



ACTION REPORT

BOARD OF MEDICAL QUALITY ASSURANCE

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LEGAL DEFINITION OF MEDICINE STUDY COMPLETED

The "Final Report" of the study of "Public Regulation of Health Care Occupations in California" was presented by the Public Affairs Research Group (PARG), to the Board of Medical Quality Assurance at its June meeting. PARG proposed two options which the board might consider.

1. Continue to improve the existing system. Among the suggested improvements, would be the establishment of a single state agency to review proposals for the licensure or certification of additional health care occupations; adding public members to create a majority on BMQA; enhancing in-service training for physicians and allied health practitioners; considering further exemptions for the practice of unlicensed, self-help services such as well woman care, exploring ways to monitor and evaluate ambulatory care, encouraging periodic formal internal and external review of care in hospitals, and sponsoring more policy research on the regulation of health care providers.

2. Title Licensure. Under this option, the state would maintain the existing licensure system, but would base licensure on occupational titles (physician, physical therapist, registered nurse, etc.), rather than on a prescribed scope of practice. Practitioners would continue to be licensed and required to meet certain standards of education, practical training and conduct, however, consumers would be free to consult licensed or unlicensed practitioners of their choosing.

During the coming months the Board will be evaluating these recommendations, as well as other ideas, to determine what changes in the current regulatory system may be appropriate. At this time, the Board is not committed to any course of action and welcomes the comments and suggestions of interested groups and individuals.

Copies of the "Final Report" of the "Public Regulation of Health Care Occupations in California" may be purchased for \$5.00 by writing the Public Affairs Research Group, 599 P Street, Sacramento, CA 95814, or calling (916) 444-3063.

HOSPITALS REQUIRE BMQA'S APPROVAL FOR FOREIGN MEDICAL STUDENT'S CLINICAL TRAINING PROGRAMS

California hospitals may be training foreign medical students without complying with the requirements in Title 16, Section 1327. California law provides an exemption from licensing requirements for matriculated medical students in U.S. medical schools. However, foreign medical students may not engage in such training unless the hospital meets specific criteria and has received prior approval from BMQA's Division of Licensing.

Hospitals have been notified that they are in violation of the law if they engage in such training without the Division's prior approval. Additional information may be obtained from Mr. Richard DeWalt, Division of Licensing, 1430 Howe Avenue, Sacramento, CA 95825 (916) 920-6353.

FIRST FIVE LOANS GRANTED ON NEW PHYSICIAN INCENTIVE LOAN PROGRAM

The Division of Licensing has approved five loans of \$10,000 each to five physicians who have agreed to establish primary care practices in medically underserved communities. An additional 10 loans will be available each year until 1986 at which time the program will be evaluated. The program was established through Assembly Bill 3127 (Duffy) last January and is designed to encourage physicians to establish medical practices in areas which have been designated as deficient in primary care services. The entire loan will be forgiven if the physician remains in the designated practice location for at least two years.

The first five loans were awarded to the following physicians:

1. Ann Lindsay, M.D. - a family practice physician, fluent in Spanish, who will be establishing a family practice in the Alemany area of San Francisco. She is board eligible and took the family practice boards in July, 1981.

2. Julien R. Davis, Jr., M.D. - a board certified pediatrician who will be establishing a practice in East Oakland.

3. Brendan Duterte, M.D. - a pediatrician who recently took the AAP boards. He is fluent in Spanish and will be establishing a practice in East Oakland in an area extremely short of pediatricians. Dr. Duterte has also co-authored an article which will appear in a future issue of "Pediatric Annals" on child abuse.

4. Sudmir Bagga, M.D. - a third year family practice resident at UCLA who will finish his residency training on June 30th. He is board eligible and took the examination in July, 1981. Dr. Bagga is a foreign medical graduate, speaks several languages, including Spanish and sign language, and will be establishing a family practice in Lancaster.

5. Kelly O'Neil, M.D. - who is finishing his family practice residency training at the Sacramento Medical Center. Dr. O'Neil will be establishing a medical practice in Elsinore Valley. He is also fluent in Spanish.

The Division of Licensing is currently accepting applications for an additional 10 loans which will be awarded later this year.

Detailed information on eligible underserved areas, application forms and instructions are available by calling or writing to Mr. Richard DeWalt, Board of Medical Quality Assurance, 1430 Howe Avenue, Sacramento, CA 95825, (916) 920-6353.

