



## Physician Alert

### “Notice to Consumers” regulation now in effect

Effective June 27, 2010, physicians in California must inform their patients that they are licensed by the Medical Board of California, and include the Board’s contact information. The information must read as follows.

#### NOTICE TO CONSUMERS

**Medical doctors are licensed and regulated by the Medical Board of California**

**(800) 633-2322**

**www.mbc.ca.gov**

This regulation, Title 16, California Code of Regulations section 1355.4, was approved by the Medical Board, and mandated by Business and Professions Code section 138. The purpose of this new requirement is to inform consumers where to go for information or with a complaint about California medical doctors.

Physicians may provide this notice by one of three methods:

- Prominently posting a sign in an area of their offices conspicuous to patients, in at least 48-point type in Arial font.
- Including the notice in a written statement, signed and dated by the patient or patient’s representative, and kept in that patient’s file, stating the patient understands the physician is licensed and regulated by the Board.
- Including the notice in a statement on letterhead, discharge instructions, or other document given to a patient or the patient’s representative, where the notice is placed immediately above the signature line for the patient in at least 14-point type.

The three options are designed to serve a multitude of practice settings, including emergency departments, skilled nursing facilities, and surgical settings. In every setting where they

practice, physicians are responsible for compliance with this regulation, not the facility. In a group setting, only one sign must be posted, should the physicians choose that option, but it must be one that each patient can see. The Board expects a good-faith, common-sense interpretation and compliance with this regulation.

The sign may be downloaded from the Board’s Web site at [www.mbc.ca.gov](http://www.mbc.ca.gov); click on “Notice to Consumers Regulation” on the homepage under “WHAT’S NEW”. More information about this regulation also is available there.

While the response from physicians’ offices to our Board has been overwhelmingly conciliatory and cooperative to *(continued on page 3)*

## IN THIS ISSUE

President’s Report . . . . .	2
Board hires executive director . . . . .	3
Revised 2008 Midwife Annual Report . . . . .	3
Legislator profile . . . . .	4
Warning: unlicensed practice of medicine. . . . .	5
Medical consultants needed . . . . .	6
Mandatory physician survey law amended . . . . .	7
Board certified expert reviewers needed . . . . .	7
Payment Error Rate Measurement program . . . . .	9
FDA safety alert . . . . .	10
Administrative actions. . . . .	11

### The mission of the Medical Board of California

The mission of the Medical Board of California is to protect health care consumers through proper licensing and regulation of physicians and surgeons and certain allied health care professions and through the vigorous, objective enforcement of the Medical Practice Act, and, to promote access to quality medical care through the Board’s licensing and regulatory functions.

## President's Report

Recent news articles in the *Los Angeles Times* ("Free health clinic treats 1,200 patients on opening day," April 27, 2010) and the *Ventura County Star* ("Doctors pull extra shifts at crowded free clinics," April 30, 2010) have highlighted the voluntary work of various medical professionals at free clinics in the Los Angeles area. I know I speak for the entire Medical Board of California when I express my pride upon reading of these efforts by our Board's licensees and other health care professionals. We are all in this together, and while I trust our volunteering physicians will proceed carefully, I thank you and encourage your ongoing community service.



Barbara Yaroslavsky  
President of the Board

Of course providing health care to the needy in our society has always been a concern, but in the last few years during our nation's economic downturn, the need for accessible and competent health care has dramatically escalated. For many years our Board has attempted to address this problem, both through our Physician Loan Repayment Program (now known as the Steven M. Thompson Physician Loan Repayment Program and administered by the Health Professions Education Foundation), and through the work of our Access to Care Committee.

Our Board and the California Medical Association (CMA) are sponsoring SB 1031 (Corbett), which would create the Volunteer Insured Physicians Program to provide medical malpractice insurance to encourage physicians to volunteer their services in the interests of expanding access to health care. The services covered would be general medicine or family practice-level care. The Board and the CMA are pursuing this bill to create a method of providing general malpractice insurance to physicians who would otherwise volunteer their services if the cost of maintaining malpractice insurance were

***Our Board and the California Medical Association are sponsoring SB 1031 (Corbett), which would create the Volunteer Insured Physicians Program to provide medical malpractice insurance to encourage physicians to volunteer their services in the interests of expanding access to health care.***

not an impediment. California is one of seven states in the U.S. that does not have a program to cover physicians who provide unpaid, voluntary services.

I would like to add a few words about the work of our re-established Operation Safe Medicine (OSM) – a staff of five Medical Board investigators and one office technician whose work is devoted to proactively addressing the ongoing problems with unlicensed activity and also the corporate practice of medicine. This operation originally was established in 2000, following highly publicized

cases in Southern California involving injury and death at the hands of unlicensed individuals (for more information on this topic, please see our July 2009 newsletter, available at [www.mbc.ca.gov/publications/newsletter\\_2009\\_07.pdf](http://www.mbc.ca.gov/publications/newsletter_2009_07.pdf)). In fiscal year 2002-2003, due to budget constraints, the OSM positions were transferred to maintain staffing levels

in other Medical Board enforcement offices.

After the Board appealed formally to the state budgeting process, OSM was reinstated for

a two-year trial basis one year ago – very good news for consumer protection, and for physicians who see the results of the unlicensed practitioners whom OSM targets. The Board has been particularly concerned about the increase in unlicensed activity in the area of cosmetic procedures. OSM's reinstatement will require the Board to re-justify the need to retain it to the Department of Finance based on its workload. Within the past year, OSM has been assigned approximately 80 consumer complaints of unlicensed or unsafe practice. As specialists, OSM investigators are educating district and city attorneys regarding the laws pertaining to the practice of medicine. We value the work of this dedicated unit and hope our licensees understand its importance to their practices and their patients, as well.

## Medical Board of California hires new executive director



The Medical Board of California has hired its interim executive director to serve as its executive director. Linda Whitney, of Sacramento, had formerly served as the Board's chief of legislation. She was appointed as the Board's interim executive director in January.

"The Medical Board has been impressed with Ms. Whitney's performance as interim executive director and is confident in her ability to continue to promote the Board's public-protection mandate in her day-to-day decisions as executive director," said Board President Barbara Yaroslavsky.

Ms. Whitney has worked for several of the Department of Consumer Affairs' boards and bureaus since 1975. She has worked for the Medical Board since 1994 in a variety of capacities, including administrative management and as chief of legislation, promoting the Board's mission as its liaison at the State Capitol.

## Notice to Consumers

*(continued from cover)*

date, the members of the Medical Board understand that some physicians may not be entirely pleased with this new requirement. The Board was mandated by Business and Professions Code section 138 to promulgate this regulation. Our Board's Education Committee deliberated on this issue for a period of years, taking input from the public and the medical profession. After careful and lengthy discussion on this issue, the Board voted unanimously to pass the regulation, mindful not to require terms such as "complaint" or "problems" in the mandated language. The Physician Assistant Committee and the Osteopathic Medical Board of California are considering a similar regulation, and DCA's Board of Podiatric Medicine has a like requirement in the regulatory process.

For more information, please contact the Medical Board's information officer, Candis Cohen, at (916) 263-2394 or [candis.cohen@mbc.ca.gov](mailto:candis.cohen@mbc.ca.gov).

## ***Revised 2008 Licensed Midwife Annual Report***

The Board wishes to bring to the attention of our readers revisions to the Medical Board's "2008 Licensed Midwife Annual Report Summary," published in the Board's 2008-2009 Annual Report on page iv.

The new figures are the result of changes from late reports filed after the aggregate Annual Report Summary was originally released June 12, 2009, as well as corrections from original reporters who filed revised reports.

