

# ACTION REPORT

BOARD OF MEDICAL QUALITY ASSURANCE

No. 9 - January 1979

## CHANGE IN CME REPORTING REQUIREMENTS

The Division of Licensing, after almost two years of experience in administering its Continuing Medical Education program, has revised its regulations to simplify the reporting procedure.

The requirements for physicians to complete continuing education courses/programs remains unchanged; effective immediately, however, physicians will **no longer be required to report their CME courses and hours** to BMQA directly. Instead, the new system merely requires physicians to certify by signature that they have met the Division's requirement of an average of 25 hours of approved continuing education per year. This certification will be made every other year at the time the physician renews his/her license.

Each year a random sample of physicians will be selected for audit to determine that they have, in fact, met the minimum requirements. In addition, the audit will provide data on the type, location, cost, etc. of courses to aid in the evaluation of the overall impact of the requirement.

Physicians who already report their hours directly to the California Medical Association or the California Academy of Family Practitioners are encouraged to continue to do so. In the event you receive an audit notification, simply note on the audit form that this information has been provided to the CMA or CAFP. The BMQA has agreed to accept CMA and CAFP statements of compliance. Thus, if a physician reports to the CMA or CAFP and that organization reports that all State requirements have been met, no further action will be taken by BMQA for those years.

In order to fulfill our requirements the physician must now do the following:

- 1) Complete an average of 25 hours per year of approved continuing medical education. There is no change in the criteria for approved courses.
- 2) Certify by signature on the license renewal application that the CME requirements have been met.
- 3) In the event of an audit be able to either:
  - A) State that the CMA or CAFP has received, and accepted as meeting State requirements, a listing of courses completed for the years to be audited, or
  - B) Document courses attended, hours of approved credit, sponsoring organization, subject matter, and location.

Members of the Division believe that this simplified system will reduce significantly the time and cost involved for both the physicians of California and the Board of Medical Quality Assurance. All physicians are reminded, however, that they still must complete a minimum of 100 hours of approved continuing medical education during a four year period unless a waiver has been granted; otherwise they will not be eligible for license renewal.

Should a physician choose to ignore the continuing medical education requirements and falsely report that compliance has been achieved, he or she should be aware that the new regulations state:

"It shall be unprofessional conduct for any physician to misrepresent his or her compliance with the provisions of this (continuing medical education reporting) article."

Such misrepresentations which are discovered by audit may lead to disciplinary action by the Board.

If you have questions or comments or would like to receive a complete copy of the new regulations, write or call:

BOARD OF MEDICAL QUALITY ASSURANCE  
Continuing Medical Education Unit  
1430 Howe Avenue  
Sacramento, CA 95825  
(916) 920-6353

## REDUCTION IN LICENSE FEES

In 1977 legislation was enacted which allows the Board of Medical Quality Assurance to set initial license and renewal fees at a maximum of \$200 for a two year period. Based on projections of expenses the Board set the license fee at \$168 effective at the February 28, 1978 renewal. As you know, we also converted to a birthday renewal system at that time. We projected that the \$168 figure would cover our expenses if sound fiscal management was followed and no major program increases were initiated.

The passage of Proposition 13 last June has affected our budget in a number of ways, even though no property or income tax dollars are involved in Board funding. Among the impacts were:

- 1) Board employees received no cost-of-living salary increases this year.
- 2) Our operating budget was cut by 5% through administrative action.
- 3) A number of recommended increases in staffing or support expenses have been either deferred or eliminated.

As a result of these cost saving measures we now project that a surplus will accumulate if no action is taken. Therefore, the Board has decided to reduce physician license renewal fees to \$144. This reduction will be made retroactive to February 28, 1978. At the next renewal, physicians will be billed for \$144 less a credit of \$1/month for a period of licensure between February 28, 1978 and their renewal date. As examples, physicians who renew on February 28, 1979 will be billed for \$132 (\$144 less credit of \$12 for the twelve months from February 28, 1978 to February 28, 1979.) Physicians who renew on August 31, 1980 will be billed for \$114 (\$144 less a credit of \$30 for the thirty months between February 28, 1978 and August 31, 1980.) **No action is required on the part of physicians.** The Board will calculate all fees due and notify physicians before their regular renewal date.