STATE APPROVAL REQUIRED TO DO SICKLE-CELL SCREENING

By regulation (Title 22, CAC, 40401 et. seq) all organizations which routinely test individuals for the presence of sickle-cell trait and/or sickle-cell disease must receive approval from the Department of Health Services. These regulations apply to all sickle-cell screening activities, including occupational health surveys, preemployment, physicals and employee placement testing. Physicians engaged in the practice of industrial medicine should contact Carols Davis, M.S.W., of the Department of Health Services, 2515 Berkeley Way, Berkeley, CA 94704, (415) 540-2534 for copies of the regulations and further information. Only clinical laboratories specifically approved by the Department of Health Services may provide sickle-cell screening test for such sickle-cell screening organizations. Pathologists serving such agencies should contact Carols Davis at the above address for further information as to the approval process.

TRIPPLICATE PRESCRIPTIONS FOR CONTROLLED SUBSTANCES

The Department of Justice receives a large number of triplicate prescriptions for drugs which are not listed in Schedule II and which do not require triplicate prescriptions. Please refer to page 44 and 45 of the **GUIDEBOOK TO LAWS GOVERNING THE PRACTICE OF MEDICINE BY PHYSICIANS AND SURGEONS**. A list of the common Schedule II drugs are listed by proprietary name. Paregoric when prescribed alone is the only Schedule III drug requiring a triplicate prescription. You may also identify the correct schedule for a controlled substance by referring to the **Physicians' Desk Reference (PDR)**. Please use the triplicate prescription blanks for Schedule II drugs only.

PERMANENT EXEMPTIONS FOR CONTINUING MEDICAL EDUCATION REQUIREMENTS

Since the continuing medical education relicensure requirements became effective in 1977, the Division of Licensing has granted waivers of the C.M.E. requirements for physicians who have found it difficult to comply with the requirements for reasons of retirement, health, military service, or undue hardship. These waivers previously were granted only for one relicensure period (two years).

The Division has recently determined that permanently disabled physicians may be granted indefinite waivers which need not be renewed every two years. A physician desiring a permanent C.M.E. waiver may request an application form from the Division of Licensing which must contain a certification from his attending physician specifying the nature of the illness or disability and the probability of permanence.

CHANGE OF ADDRESS

On page 66 of the 1981 **GUIDEBOOK TO LAWS GOVERNING THE PRACTICE OF MEDICINE BY PHYSICIANS AND SURGEONS**, the address of the Radiologic Health Section should be corrected as follows:

Department of Health Services
Radiologic Health Section
520 Capitol Mall, Room 800
Sacramento, California 95814

DISCIPLINARY ACTIONS March 1, 1981 — June 30, 1981

Effective January 1, 1981, all statutes in the Medical Practice Act (Business and Professions Code, commencing at Section 2000) were re-arranged and re-numbered to provide a more orderly and logical sequence. Most of the cases below were started before the changeover, and therefore the B&P statutes cited are based on the old numbering system, pre-1981—unless otherwise stated to be "new B&P Code."

Anderson, Arthur Ray, M.D. (C-24538)—San Francisco
725, 2399.5 B&P Code

Stipulated decision. Prescribing dangerous drugs and controlled substances without good faith prior examination and medical indication; and excessive prescribing.

Revoked, stayed, 5 years probation on terms and conditions, including 90 days actual suspension.
June 12, 1981.

Anderson, Gerald M., M.D. (A-21634)—Torrance
2435, 2391.5, 2390 B&P Code; 11170 H&S Code
Seeing patients while under the influence of a self administered controlled drug to the extent it impaired safe practice.
Revoked, stayed, 5 years probation on terms and conditions
June 5, 1981.

Braxton, Maceo, M.D. (G-2477)—Los Angeles
2361 (b) & (d), 2141, 2399.5, 2391.5 2377.5 B&P Code; 11154, 11164(c) H&S Code
Gross negligence and incompetence in prescribing controlled substances to a drug abuser who died from overdose; indiscriminate prescribing and violation of drug statutes. Also, unauthorized use of a physician's assistant, and aided and abetted the unlawful practice of medicine.
Revoked.
April 24, 1981.

