BMQA Experience With Non-Disciplinary Reviews of Physicians’ Practices
1985

Many complaints reviewed by the BMQA are resolved through an informal conference with the physician under scrutiny. This process has come to be known as “non-disciplinary review” or a “level 3 action.” Some of the types of cases that fall into this category might involve the following situations:

1) Incidents of substandard care where there has been no patient harm;
2) Communication misunderstandings between doctor and patient;
3) Incidents of “well-intentioned” misprescribing of drugs without patient harm;
4) Allegations of improper professional behavior.

The non-disciplinary review permits both the subject physician and the Board’s consultants to express their thoughts concerning the merits of the complaint with the ultimate goal of preventing future complaints.

There are three formats for non-disciplinary review conferences. The simplest type (Levels 3-B, 3-C, 3-D) involve only the BMQA regional medical consultant talking with the subject physician. The second type (Level 3) adds a third physician to the participants of the above conference, an outside peer consultant. The third format, called the Physician Peer Counseling Panel (PPCP), utilizes two medical Quality Review Committee members and an expert in a particular field of practice.

Attendance by the subject physician at any of these non-disciplinary review conferences is voluntary. In addition, the physician may be accompanied by an attorney.

At the conclusion of the review conference all cases are closed, either “without merit” or “with merit.” The cases closed “with merit” are kept in BMQA files for three years, and can be resurrected should the physician come under investigation within that time period. Multiple incidents of substandard care could lead to a formal allegation of unprofessional conduct.

NON-DISCIPLINARY REVIEW STATISTICS
January–December 1985

<table>
<thead>
<tr>
<th>Regional Office</th>
<th>Level 3</th>
<th>Level 3-B</th>
<th>Level 3-C</th>
<th>Level 3-D</th>
<th>PPCP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sacramento</td>
<td>1</td>
<td>25</td>
<td>2</td>
<td>15</td>
<td>4</td>
</tr>
<tr>
<td>Fresno</td>
<td>1</td>
<td>20</td>
<td>1</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>San Mateo</td>
<td>2</td>
<td>39</td>
<td>2</td>
<td>18</td>
<td>4</td>
</tr>
<tr>
<td>Santa Ana/San Diego</td>
<td>3</td>
<td>38</td>
<td>11</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>9</td>
<td>87</td>
<td>27</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>16</strong></td>
<td><strong>209</strong></td>
<td><strong>43</strong></td>
<td><strong>49</strong></td>
<td><strong>13</strong></td>
</tr>
</tbody>
</table>

**CODE**

3 In addition to the presence of the medical consultant and the investigator, there is also a peer physician (or an MQRC member).
3-B A case that results in closure with merit.
3-C A case that results in closure without merit.
3-D A case involving drug prescribing closed with merit.
PPCP Physician Peer Counseling Panel (includes two MQRC physicians and one peer expert).

Adult Abuse Reporting Requirement

Under a law which took effect January 1, physicians, podiatrists, and most other health practitioners are required to report actual or suspected abuse of dependent adults including elderly dependent adults. Reports must be made whenever there is reasonable cause to suspect abuse is present including physical or mental abuse, sexual abuse, neglect, intimidation, deprivation of nutrition or medical care, financial abuse or other forms of mistreatment. Reports must be made to an adult protective service agency or a law enforcement agency, and are confidential.

Physicians, podiatrists or other practitioners who are employed by a public or private agency, health facility, clinic or other facility must read and sign a statement acknowledging awareness of this requirement as a condition of continued employment. The statement shall be in the following form:

Section 15630 of the Welfare and Institutions Code requires any care custodian, health practitioner, or employee of an adult protective services agency or a local law enforcement agency who has

(Continued on Page 4)
DISCIPLINARY ACTIONS
August 1, 1985 to January 31, 1986

ABROTT, Dae L., M.D. (A·3860) Berkley
Suspended surrender of active license.
Accusation dismissed. October 25, 1985

ANDERSON, Gerald, M.D. (A·21694) Torrance
Suspended Decision. Gross negligence and incompetence in management of patient with multiple neurological complaints. Self-use of controlled drugs in violation of prior probation. Reolved, stayed, 5 years probation on terms and conditions, including 90 days actual suspension. August 19, 1985