In particular, please note changes in the figures for fetal and maternal deaths —

***[www.mbc.ca.gov/allied/midwives.html](http://www.mbc.ca.gov/allied/midwives.html)***

## Legislator profile

# Senator Ellen Corbett



Senator Ellen M. Corbett (D-San Leandro) was elected to the Senate in 2006.

Senator Corbett represents the 10th Senate District, which includes Castro Valley, Fremont, Hayward, Milpitas, Newark, Pleasanton, San Jose, San Leandro, San Lorenzo and Union City.

She is chair of the Senate Judiciary Committee, and

serves on the following committees: Appropriations; Budget; Business, Professions and Economic Development; Energy, Utilities and Communications; Environmental Quality and Legislative Ethics. Senator Corbett also chairs the Biotechnology and Earthquake and Disaster Preparedness Select committees and sits on the Mobile and Manufactured Homes Select Committee.

Among Senator Corbett's legislative actions that affect Medical Board licensees, she authored SB 1031, which addresses medical malpractice insurance and volunteer physicians and surgeons. If passed, this bill would be known and cited as the Volunteer Insured Physicians (VIP) Act and would provide specified medical malpractice insurance coverage to volunteer physicians providing uncompensated care to patients pursuant to a contract with a qualified health care entity. The bill would

provide unspecified funding for the program from the Contingent Fund of the Medical Board of California for a limited period of time. The Board will publish information on this bill as it moves through the legislative process.

During her six years in the Assembly and term in the Senate, Senator Corbett has authored landmark legislation, including creating a cash back for gift cards program, giving consumers more information about bottled water, and updating the Americans with Disabilities Act.

She has a long history of public service in her district. She served as a city councilmember and was the first woman elected mayor of San Leandro. Prior to that, she worked as an attorney, community college professor, and civic activist.

Senator Corbett has received numerous awards during her legislative career. In 2008, she was named one of the Top 100 Attorneys in California and an Outstanding Legislator by the California State Sheriffs' Association. Senator Corbett was given the Inspirational Leader Award from Kindango in 2009.

A native Californian, Senator Corbett attended local schools in the East Bay, including Chabot Community College and California State University, Hayward. She graduated from the University of California, Davis and McGeorge Law School. Prior to her legislative career, Senator Corbett practiced civil law.

## A Woman's Guide to Breast Cancer Treatment

The California Department of Public Health's Cancer Detection Section has updated its booklet, "A Woman's Guide to Breast Cancer Treatment." The State of California requires that physicians give the booklet to each patient diagnosed with breast cancer. Copies of the booklet are free and can be obtained by faxing a request to the Medical Board of California at (916) 263-2479, or downloading at [www.mbc.ca.gov/publications/](http://www.mbc.ca.gov/publications/).



---

## **WARNING to physicians and program directors**

### **Don't assist the unlicensed practice of medicine**

The Medical Board continues to receive complaints alleging physicians are allowing international medical school graduates to work in their offices treating patients. This practice is only lawful if the scope of the work is no more than a medical assistant would perform.

After individuals graduate from medical school, the law requires them to enter accredited residency training programs to qualify for a California medical license. These training programs are generally in large teaching hospitals, and are accredited by the American Medical Association's Accreditation Council of Graduate Medical Education. Before the trainees qualify for licensure, they cannot "moonlight" or gain experience by participating in an "externship" by working in a physician's private office or clinic. If graduates are unable to gain admission into an accredited training program, they cannot gain clinical experience by working in a physician's private office or clinic performing any duties other than those routinely fulfilled by a medical assistant. They cannot perform as a trainee (in a residency program) nor a physician assistant. International graduates may be employed as medical assistants in a physician's office if they do not represent themselves as medical doctors nor exceed the duties specified in Business and Professions Code section 2069-2071 and Title 16, California Code of Regulations, sections 1366-1366.4.

A recurring problem seen at the Board is physicians writing letters of recommendation for unlicensed international graduates that extol their hands-on clinical patient skills, with the hope of impressing future training program directors. International graduates desire a letter to present to prospective postgraduate training program directors describing their clinical experience in the United States. If the Board advises them that they have to limit their hands-on activities to those that a high school graduate medical assistant can do legally, those activities will not impress future program directors. Inevitably, many international graduates choose to violate the law and engage in the unlicensed practice of medicine, thus putting the supervising physicians at risk of being charged with aiding and abetting the unlicensed practice of medicine.

While the Board understands the desire to assist the international graduate, letters written by physicians that indicate they have allowed the unlicensed international graduate to perform examinations and assist with patient care activities in their offices can result in a charge of aiding and abetting the unlicensed practice of medicine. It is common for recommendation letters to be referred to enforcement to determine whether the author of the letter has allowed an unlicensed individual to treat his or her patients. This could result in either a citation for "aiding and abetting" unlicensed practice, or the author acknowledging that the letter embellished the description of duties performed by the trainee. Neither outcome is desirable.

International graduates, not licensed in California nor formally enrolled in an ACGME-approved postgraduate training program, may not perform any clinical activities beyond the scope of a medical assistant. Unfortunately, individuals seeking clinical experience to enhance their ability to obtain an ACGME-approved postgraduate training program will need to seek such clinical experience outside of California.

The above holds true for U.S. and Canadian graduates not licensed in California nor formally enrolled in an ACGME-approved physician assistant training program. Supervising physicians should be aware not to embellish letters of recommendation that portray the graduates as performing duties above and beyond those that are legally allowed.

## Web Applicant Access System

### The Medical Board of California launches its new Web Applicant Access System (WAAS)

Initiated on December 1, 2009, this system allows applicants to look up online the status of their application. By entering a secure Web site, applicants are able to view those documents required by the Board for licensure.

The applicant information screen tells the applicant what documents have been received by the Board and what documents are missing. Additionally, files that have been reviewed will reflect documents found to be deficient and ones that have been approved.

The implementation of this system insures that applicants are able to access their application information anytime at their convenience. This is one of many recent system improvements to streamline and expedite the licensing process.

## Medical Consultants Needed

Are you interested in serving the medical professions and promoting public protection as a medical consultant? Do you have the ability to conduct effective interviews, exercise sound judgment in reviewing conflicting medical reports, prepare opinions, analyze problems, and recommend appropriate action? If you can work eight to 16 hours per week, we have positions throughout California. We have three types of positions available:

- Medical Consultant (Licensing) - Under the general direction of the chief of licensing, provides technical expertise to the Licensing Program on issues relating to education, training programs, licensure, legislation, and scope of practice; prepares research and/or issue papers; participates on task force committees; assists in the development of policy for the Licensing Program, evaluates and makes recommendations related to international medical schools, and performs other related work.
- Medical Consultant (Enforcement) - Under the general direction of the field office supervising investigator, serves as a medical consultant to the Enforcement Program evaluating the professional competence of physicians and surgeons and allied health professionals; provides medical expertise in the review of medical investigations and evaluations of the professional conduct of licensees in relation to the requirements of the law; arranges and coordinates the expert review of medical records; inspects medical records to assure conformance with

the law; coordinates the activities of the peer review panels; counsels physicians whose medical practice or behavior is considered below acceptable standards; and performs other related functions.

- Medical Consultant (Advisory) - Under the general direction of the executive director, serves in an advisory capacity performing research on issues and topics for the Medical Board. Incumbents in this class provide expert consultative services on current or emerging issues facing the Board.

