

ACTION REPORT

BOARD OF MEDICAL QUALITY ASSURANCE

No. 8 - September 1978

MEDICAL QUALITY REVIEW COMMITTEES

Governor Brown expressed his support for the activities of the Medical Quality Review Committees (MQRCs) during meetings with committee members in late March. He stated that the committees have a responsibility to bring health care in their areas up to the level expected by the community.

The Medical Quality Review Committees were created in 1975 by legislation designed to address the malpractice "crisis." The legislature created the committees to assure the maintenance of high quality medical practice by physicians and surgeons licensed by the Board of Medical Quality Assurance. The committees have the responsibility of providing meaningful quality assessment and peer review at the local level. California is the only state in the nation with a local system with the power to identify those physicians who are practicing substandard medicine and take corrective action ranging from counseling the physician to placing restrictions on his or her license.

Fourteen committees, established on a geographical basis, are to insure that there is local input from both physicians and consumers in the disciplinary process and extend the reach and effectiveness of the Division of Medical Quality. The committees range in size from 10 to 40 members and consist of physicians, allied health professionals and public members.

With the appointment by Governor Brown of 201 of the 210 Medical Quality Review Committee members and the addition of staff supported by a Title II Federal Grant, the committees have begun to identify their priorities and work to address local problems.

The hearing of disciplinary cases against local physicians is one of the priorities for these committees. After hearing a disciplinary case, a committee panel, may, on its own authority, place the physician on probation for one year or less, suspend the physician's license for 30 days or less, or dismiss the Accusation. Stricter penalties may, of course, be imposed. However, they must be in the form of a proposed decision to the Division of Medical Quality and are subject to the review and approval of that Division.

Some committees have participated in Non-Disciplinary Review meetings. Under procedures approved by the Division of Medical Quality, these meetings are held when a physician has been investigated but there is insufficient evidence to file formal disciplinary charges. It is felt that in certain cases the physician will benefit from a discussion of his or her delivery of medical care and that the quality of his or her services will improve as a result of such a discussion. This procedure is voluntary and does not constitute disciplinary action against the physician's license. Some committees are also working on another type of non-disciplinary review. They plan to develop a procedure by which they can identify physicians with problems that have the potential for seriously affecting the quality of medical care they deliver. The committees will meet with and counsel the physician as a preventative measure and attempt to assist the physician in remedying the problem before it becomes worse and possibly places his or her license in jeopardy.

Community and quality assurance liaison is another very important function of the committees. Many committees have held consumer meetings to acquaint the public with the Medical Quality Review Committees and to receive consumer input. They are also speaking to various consumer, medical and allied health groups. One committee is working on education announcements to be broadcast on a local television station. Several committees have concentrated on developing liaison with local hospital staffs and opening the lines of communication between those groups and the committees. One committee met specifically with emergency room physicians to discuss the problem of reporting "drug pushing" doctors. It was felt that the emergency room physicians were treating many of the drug overdose cases and that their help in identifying physicians who were dealing in drugs was important. The committees have also met with Health Systems Agencies, medical societies and peer review organizations to facilitate communication and cooperation.

Medical Quality Review Committees work to identify local health care problems and to address those problems. Committees are addressing a wide range of topics including drug abuse, physician alcoholism, improper use of

emergency rooms by the public, and physician knowledge of CPR. One committee is alerting hospital emergency room staffs to the potential for procuring drugs under false pretenses. Another committee wanted to help physicians with drinking problems. It met with representatives of groups in its area which offer assistance to alcoholics and will be developing an informational bulletin, for distribution to all physicians in the district, listing all the services available. The committee found that there are many services available, but that they are not widely publicized. It hopes that by getting this information to physicians, those physicians who are experiencing problems with alcohol will be aware of the help that is available and will seek help early.

Other problems will be identified and action plans to address those problems will be developed by all of the committees. Problems and activities will, of course, vary from district to district and will reflect local needs and problems. The Medical Quality Review Committees can have a substantial impact in improving the quality of health care services delivered in their area.

If you would like more information regarding the Medical Quality Review Committees in your area, contact the MQRC Coordinator in the office nearest you:

Sacramento	(916) 920-6298
San Mateo	(415) 574-8363
Los Angeles	(213) 641-8110
San Diego	(714) 237-7163

1977 DISCIPLINARY ACTIONS

In 1977, the Division of Medical Quality took action against the licenses of 114 physicians and surgeons. Eighty-three (83) licenses (73%) were revoked. Twenty-four of the 83 were outright revocations. Fifty-one revocations were then stayed and probation was imposed with terms and conditions. Eight revocations were stayed, probation imposed with terms and conditions and the license suspended for from 45 days to 9 months. The probationary period ranged from one to ten years.

An additional 28 physician and surgeon licenses (25% of the 114 actions) were suspended. Twenty-four suspensions were then stayed and probation was imposed with terms and conditions. Four suspensions were stayed without probation or terms. Where suspension was imposed, the suspension period ranged from 25 days to one year, and the probationary period ranged from one to five years.

There were three licenses (2% of the 114 actions) surrendered. Twenty-two accusations were dismissed without further action.