CHALAMIDAS, Stewart, M.D. (G·20319) Santa Ana
Suspended Decision. Gross negligence and incompetence in misdiagnosing a malignant melanoma from two biopsies taken, and in failing to obtain a consultation. Reolved, stayed, 3 years probation on terms and conditions. November 22, 1985

CHANCE, Jeffrey, M.D. (G·51309) North Miami Beach, Florida
2205 B&P Code
Suspended Decision. Discipline by Florida Board based on allegations of excessive and inappropriate prescribing of Diiatul. Reolved, stayed, 5 years probation on terms and conditions. September 23, 1985

CHAROW, Arnold I., M.D. (C·29865) Larchmont, New York
Voluntary surrender of license. Accusation dismissed. September 23, 1985

CHID, George N., M.D. (G·42100) Champaign, Illinois
2234(c), (d) B&P Code
Incompetence in diagnosis and management of fluid and electrolyte abnormalities; and repeated similar negligent acts in the administration of medications. Reolved, stayed, 5 years probation on terms and conditions. January 15, 1986

CHIN, Joyce Ann Ong, M.D. (G·10201) San Francisco
725, 2234(b), (c), (d) & B&P Code; 1119 H&S Code
Prescribed narcotics and other controlled drugs without medical indication, and in excessive dosages and amounts; constituting gross negligence, incompetence, and repeated similar negligent acts. Reolved, stayed, 7 years probation on terms and conditions. November 4, 1985

CLARK, Thomas William, M.D. (A·29510) Santa Monica
490, 725, 2234(b), (c), (d), (e), (f), 2242 B&P Code
Suspended Decision. Excessive prescribing without prior physical examination and medical indication. Conviction for prescribing controlled drug to person not under his treatment for pathology or condition. Gross negligence, incompetence and repeated similar negligent acts. Reolved, stayed, 5 years probation on terms and conditions, including 180 days actual suspension. January 9, 1986

COYLE, Nelson B., M.D. (G·18678) Yuba City
725, 2242, 2234(c), (d) B&P Code
Clearly excessive prescribing of controlled drugs without medical indication, constituting repeated similar negligent acts. One year suspension, stayed, 5 years probation on terms and conditions. Application to supervise a physician assistant is denied. January 15, 1986

DANIELSON, Harry A., M.D. (A·19620) Biloxi, Mississippi
2305 B&P Code
Disciplinary action by Arizona medical board. Reolved, stayed, 5 years probation on terms and conditions. November 29, 1985

DAVIS, William H., M.D. (A·21817) Napa
2261, 2234(c) B&P Code
Suspended Decision. Made false entries into work logs at state hospital stating he had performed physical exams of residents which, in fact, were not performed. Prior discipline. Reolved, stayed, 5 years probation on terms and conditions. November 22, 1985

DE SAMOS, Yvon, M.D. (A·30637) New York, New York
2305, 2237 B&P Code

DIAB, Said Nasir, M.D. (A·30824) Fresno
2234(c), 2236 B&P Code

DOWAN, Bertram Anthony, M.D. (C·36196) Phoenix, Arizona
2305 B&P Code
Summary suspension of license by Florida Board. No appearance by respondent. Reolved. August 21, 1985

EARGLE, Carlisle L., Jr., M.D. (C·34881) Center, Texas
Stipulated voluntary surrender of license. Accusation dismissed. September 25, 1985

FUA, Teresita, M.D. (A·35486) Sacramento
2234(b), (d) B&P Code
Suspended Decision. Excessive prescribing of controlled drugs in a negligent and incompetent manner. Conviction for prescribing controlled drugs to a person not under treatment for a pathology or condition; and prescribing to an addict. Reolved, stayed, 5 years probation on terms and conditions, including 30 days actual suspension. November 22, 1985

GOODMAN, Stanley, M.D. (C·9950) Irvine
2305 B&P Code
Suspended Decision. Disciplinary action by Arizona Board for false billing. Reolved, stayed, 5 years probation on terms and conditions. October 25, 1985