### Minimum Qualifications

1. Possession of a valid, unrestricted license for the practice of medicine in California as determined by the Medical Board of California or the Osteopathic Medical Board of California; and
2. Possession of a valid medical or osteopathic specialty certificate issued by the American Board of Medical Specialties or the American Osteopathic Association; and
3. Five years of experience within the last seven years in the practice of medicine and surgery or in one of the specialties, excluding internship and postgraduate training.

For more information, please contact Laura Sweet, Deputy Chief of Enforcement at (916) 263-2606, or [laura.sweet@mbc.ca.gov](mailto:laura.sweet@mbc.ca.gov).

# Board certified expert reviewers needed

*(must be actively practicing in California)*

The Medical Board of California established its Expert Reviewer Program in July 1994 as an impartial and professional means to support the investigative and enforcement functions of the Board. Specifically, medical experts assist the Board by providing expert reviews and opinions on Board cases, conducting professional competency examinations, physical and psychiatric evaluations.

The rate of payment for conducting case reviews (record review and report writing) is \$150/hour and \$200/hour for providing expert testimony. Experts also are reimbursed for travel expenses within the limits imposed by the state. The Board is trying to expand its database of highly qualified reviewers in the following specialties:

- **Addiction**
- **Colon & Rectal Surgery**
- **Complementary/Alternative Medicine/ Integrative Medicine**
- **Correctional Medicine (with professional medical experience in a correctional institution, whose current, active, private practice is Family or Internal Medicine, outside of CDCR)**
- **Dermatology**
- **Interventional Cardiology**
- **Endocrinology, Diabetes and Metabolism**
- **Family Medicine (Monterey County)**
- **Gastroenterology**
- **Internal Medicine (Monterey County)**
- **Medical Oncology**
- **Rheumatology**
- **Midwife Reviewer**
- **Neurological Surgery**
- **Neurology (general)**
- **Neurology (Clinical Neurophysiology)**
- **Obstetrics & Gynecology**
- **Gynecologic Oncology**
- **Maternal & Fetal Medicine**
- **Reproductive Endocrinology & Infertility**
- **Orthopaedic Surgery**
- **Pain Medicine**
- **Pathology**

- **Pediatric Cardiology**
- **Pediatric Cardiothoracic Surgery**
- **Pediatric Gastroenterology**
- **Pediatric Surgery**
- **Plastic Surgery**
- **Psychiatry (active practice/expertise: general/adult/addiction and able to perform psychiatric evaluations; we are specifically short of evaluators from: San Luis Obispo/Tulare County/Central & Northern California)**
- **Addiction Psychiatry**
- **Psychiatry (Clinical Neurophysiology)**
- **Spine Surgery**
- **Surgery (general surgeons and surgeons performing skin cancer surgeries)**
- **Vascular Surgery**
- **Thoracic Surgery**
- **Medical Toxicology (Los Angeles/ Southern California)**
- **Undersea & Hyperbaric Medicine**
- **Urology**
- **Vascular/Interventional Radiology**

If you are interested in providing expert review services to the Board, you are currently practicing in California, and meet the minimum requirements to participate in the program, please submit your application and current curriculum vitae to the address below. Applications to participate in the program are accepted continuously, including specialties not listed above.

The Expert Reviewer Program application and the minimum requirements to participate in the program can be downloaded online at [www.mbc.ca.gov/licenseeexpert\\_reviewer.html](http://www.mbc.ca.gov/licenseeexpert_reviewer.html).

## Contact Person:

Susan Goetzinger, Analyst  
Expert Reviewer Program  
Medical Board of California  
320 Arden Avenue, Suite 250  
Glendale, CA 91203  
(818) 551-2129; fax (818) 551-2131  
[susan.goetzinger@mbc.ca.gov](mailto:susan.goetzinger@mbc.ca.gov)

## **Mandatory physician survey law amended to include newly licensed physicians**

Effective January 1, 2010, California law (Business and Professions Code section 2425.3) was amended to require newly licensed physicians to complete the Medical Board's mandatory physician survey. In the past, physicians only were required to complete the survey at the time of their first renewal and each renewal thereafter. The new law requires the Board to collect data from physicians immediately upon issuance of their initial license. The data collected includes activities in medicine, specialty, zip code within California of physicians who are treating patients, training status, ethnicity, and foreign language fluency.

The data is to be used in addressing any identified problems such as specific physician shortages defined by geography, specialty and other key variables and will be invaluable in understanding California's physician workforce needs. Just as important, the data collected from the mandatory questions on the survey will be posted on each physician's online physician profile for consumers and patients to reference when searching for a physician.

**Reminder to physicians** — To insure the accuracy of your physician profile on the Board's Web site, please check it periodically at [www.mbc.ca.gov](http://www.mbc.ca.gov), click on "Check Your Doctor." If any of the information changes prior to your next renewal, you can simply complete another survey online at [www.mbc.ca.gov/licensee/Index.html](http://www.mbc.ca.gov/licensee/Index.html), click on "Update My Survey" in the upper right corner, and the new information you provide will be available online within 24 hours.

### **Check your physician profile on the Medical Board's Web site**

[www.mbc.ca.gov](http://www.mbc.ca.gov)

Click on "Licensees" tab and "Check My Profile."

The mandatory physician survey data is used to update your online physician profile on the Board's Web site.

Remember, your address of record is public.

Signed address changes may be submitted to the Board by fax at (916) 263-2944, or by regular mail to:

Medical Board of California  
Licensing Program  
2005 Evergreen Street, Suite 1200  
Sacramento, CA 95815

### **Are health plans or medical groups denying treatments for your patients?**

Get an Independent Medical Review through the Department of Managed Health Care.

Call 888-466-2219 or visit [www.dmbc.ca.gov](http://www.dmbc.ca.gov)



# The Payment Error Rate Measurement (PERM) Program

The California Department of Health Care Services (DHCS) wishes to inform all California physicians of an important review being conducted in California by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). As a result of the Improper Payments Information Act, which was enacted by Congress in 2002, CMS conducts the Payment Error Rate Measurement (PERM) review.

The purpose of the PERM is to identify where erroneous payments were made in the Medicaid Programs of all 50 states and report the improper payment estimates to Congress. The Medicaid Program, also known as Medi-Cal in California, has been identified as a program at risk for significant erroneous payments.

CMS has contracted with three federal contractors to perform the review: Livanta, LLC is the Statistical Contractor (SC). Health Data Insights, Inc. and A+ Government Solutions, Inc. are the Review Contractors (RC). These contractors are required to maintain the confidentiality of all documents containing Personal Health Information (PHI). The RC will collect the medical records from the providers via phone, fax and e-mail for the sampled claims and will perform the medical and data processing reviews on the sampled claims to determine if the claims were paid correctly.

Only 500 Medi-Cal claims will be selected in the sample, or approximately 130 claims per quarter, between October 1, 2009 and September 30, 2010. Providers whose medical records have been selected for review will begin receiving requests from the RC for copies of the medical records beginning in August 2010 through February 2011.

Providers also will be required to send a duplicate copy of the medical records requested by the RC to DHCS. The DHCS is taking this proactive step to review the submitted documentation and determine if further information is needed to support the claim. In cases where DHCS determines that the medical records have not been submitted or further information is needed, providers will be contacted by a DHCS representative either by phone or in person to help facilitate obtaining copies of this important documentation.

The DHCS is urging all providers to comply with requests for medical records from the RC and DHCS. Failure to submit the requested medical records by the due date supplied by the RC will result in an error being counted against California, and DHCS will be required to recover the claim payment amount from providers. Your cooperation will help ensure that the payment measurement rate is accurate and that California retains its much-needed federal match monies for the Medi-Cal Program.

