



No. 37 - July 1989

Is the BMQA Doing the Job it is Responsible For?

An Open Letter to California Physicians From the President of the Board

Dear California Doctor:

Earlier this year newspapers and other media carried a series of articles and editorials charging the BMQA with failure to protect the people of California from incompetent, unethical, impaired and dangerous physicians. This negative publicity stemmed from a report published by a private organization, which alleged to have conducted a comprehensive, objective study of the Board.

Is medical care in California hazardous to patients' health? Are dangerous doctors running rampant while the BMQA twiddles its thumbs? What does the BMQA do to protect Californians?

THE DISCIPLINARY SYSTEM

Each year, BMQA receives over 5,000 complaints against physicians. Of these, about half are trivial, are about things which are not under the Board's jurisdiction or involve things that are not illegal.

The Board investigates over 2,000 complaints each year. About one third of the investigations are closed without merit. That is, the Board is unable to find any usable evidence of incompetence, negligence, impairment, fraud or other actionable violation of the law. Another third are closed with merit. In these cases, there is some evidence of a violation, but not enough to build a case which would stand up in a hearing. The files in these cases are retained for five years. If there are no further complaints or violations by the physician, the files are destroyed.

Of the remaining third, approximately 200 lead to filing of formal charges. More than 250 physicians are brought in for medical review, an informal conference with Board representatives to explore potentially serious practice problems. Another 30 or more are found to have problems with alcohol or other drug abuse and enter the Diversion Program.

Overall, approximately 500 physicians each year are subject to some sort of corrective encounter with the Board. This represents 0.7% of the 69,000 physicians living in California. Spread over a average of thirty years in practice, as many as one in five physicians are likely to be subject to at least an informal process, and about 8.5% of doctors will have formal charges filed against them. Allowing for repeat cases, the numbers actually affected will be somewhat lower.

WHY IS THE DISCIPLINARY PROCESS SO SLOW?

From the time the Board receives a complaint about a physician, until completion of a hearing and adoption of a decision takes from two to three years. Occasionally a case will drag along for several more years. Why is this so?

The most basic answer lies in the Bill of Rights, in the words "due process of law". A physician has an absolute right to confront his or her accusers, to mount a defense, and to appeal a disciplinary order. Under the best of conditions, time is needed to complete a thorough investigation, draft and file formal charges, schedule a hearing, and hear the case. Additional time is needed for the Administrative Law Judge to prepare a proposed decision, and for the Division of Medical Quality to adopt or review the decision. If the physician appeals through the courts, several years may be added to the process.

For the past several years, the number of complaints received has outstripped the Board's staff resources, with two results: a backlog of lower priority cases has developed, and investigations have taken longer to complete. Our efforts to get Legislative approval to hire more staff have been only marginally successful. However, with recent studies of the board

by several agencies and organizations, we now have the impartial evidence we need to support the necessity to expand our enforcement staff.

WHAT IS THE EXTENT OF PHYSICIAN IMPAIRMENT?

There is no simple answer to this question. Some have estimated that about 10% of the general population will have substance abuse problems, and that there is no reason to assume that physicians differ significantly.

That assertion cannot be taken at face value for two reasons: 1. "Substance abuse" is not the same as "impairment so serious that the individual is unfit to function in his or her profession or occupation". Substance abusers include those who occasionally drink to excess or use illegal drugs outside the workday and away from the workplace. They also include the much smaller number who are seriously and continually impaired. Claims that 10% of all physicians are in the latter group have never been supported with objective evidence.

2. Substance abuse may occur at anytime during a life cycle, and may last from weeks or months to decades. Taken together, it may be possible to assert that 10% of physicians will abuse substances to some degree for some period of time during their careers. Again, there is absolutely no foundation for claiming that anywhere near that number are actively abusing at any point in time to the degree that their patients are at risk.

REHABILITATION OR PUNISHMENT?