GRIFFITHS, Harold M., M.D. (G·10037) Warner Robbins, Georgia
2234(c), (d) B&P Code
Suspended Decision. Repeated similar negligence in numerous surgical attempts to accomplish breast reconstruction. Reolved, stayed, 5 years probation on terms and conditions. December 26, 1985

HINES, Wirt A., M.D. (G·20362) Salt Lake City, Utah
2234(b), (c), (d) B&P Code
Failed to comply with numerous conditions of probation and conditions. Reolved, if prior conditions are met, then 10 years probation on terms and conditions. January 2, 1986

JORDAN, Kent, M.D. (A·18817) Carlisle
726 B&P Code
Sexual relations with female patient. Reolved, stayed, 5 years probation on terms and conditions. August 26, 1985

KENNETT, Howard R., M.D. (A·17467) Fresno
2234(c) B&P Code
Suspended Decision. Repeated similar negligence in failing to perform a complete examination and evaluation of auto accident patient with painful problems. Reolved, stayed, 3 years probation on terms and conditions. January 27, 1986

KEUSAYAN, Margarita, M.D. (A·31710) Long Beach
2234(c), (d) B&P Code
Suspended Decision. Gross negligence and incompetence in administering general anesthesia by placing endotracheal tube in the esophagus. Reolved, stayed, 5 years probation on terms and conditions, including ban on anesthesia practice. December 27, 1985

LI, Gall Far Lui, M.D. (C·12821) Honolulu, Hawaii
2305, 2234(c), 2236, 2237, 2242 B&P Code
Suspended Decision. Federal convictions in Hawaii for obstruction of justice and for unlawful furnishing of controlled drugs. Discipline by Hawaii Board. Reolved, stayed, 6 months actual suspension, 5 years probation on terms and conditions. September 5, 1985

LINKOUS, Clayton E., Jr., M.D. (G·47583) Parkersburg, West Virginia
2305 B&P Code
Disciplinary suspensions by Florida medical board. One year suspension, stayed, one year probation on terms and conditions. January 15, 1986

MARTIN, Richard A., M.D. (A·22505) Santa Rosa
2234(b), (c), (e), 2236, 2237, 2242, 2261 B&P Code
Suspended Decision. Prescribed controlled drugs without good faith prior examination and medical indication, constituting gross negligence and repeated similar negligent acts. Signing a false document. Conviction for prescribing a controlled drug to a person not under treatment for pathology or condition. Conviction for receiving stolen goods. Reolved, stayed, 5 years probation on terms and conditions. October 31, 1985

MARTINEZ, Anthony, M.D. (C·15205) City of Commerce
2305 B&P Code
5 days suspension, stayed on condition that no other cause for discipline shall occur within 100 days. December 27, 1985

MC GREGOR, Milton K., M.D. (A·41532) St. George, Utah
2305 B&P Code
Discipline by Utah medical board.
30 days suspension, stayed on condition that no other cause for discipline shall occur within 100 days. December 27, 1985

MELONE, Horatio, M.D. (C·10099) San Francisco
2305 B&P Code
Practiced medicine during suspension period under prior discipline. Reolved. December 27, 1985

MILLER, Deborah L., M.D. (A·21648) Rowland Heights
2234(c) B&P Code
Gross negligence in pediatric practice. Reolved, stayed, 5 years probation on terms and conditions. January 16, 1986

OLSEN, Gary, M.D. (A·22981) Madera
2234(c) B&P Code
Incompetence in continuing with pancreatic surgery in face of severe infection. Reolved, stayed, 5 years probation on terms and conditions. December 27, 1985

PASHA, Nadir I., M.D. (C·37993) Los Angeles
2234(c), (d) B&P Code
Gross negligence and incompetence in plastic surgery cases. Reolved, stayed, 5 years probation on terms and conditions. May 29, 1984

PICKER, Robert L., M.D. (G·1966) Walnut Creek
Suspended Decision. Violation of probation under prior discipline. Reolved, stayed, 5 years probation on terms and conditions, including 6 months actual suspension. November 4, 1985