- Buckler, Robert P., M.D. (A-12495)—Anaheim**
725, 2399.5, 2361(b), (c), & (d) B&P Code
Prescribing without good faith prior examination and medical indication; excessive prescribing; gross negligence; incompetence; and repeated similar negligent acts.
Revoked.
April 18, 1981.
- Callanan, John G., M.D. (A-18305)—San Francisco**
2390 B&P Code
Stipulated Decision. Numerous incidents of being under the influence of alcohol, including while on duty. Conviction of manslaughter involving the use of alcohol while driving.
Voluntary surrender of license accepted subject to numerous pre-conditions in the event of relicensure.
June 25, 1981.
- Capobianco, Steven J., M.D. (A-20500)—Glendale**
2391.5, 490, 2364 B&P Code; 11155 H&S Code
Conviction of numerous unauthorized prescriptions for controlled substances. Violation of probation under prior discipline. Decision recently upheld on judicial review.
Revoked.
April 11, 1981.
- Chao, Alfred W., M.D. (A-30346)—Richmond**
2361(e), 2411 B&P Code
Dishonesty in filing numerous false claims to Medi-Cal for services not performed. Decision recently upheld on judicial review.
Revoked.
May 18, 1979.
- Goldwater, Allen, M.D. (A-19212)—Redwood City**
Section 2417 illness and impairment.
Revoked.
May 28, 1981.
- Handler, S. Herbert, M.D. (C-10477)—Beverly Hills**
725, 2399.5, B&P Code
Prescribing controlled substances without medical indication; repeated acts of clearly excessive prescribing.
Revoked, stayed, 5 years probation on terms and conditions, including 120 days actual suspension.
April 29, 1981.
- Hood, Peter M., M.D. (A-20594)—San Diego**
Violated probation under prior decision. Also, section 2417 illness and impairment.
Revoked.
May 29, 1981.
- Hughes, Raymond, M.D. (C-8675)—Sunnyvale**
2361(b) B&P Code
Gross negligence in using contraindicated smallpox vaccine to treat rash and herpes on patient with chronic leukemia, resulting in hospitalization for potentially life-threatening complications.
Revoked, stayed, 5 years probation on terms and conditions.
April 18, 1981.
- Jarand, Paul, M.D. (A-15692)—Imperial Beach**
2399.5, 2391.5, 2361.5, 700, 2361(b), (c), (d) B&P Code; 11156 B&S Code
Stipulated Decision. Prescribing dangerous drugs and controlled substances excessively and without good faith prior examination and medical indication, and to persons not under his care for a pathology or condition; gross negligence, repeated similar negligent acts, and incompetence.
Revoked, stayed, on pre-conditions and 6 months actual suspension, then 10 years probation on terms and conditions.
April 18, 1981.
- Johnson, Robert W., M.D. (C-16265)—Los Gatos**
2361(b), (c), (d) B&P Code
Gross negligence, repeated similar negligent acts and incompetence in the management of hyperthyroidism in a 16 year old girl who died. Decision recently upheld on judicial review.
Revoked, stayed, 10 years probation on terms and conditions including 6 months actual suspension.
May 28, 1981.
- Kasch, James W., M.D. (C-642)—Oakland**
2234(b), 2261 new B&P Code
Stipulated Decision. Gross negligence in the management of an asthma patient who died. In another matter, knowingly signed physical examination forms falsely representing that certain examinations had been conducted.
Voluntary surrender of license accepted, subject to numerous pre-conditions in the event of relicensure.
June 25, 1981.
- Kayfetz, Daniel O., M.D. (C-9918)—Oakland**
2390, 2361(e) B&P Code
Stipulated Decision. Dishonest conduct involving thefts. Unlawful possession of controlled drugs for self administration.
Revoked, stayed, 5 years probation on terms and conditions. (further stipulated that Decision is suspended if within 60 days he is accepted into the Board's Impaired Physicians Program.)
April 24, 1981.
- Lurie, Jerome L., M.D. (C-5987)—Scarsdale, New York**
2363 B&P Code
Conviction for Medicaid fraud, resulting in disciplinary decisions by the medical boards of New Jersey and Maryland.
Revoked.
May 25, 1981.
- Miller, Donald Alan, M.D. (C-9518)—Indio**
2361 B&P Code
Stipulated decision. Conspiring to have his wife murdered constitutes unprofessional conduct. Criminal conviction on appeal and therefore not a final conviction.
Revoked, stayed, 10 years probation on terms and conditions. (Further stipulated that if conviction upheld on appeal, license is outright revoked, effective on date conviction becomes final.)
May 14, 1981.
- Neal, Richard M., Jr., M.D. (C-30739)—Lawn-dale**
2372, 2399.5, 700, 2391.5 B&P Code.
Stipulated Decision. Violation of probation under prior discipline. Prescribing without good faith prior examination and medical indication; excessive prescribing; violation of drug statutes.
Revoked, stayed, 5 years probation on terms and conditions including 90 days actual suspension.
May 14, 1981.
- Randles, William R., M.D. (C-36521)—Jacksonville, Florida**
2361(b), 2392, 2399 B&P Code
Respondent's election to perform abdominal lipectomy upon an obese diabetic with skin lesions on her arm and a known history of drug addiction was gross negligence. Aided and abetted unlicensed persons in the practice of cosmetic surgery. Used agents to procure business. Decision upheld recently on judicial review.
Revoked, stayed, 5 years probation on terms and conditions including 90 days actual suspension.
April 3, 1981.
- Tenn, Richard S., M.D. (C-16701)—Rolling Hills Estate**
2399.5, 2391.5 B&P Code; 11154 H&S Code
Prescribing controlled substance without medical indication and without good faith prior examination, and to persons not under treatment for a pathology or condition; thus violating probation under prior discipline.
Revoked, stayed, 10 years probation on terms and conditions.
April 23, 1981.
- Thomassen, Elmer H., M.D. (C-1920)—Newport Beach**
2361(e) B&P Code
Dishonest conduct in collecting \$800 total fee in advance from patient and then refusing to refund patient from insurance payment later received. Fraud and deceit used in hiring office staff and then refusing to pay them.
30 days suspension, 20 days actual and 10 days stayed, with one year probation on terms and conditions.
May 25, 1981.
- Wayland, L. C. Newton, M.D. (AO-7276)—Santa Barbara**
2399.5, 2391.5 B&P Code; 11154, 11157, 11173(b) H&S Code
Stipulated Decision. Prescribed controlled substances without good faith prior examination and medical indication, and to a person not under his treatment for a pathology or condition, and involving a false prescription.
Revoked.
June 29, 1981.
- Wedel, Elmer P., M.D. (C-15984)—Montego Bay, Jamaica**
2363 B&P Code
Oregon license revoked by that state for refusing to comply with an order to take a competency examination.
Revoked.
January 5, 1981.