This reduction will involve a savings of \$3.5 million to California physicians over the next four years while allowing the Board of Medical Quality Assurance to maintain an effective and responsible program.

Your questions and comments should be addressed to:

BOARD OF MEDICAL QUALITY ASSURANCE  
1430 Howe Avenue  
Sacramento, CA 95825  
(916) 920-6343

## LICENSE FEES

Due to recent legislation (AB 3609), a physician is no longer required to be receiving social security benefits in order to be eligible for exemption from payment of renewal fees, provided the physician has reached the age of retirement, has practiced medicine in California for 20 years or more, and customarily provides his or her services free of charge.

## DISCIPLINARY ACTIONS JULY 1, 1978—NOVEMBER 1, 1978

Ali, Salah T., M.D. (A-17706)—Norwalk

2361(b) and (c) B & P Code

Gross negligence, incompetence in surgical operations and in post-surgery management.  
Revoked, stayed, 7 years probation on terms and conditions.

September 11, 1978

Andes, Jerome E., M.D. (C-8043)—Cave Creek, Arizona

2363 B & P Code

Arizona license was surrendered pending charges by Arizona for self-use of Demerol, Cocaine and other drugs.  
Revoked.

October 26, 1978

Barke, Morton, M.D. (A-20549)—Inglewood

2383, 490, 2361(f) B & P Code

Stipulated Decision. Conviction for receiving stolen goods valued under \$200. Also, filing false Medi-Cal claims.

Suspended 1 year, stayed, 2 years probation on terms and conditions.

October 16, 1978

Boyce, Lancy L., M.D. (C-24418)—Fresno

2391.5, 2390, 2384 B & P Code

Conviction for violating drug statutes. Self-use of Demerol.

Revoked, stayed, 10 years probation on terms and conditions including 20 days suspension.  
September 11, 1978

Brodie, Walter Douglas, M.D. (C-14214)—Tahoe City

2361(a), 2391, 2391.5 B & P Code, 11156, 11165 H & S

Prescribing narcotics to a known addict.

Suspended 30 days, stayed, 18 months probation on terms and conditions.  
July 31, 1978

Buckley, John, M.D. (G-5301)—Santa Rosa

2399.5, 2391.5 B & P Code

Stipulated Decision. Issued many prescriptions for controlled drugs without good faith examination and medical indication, and to people not under his treatment for pathology or condition.

Revoked, stayed, 5 years probation on terms and conditions.

October 9, 1978

Cedar, Stanley, M.D. (G-11264)—Berkeley

2361(e), 2361(f) B & P Code

Violated probation by engaging in sexual misconduct with patient.

Revoked.

July 14, 1978

Cobbs, Price M., M.D. (C-21737)—San Francisco

2361(f), 2411, 2383 B & P Code

Conviction for filing false Medi-Cal claims.

Revoked, stayed, 2 years probation on terms and conditions.

September 14, 1978

Desmuke, Lamar D., M.D. (A-21533)—Oakland

2361(b), (c), and (d), 2399.5, 2392 B & P Code

Stipulated Decision. Issued many prescriptions for controlled drugs without good faith examination and medical indication. Gross negligence and excessive prescribing of drugs. Aiding office employees in unlawful practice of medicine.

Revoked.

July 28, 1978

Diller, Theodore, M.D. (A-09371)—San Francisco

2391.5, 2399.5, B & P Code, 11154 H & S

Stipulated Decision. Prescribing dangerous drugs without good faith examination and medical indication.

Suspended 6 months, stayed, 5 years probation on terms and conditions.  
July 26, 1978

Ey, Richard C., M.D. (C-24918)—Porterville

2383, 2390 B & P Code

Conviction for negligent use of gun; conviction for voluntary manslaughter which occurred during a domestic quarrel while drinking.

Revoked, stayed, 7 years probation on terms and conditions.

October 9, 1978

Fahlsing, Edwin L., M.D. (G-9695)—San Diego

2390 B & P Code

Stipulated Decision. Misdemeanor convictions involving the use of alcohol.

Revoked, stayed, 7 years probation on terms and conditions.

September 11, 1978

Flack, Bradford Ames, M.D. (G-22472)—Los Angeles

2361(b) B & P Code

Gross negligence in failing to complete patients' charts and in failing to maintain patients' medical records.

Suspended 180 days, stayed, 5 years probation on terms and conditions.