Throughout the penalty provisions in the Medical Practice Act are numerous references to rehabilitation of physicians. Whether it involves an applicant who overcame youthful offenses and became a productive citizen, a practicing physician who shows evidence of remorse and a desire to right a professional wrong, or an impaired physician who overcomes an addiction and reclaims his life, the law provides for recognizing change.

The issue is not whether the Board should seek to rehabilitate its licensees. The issue is whether the Board makes certain that rehabilitation has truly occurred and consumers are protected from dangerous, incompetent, dishonest or impaired physicians. We believe the system at our disposal of competency examinations, psychiatric evaluations, probation monitoring, practice limitations and peer oversight provide a high level of protection for Californians.

In summary, we at BMQA believe the existing system of physician quality assurance is effective in spite of the real problems we encounter. We are working hard to improve our effectiveness from year to year, including getting the additional staff we need. We are alarmed at the disservice done to consumers by misleading, sensationalized media hype. We embrace our real responsibility for assuring that incompetent, impaired and downright dangerous doctors are taken out of practice, but we deplore baseless allegations that the medical doctors of California are a clear and present danger to their patients.

I personally invite you to share your observations about the Board's effectiveness with us, and to suggest ways we can better serve the public.

Sincerely,


GALAL GOUGH, M.D. President

DISCIPLINARY ACTIONS

August 1, 1988 to May 31, 1989

Physicians and Surgeons

ALBERT, Samuel H., M.D. (G-018039) - Fountain Valley, CA
2234(c) B&P Code
Stipulated Decision. Repeated negligent acts in the care of a psychiatric patient.
Revoked, stayed, 7 years probation on terms and conditions, including 30 days actual suspension.
March 6, 1989

ARNETT, Donald L., M.D. (C-022719) - Louisville, KY
2305 B&P Code
Kentucky license revoked by that state.
Revoked. Default in California.
March 6, 1989

ARORA, Ravinder P.S., M.D. (A-039064) - Laguna Hills, CA
2234(d), 2293 B&P Code
Incompetence. Failed two separate professional competency exams in his field of medicine.
Revoked, stayed, 5 years probation on terms and conditions, including clinical training program.
November 18, 1988

BUCHE, Dale K., M.D. (C-027740) - Salinas, CA
726, 2234(b) B&P Code
Stipulated Decision. Sexual misconduct with patient and gross negligence.
Revoked, stayed, 7 years probation on terms and conditions.
February 2, 1989

CALIRI, Nicholas J., M.D. (G-047835) - Montebello, CA
822, 2234(a), 2236 B&P Code
Stipulated Decision. Mental illness. Convictions involving driving under the influence of drugs.
Revoked.
August 22, 1988

DINH, Hung T., M.D. (A-033024) - Cerritos, CA
490, 2260, 2234(e) B&P Code
Conviction for filing false Medi-Cal claims.
Revoked, stayed, 5 years probation on terms and conditions.
January 5, 1989

FUTCH, Ronald, M.D. (A-024713) - Oakland, CA
480, 2234(a), (e), 2238, 2261 B&P Code
Practiced medicine during suspension. Violated numerous conditions of probation under prior discipline. Prescribed controlled drugs under long expired DEA permit. Lied on applications to hospital, DEA and others.
Revoked.
January 5, 1989

GUILLOZET, Noel, M.D. (G-016849) - Fresno, CA
822 B & P Code. Stipulated Decision.
Inability to practice safely due to a significant organic cerebral impairment with secondary depression.
Revoked, stayed, 5 years probation on terms and conditions, including continued treatment and monitoring.
August 11, 1988

HALES, Ernest L., M.D. (A-024713) - Orange, CA
490, 2236(a), 2236 B&P Code
Conviction of rape of a female in her home, false imprisonment, oral copulation and burglary.
Revoked.
November 17, 1988

HENDERSON, Leslie J., M.D. (C-016301) - Paramount, CA
2239, 2234(e) B&P Code
Violations of probation stemming from alcoholism which is under remission and control.
Revoked, stayed, 7 years probation on terms and conditions, including 90 days actual suspension.
January 30, 1989