DISCIPLINARY GUIDELINES AND MODEL DISCIPLINARY ORDERS REVISED

The Division of Medical Quality's Disciplinary Guidelines and Model Disciplinary Orders are revised.

The Division of Medical Quality approved revisions in its Disciplinary Guidelines and Model Disciplinary Orders at the June 1981 Board meeting. The revised Manual will not be available until this fall and is primarily intended for the use of administrative law judges, medical quality review committees, attorneys, and physicians.

Copies may be ordered by calling (916) 924-2301.

NEW APPOINTMENTS

Board of Medical Quality Assurance:

Anne E. Salsbury, San Francisco, Division of Allied Health Professions (Reappointment)

James P. Lockhart, M.D., Menlo Park, Division of Medical Quality (Reappointment)

Florence Stroud, R.N., Berkeley, Division of Licensing (Reappointment)

Ben Winters, Los Angeles, Division of Medical Quality (Reappointment)

William J. Coffey, M.D., Los Angeles, Division of Licensing

Medical Quality Review Committees:

Willie Stephens, D.D.S., District XI

Carol Cahil, District XIV

A VOLUNTARY PLAN IN FLORIDA TO CURB PRESCRIPTION-DRUG ABUSE

The plan has helped to markedly decrease the quantities of amphetamines and methaqualones which flow from doctors' prescriptions to illegal drug pushers. Physicians and pharmacists have teamed closely to make the plan work. The plan removes amphetamines and methaqualones from the pharmacists' shelves. Physicians who need to prescribe these drugs according to indications, continue to do so. Drugs are prescribed only in original package quantities. The use to be made of the drug is noted on the prescription. The prescription is filled only after a 48 hour delay. The pharmacist then checks with the prescribing physician and obtains the drug from a supplier. Because the pharmacist does not stock these drugs on his shelves, the likelihood of break-ins is reduced. A few physicians complained that they were being told how to practice medicine; however, the plan became the formal policy of the medical society. There was an 81 percent decrease in amphetamine sales the first month the plan was in effect. Methaqualone sales in the same period decreased 56 percent.

Some form of the plan is being considered for adoption and nationwide promotion by the American Medical Association. The plan's success stems from close cooperation between physicians, pharmacists, and wholesale drug suppliers.

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

Applications & Examinations (916) 920-6411
Continuing Education (916) 920-6353
Disciplinary Information (916) 920-6363
Fictitious Names (916) 920-6353
Verifications of Licenses (916) 920-6343
Allied Health Professions:
Acupuncture (916) 924-2642
Hearing Aid/Speech Pathology/Audiology (916) 920-6388
Physical Therapy (916) 920-6373
Physician's Assistant (916) 924-2626
Podiatry (916) 920-6347
Psychology (916) 920-6383
Registered Dispensing Opticians (916) 924-2612



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