EXPLANATION OF DISCIPLINARY SUMMARIES

It has come to the Board's attention that the disciplinary summaries in the Action Report can be hard to understand. The following examples are intended to clarify what each action means.

1. "Revoked, stayed, 5 years probation, suspended 60 days, other terms and conditions."

This penalty summary means the license was ordered revoked, but the revocation was stayed and did not go into effect. Instead, the physician was placed on five years' probation and allowed to continue practicing so long as specified probationary conditions are complied with. Conditions vary from case to case, depending on the nature of the wrongdoing. In this example, as part of probation, there was an actual 60 days suspension from practice. In the case of alcoholism, the conditions might include the following:

- Complete abstinence from alcohol
- Participation in an alcohol rehabilitation program
- Psychiatric examination and treatment
- Submission to occasional fluid testing for alcohol
- Supervised, structured environment (no solo practice)

In the case of dishonesty (Example: Medi-Cal fraud), free community services might be included as a condition. In the case of inappropriate prescribing of dangerous drugs (or what the media calls the "drug pushing doctors"), the conditions might require the surrender of the federal DEA drug permit and an educational course in medical therapeutics.

2. "Revoked."

When this term appears by itself (with no qualifying language following it) it means an outright revocation. The physician has lost his license to practice in California.

3. "Stipulated Decision."

Here, the case was settled without going to a full-scale hearing. The physician admitted the charges and agreed to a negotiated disciplinary order.