Further information about the FY 2010 PERM can be found by viewing the Medi-Cal Update newsletter, March 2010 edition, which is located at [www.Medi-Cal.ca.gov](http://www.Medi-Cal.ca.gov). CMS also maintains a PERM Web site located at [www1.cms.gov/PERM/](http://www1.cms.gov/PERM/). Questions about PERM can be directed to the DHCS e-mail address, which is [PERM@dhcs.ca.gov](mailto:PERM@dhcs.ca.gov).

## Medical Board's Subscribers' List

Are you interested in the Medical Board's latest actions?

If yes, please join the Medical Board of California's Subscribers' List to obtain e-mail updates of the MBC Newsletter; meeting agendas, notices, and minutes; regulations; license suspensions, restrictions, accusations, revocations, and surrenders for physicians.

If you wish to subscribe to this list, please go to [www.mbc.ca.gov/subscribers.html](http://www.mbc.ca.gov/subscribers.html) and follow the instructions for subscribing.



## Faulty Components in 14 External Defibrillator Models

*(Users should seek alternatives, if possible.)*

Approximately 280,000 external defibrillators used worldwide may malfunction during attempts to rescue people in sudden cardiac arrest due to faulty components that may fail to properly deliver a shock. Other problems with the affected models may include interruption of electrocardiography (ECG) analysis, failure to recognize electrode pads, and interference or background noise that makes the device unable to accurately analyze heart rhythm.

The 14 models manufactured by Cardiac Science Corp., which include automated and semi-automated devices, are:

Powerheart models 9300A, 9300C, 9300D, 9300E, 9300P, 9390A and 9390E  
CardioVive models 92531, 92532 and 92533  
Nihon Kohden models 9200G and 9231  
GE Responder models 2019198 and 2023440

The FDA recommends that hospitals, nursing homes and other high-risk settings obtain alternative external defibrillators and arrange for the repair or replacement of the affected defibrillators.

For all other users, including those who use the device at home or as part of public access programs, the FDA recommends using alternative external defibrillators, if they are available, and arranging for the repair or replacement of the affected models.

If alternative external defibrillators are not immediately available, then FDA recommends continuing to use the affected devices if needed, because they still may deliver necessary therapy. The potential benefits of using the available external defibrillators outweigh the risk of not using any of the affected external defibrillators or the risk of device failure.

If you suspect any electronic or mechanical problem(s) with an external defibrillator, please file a report through MedWatch. Health care personnel employed by facilities that are subject to FDA's user-facility reporting requirements should follow the reporting procedures established by their facilities.

For more information see: [www.fda.gov/MedicalDevices/Safety/AlertsandNotices/ucm191426.htm](http://www.fda.gov/MedicalDevices/Safety/AlertsandNotices/ucm191426.htm)

## Alert: Institute for Safe Medication Practices (ISMP)

### *Name change for heartburn drug Kapidex*

Kapidex is now Dexilant. Last year, soon after the proton pump inhibitor Kapidex (dexlansoprazole) was marketed, the FDA and ISMP began to receive reports that Kapidex was being confused with Casodex (bicalutamide), which is used for metastatic prostate cancer. Some errors had the potential to be harmful. For example, one error involved dispensing Casodex instead of Kapidex to a female patient; the drug is contraindicated for women.

Confusion has also been reported between Kapidex and Kadian (morphine sulfate). Both drugs are available as capsules and share a 60 mg strength. Some errors between Kapidex and Casodex happened when Kapidex was spelled as "Capidex," so people searching for Kapidex using the incorrect spelling might happen upon Capadex in error. This may occur more often when Kapidex disappears from Web searches and drug indexes because practitioners might try to find the drug using the wrong spelling. For more information on ISMP, go to [www.ismp.org/](http://www.ismp.org/).

## Administrative actions: February 1, 2010 - April 30, 2010

### Physicians and surgeons

#### ANDERSON, RICHARD COVENEY, II (G87404) Sutton, MA

Default Decision. Disciplined by Rhode Island for discontinuing treatment for opiate and cocaine addiction prior to completion. Revoked. March 11, 2010

#### BABER, JAMES RANDALL (C52817) Fayetteville, AR

Default Decision. Disciplined by Arkansas for failing a court-ordered drug test and having been diagnosed with an alcohol and drug dependence. Revoked.  
March 24, 2010

#### BAHRAMBEGUI, GHASSEM, M.D. (A23545) La Jolla, CA

Stipulated Decision. Committed acts of failing to maintain adequate and accurate medical records in the care and treatment of Medi-Cal patients and allowing an unauthorized person to handwrite charts on his behalf. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing an educational course, limiting his practice to 3 positions he currently holds as medical director of Imperial Valley

Methadone Clinic, Biomedics Plasma Center, and Mental Health Systems, Inc. March 15, 2010

#### BLATT, ADAM MICHAEL, M.D. (A111452) Newport Beach, CA

Stipulated Decision. Misdemeanor conviction of driving under the influence. Probationary license, placed on 5 years probation with terms and conditions including, but not limited to, abstaining from the use of alcohol and controlled substances and submitting to biological fluid testing. Probationary license issued March 10, 2010.

#### BOHLMAN, GARY RICHARD (G25154) Temecula, CA

Default Decision. Physician has a condition affecting his ability to practice medicine safely. Revoked.  
March 22, 2010

#### BOLANOS, JOSE RAUL (G52463) Los Gatos, CA

Stipulated Decision. No admissions but charged with sexual misconduct/exploitation of a patient and convicted of a misdemeanor substantially related to the practice of medicine. Revoked. April 19, 2010

### Explanation of disciplinary language and actions

**“Effective date of decision”**— Example: “March 10, 2010” at the bottom of the summary means the date the disciplinary decision goes into operation.

**“Gross negligence”**— An extreme deviation from the standard of practice.

**“Incompetence”**— Lack of knowledge or skills in discharging professional obligations.

**“Judicial review pending”**— The disciplinary decision is being challenged through the court system, i.e., Superior Court, Court of Appeal, or State Supreme Court. The discipline is currently in effect.

**“Probationary License”**— A conditional license issued to an applicant on

probationary terms and conditions. This is done when good cause exists for denial of the license application.

**“Public Letter of Reprimand”**— A lesser form of discipline that can be negotiated for minor violations, usually before the filing of formal charges (Accusations). The licensee is disciplined in the form of a public letter.

**“Revoked”**— The license is canceled, voided, annulled, rescinded. The right to practice is ended.

**“Revoked, stayed, five years probation on terms and conditions, including 60 days suspension”**— “Stayed” means the revocation is postponed. Professional practice may continue so long

as the licensee complies with specified probationary terms and conditions, which, in this example, includes 60 days of actual suspension from practice. Violation of probation may result in the revocation that was postponed.

**“Stipulated Decision”**— A form of plea bargaining. The case is formally negotiated and settled prior to trial.

**“Surrender”**— To resolve a disciplinary action, the licensee has given up his or her license — subject to acceptance by the Board.

**“Suspension from practice”**— The licensee is prohibited from practicing for a specific period of time.

**BREWER, EUGENE ALLAN (G59832)**

**Indianapolis, IN**

Stipulated Decision. Disciplined by Ohio for violating his Ohio Board-ordered probation and his California Board-ordered probation. Surrender of license. February 8, 2010

**CALL, JUSTIN D. (G2658)**

**Newport Beach, CA**

Stipulated Decision. Physician has a condition affecting his ability to practice medicine safely. Surrender of license. April 13, 2010

**CHEN, DENNIS HUI-TING (A26597)**

**Newport Beach, CA**

Stipulated Decision. Violated terms of his Board-ordered probation by failing to successfully complete the PACE program. Surrender of license. March 24, 2010

**CLARK, RALPH WARNER, M.D. (A111705)**

**Loma Linda, CA**

Stipulated Decision. Reported a history requiring participation in a long-term treatment program. Probationary license issued, placed on 3 years probation with terms and conditions. Probationary license issued March 30, 2010.