PIERCE, Gary R., M.D. (C·34847) Bloomfield Hills, MI
2305 B&P Code

PLACK, Blanko, M.D. (A·21974) Hawthorne
2234(c) B&P Code
Suspended Decision. Gross negligence with numerous patients with varying illnesses, demonstrating short-comings in medical therapeutics. Reolved, stayed, 5 years probation on terms and conditions. September 16, 1985

RATAN, Rax S., M.D. (A·26366) Yucaipa Valley
2234(c), (d) B&P Code
Suspended Decision. Excessive prescribing of controlled substances without prior examination and medical indication. Reolved, stayed, 5 years probation on terms and conditions. September 23, 1985

REDDY, Ramachandra Y., M.D. (A·12145) Yucaipa Valley
2234(c), (d) B&P Code
Suspended Decision. Gross negligence and incompetence while performing a transurethral prostatectomy (TURP) operation. Reolved, stayed, 7 years probation on terms and conditions, including a ban on urology practice until a training program and an oral/clinical exam have been satisfied. December 27, 1985
REINER, Edwin W., M.D. (A-12145) San Diego
Practiced Obstetrics/Gynecology in violation of probation in prior disciplinary order.
Reverted, stayed, 10 years probation on terms and conditions, including 90 days actual suspension.
December 20, 1985

SASSOON, Charles, M.D. (A-31684) Huntington Park
2323, 2552 B&P Code; 11175, 11174 H&S Code
Gross negligence and incompetence in his erroneous diagnosis of a dead fetus in a patient who, in fact, was not pregnant, and in exposing this patient to a scheduled cesarean operation, which was fortunately stopped in time.
Reversed, stayed, 5 years probation on terms and conditions.
July 3, 1985

Judicial review completed.

SCHMIDT, Clarence C., M.D. (A-10686) Visalia
2234(e), 2238 B&P Code; 11157, 11173 H&S Code
Issued narcotic prescriptions using fictitious names and diverted drugs to his wife who became addicted to pain killers after undergoing major surgery.
Reverted, stayed, 3 years probation on terms and conditions.
September 16, 1986

SMITH, Gerard M.D. (G-16922) Anahiem
2234(b), (b) B&P Code
Practiced without suspended among other violations of probation of prior discipline. Also, gross negligence and incompetence in management of a surgical patient.
Reverted.
August 7, 1986

SMITH, Larry Everett, M.D. (C-34969) Marietta, Georgia
2305 B&P Code
Nothing. A check of local hospitals revealed that Harry had staff privileges at two hospitals. Moreover, at one of these, he was chairman of the credentials committee.
Nothing pointed to a drug abusing physician.

Four days after the investigation had begun, the investigator called upon Harry.
The investigator made this statement: "Harry, I have reason to believe that you have a drug abuse problem. I want to give you the opportunity to enter the Board's Diversion Program. If you do not contact the program staff within 72 hours, I will continue my investigation which could possibly lead to a public accusation." The investigator checked with the Diversion Program three days later.
Harry had not called.

One month passed. Harry continued to work in association with a group of four other internists. The investigator arranged to meet with a couple of Harry's colleagues. At that meeting, the first piece of confirming evidence surfaced. Harry's associates admitted that "Harry did 'coke' socially." They had spoken to Harry on numerous occasions, and told him that they knew he was using drugs. Harry categorically denied addiction. But they should have known. The tell-tale signs were evident. Harry frequently came to work very late. He was always sleeping when they would call him to do something on weekends. He stopped making morning hospital rounds.
In the last few months he made rounds later in the day, or at night. He became edgy, and had tremendous mood swings. In spite of all of these behavioral changes, Harry's associates argued forcefully that they "had no proof that Harry was using."

On the following day, the investigator interviewed Harry's wife. She volunteered that Harry started using Cocaine 3½ years ago. She could not get him to stop. In the last six months his behavior had gotten progressively more bizarre. "Harry doesn't care about anything anymore. He doesn't pay the bills. Our car is repossessed. Our house is being foreclosed. He doesn't have any interest in our 3-year-old son. He is out almost every night until 4 or 5 a.m. He says he has emergencies. When he isn't working, or out, he sleeps. I know I should leave Harry, but I keep hoping he will get some help and return to being the person he used to be."