DISCIPLINARY ACTIONS

FEBRUARY 1, 1978-JULY 1, 1978

- Alsleben, Harry R., M.D. (A-28775)**—Anaheim
2361(b) B & P Code
Stipulated Decision. Gross negligence resulting in permanent injury.
Revoked, stayed, 7 years probation, suspended 6 months, other terms and conditions.
May 23, 1978
- Bacon, Donald K., M.D. (C-10859)**—Long Beach
2399.5, 2391.5, 2384 B & P Code
Prescribing controlled substances to persons not under his treatment for pathology or condition other than addiction; self-prescribing Seconal; conviction of prescribing a controlled substance to a person not under his treatment.
Revoked.
May 12, 1978
- Bell, Carl Ellis, Jr., M.D. (C-28530)**—Monrovia
2361(b), 2361(c) B & P Code
Gross negligence and incompetence in the care of patients.
Revoked, stayed, 5 years probation with terms and conditions.
June 14, 1978
- Benveniste, Robert E., M.D. (C-4850)**—Los Angeles
2416 B & P Code
Voluntary surrender of medical license and formal acceptance thereof.
March 27, 1978
- Berkowitz, Frederick, M.D. (G-3926)**—Anaheim
2392, 2383, 490 B & P Code
Stipulated Decision. Aiding unlicensed employees at weight clinic to treat, and inject HCG. Also, convicted of aiding and abetting unlawful practice of medicine.
Suspended one year, stayed, 3 years probation with terms and conditions.
April 3, 1978
- Birds, Valentine George, M.D. (A-28695)**—Glendale
2392, 2361, 2141, 490 B & P Code
Aiding and abetting the unlicensed practice of medicine; convicted of intentionally aiding and assisting unlicensed persons to violate the Medical Practice Act.
Revoked, stayed, 5 years probation, suspended 60 days, other terms and conditions.
June 14, 1978
- Cohen, Paul, M.D. (G-6781)**—San Pedro
2392 B & P Code
Aiding and abetting unlicensed persons to give physical therapy treatments.
Publicly reprimanded.
March 20, 1978
- Cornell, Elmer, M.D. (G-1427)**—Willow Creek
2383, 2361.5, 2384, 2399.5, 2361 B & P Code
Excessive prescribing of drugs, prescribing without good faith prior exam, conviction of a drug prescribing offense, violation of statutes regulating controlled drugs.
Revoked.
February 27, 1978
- Garrett, Clement, M.D. (A-27094)**—Corona Del Mar
2361(b), 2361(c), 2417 B & P Code
Accusation dismissed pursuant to license surrender.
March 17, 1978
- Henderson, Charles, M.D. (A-18202)**—Long Beach
2361(b) B & P Code
Stipulated Decision. Gross negligence resulting in permanent injury.
Revoked, stayed, 7 years probation, 6 months suspension, other terms and conditions.
May 23, 1978
- Kappeler, Thomas, R., M.D. (C-34424)**—Topanga
2391.5 B & P Code
Stipulated Decision. Violation of statutes regulating controlled drugs.
Revoked, stayed, 5 years probation with terms and conditions.
March 1, 1978
- King, Judith H., M.D. (G-21287)**—San Diego
2360, 2390, 2391.5 B & P Code
Self-administering heroin; possessing methadone without having a valid prescription therefor.
Revoked, stayed, 10 years probation with terms and conditions.
June 5, 1978
- Kremser, Elizabeth, M.D. (A-11147)**—Walnut Creek
2390 B & P Code
Excessive use of alcohol that impairs the ability to practice safely.
Revoked, stayed, 10 years probation with terms and conditions.
February 20, 1978
- Lambdin, William, M.D. (A-23720)**—West Covina
490, 2383, 2390, 2391.5, 2361(e), 4390, B & P Code
11157, 11170, 11173, 11368 H & S
Prescribing drugs falsely for self-use (Dilaudid and Demerol); convicted of felony driving under the influence of drugs, and manslaughter; convicted for forging a prescription.
Revoked.
June 23, 1978
- Loguercio, Henry P., M.D. (A-28358)**—Carmichael
2361(a), 2390, 2391 B & P Code
Prescribing controlled substances and dangerous drugs to habitues and addicts.
Revoked.
June 14, 1978
- Lubin, Jerome J., M.D. (C-12719)**—Santa Maria
2399.5, 2361(a), 2411 B & P Code
Stipulated Decision. Prescribing controlled drugs without good faith prior examination and medical indication (Quaalude, Ritalin, etc.).
Revoked, stayed, suspended until such time as respondent passes oral clinical exam, then 7 years probation.
April 3, 1978
- Mitchell, Donald G., M.D. (C-13825)**—Huntington Park
2390, 2391.5, B & P Code
Self-administration of drugs, violation of statutes regulating controlled drugs.
Revoked, stayed, 10 years probation with terms and conditions.
April 18, 1978
- Morris, William C., M.D. (C-29583)**—Morgan Hill
2372, 2372.5 B & P Code
Violating conditions of probation contained in the Board's decision D-1590, effective May 13, 1976. Stay of revocation terminated.
Revoked.
June 14, 1978
- Olesek, Gerald C., M.D. (C-25323)**—Anaheim
2390, 2360 B & P Code
Stipulated Decision. Excessive use of alcohol that impairs the ability to practice safely.
Revoked, stayed, 5 years probation with terms and conditions.
March 14, 1978
- Olson, Wilfred, R., M.D. (C-20821)**—Oroville
2361(a), 2390 B & P Code
Excessive use of alcohol that impairs the ability to practice safely.
Revoked, stayed, 5 years probation with terms and conditions.
June 19, 1978
- Parker, Milton F., M.D. (C-21358)**—Placerville
2361(a), 2390, 2391.5, 2361(f) B & P Code
Self-administration of drugs, making false entries in drug records, violation of probation.
Revoked.
June 12, 1978
- Rippo, Anthony J., M.D. (G-13741)**—San Diego
2392, B & P Code
Stipulated Decision. Aiding and abetting unlicensed employees in the unlawful practice of medicine at his two clinics.
Revoked, stayed, 5 years probation with terms and conditions.
February 20, 1978
- River, Elliot, M.D. (A-20864)**—San Francisco
2391.5, 2399.5 B & P Code
Stipulated Decision. Prescribing drugs without good faith prior examination and medical indication (Seconal, Dalmane), violation of statutes regulating controlled substances.
Suspended, stayed, 5 years probation with terms and conditions.
March 24, 1978
- Sealey, George M., M.D. (G-593)**—Los Angeles
2383, 2384 B & P Code
Conviction of prescribing controlled drugs to someone not under his treatment, violation of controlled drugs statutes.
Revoked, stayed, 45 days suspension, 5 years probation with terms and conditions.
February 20, 1978
- Tibbles, Larry Lyman, M.D. (G-18675)**—Eureka
2361(b) B & P Code
Stipulated Decision. Treating and caring for a patient in a grossly negligent manner.
Revoked, stayed for 5 years, suspended 30 days, other terms and conditions.
April 28, 1978
- Wallace, Roscoe, M.D. (A-03082)**—Fresno
2417 B & P Code
Voluntary surrender of medical license, accusation dismissed without prejudice.
March 17, 1978
- Wisner, Frank B., M.D. (C-17157)**—San Diego
2399.5, 2391, 2391.5 B & P Code
Violation of probation, prescribing to an addict, violation of statutes regulating controlled drugs, prescribing drugs without good faith prior examination and medical indication.
Revoked, stayed, 7 years probation with terms and conditions.
February 20, 1978

BOARD APPOINTMENTS

Dr. Harry A. Oberhelman, Jr., M.D. has been reappointed to the Board for a term ending 6/1/81 effective 6/2/78. He was first appointed to the Board of Medical Examiners in April, 1970. Dr. Oberhelman is a professor of surgery at Stanford University School of Medicine and is a member of the Division of Licensing.

Governor Brown reappointed Dr. Marc E. Babitz to the Division of Allied Health Professions, Board of Medical Quality Assurance. Dr. Babitz was first appointed to the Board on 1/23/78 to complete the term of Dr. Warshaw who was appointed to the Division of Medical Quality. Dr. Babitz is a family practitioner with the National Health Service Corp of the U.S. Public Health Service in Guerneville.

Ms. Sara (Sukie) Miller has also been appointed to the Board of Medical Quality Assurance. Ms. Miller will serve on the Division of Licensing. She is a general consultant in health care issues. Ms. Miller replaces Hope Blacker of Venice whose term expired. Ms. Miller's term expires June 1, 1982.

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