**DIETRICH, PETER SCOTT (G60965)**

**Davis, CA**

Stipulated Decision. Voluntarily tendered license due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation. Surrender of license. March 25, 2010

**DLUGIE, PAUL DAVID (G14648)**

**Scottsdale, AZ**

Stipulated Decision. Disciplined by Arizona for the negligent care and treatment of 2 patients for chronic pain management. Surrender of license. April 15, 2010

**DUCKOR, STEVEN LARRY, M.D. (A25497)**

**Anaheim, CA**

Stipulated Decision. Committed acts of repeated negligence and failure to maintain adequate and accurate medical records while treating a 91-year-old patient. Physician must complete a medical record keeping course. Public Letter of Reprimand. April 28, 2010

**FORD, GLENN MARCUS, M.D. (G42473)**

**Bakersfield, CA**

Stipulated Decision. Convicted of possession of cocaine and charged with unprofessional conduct for self-use of a

controlled substance. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, maintaining a record of all controlled substances ordered, prescribed, dispensed, administered, possessed and any recommendation or approval for marijuana, abstaining from controlled substances and alcohol, submitting to biological fluid testing, obtaining a practice and billing monitor(s) and prohibited from the solo practice of medicine. February 4, 2010

**FRANKEL, ALLAN ISRAEL, M.D. (G34474)**

**Marina Del Rey, CA**

Stipulated Decision. Violated drug laws by prescribing dangerous drugs and/or controlled substances to himself and several patients without appropriate prior examinations and/or medical indication, and failed to maintain adequate and accurate medical records in the care and treatment of the patients. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, maintaining a record of all controlled substances ordered, prescribed, dispensed, administered, possessed and any recommendation or approval for marijuana, abstaining from the use of alcohol and drugs, submitting to biological fluid testing, completing a prescribing practices course, a medical record keeping course, an ethics course and a professional boundaries course. April 22, 2010

**FRIEDMAN, ERNEST H. (CFE19198)**

**Beachwood, OH**

Stipulated Decision. Disciplined by Ohio for non-renewal of license. Surrender of license. March 24, 2010

**GLEASON, PETER CHARLES, M.D. (G87635)**

**Annapolis, MD**

Stipulated Decision. Disciplined by Maryland for regularly prescribing medications over a long period of time to a patient without adequate medical indication. Physician must complete an educational course in medical records documentation and prescribing practices relating to children and adolescents. Public Reprimand. March 26, 2010

**GOUGH, JAMES STOCKMAN (C42510)**

**Scottsdale, AZ**

Stipulated Decision. Disciplined by Arizona for unprofessional conduct towards a patient over an 8-year period. Surrender of license. March 1, 2010



**GUO, WEIXING (A85097)**

**Charleston, WV**

Disciplined by West Virginia for inappropriate prescribing and sexual misconduct with several female patients.

Revoked. April 23, 2010

**HART, CHERYLE RAM, M.D. (G87598)**

**Fremont, CA**

Stipulated Decision. Disciplined by Idaho for prescribing without maintaining a medical office in the state. Physician completed a medical record keeping course, a prescribing practices course, and submitted a written office protocol to the Board for approval. Public Reprimand. March 24, 2010

**HAUTMAN, BARBARA ANN (AFE44852)**

**Seattle, WA**

Stipulated Decision. Disciplined by Washington for unprofessional conduct. Surrender of license.

March 30, 2010

**HAWKINS, JAMES WILLIAM (G16763)**

**San Francisco, CA**

Stipulated Decision. Physician has a condition affecting his ability to practice medicine safely. Surrender of license.

March 2, 2010

**HIRTLE, JAMES ALLEN (A24439)**

**Burbank, CA**

Default Decision. Physician has a condition affecting his ability to practice medicine safely. Revoked. April 29, 2010

**HOSSAIN, MOHAMMAD MOAZZAM, M.D.**

**(A34101) Redlands, CA**

Committed acts of repeated negligence in the care and treatment of 1 patient by failing to maintain adequate and accurate medical records and improper management of the patient's care after being notified of an abnormal mammogram. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing a clinical training program and a medical record keeping course. February 22, 2010. Judicial review pending.

**HOWARD, DEGRASIA ANNE (G49333)**

**Bakersfield, CA**

Stipulated Decision. No admissions but charged with gross negligence and repeated negligent acts in failing to admit a patient to the hospital after outpatient therapies failed despite presenting with symptoms of fever, tachycardia, and hypotension. Physician must complete a clinical training program. Public Reprimand. Surrender of license in lieu of completing clinical training. April 20, 2010

**JAMIESON, BRIAN DAVID (AFE83299)**

**Cary, NC**

Default Decision. Disciplined by North Carolina for opioid addiction. Revoked. March 8, 2010

***Note:* Your address of record is public information and is posted on the Board's Web site — [www.mbc.ca.gov](http://www.mbc.ca.gov)**

The Board continues to hear from physicians that are not aware their address of record, which may be a home address, is posted on their online physician profile on the Board's Web site. We encourage you to routinely visit your profile at [www.mbc.ca.gov](http://www.mbc.ca.gov), click on the "Licensees" tab and "Check My Profile," to insure that your address (and all other information provided) is correct, and it is the address you want the public to see. ***Please note that clicking on the address listed on your profile brings up a Google map of your address of record.***

The mandatory physician survey that is now completed by physicians at the time of initial licensure, and with each renewal, provides the data we use to update your online physician profile.

Signed address changes (form available at [www.mbc.ca.gov/forms/07a-08.pdf](http://www.mbc.ca.gov/forms/07a-08.pdf)) must be submitted to the Board in writing within 30 days of the change. Please fax to (916) 263-2944, or mail to:

Medical Board of California  
Licensing Program  
2005 Evergreen Street, Suite 1200  
Sacramento, CA 95815

**JOHNSON, JAMES BRUCE (C50403)**

**Metairie, LA**

Stipulated Decision. Disciplined by Louisiana for substance abuse. Surrender of license. April 15, 2010

**KAO, MICHAEL, M.D. (A51885)**

**Irvine, CA**

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts, and failing to maintain adequate and accurate medical records in the care and treatment of 2 patients. Revoked, stayed, placed on 7 years probation with terms and conditions including, but not limited to, 60 days actual suspension, completing a medical record keeping course, a professional boundaries program and a clinical training program, and prohibited from treating female patients. April 19, 2010

**KEELEY, SAMUEL B. (G54930)**

**Pittsburgh, PA**

Default Decision. Disciplined by Pennsylvania for violating his Board-ordered probation for noncompliance with a voluntary recovery program after testing positive for hydrocodone. Revoked. April 5, 2010

**KHAN, SHAGUFTA PARVIN (A29867)**

**San Diego, CA**

Charged with misleading advertising by falsely advertising herself as being "board certified" and violated her Board-ordered probation when convicted of violating the Labor Code by failing to provide workers' compensation insurance and failing to provide required information upon demand. Revoked. March 8, 2010. Judicial review pending.