July 7, 1978

Fountain, Elbert Bernard, M.D. (C-29487)—Los Angeles

2384, 2390 B & P Code

Convictions involving the use of alcohol; also, conviction for prescribing codeine to a person not under his treatment for pathology or condition.

Revoked, stayed, 10 years probation on terms and conditions.

October 2, 1978

Gamble, William O., M.D. (A-27016)—Los Angeles

2384, 490 B & P Code

Conviction for prescribing dangerous drugs without good faith examination and medical indication.

Revoked, stayed on condition, 5 years probation on terms and conditions.  
October 26, 1978

# DISCIPLINARY ACTIONS, cont.

**Gara, George, M.D. (A-09099)**—San Francisco  
2399.5, 2391.5, B & P Code, 11154 H & S  
Stipulated Decision. Issued many prescriptions for dangerous drugs without good faith examination and medical indication, and to persons not under his treatment for pathology or condition.  
Revoked, stayed, 5 years probation on terms and conditions, including 90 days suspension.  
October 16, 1978

**Gates, Phillip W., M.D. (C-20520)**—Hemet  
2391.5 B & P Code  
Violated drug statutes by issuing prescriptions in the names of his office employees but not intended for their use.  
Suspended 3 months, stayed, 1 year probation on terms and conditions.  
September 11, 1978

**Habenicht, James C., M.D. (G-14723)**—Oakdale  
Stipulated Decision. Violated probationary condition concerning psychotherapy.  
Revoked, Stayed, 9 years probation on terms and conditions.  
September 7, 1978

**Hadsall, Franklin J., M.D. (A-22060)**—Merced  
2417 B & P Code  
Stipulated Decision. Mental illness to the extent it affected his ability to practice medicine safely.  
Revoked, stayed on conditions, 10 years probation on terms and conditions.  
July 31, 1978

**Hallock, Glenn C., M.D. (A-10701)**—Wasco  
2391.5, 2399.5, 2361.5, 2383, 2384 B & P Code  
Stipulated Decision. Conviction for violating statutes regulating dangerous drugs. False prescriptions. Postdated prescriptions. Excessive prescribing. Prescribing without good faith examination and medical indication.  
Revoked, stayed, 10 years probation on terms and conditions, including 30 days suspension.  
October 9, 1978

**Heggli, William F., M.D. (A-13231)**—San Francisco  
2361(b) B & P Code  
Stipulated Decision. Gross negligence in the treatment for an asthmatic condition through a series of injections that resulted in an anaphylactic reaction and death.  
Revoked, stayed, 5 years probation on terms and conditions, including 30 days suspension.  
October 9, 1978

**Hendricks, Franklin D., M.D. (G-2654)**—San Jose  
2399.5, 2391.5, 700 B & P Code, 11154 H & S  
Federal conviction for violating drug laws. Prescribing dangerous drugs to at least 179 people without good faith examination and medical indication, and to persons not under his treatment for pathology or condition.  
Revoked.  
October 26, 1978

**Herrera, Jose, M.D. (A-16278)**—Sacramento  
2361(f), 2411 B & P Code  
Fraudulent billings to an employee health plan and to Medi-Cal.  
Revoked, stayed, 5 years probation on terms and conditions, including the option of 180 days suspension or free community services.  
September 8, 1978

**Jones, Clifford, M.D. (C-27267)**—Wichita, Kansas  
2363 B & P Code  
Revocation by Kansas for professional incompetence, dishonorable conduct, and addiction to alcohol and drugs.  
Revoked.  
July 7, 1978

**Kushner, Neil J., M.D. (A-25788)**—Huntington Beach  
2361(a), 2390, 2391.5, 2399.5 B & P Code  
Stipulated Decision. False prescriptions of controlled drugs for self-use. Prescribing without good faith examination and medical indication.  
Revoked, stayed, 10 years probation on terms and conditions.  
July 19, 1978

**Lake, George Lawrence, M.D. (C-13139)**—Amityville, N.Y.  
2363 B & P Code  
Conviction in New York for filing false claims. New York license placed on 1 year probation. New Jersey license revoked for failure to disclose criminal conviction in renewal application.  
Revoked.  
October 16, 1978