HILDERBRAND, Charles P., M.D. (G-037269) - Atlanta, GA
2305, 2238, 2239 B&P Code
Stipulated Decision. Disciplined by the U.S. Air Force for self abuse of Fentanyl affecting his work as a military anesthesiologist.
Revoked, stayed on condition that if he returns to California he must submit to evaluation and direction of BMQA's Diversion Program for impaired physicians.
August 29, 1988

HOLNESS, Herbert A., M.D. (A-014785) - San Diego, CA
725, 2242, 2234(b), (c) B&P Code
Excessive prescribing without good faith prior exam and medical indication, gross negligence, repeated negligence and violation of probation of prior discipline for improper prescribing.
Revoked.
December 19, 1988

HURD, Harry F., M.D. (C-032418) - Sacramento, CA
2234(c) B&P Code
Repeated negligent acts in prescribing codeine and other controlled substances excessively and with little clinical indication to a patient known to abuse drugs.
Revoked, stayed, 5 years probation on terms and conditions.
February 2, 1989

JOSLYN, Irwin E., M.D. (C-027345) - Weaverville, CA
2305 B&P Code
Disciplined by Idaho for alcohol abuse.
Revoked, stayed, 5 years probation on terms and conditions.
August 17, 1988

KEENAN, Barbara J., M.D. (C-032249) - Lone Pine, CA
Violated probation.
Refused to submit to fluid testing. Failed to comply with ban on prescribing Schedule II narcotics.
Revoked, stayed, 5 years probation on terms and conditions, including 120 days actual suspension.
March 20, 1989

LEONARD, James J., M.D. (C-038873) - Los Angeles, CA
2238, 2242 B&P Code; 1153 H&S Code
Prescribed controlled substances without good faith prior exam and medical indication in connection with a "prescription mill."
Revoked.
January 5, 1989

MARQUEZ, Emillo, M.D. (A-022361) - Los Angeles, CA
Gross negligence and incompetence in the management of a diabetic patient who died. Third discipline.
Revoked.
July 14, 1987 (Judicial Review Completed)

MOOREHEAD, Will Earl, M.D. (C-033088) - Houston, TX
Lack of cooperation and failure to comply with probation of prior discipline.
Revoked. Default.
March 17, 1989

MURRAY, David B., M.D. (A-021805) - Los Angeles, CA
2234(b) B&P Code
Gross negligence in the care and treatment of a patient with out-of-control diabetes.
Revoked, stayed, 5 years probation on terms and conditions.
December 19, 1984 (Judicial Review Completed)

NELSON, Robert L., M.D. (A-020625) - Westminster, CA
490, 2236, 2237 B&P Code
Conviction for prescribing controlled substances with-

Copies of complete disciplinary Decisions and Accusations (Statements of Charges) may be ordered by writing to:
BMQA Enforcement, 1430 Howe Avenue, Sacramento, CA 95825.

For quick, orderly processing, please send your request by letter and enclose a check based on \$2.00 for each copy of a decision or an accusation. Give complete name and license number of doctor, as listed here. Please, no telephone requests.

out a legitimate medical purpose - in connection with his affiliation with a weight reduction clinic.
Revoked, stayed, 5 years probation on terms and conditions.
October 8, 1988

NEWELL, Gary Layton, M.D. (G-021303) - Denver, CO
2305 B&P Code
Colorado license disciplined by that state for substance abuse problem.
Revoked. Default.
January 13, 1989

NUNEZ, Oscar G., M.D. (G-047907) - Milpitas, CA
726, 2234 B&P Code
Stipulated Decision. Sexual abuse with female patients.
Revoked, stayed, 7 years probation on terms and conditions, including 45 days actual suspension and third party present during exams.
October 1, 1988

PALMIERI, Roger, M.D. (A-029954) - Newport Beach, CA
2272, 2285, 2234, 2264 B&P Code
Employed as medical director for a lay company engaged in a questionable diagnostic test called cytotoxic testing. Aided and abetted unlicensed persons to draw blood and counsel patients regarding cytotoxic test results and dietary plans.
Revoked, stayed, 5 years probation on terms and conditions, including 60 days actual suspension.
August 17, 1988

