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.

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>
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CODE
3 A case that results in closure with merit.
3-B A case that results in closure without merit.
3-C 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 come under investigation within that time period. Multiple incidents of substandard care could lead to a formal allegation of unprofessional conduct.

(Continued on Page 4)
ABOTT, Dee L., M.D. (C-36861) Bakersfield
Suspended surrender of active license. 
Accusation dismissed. October 25, 1985

ANDERSON, Gerald, M.D. (A-21640) 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. 
Revoked, stayed, 5 years probation on terms and conditions, including 90 days actual suspension. August 29, 1985

CHALAMIDIS, Stewart, M.D. (G-20319) Santa Ana
2234(b), (d) B&P Code
Suspended Decision. Gross negligence and incompetence in misdiagnosing a malignant melanoma from two biopsies taken, and in failing to obtain a consultation. 
Revoked, stayed, 3 years probation on terms and conditions. August 19, 1985

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

CHAROW, Arnold

DVORAK, Benjamin Anthony, M.D. (C-36196) Phoenix, Arizona
Stipulated Decision. Conviction for prescribing a controlled drug to a person not under treatment for pathology or condition. Conviction for receiving stolen goods. 
Revoked, stayed, 5 years probation on terms and conditions. October 31, 1985

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

FUA, Teresita, M.D. (A-35486) Sacramento
2234(b), (c), (d), 2170 B&P Code
Suspended Decision. Gross negligence, incompetence, and repeated similar negligent acts. Signing a false document. 
Conviction for prescribing controlled drugs without medical indication, in violation of probation of prior discipline. 
Revoked, stayed, 5 years probation on terms and conditions, including 90 days actual suspension. November 25, 1985

FUGA, Teresita, M.D. (A-35486) Sacramento
2234(b), (c), (d), 2237, 2238, 11154, 11156 H&S Code
Suspended Decision. Excessive prescribing of controlled drugs in a negligent and incompetent manner. Conviction for prescribing controlled drugs to persons not under treatment for a pathology or condition, and prescribing for an addict. 
Revoked, stayed, 5 years probation on terms and conditions, including 30 days actual suspension. November 22, 1985

GOODMAN, Stanley, M.D. (C-39950) Irvine
2305 B&P Code
Suspended Decision. Disciplinary action by Arizona Board for false billing. 
Revoked, 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. 
Revoked, stayed, 5 years probation on terms and conditions. December 26, 1985

HINES, Wint A., M.D. (G-20302) Salt Lake City, Utah
2305, 2239 B&P Code
Suspended Decision. Disciplinary action by Utah Board for self-use of controlled drugs. 
Revoked, stayed, 5 years probation on terms and conditions. October 23, 1985

JOHNSON, Denise, M.D. (G-44209) Montebello
Failed to comply with numerous conditions of probation from prior discipline. 
Revoked, stayed, 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. 
Revoked, stayed, 5 years probation on terms and conditions. August 26, 1985

KENNED, Howard R., M.D. (A-17467) Fresno
2204(c) B&P Code
Suspended Decision. Repeated similar negligence in failing to perform a complete examination and evaluation of auto accident patient with known head injuries. 
Revoked, stayed, 5 years probation on terms and conditions. January 27, 1986

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

LI, Gal Fai Lui, M.D. (C-12821) Honolulu, Hawaii
2305, 2234(c), 2235, 2237, 2242 B&P Code
Suspended Decision. Federal convictions in Hawaii for conspiracy to commit health care fraud, and for wire fraud and fraud involving health care programs. 
Revoked, stayed, 5 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-25265) 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. 
Revoked, stayed, 5 years probation on terms and conditions. October 31, 1985

MARTINEZ, Anthony, M.D. (C-15205) City of Commerce
2236 B&P Code
Suspended Decision. Conviction for Medi-Cal false claims. 
Revoked, stayed, 5 years probation on terms and conditions, including 90 days actual suspension. December 27, 1985