**McKay, Mahlon Lee, M.D. (A-27923)**—Long Beach  
2399.5, 2391, 2391.5, 2361(h) B & P Code  
Stipulated Decision. Issued many prescriptions for controlled drugs without good faith examination and medical indication. Prescribed or furnished narcotics or dangerous drugs to known addicts. Gross negligence in the treatment of a patient hospitalized for barbiturate ingestion, resulting in death.  
Revoked.  
August 21, 1978

**Martin, Philip Jacques, M.D. (C-39233)**—Santa Ana  
2361(f), 2390, 2391.5, 2383, 2384 B & P Code  
Conviction for violating drug statutes. False prescriptions to obtain Demerol for self-use.  
Revoked, stayed, 10 years probation on terms and conditions.  
August 21, 1978

**Martinez, Raul M., M.D. (A-18326)**—Azusa  
2361(c) B & P Code  
Stipulated Decision. Gross incompetence in diagnostic procedures, including no x-rays, resulting in oversight of a large carcinoma.  
Revoked, stayed, 5 years probation on terms and conditions.  
September 11, 1978

**Meyers, Thomas J., M.D. (A-26883)**—South Pasadena  
2361(h), 2361(c) B & P Code  
Gross negligence and gross incompetence in the treatment of a patient.  
Revoked, stayed on conditions, 10 years probation on terms and conditions.  
July 19, 1978

**Morong, Eugene, M.D. (A-24890)**—Lancaster  
2361(e), 2411, 490, 2383 B & P Code  
Stipulated Decision. Filing false Medi-Cal claims for psychotherapy sessions, and conviction for filing fraudulent claims.  
Revoked, stayed, 10 years probation on terms and conditions.  
October 26, 1978

**Neal, Richard M., Jr., M.D. (C-30739)**—Los Angeles  
2361(b) B & P Code  
Stipulated Decision. Gross negligence in the management of a therapeutic abortion.  
Revoked, stayed, 5 years probation on terms and conditions, including 30 days suspension.  
September 1, 1978

**Novacovich, George G., M.D. (A-07597)**—San Francisco  
2399.5, 2391.5 B & P Code  
Stipulated Decision. Issued numerous prescriptions for dangerous drugs without good faith examination and medical indication, and to persons not under his treatment for pathology or condition.  
Revoked, stayed, 5 years probation on terms and conditions, including 45 days suspension.  
October 16, 1978

**Ramachandar, Kambhatla, M.D. (A-29380)**—Sacramento  
2360, 2361, 2383, 2384, 490 B & P Code  
Conviction for false prescription and aiding another to forge the prescription for Ritalin.  
Revoked, stayed, 5 years probation on terms and conditions.  
August 10, 1978

**Rickmond, Charles A., M.D. (C-20133)**—Martinez  
2361.5 B & P Code  
Stipulated Decision. Clearly excessive prescribing of drugs which were detrimental to the patient, causing addiction and emergency hospitalization.  
Suspended 90 days, stayed, 5 years probation on terms and conditions.  
August 21, 1978

**Riley, Emile E., M.D. (C-28200)**—New Orleans, La.  
2363, 2383, 2361(e) B & P Code  
Louisiana license suspended by Louisiana for federal conviction for filing false claims under the Employee Retirement Income Security Act.  
Revoked.  
July 13, 1978

**Riley, Robert M., M.D. (A-16498)**—Placerville  
2391.5, B & P Code, 11156, 11153 H & S  
Stipulated Decision. Unlawful prescriptions for narcotics to a known addict.  
Revoked, stayed, 5 years probation on terms and conditions, including 30 days suspension.  
August 31, 1978

**Roby, Russell R., M.D. (C-35880)**—Salinas  
2391.5 B & P Code  
Failure to keep adequate records regarding the acquisition, inventory, disposition and use of a large supply of Talwin, a dangerous drug.  
Suspended 180 days, stayed, 1 year probation on terms and conditions, including 30 days actual suspension.  
October 26, 1978

**Rose, Lester, M.D. (A-29116)**—Hayward  
2378.5, 2361, 2372 B & P Code  
Unlawful use of unauthorized substances for the treatment of Hodgkin's disease (cancer).  
Suspended 60 days, stayed, 2 years probation on terms and conditions.  
July 19, 1978