PAN, John Ca-Ching, M.D. (A-033730) - Salinas, CA
725, 2234(b), (d), (c), 2241, 2242, 2238, 2237 B&P Code
Stipulated Decision. Conviction for prescribing controlled substances to an addict or habitual user. Prescribing excessively without prior good faith exam and medical indication, constituting gross negligence and incompetence.
Revoked, stayed, 5 years probation on terms and conditions, including 60 days actual suspension.
February 8, 1989

PANZER, Harold J., M.D. (C-009461) - Ainsworth, NB
2305 B&P Code
Nebraska license disciplined by that state.
Revoked. Default.
March 20, 1989

ROLLER, Franklin D., M.D. (C-026350) - Yerington, NV
2305 B&P Code
Nevada license disciplined by that state.
Revoked. Default.
December 12, 1988

ROSENTHAL, George Jr., M.D. (C-029518) - Los Altos Hills, CA
820, 821, 2236 B&P Code
Failed to comply with a Board order compelling a psychiatric examination. Conviction for battery and inflicting corporal injury to spouse.
Revoked. Default.
February 17, 1989

SALMASIAN, Saeed, M.D. (A-032069) - San Diego, CA
726, 490, 2236, 2234(b) B&P Code
Conviction for misrepresenting prices related to his weight loss clinics. Also gross negligence in his bariatrics practice including sexual misconduct.
Revoked.
October 31, 1988

STEEVER, Calvin S., M.D. (C-020726) - Santa Rosa, CA
2234(b), (c), (d), 2238, 2241, 2242 B&P Code

Stipulated Decision. Gross negligence, incompetence and repeated negligent acts in his care and management of obstetrical patients. Also, excessive prescribing without good faith prior exam and medical indication; and furnishing drugs to a habitue.
Revoked, stayed, 5 years probation on terms and conditions, including 90 days actual suspension.
January 5, 1989

STEIR, Bruce S., M.D. (C-024466) - Emeryville, CA
2305 B&P Code
Stipulated Decision. Medical discipline by the U.S. Navy.
Revoked, stayed, 5 years probation on terms and conditions.
October 28, 1988

THOMSON, James Leroy, M.D., (A-031783) - Santa Rosa, CA
725, 2234, 2238 B&P Code
Stipulated Decision. Excessive prescribing of controlled substances; violation of statutes regulating drugs.
Revoked, stayed, 5 years probation on terms and conditions.
January 20, 1989

VU, Thuc-Oanh Thi, M.D. (A-036564) - San Jose, CA
2236 B&P Code
Stipulated Decision. Conviction of filing false Medi-Cal claims.
Revoked, stayed, 5 years probation on terms and conditions, including 3 months suspension.
August 22, 1988

WOLDENBERG, Lee, M.D. (G-015581) - Toledo, OH
2234(b), 2264 B&P Code
Gross negligence and aiding and abetting unlicensed practice at the Center For Feeling Therapy, a cult-like enterprise engaged in bizarre practices.
Revoked, stayed, 10 years probation on terms and conditions.
May 28, 1986 (Judicial Review Completed)

YANKASAMMY, Samuel, M.D. (C-038184) - Garden Grove, CA
2234(b), 2234(e) B&P Code
Gross negligence related to gall stone surgery; autologous blood; stomach perforation and gastric stapling. Also, false statement in hospital re-appointment application.
Revoked, stayed, 7 years probation on terms and conditions.
October 31, 1988

Podiatrist Discipline

ELARIO, Maurice, D.P.M. (E-1621) - Hanford, CA
725, 2242, 2234(b), (c), (d) B&P Code
Stipulated Decision. Excessive prescribing of controlled substances without good faith prior exam and medical indication, repeated negligent acts, and incompetence. Also, gross negligence in foot care.
Revoked, stayed, 5 years probation on terms and conditions.
September 21, 1988