MC GREGOR, Milton K., M.D. (A-14532) St. George, Utah
2236 B&P Code
Discipline by Utah medical board. 
45 days suspension, stayed on condition that no other cause for discipline shall occur within 100 days. December 27, 1985

MC GREGOR, William Glenn, M.D. (G-34966) Pembroke Pines, Florida
2305 B&P Code
Discipline by Florida medical board for chemical abuse. 
No appearance by respondent at California hearing. 
Revoked. August 9, 1985

MELONE, Horatio, M.D. (C-10093) San Francisco
2306 B&P Code
Practiced medicine during suspension period under prior discipline. 
Revoked. December 27, 1985

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

OLSEN, Gary, M.D. (A-22081) Madera
2234(c), (d) B&P Code
Incompetence in continuing with pancreatic surgery in face of severe infection. 
90 days suspension, stayed, 5 years probation on terms and conditions. December 7, 1985

PASHA, Nazel L., M.D. (C-37893) Los Angeles
2234(c), (d) B&P Code
Gross negligence and incompetence in plastic surgery cases. 
Revoked, stayed, 5 years probation on terms and conditions. May 29, 1984

J udicial review recently completed.

PICKER, Robert L., M.D. (G-19566) Walnut Creek
Suspended Decision. Violation of probation under prior discipline. 
Revoked, stayed, 5 years probation on terms and conditions, including 6 months actual suspension. November 4, 1985

PIERCE, Gary R., M.D. (C-34347) Bloomfield Hills, MI
2305 B&P Code
Discipline by Michigan medical board. No appearance by respondent in California action. 
Revoked. December 27, 1985

PLACF, Franko, 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. 
Revoked, stayed, 5 years probation on terms and conditions, including 6 months actual suspension. December 27, 1985

RATAN, Rax S., M.D. (A-26366) Yucca Valley
2234(c), (d) B&P Code
Suspended Decision. Gross negligence and incompetence while performing a transurethral prostatectomy (TURP) operation. 
Revoked, 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

REDDY, Ramachandra Y., M.D. (A-12145) Yucca Valley
2304(c), (d) B&P Code
Suspended Decision. Gross negligence and incompetence while performing a transurethral prostatectomy (TURP) operation. 
Revoked, 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

SCHNEIDER, R., M.D. (G-35758) New York
2305 B&P Code
Suspended Decision. Gross negligence and incompetence in treatment of a patient with known head injuries. 
Revoked, stayed, 5 years probation on terms and conditions, including 6 months actual suspension. December 23, 1985

SMITH, Darwin E., M.D. (A-16968) Santa Rosa
2234(c), (d) B&P Code
Suspended Decision. Gross negligence and incompetence in surgery. 
Revoked, stayed, 5 years probation on terms and conditions, including 6 months actual suspension. December 27, 1985
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 can I do?" My answer was: Make him offer-"Get into a drug treatment program (and I mentioned the BMQA Diversion Program as a possibility), or I will report you to the BMQA.""

Two days passed. The same anonymous voice called me back. "My partner said that I was overreacting. He denies being an addict."

Obviously the caller had failed with his primitive efforts to intervene, confront, and overcome the strong denial of a drug abusing physician. Both of us were to learn in the ensuing three years that intervention and confrontation must be done by experienced persons if it is to direct an addicted physician into treatment.

However, destiny runs inexorably, as it will do with each and every addicted physician who is not treated.

Two months later, in mid 1983, a BMQA office in Southern California received an anonymous call from a physician who stated that a physician he works with, whom we shall call "Harry," has been using Cocaine, and his use has increased over the last year.

The call contained an empty bottle of Stadol, an empty bottle of Dalmane, an empty bottle of Nubain, 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. He 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.
ADULT ABUSE REPORTING REQUIREMENT

(Continued from Page 1)

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, a marriage, family and child counselor 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.