**Rosove, Sherman P., M.D. (C-25993)**—Hollywood  
2361(e), 2383 B & P Code  
Stipulated Decision. Conviction of misdemeanor theft.  
Revoked, stayed, 4 years probation on terms and conditions.  
October 16, 1978

**Sanchez, Jose A., M.D. (A-22485)**—San Francisco  
2399.5, 2391.5 B & P Code, 11154 H & S  
Indiscriminate prescriptions for dangerous drugs without good faith examination and medical indication, and to persons not under his treatment for pathology or condition.  
Revoked.  
October 9, 1978

**Shea, Vincent B., M.D. (A-27817)**—Atascadero  
2361 B & P Code  
Unprofessional conduct in describing sexual acts in lurid and salacious detail to patients believed by him to be under his hypnosis.  
Revoked, stayed on conditions, 5 years probation on terms and conditions. Decision upheld by State Court of Appeal. State Supreme Court denied hearing.  
July 24, 1978

**Spotts, Roberts Rolla, M.D. (A-18085)**—San Francisco  
2361(e), (f) B & P Code  
Sexual misconduct with patient.  
Revoked, stayed, 5 years probation on terms and conditions.  
October 16, 1978

**Stern, Marvin Lee, M.D. (A-16738)**—Cypress  
2361(a), 2399.5, 2391.5, 2383, 2384, 700 B & P Code, 11154, 11172 H & S  
Stipulated Decision. Federal conviction for violation of drug statute. Issued numerous prescriptions for dangerous drugs without good faith examination and medical indication. Excessive prescribing. Postdating prescriptions.  
Revoked.  
July 28, 1978

**Sullivan, Michael John, M.D. (A-22668)**—Merced  
2391.5, B & P Code, 11157, 11170 H & S  
Stipulated Decision. False prescriptions to obtain Demerol for self use.  
Revoked, stayed, 10 years probation on terms and conditions, including 45 days suspension.  
October 4, 1978

## DISCIPLINARY ACTIONS, cont.

Ten Eyck, Fred Warren, M.D. (A-16489)—Newport Beach

2361(e), 2390, 2361(a) B & P Code

Stipulated Decision. Several convictions involving the use of alcohol. Intoxicated while seeing patients at hospital.

Revoked, stayed, 10 years probation on terms and conditions.

July 12, 1978

Torre, Emile, M.D. (A-04072)—San Francisco

2391.5, 2360, 2399.5, 2361.5, 2391 B & P Code

Issued many prescriptions for Doriden, a controlled drug, without good faith examination and medical indication: excessive prescribing; and prescribing to an addict.

Revoked, stayed, 5 years probation on terms and conditions.

October 9, 1978

Tysdale, Richard V., M.D. (C-6701)—Rancho Cordova

2391, 2391.5, 2399.5 B & P Code

Prescribing dangerous drugs without good faith examination and medical indication. Prescribing large quantities of narcotics to an addict.

Revoked, stayed on condition, 10 years probation on terms and conditions.

July 19, 1978

Wymore, Michael, M.D. (A-23463)—Glen Ellen

2391.5 B & P Code, 11173 H & S

Deceived hospital nurses to obtain Demerol for self-use in violation of his probation.

Revoked, stayed, 15 years probation on terms and conditions.

August 10, 1978

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"Stipulated Decision" means the physician admitted certain charges and negotiated for an approved disciplinary order.

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## NOTICE—TRIPPLICATE PRESCRIPTION BLANKS

Triplicate narcotic prescription blanks may temporarily be in short supply. The Department of Justice has advised that the current paper strike will delay the delivery of blanks presently on order by the Department. Their present supply is limited. The Department of Justice requests that physicians not urgently requiring triplicates, delay ordering new supplies until mid-March. Please look through your desk drawers and examination rooms for those half-used books and order only if your own supply is exhausted.

Any questions or problems will be given special attention by the Department of Justice. They can be reached by calling (916) 445-9794. Your cooperation will be greatly appreciated.

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DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF MEDICAL QUALITY ASSURANCE  
1430 HOWE AVENUE  
SACRAMENTO, CA 95825

Allied Health Professions (916) 920-6347  
Applications and Examinations (916) 920-6411  
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Disciplinary Information (916) 920-6363  
Fictitious Names and Corporations (916) 920-6353  
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DEPARTMENT OF  
**Consumer Affairs**