HITCHCOCK, Phillip, D.P.M. (E-2831) - Rancho Cordova, CA
2234(e), 2261, 2239(c) B&P Code
Knowingly signed license renewal application falsely, stating he satisfied continuing education requirement. Also, convictions involving alcohol.
Revoked.
January 9, 1989

NOSS, Dennis Brian, D.P.M. (E-1450) - Orange, CA
2305 B&P Code
Discipline by Arizona Board.
Revoked. Default.
August 31, 1988

VANWAGENEN, James C., D.P.M. (E-1203) - Fresno, CA
2234 B&P Code
Stipulated Decision. Repeated negligent acts with foot patients resulting in malalignment and subsequent nonunion of bones.
Revocation, stayed, 5 years probation on terms and conditions.
December 8, 1988

Physical Therapist Discipline

CAMPBELL, Kenneth A., P.T. (PT-505) - San Luis Obispo, CA
726, 490, 2660(d) B&P Code
Convictions for lewd and lascivious acts on children under 14.
Revoked. Default.
February 2, 1989

PIT-OG, Henry Tad-Awan, Jr., P.T. (PT-12703) - Swartz Creek, MS
490, 2660(d) B&P Code
Stipulated Decision. Conviction for making false statements in Medicare cost reports.
Revoked, stayed, 2 years probation on terms and conditions.
October 27, 1988

Psychologist Discipline

BELDING, Hiriam, Ph.D. (PK-5621) - San Diego, CA
726, 2960(n), (j), (i) B&P Code
Sexual misconduct with female patient. Gross negligence.
Revoked.
August 17, 1988

BRADLEY, Rosalee, Ph.D. (PW-4787) - Janesville, CA
2960(a), (i), (k), (n) B&P Code
Stipulated Decision. Conviction for false claims to Medi-Cal.
Revoked, stayed, 5 years probation on terms and conditions, including 30 days suspension.
October 13, 1988

COLEMAN, William H., Ph.D. (PF-6098) - San Jose, CA
726, 2960(j), (n) B&P Code
Sexual misconduct with female patient.
Revoked.
July 23, 1986 (Judicial Review Completed)

FIELD, Eleanor S., Ph.D. (PG-7465) - Tarzana, CA
810(a), 2960(n) B&P Code
Filed false inflated claim with insurance company.
Revoked, stayed, 3 years probation on terms and conditions.
March 29, 1989

FONTANESI, John, Ph.D. (PK-6671) - San Diego, CA
2960(a), (n), 2963 B&P Code
Conviction for false claims to Medi-Cal.
Revoked, stayed, 5 years probation on terms and conditions.
November 16, 1988

HAIMSON, Alvin I., Ph.D. (PG-2721) - Menlo Park, CA
2960(j) B&P Code
Stipulated Decision. Gross negligence in encouraging sexual relationships to develop between patients and himself.
Revoked, stayed, 5 years probation on terms and conditions, including 60 days suspension.
November 16, 1988

KNAPP, David M., Ph.D. (PJ-3985) - Fresno, CA
822 B&P Code
Ability to practice safely impaired by mental illness.
Revoked, prior conditions for stay, 5 years probation on terms and conditions.
February 8, 1989

Respiratory Care Practitioner Discipline

DIGGS, Walter, R.C.P. (RL-8916) - Los Angeles, CA
3750(b) B&P Code
Procured license through a fraudulent application concealing a criminal conviction for three counts of robbery.
Revoked. Default.
October 31, 1988

GLOVER, James C., R.C.P. (RZ-8965) - Torrance, CA
3750(b) B&P Code
Procured license through a fraudulent application con-

cealing a criminal conviction for possession of a loaded firearm.
Revoked. Default.
March 13, 1989

MONTELONGO, Leonard, R.C.P. (RCP-9165) - San Bernardino, CA
3750(b) B&P Code
Procured license through a fraudulent application concealing convictions for drunk driving and carrying concealed weapon in a vehicle.
Revoked. Default.
November 12, 1988