Three days later, Harry's wife appeared at the BMQA regional office. She turned over to the investigator a wooden box which she had taken from her husband's safe. The box contained an empty bottle of Stadol, an empty bottle of Dalmane, an empty bottle of Nuban, four syringes, four folded papers containing a white powder, and some loose brown leafy material with seeds.
That day, Harry made an appointment to seek admittance into the Board's confidential Diversion Program. Harry appeared before a committee of five experts in the fields of mental illness and chemical dependency. The committee told Harry what he had to do in order to overcome his illness. Harry's choice at this point was easy. Either undergo treatment or face a licensure discipline.

CONSULTANT'S CORNER
Harry's Story

This space reviews interesting and significant cases which have crossed a BMQA Medical Consultants' desk. Names are not used, nor do we identify the physician under discussion. Please direct all comments to:
Antony C. Guattieri, M.D., Chief Medical Consultant, BMQA, 1430 Howe Avenue, Suite 100, Sacramento, CA 95825. (916) 920-6393

Three years ago, soon after I had moved to Sacramento, I received at telephone call from an anonymous physician who told me that his partner had been "doing drugs" for several years. The caller asked me, "What do I do?"
My answer: Make him this offer—"Get into a drug treatment program (and I mentioned the Diversion Program) three days later.
Harry had not called.

If you do not contact the program

keep hoping he will get some help and return to being the person he used to be."

Three days later, Harry's wife appeared at the BMQA regional office. She turned over to the investigator a wooden box which she had taken from her husband's safe. The box contained an empty bottle of Stadol, an empty bottle of Dalmane, an empty bottle of Nuban, four syringes, four folded papers containing a white powder, and some loose brown leafy material with seeds.
That day, Harry made an appointment to seek admittance into the Board's confidential Diversion Program. Harry appeared before a committee of five experts in the fields of mental illness and chemical dependency. The committee told Harry what he had to do in order to overcome his illness. Harry's choice at this point was easy. Either undergo treatment or face a licensure discipline.

***

Last week, almost three years later, I attended a meeting of that Diversion Evaluation Committee in Los Angeles. There was Harry, a very successful internist and family man. The committee complimented him and discharged him from the program. Harry is lucky to be recovering because someone coerced him into a rehabilitation program.
knowledge of or observes a dependent adult in his or her professional capacity or within the scope of his or her employment who he or she knows has been the victim of physical abuse, or who has injuries under circumstances which are consistent with abuse where the dependent adult's statement indicates, or in the case of a person with developmental disabilities, where his or her statements or other corroborating evidence indicates that abuse has occurred, to report the known or suspected instance of physical abuse to an adult protective services or a local enforcement agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

"Care custodian" means an administrator or an employee of any of the following public or private facilities:

1. Health facility
2. Clinic
3. Home health agency
4. Educational institution
5. Sheltered workshop
6. Camp
7. Respite care facility
8. Residential care institution, including foster homes and group homes
9. Community care facility
10. Adult day care facility, including adult day health care facilities
11. Regional center for persons with developmental disabilities
12. Public assistance worker
13. Adult protective services agency
14. Patient's rights advocate
15. Nursing home ombudsman
16. Legal guardian or conservator
17. Skilled nursing facility
18. Intermediate care facility
19. Local law enforcement agency
20. Any other person who provides goods or services necessary to avoid physical harm or mental suffering and who performs duties

"Health practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, marriage, family and child counselor or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, a person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, or a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family and child counselor intern registered under Section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family and child counselor trainee as defined in subdivision (c) of Section 4980.44 of the Business and Professions Code, a state or county public health employee who treats a dependent adult for any condition, a coroner, or a religious practitioner who diagnoses, examines, or treats dependent adults.

(c) The signed statements shall be retained by the employer. The cost of printing, distribution, and filing of these statements shall be borne by the employer.

For additional information or copies of the actual law, contact the State Department of Social Services, 744 P Street, Sacramento, CA 95814, (916) 445-6410.