**KOERBER, WALTER ALBERT, JR. (G28087)**

**Harrisburg, PA**

Stipulated Decision. Disciplined by Pennsylvania for ordering and receiving large quantities of Schedule II controlled substances which may have been for self-use. Surrender of license. April 1, 2010

**KOUPAIE, JAFAR, M.D. (C51581)**

**Westwood, MA**

Stipulated Decision. Disciplined by Massachusetts for altering a medical record by affixing his signature to improper changes made by his medical assistant to a patient's medical record. Public Letter of Reprimand. March 15, 2010

**KRAGNESS, MARTIN B., M.D. (A94392)**

**Fairfax, CA**

Stipulated Decision. No admissions but charged with gross negligence and failure to maintain adequate and accurate medical records in the care and treatment of 1 patient by failing to adequately consider and exclude various differential diagnoses and discharged the patient with an unsupported diagnosis of bronchitis. Physician must complete a medical record keeping course and an educational course in the area of heart and lung disorders. Public Reprimand. February 16, 2010

**KUGEL, ARTHUR IRVIN, II, M.D. (G36126)**

**Chehalis, WA**

Stipulated Decision. Committed gross negligence and unprofessional conduct for failing to order appropriate tests for a patient on high doses of methadone and failing to refer the patient for psychiatric consultation, pain medication consultation and addiction medication consultation during years of outpatient treatment. Public Letter of Reprimand. April 1, 2010

**LENSON, RICHARD, M.D. (G59970)**

**Napa, CA**

Stipulated Decision. No admissions but charged with repeated negligent acts, incompetency, failure to maintain adequate and accurate medical records, and unprofessional conduct for failing to adequately surgically repair an ulnar fracture. Revoked, stayed, placed on 2 years probation with terms and conditions including, but not limited to, completing an educational course, a clinical training program, a medical record keeping course, and obtaining a practice monitor. March 15, 2010

**LEVENE, SUSANNE S., M.D. (G79641)**

**Rugby, ND**

Stipulated Decision. Disciplined by Colorado for unprofessional conduct related to excessive use of a controlled substance and her inability to handle complex trauma cases. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing a clinical training program, obtaining a practice monitor, abstaining from the use of alcohol and drugs, and submitting to biological fluid testing. March 15, 2010

**LEVIN, KENNETH (GFE32363)**

**Palm Springs, CA**

Charged with the use of alcohol in such a manner as to be dangerous to himself or others and violating state laws

regulating controlled substances. Revoked. April 22, 2010.  
Judicial review pending.

**LIEB, STEPHEN MICHAEL (AFE31504)**  
**South Beach, OR**

Stipulated Decision. Committed acts of unprofessional conduct and failed to maintain adequate and accurate medical records relating to the care and treatment provided to 1 patient. Revoked, stayed, placed on 2 years probation with terms and conditions including, but not limited to, completing a clinical training program and medical record keeping course. February 16, 2010. License surrendered during probation. March 11, 2010

**McQUEEN, CARLTON KITRIDGE (A93692)**  
**New Orleans, LA**

Stipulated Decision. Disciplined by Colorado for concerns that the physician may have a condition affecting his ability to practice medicine safely. Surrender of license.  
April 30, 2010

**MARKS, DANA RALPH, M.D. (A56403)**  
**Reno, NV**

Stipulated Decision. Disciplined by Nevada for prescribing controlled substances to 2 patients without an appropriate examination or medical indication. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing a prescribing practices course, a medical record keeping course and an ethics course, shall maintain a record of all controlled substances ordered, prescribed, dispensed, administered, possessed and any recommendation or approval for marijuana.  
March 29, 2010

**MARTINEZ, JORGE ADOLFO, M.D. (A49113)**  
**Murrieta, CA**

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts, and failure to maintain adequate and accurate medical records by failing to timely respond to pages from various departments regarding the treatment of a patient; and created a false medical record stating that he conducted a history and physical on that patient when he did not. Revoked, stayed, placed on 35 months probation with terms and conditions including, but not limited to, completing an educational course, medical record keeping course and an ethics course.  
March 24, 2010

**MEDICA, JOHN FRANCIS, M.D. (G83892)**  
**Richland, WA**

Stipulated Decision. Disciplined by Washington for misuse of alcohol and being cited for driving at a high rate of speed with 2 children in his automobile. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, obtaining a practice monitor, abstaining from the use of alcohol, and submitting to biological fluid testing. March 15, 2010

**MILLER, LAWRENCE W., M.D. (G15106)**  
**Savannah, GA**

Stipulated Decision. Disciplined by Georgia for not meeting the minimal standard of acceptable medical practice during the termination of a patient's pregnancy, and failed to transfer the patient to a hospital by ambulance rather than allowing her to leave by private vehicle. Public Letter of Reprimand. March 24, 2010

**NAZARIAN, MARK LAWRENCE, M.D. (G63835)**  
**Solana Beach, CA**

Stipulated Decision. No admissions but charged with gross negligence and repeated negligence in the care and treatment of 1 patient, and failure to maintain adequate and accurate medical records in the care, treatment and management of 3 patients. Physician must complete a clinical training program and medical record keeping course. Public Reprimand. March 29, 2010

**NGUYEN, HIEU (A70907)**  
**Long Beach, CA**

Stipulated Decision. Convicted of attempting to distribute harmful material to a minor with the intent of arousing or gratifying sexual desires of himself or the minor, and with intent or for the purpose of seducing the minor. Revoked.  
April 21, 2010

**NICOLAOU, DAEMEON ACHILLES, M.D. (A111473)**  
**Sacramento, CA**

Stipulated Decision. Convicted of reckless driving. Probationary license issued, placed on 5 years probation with terms and conditions including, but not limited to, abstaining from the use of alcohol and controlled substances, submitting to biological fluid testing, and prohibited from the solo practice of medicine. Probationary license issued March 10, 2010.

**NUGENT, LUIS PHILIP, M.D. (G47906)**

**Montebello, CA**

Stipulated Decision. Committed unprofessional conduct by using alcohol in such a manner as to be dangerous or injurious to himself and others and convicted for inebriation while on the premises where he worked as a surgeon. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, 60 days actual suspension, abstaining from the use of alcohol and controlled substances, submitting to biological fluid testing, completing an ethics course, and obtaining a practice and/or billing monitor(s). April 26, 2010

**OLSEN, TODD ALAN, M.D. (G78259)**

**Hayward, CA**

Stipulated Decision. Committed gross negligence, incompetence and failed to maintain adequate and accurate medical records by not providing adequate documentation to support the diagnosis of cholecystitis and the justification for surgery, failed to perform a preoperative cardiac evaluation in a high-risk patient, failed to follow up on laboratory tests, and failed to recognize early signs of hypovolemic shock in another patient. Public Letter of Reprimand. February 4, 2010

**PATEL, VIKRAMKUMAR D. (A39124)**

**Kemah, TX**

Stipulated Decision. Disciplined by Texas for negligent care and treatment of a patient. Surrender of license. April 28, 2010

**PENA, ADELA P. (A37943)**

**Yorba Linda, CA**

Stipulated Decision. Committed acts of unprofessional conduct for violating his Board-ordered probation by failing to take and pass the PACE course. Surrender of license. April 28, 2010

**PHAM, PHUONG-ANH THI, M.D. (A62741)**

**Fair Oaks, CA**

Stipulated Decision. Committed acts of unprofessional conduct by failing to notice a patient's aortogram showed minimal or no flow beyond the level of the right external iliac and femoral sheath and failed to interpret another patient's right leg pain was due to acute peripheral vascular disease necessitating immediate treatment. Physician must complete an educational course. Public Reprimand. March 31, 2010

