he perhaps was joking. She continued to see him through June 2015. On two separate occasions, he asked her if she wanted to have sex with him, and she realized then that he was not joking. She deflected his requests with humor.

At Patient H's last visit with Dr. Tanguma in June 2015, he told her he had something for her. He showed her a picture on his cell phone. She didn't immediately see what the picture depicted and took the phone from him. The photo depicted a man taking a "selfie" photo with his trousers open and his penis exposed and erect. The man's face was not visible. Patient H asked Dr. Tanguma if the photo was a picture of a dildo and he answered, "No, it's not a dildo." Patient H said, "I take it, you also want to see a 'selfie' of one of my body parts?" Dr. Tanguma told her he did, and Patient H declined to do so.

Declarations from Drs. Wahl and Malik

12. Petitioner submitted declarations from patients A, B, C, D, E, F, G, and H and the medical records of patients A, C, D, E, and F to Keith Wahl, M.D., F.A.C.S. and Geeta Malik, M.D.

Drs. Malik and Wahl reviewed the declarations of these patients and the medical records of patients A, C, D, E, and F. Dr. Wahl concluded that respondent is a danger to the public and public protection requires his immediate suspension from the practice of medicine because he puts his own self-gratification and sexual predatory behavior above his duty as a physician to

care for his patients. Dr. Wuhl added that respondent appears to be unable to separate his abnormal behavior from the medical needs of his patients. Dr. Malik opined that respondent's conduct constituted extreme departures in the treatment of patients A, C, E and F due to his inappropriate sexual behavior and/or comments and his failure to maintain adequate and accurate medical records in the care of patients A, C, and E. Dr. Malik also concluded that respondent committed an extreme departure from the standard of care with respect to patient C because he failed to advise her that she had diabetes and she required appropriate treatment.

Respondent's Evidence and Argument

13. Dr. Tanguma presented no evidence on his behalf. He argued that the declarations from these patients should not be relied upon but did not state specifically why the declarations made their statements not credible for purposes of this proceeding. Dr. Tanguma asked that in lieu of suspension, a restriction be issued against his license prohibiting him from examining female patients.

LEGAL CONCLUSIONS

1. Government Code section 11529, subdivision (a) provides, in pertinent part, that an interim order suspending a medical license may be issued where it is shown that a licensee "has engaged in, or is about to engage in, acts or omissions constituting a violation of the Medical Practices Act . . . , or is unable to practice safely due to a mental or physical condition, and that permitting the licensee to continue to engage in the profession for which the license was issued will endanger the public health, safety, or welfare."

Under this section an administrative law judge may also impose conditions upon a medical license including license restrictions. Government Code section 11529, subdivision (e), provides that the administrative law judge shall grant the interim order where, in the exercise of discretion, the judge concludes that: There is a reasonable probability that the petitioner will prevail in the underlying action; and the likelihood of injury to the public in not issuing the order outweighs the likelihood of injury to the licensee in issuing the order.

2. Business and Professions Code section 726, subdivision (a), provides as follows:

(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 division or under any initiative act referred to in this division. . . .

3. Business and Professions Code section 2234 provides in part:

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

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

(b) Gross negligence. . . .

4. "Gross negligence" long has been defined in California as either a "want of even scant care" or "an extreme departure from the ordinary standard of conduct." (*Gore v. Board of Medical Quality Assurance* (1980) 110 Cal.App.3d 184, 195-198; *City of Santa Barbara v. Superior Court* (2007) 41 Cal.4th 747, 753-754.)

5. Petitioner must prove the facts necessary to establish the above conditions under Government Code section 11529 by a preponderance of the evidence. Petitioner has met her burden in this regard.

6. Based on the declarations of eight female patients and the opinions of Drs. Wahl and Malik, petitioner has a reasonable probability of prevailing in an underlying action against Dr. Tanguma's license under Business and Professions Code sections 726 and 2234, subdivisions (a) and (b).

7. Permitting Dr. Tanguma to continue to engage in the practice of medicine, even on a restricted basis, will endanger the public health, safety, and welfare. As documented in the declarations of eight patients and Drs. Wahl and Malik, Dr. Tanguma repeatedly, over period of several years, placed his personal needs above the medical needs of his patients. He presented no evidence on his behalf.

8. The likelihood of injury to the public in not issuing the order outweighs the likelihood of injury to Dr. Tanguma in issuing the order.

ORDER

Physician's and Surgeon's Certificate No. A 101646 issued to Respondent Manuel Tanguma III, M.D., is suspended and, pending further order or decision, Respondent shall not practice medicine in the State of California.

During any period of interim suspension, starting with receipt of this Order, Respondent shall surrender to the Board or its agent, for safekeeping pending a final administrative order of

the Board in this matter, all indicia of his licensure as a physician under Business and Professions Code section 119, including his wall certificate and his wallet card, all prescription forms, all prescription drugs not legally prescribed to Respondent by his treating physician and surgeon, all Drug Enforcement Administration Drug Order forms, and all Drug Enforcement Administration permits.

Dated: June 13, 2016

Declassified by:



CS4184237D2243C

ABRAHAM M. LEVY
Administrative Law Judge
Office of Administrative Hearings