PERRY, Reid William, R.C.P. (RF-6079) - Woodland Hills, CA
490, 3750(b), (d) B&P Code
Procured license through false application concealing conviction for driving under the influence of alcohol and drugs. After licensure, suffered four additional criminal convictions.
Revoked.
December 28, 1988

STEPHENS, James Jay, R.C.P. (RF-9867) - Winchester, CA
3750(b), (d), (l) B&P Code
Procured license through false application concealing three misdemeanor convictions. After licensure, conviction for petty theft of supplies at a hospital.
Revoked.
March 23, 1989

Hearing Aid Dispenser Discipline

FLAJOLE, Faith (HA-1328) - San Diego, CA
3401 B&P Code
Failure to respond to clients' inquiries about repairs, failure to return or replace hearing aids left for repair, closed office and abandoned clients.
Revoked. Default.
March 27, 1989

VOLUNTARY SURRENDER OF LICENSE ACCEPTED WHILE CASE PENDING:

Physician and surgeon

TATREAU, Robert W., M.D. (C-038252) - Woodbury, Minnesota
March 24, 1989

Respiratory Care Practitioner

CUTLER, Michael S., R.C.P. (RE-10082) - Torrance, CA
February 17, 1989

LAI, Francis Ming-Hong, R.C.P. (RN-11044) - Encinitas, CA
February 7, 1989

Psychologist

KAVANAUGH, James J., Ph.D. (PSY-3628) - Laguna Beach, CA
March 10, 1989

LANDY, Eugene, Ph.D. (PK-3571) - Los Angeles, CA
March 27, 1989

WAITE, Douglas, Ph.D. (PL-5585) - San Diego, CA
January 6, 1989

Continued on Page 4

STATEMENT OF ISSUES DECISIONS:

(Decisions after trial in license application disputes)

Physician and Surgeon

MONTANO, Rafael M. - Huntington Park, CA
480(a)(2), 2234(e) B&P Code
Submitted false documentations misrepresenting medical training completed.
Application for license denied.
August 10, 1987 (Judicial Review Completed)

NGUYEN, Duc Huu - Chattanooga, FL
2096, 2102(c) B&P Code
Failed to successfully complete four months of training in medicine, surgery, pediatrics or family medicine during postgraduate training.
Application for license denied.
December 14, 1988

REDDY, Anuradha - New York, NY
496 B&P Code
Ejected from FLEX for repeatedly looking at examination papers of neighboring examinees.
Application for license denied.
March 23, 1987 (Judicial Review Completed)

Psychologist and Psychological Assistant

PRATT, Richard H. - Rancho Cucamonga, CA
480(a)(1), 2960(a), (n), (k) B&P Code
Numerous occasions of exposing his genital area to women in California and Texas. Criminal convictions for arson, conspiracy and indecent exposure.
Applications for license as a psychologist and as a psychological assistant are both denied.
December 1, 1988

Acupuncturist

FENNAN, Brian C. (AC-3537) - Calistoga, CA
480(a)(3), 475(a)(4), 4935 B&P Code
Stipulated Decision. Practicing acupuncture before getting a license. License denied, stayed, grant 3 year probationary license on terms and conditions, including suspension for first 90 days.
February 16, 1989

Respiratory Care Practitioner

LAKE, Ronald - Fresno, CA
480(a), 3750(d) B&P Code

Conviction for lewd and dissolute conduct. Conviction for indecent exposure.
Application for license as Respiratory Care Practitioner is denied.
October 27, 1988

WILSON, Roger A. - Lake Isabella, Ca
480(a)(1), (a)(3), 3750.5(a), (c) B&P Code
Conviction in 1985 related to the manufacture and sale of methamphetamine.
Application for a license as a Respiratory Care Practitioner is denied.
March 20, 1989

Hearing Aid Dispenser

SMITH, Terry S. - Lemon Grove, CA
480(c), (a)(2), (a)(3) B&P Code
False application in concealing pending disciplinary action by the Illinois hearing aid regulatory agency.
Application for license as hearing aid dispenser is denied.
March 27, 1989

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1430 HOWE AVENUE
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please refer to the above list before calling the Board.

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