**QUACH, THOMAS TRI, M.D. (G80556)**

**Huntington Beach, CA**

Stipulated Decision. No admissions but charged with dishonesty by altering and falsifying medical records and failure to maintain adequate and accurate medical records by denying the existence of medical notes, and later admitting he had forgotten he had destroyed them and submitted his own notes. Revoked, stayed, placed on 35 months probation with terms and conditions including, but not limited to, completing a medical record keeping course and an anger management course. March 25, 2010

**RHEINSCHILD, GARY W. (G13342)**

**Anaheim Hills, CA**

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts, incompetence, aiding and abetting the unlicensed practice of medicine, has a condition affecting his ability to practice medicine safely, and committed unprofessional conduct in the care and treatment of 3 patients. Surrender of license. April 1, 2010

**RICE, JAMES LLOYD, M.D. (C32074)**

**La Jolla, CA**

Stipulated Decision. No admissions but charged with misdemeanor conviction of drug statutes by signing fraudulent prescriptions to a patient with a false name and dishonestly creating false medical records. Revoked, stayed, placed on 2 years probation with terms and conditions including, but not limited to, completing an educational course, a prescribing practices course and an ethics course. February 4, 2010

**ROSNOW, JAN MARIE, M.D. (G47921)**

**Sacramento, CA**

Stipulated Decision. Committed acts of unprofessional conduct by administering succinylcholine to a patient who had suffered a recent spinal cord injury that can be contraindicated for spinal cord injuries. Physician must complete a prescribing practices course and a clinical training program. Public Reprimand. April 1, 2010

**SAZANI, THOMAS A., M.D. (A42368)**

**Orcutt, CA**

Stipulated Decision. No admissions but charged with gross negligence and Internet prescribing without a medical examination or proper assessment. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing an educational course, a prescribing practices course and an ethics course, obtaining a practice monitor, must participate in a



professional enhancement program and maintain a record of all controlled substances ordered, prescribed, dispensed, administered, possessed and any recommendation or approval for marijuana. February 11, 2010

**SCHAFFER, JEFFRY B., M.D. (G36897)**  
**Coronado, CA**

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts, dishonesty and failure to maintain adequate and accurate medical records in the care and treatment of 4 patients by allowing a physician assistant to perform cosmetic surgery and non-licensed personnel to perform duties outside of their scope of practice. Revoked, stayed, current probation is extended for an additional 2 years with terms and conditions including, but not limited to, completing an educational course, a medical record keeping course, an ethics course, a clinical training program and obtaining a practice monitor.

April 23, 2010

**SCHRAMM, LARRY CALVIN, M.D. (A53755)**  
**Winslow, AZ**

Stipulated Decision. Disciplined by Washington for negligence in failing to diagnose a female patient's numerous traumatic injuries. Public Letter of Reprimand.

April 21, 2010

**SENADOR, JOSE JACINTO, JR., M.D. (A30062)**  
**Palos Verdes Estates, CA**

Stipulated Decision. Committed repeated negligent acts by failing to diagnose and correct a gradually developing rotational deformity in a finger before the fracture healed, and failing to recognize during a total knee arthroplasty that the cutting jig had been inappropriately placed prior to re-cutting the distal femur. Physician must complete 20 hours of CME in addition to renewal of his license. Public Reprimand. February 4, 2010

**SOROKURS, ALEXANDER, M.D. (A54193)**  
**Marina Del Rey, CA**

Committed unprofessional conduct in leaving the operating room during a surgical procedure without adequate communication. Public Reprimand.

March 11, 2010

**SREENIVASAN, PURNIMA RAVI, M.D. (A82039)**  
**Walnut Creek, CA**

Stipulated Decision. No admissions but charged with gross negligence, incompetence, repeated negligent acts, excessive prescribing and failure to maintain adequate and accurate

medical records in the care and treatment of 2 patients. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing a prescribing practices course, a medical record keeping course and obtaining a practice monitor. April 23, 2010

**SUH, JIN HO, M.D. (G72008)**  
**Los Angeles, CA**

Stipulated Decision. Committed repeated negligent acts and failed to maintain adequate and accurate medical records in the care and treatment of 2 patients. Revoked, stayed, placed on 35 months probation with terms and conditions including, but not limited to, completing an educational course, a medical record keeping course, an ethics course, obtaining a practice monitor, and either maintaining certification in gastroenterology from the American Board of Internal Medicine or completing a clinical educational program. April 23, 2010

**SUN, ANDREW S., M.D. (G13537)**  
**Monterey Park, CA**

Stipulated Decision. Violated his Board-ordered probation by failing to fully comply with maintaining a log of controlled substances ordered, prescribed, dispensed, administered or possessed by him. Probation is extended for an additional 4 years and 15 days actual suspension; including the terms and conditions of the previous order and required to maintain a record of all controlled substances ordered, prescribed, dispensed, administered, possessed, and any recommendation or approval for marijuana. Physician restricted from prescribing, dispensing, administering or possessing any Schedule II controlled substances and must complete an educational course. March 26, 2010

**TAN, KONG-MENG, M.D. (GFE29022)**  
**Oakland, CA**

Stipulated Decision. Committed gross negligence, repeated negligent acts and incompetence by reading 2 separate mammographies for a patient as negative when both films showed clinical abnormalities suggestive of breast cancer. Public Reprimand. February 11, 2010

**TEBELEKIAN, LEVON (A38106)**  
**Glendale, CA**

Stipulated Decision. No admissions but charged with falsifying medical examination forms submitted to the U.S. Immigration Control and Enforcement in connection with adjustment of immigration status petitions. Surrender of license. March 17, 2010

**VU, DAN QUOC, M.D. (A48672)**

**Long Beach, CA**

Stipulated Decision. Committed repeated negligent acts in the care and treatment of 2 patients, and failed to maintain adequate and accurate medical records for 3 patients. Revoked, stayed, placed on 35 months probation with terms and conditions including, but not limited to, completing an educational course, a medical record keeping course and a clinical training program, and obtaining a practice monitor. April 26, 2010

**WADE, SHERYLANN, M.D. (G43427)**

**Victorville, CA**

Stipulated Decision. Convicted of a felony conviction for filing a false income tax return. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, 30 days actual suspension, obtaining a practice and/or billing monitor(s), and completing an ethics course. April 19, 2010

**WEISS, ROBYN DIANE, M.D. (G73705)**

**Hayward, CA**

Stipulated Decision. Reprimanded for negligence in the care of a patient by failing to document an encounter with the patient in the emergency room, and for discharging the patient without recommending inpatient hospitalization. Public Letter of Reprimand. April 23, 2010

**WHITTEMORE, DEXTER DELMONT, JR. (C32389) Minneapolis, MN**

Stipulated Decision. Disciplined by Minnesota for engaging in conduct interpreted by the patient as sexual. Surrender of license. April 15, 2010

**WILLIAMS, JEFFREY K., M.D. (G59161)**

**San Diego, CA**

Stipulated Decision. Committed repeated negligent acts in the care and treatment of an elderly patient who suffered from chronic pain and co-morbidities by failing to provide care and treatment in accordance with the standard of practice, prescribing drugs without an appropriate prior examination and medical indication, and failing to maintain adequate and accurate medical records. Physician must complete a clinical training program, prescribing practices course and medical record keeping course. Public Reprimand. March 29, 2010

**WORMUTH, SEAN, M.D. (A65543)**

**Vallejo, CA**

Stipulated Decision. Committed gross negligence and failed to maintain adequate and accurate medical records

in the care and treatment of a patient with complaints of seizures. Physician must complete a prescribing practices course and medical record keeping course. Public Letter of Reprimand. March 29, 2010

**YOROBE, EDWIN MENDEZ, M.D. (A29827)**

**San Diego, CA**

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts and incompetence in the care and treatment of a patient by failing to properly screen and test for possible colon cancer. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing an educational course and obtaining a practice monitor. April 29, 2010

**YUSIM, JEFFREY DAVID, M.D. (A45129)**

**Vista, CA**

Stipulated Decision. No admissions but charged with repeated negligent acts and action taken by Drug Enforcement Administration for prescribing controlled substances without a legitimate medical purpose and outside the usual course of professional practice. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, 1 year actual suspension, must complete a clinical training program prior to resuming the practice of medicine; restricted from ordering, prescribing, dispensing, administering, or possessing any controlled substances, must complete a prescribing practices course and obtain a practice monitor. March, 11, 2010

**ZAKY, AMAL YOUSSEF, M.D. (A38447)**

**Huntington Park, CA**

Stipulated Decision. Committed repeated negligent acts and failed to maintain adequate and accurate medical records in the care and treatment of several patients by failing to accurately diagnose and treat their ailments. Revoked, stayed, placed on 2 years probation with terms and conditions including, but not limited to, completing an educational course, a medical record keeping course and a clinical training program and obtaining a practice monitor. April 8, 2010

**ZAREMBA, CLAUDETTE ANN (AFE52142)**

**Sitka, AK**

Default Decision. Disciplined by Alaska for failing to disclose she had been placed on probation during her residency program, and by Colorado for failing to disclose she had felony or misdemeanor charges brought against her. Revoked. April 8, 2010

**ZIC, ZELJKO (A25474)**

**San Pedro, CA**

Stipulated Decision. Convicted of 2 counts of sexual battery. Revoked. April 30, 2010

## **Physician Assistants**

**BERTAIN, MICHAEL ALAN, P.A. (PA10448)**

**Durham, CA**

Stipulated Decision. Committed acts of repeated negligence for failing to obtain patient-specific approval to administer or prescribe controlled substances to an infant. Revoked, stayed, placed on 18 months probation with terms and conditions. April 29, 2010

**DIAZ, ROBERT PARLAN (PA16822)**

**Chula Vista, CA**

Stipulated Decision. No admissions but charged with conviction of making false and fraudulent statements relating to a Medicare fraud investigation. Surrender of license. February 26, 2010

**FORD, PHILIP DOUGLAS, P.A. (PA13263)**

**Antelope, CA**

Stipulated Decision. No admissions but charged with 2 DUI convictions. Revoked stayed, placed on 4 years probation with terms and conditions. April 5, 2010

**GANN-LATORRE, LINDA, P.A. (PA15536)**

**Hot Springs Village, AR**

Stipulated Decision. Disciplined in Arkansas for use of intoxicants in a manner which affected her ability to practice medicine safely. Revoked, stayed, placed on 5 years probation with terms and conditions. April 14, 2010

**NEMOLYAEV, SERGEY A., P.A. (PA15360)**

**Roseville, CA**

Stipulated Decision. No admissions but charged with violation of drug statutes, unlawful prescribing for self use, and issuing drug orders for controlled substances without advance approval by his supervising physician. Revoked, stayed, placed on 3 years probation with terms and conditions. February 16, 2010

## **Podiatrists**

**GILMAN, ROSE DIANE, D.P.M. (E2775)**

**Woodland Hills, CA**

Stipulated Decision. No admissions but charged with violation of drug statutes, prescribing for self-use and misuse of alcohol or drugs. Revoked, stayed, placed on 1 year probation with terms and conditions including, but not limited to, completing a prescribing course.

February 11, 2010

**KOBAYASHI, WESLEY MASARU, D.P.M. (E3324)**

**Huntington Beach, CA**

Stipulated Decision. Committed acts of gross negligence in the care and treatment of a post-operative patient by inappropriately prescribing 50 mg of morphine. Revoked, stayed, placed on 35 months probation with terms and conditions including, but not limited to, completing a clinical training program and a prescribing practices course. April 5, 2010

**NAZARIAN, SERJIK, D.P.M. (E4868)**

**Cottonwood, AZ**

Stipulated Decision. No admissions but charged with dishonesty by filing a false statement on his license application for failing to disclose that he had been disciplined by another state board and was currently on probation. License granted, revoked, stayed, placed on 18 months probation with terms and conditions including, but not limited to, completing an ethics course.

February 4, 2010

## **Registered Dispensing Opticians**

**ACEVEDO, CECILIA (SL6137)**

**Victorville, CA**

Failed to disclose on her application she had been convicted of a crime. Probationary spectacle lens registration issued and placed on 3 years probation with terms and conditions. February 22, 2010

**MELENDEZ, BRANDON ARTHUR (SL6136)**

**La Mirada, CA**

Stipulated Decision. Committed acts of dishonesty by failing to disclose on his application he had been convicted of a crime. Probationary spectacle lens registration issued and placed on 3 years probation with terms and conditions. February 10, 2010

Department of Consumer Affairs  
Medical Board of California  
2005 Evergreen Street, Suite 1200  
Sacramento, CA 95815

PRSR STD  
U.S. POSTAGE  
PAID  
Sacramento, CA  
PERMIT NO. 3318

Business and Professions Code section 2021(b) and (c) require physicians to inform the Medical Board in writing of any name or address change.

See: [www.mbc.ca.gov/license/address\\_record.html](http://www.mbc.ca.gov/license/address_record.html)



## Medical Board of California Meetings—2010

July 29–30, 2010: Sacramento  
November 4-5, 2010: Long Beach

*All meetings are open to the public.*

### Medical Board of California

#### Officers

**Barbara Yaroslavsky**  
President

**Frank V. Zerunyan, J.D.**  
Vice President

**Hedy Chang**  
Secretary

#### Members

Jorge Carreon, M.D.

John Chin, M.D.

Shelton Duruisseau, Ph.D.

Eric Esraillian, M.D.

Gary Gitnick, M.D.

Sharon Levine, M.D.

Reginald Low, M.D.

Mary L. Moran, M.D.

Janet Salomonson, M.D.

Gerrie Schipske, R.N.P., J.D.

**Linda K. Whitney**  
Executive Director

#### Toll-free Consumer Complaint/Information Unit: 800-Med-Bd-CA (800-633-2322)

##### Medical Board:

Applications	(916) 263-2382
Complaints	(800) 633-2322
Continuing Education	(916) 263-2645
Health Facility Discipline Reports	(916) 263-2382
Fictitious Name Permits	(916) 263-2382
License Renewals	(916) 263-2382
Expert Reviewer Program	(818) 551-2129
Publications/Outreach	(916) 263-2466

##### Affiliated Healing Arts Professions:

Complaints	(800) 633-2322
Midwives	(916) 263-2393
Physician Assistants	(916) 561-8780
Registered Dispensing Opticians	(916) 263-2382

#### Complaints regarding the following, call (800) 952-5210

Acupuncture	(916) 445-3021
Audiology	(916) 263-2666
Hearing Aid Dispensers	(916) 574-7990
Physical Therapy	(916) 561-8200
Respiratory Care	(916) 323-9983
Speech Pathology	(916) 263-2666

#### MEDICAL BOARD OF CALIFORNIA NEWSLETTER—JULY 2010

Candis Cohen, Editor (916) 263-2389  
Debbie Nelson, Assistant Editor (916) 263-2480

The Medical Board of California Newsletter is available in the "Publications" section of the Board's Web site: [www.mbc.ca.gov](http://www.mbc.ca.gov). For hard copies of this report, please fax your request to (916) 263-2387 or mail to: Medical Board of California, 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815.