



Physician Alert

Reporting of influenza for the 2010-11 season

by Bela Matyas, M.D., M.P.H. and Janice Louie, M.D., M.P.H.

California Department of Public Health, Communicable Disease Emergency Response Branch

Reporting of influenza deaths for cases ages 0-17 years is currently mandated in California. The California Department of Public Health (CDPH) and the California Conference of Local Health Officers (CCLHO) Communicable Disease Control Committee are working on amending current reporting regulations for influenza by adding the following to the California reportable disease list for medical providers (Section 2500): Influenza deaths in laboratory-confirmed cases for ages 0-64 years (this change extends the current age range of 0-17 years through age 64 years). Until the reportable disease list is officially changed, reporting of influenza deaths in laboratory-confirmed cases aged 18-64 years is requested on a voluntary basis. Laboratory confirmation can include any positive test performed by any clinical, commercial or local public health laboratory (LPHL), including by positive rapid antigen test (as rapid antigen tests may yield a relatively high proportion of false positive results when influenza prevalence is low, it is recommended that a positive rapid antigen test result be followed up with confirmatory testing using one of the other indicated methods), direct fluorescence assay, culture or polymerase chain reaction (PCR).

Following the declaration of the 2009 H1N1 pandemic, all hospitalized cases of 2009 H1N1 requiring intensive care were reported to CDPH. For the 2010-11 season, CDPH requests continuation of surveillance of ICU cases aged 0-64 years for any type of influenza on a voluntary basis. This information will assist in monitoring populations and age groups at highest risk for severe disease as the immunity to 2009 H1N1 virus in the California population evolves. As above, laboratory confirmation can include any positive test performed by any clinical, commercial or LPHL, including by positive rapid antigen test (as rapid antigen tests may yield a relatively high proportion of false positive results when influenza prevalence is

low, it is recommended that a positive rapid antigen test result be followed up with confirmatory testing using one of the other indicated methods), direct fluorescence assay, culture or PCR.

Clinicians should report cases directly to their local health jurisdiction.

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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

I am pleased to inform our readers of the approval and implementation of a recent Department of Consumer Affairs'-sponsored budget change proposal (BCP) titled the "Consumer Protection Enforcement Initiative." The goal of this BCP is to "streamline and standardize the complaint intake/analysis, reorganize investigative resources, and decrease the average processing time for complaint intake, investigation, and prosecution from three years to 12-18 months by fiscal year 2012-13." Reducing the amount of time it takes to investigate cases is a long-held priority of the Board and the Department of Consumer Affairs. The BCP, approved by the State and Consumer Services Agency, the Department of Finance, and the Legislature, affects the Department's other healing arts boards, as well. The Medical Board is in the process of hiring 22 permanent, new staff over the next two years to perform complaint intake and related analytical work. The cost – approximately \$1.5 million annually – will not involve any increase in physicians' fees or taxpayer money. I concur with all of the oversight agencies involved that approved this BCP that this will be money well spent, benefiting all parties. Governor Schwarzenegger has called the time it takes for California's healing arts boards to investigate and prosecute cases "absolutely unacceptable," and this new staffing will expedite our service to the public and our licensees.

The Board's Education Committee, which I chair, discussed at its last meeting how to better educate physicians and the public about hepatitis. The Board's interest in the issue was piqued by the introduction of AB 2600 (Ma), which would have required the Board to consider including a continuing medical education course regarding the diagnosis and treatment of hepatitis, as appropriate (this part of the bill did not move through the Legislature). At its July meeting, the members of the Education Committee heard from four physician experts who agreed that most primary care physicians -- and nurses -- need to be better educated about risk-factor screening and managing infected patients. Patients also need to know the questions to ask their health care providers. The information for providers and patients is available; the



*Barbara Yaroslavsky
President of the Board*

challenge is its strategic dissemination. The committee will continue to work with interested parties in an attempt to bring community groups together to develop innovative educational plans, and will provide information in our newsletter and on our Web site. This serious medical issue, particularly in certain ethnic communities, merits closer attention and we welcome the opportunity for broader educational engagement.

On a personal note, I wish to inform you that the tenure of Gary Gitnick, M.D., one of our longest-serving Board members,

has come to an end. Our July 29-30 meetings were the last he attended as a Board member. Gary was appointed to the Medical Board in April of 2000. He was president of the Board in 2002 – 2003. In his 10-plus years of service to the patients of the State of California as a member of our Board, his was a tireless voice in upholding our most fundamental responsibility – patient protection. He was among our more vocal members, participating actively on numerous committees and often adding his thoughtful remarks to our meetings.

Gary was instrumental in increasing the amount of information the Board now provides to the public about our licensees, a controversial issue that often left him at odds with many of his peers. Perhaps Gary's most outstanding contribution to the Medical Board and the public was his creation and support of the Steven M. Thompson Physician Corps Loan Repayment Program, which provides an economic incentive for newly licensed physicians to practice in underserved areas. His work on the Board's Access to Care Committee extended the Board's mission from licensing and enforcement to include the promotion of access to quality medical care. On behalf of the many Board members and staff with whom he worked, and a public who may never have heard his name but who are better served for his efforts on our Board, I wish him well.

New physician members appointed to the Medical Board

Eric Esrailian, M.D., M.P.H., was appointed to the Medical Board of California by Governor Arnold Schwarzenegger on June 15, 2010.

Dr. Esrailian has served as a physician and faculty member at the University of California, Los Angeles, David Geffen School of Medicine since 2006, where he was previously a gastroenterology fellow from 2003 to 2006. Prior to that, he was a resident physician in internal medicine at the University of Southern California from 2000 to 2003.

Dr. Esrailian is a member of the American Gastroenterological Association, American College of Gastroenterology, American Society of Gastrointestinal Endoscopy, Southern California Society of Gastroenterology and an executive council member of the Southern California Society of Gastroenterology.



Silvia Diego, M.D., was appointed to the Medical Board of California by Governor Arnold Schwarzenegger on July 30, 2010.

Dr. Diego has served as chief medical officer at Golden Valley Health Centers since 2005, where she was previously an associate medical officer from 1997 to 2005. She has been assistant clinical professor at the University of California, Davis, Department of Family and Community Medicine since 1998.

Dr. Diego is a member of the Stanislaus Medical Society and the Doctors Medical Center Board of Directors. She is a clinical committee member of the California Primary Care Association and a fellow at the California HealthCare Foundation.

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 at www.mbc.ca.gov/publications/ or by faxing a request to the Medical Board of California at (916) 263-2479.

Physician Humanitarian Award

At its July 30 meeting in Sacramento, the Medical Board presented its 2010 Physician Humanitarian Award to Richard Pan, M.D., of Sacramento. Dr. Pan practices general pediatrics at U.C. Davis Children's Hospital. He is the director of the Communities and Physicians Together program and is the associate director of the Primary Care Outcomes Research Fellowship, part of the U.C. Davis Center for Healthcare Policy and Research Center. Dr. Pan is a leading child-health advocate, medical educator, and health care reform activist, focused on bringing community and health care organizations together.

Dr. Pan has served as a medical consultant to the Sacramento City Unified School District since 2003, providing in-service training to school nurses and advocates for adequate school nurse staffing in public schools. He developed a protocol for the district to facilitate the diagnosis and treatment of students with attention deficit/hyperactivity disorder, which involved training school nurses to coordinate care between a student's medical and educational teams. He also established a partnership between the U.C. Davis pediatric residency program and school nurses at six elementary schools in the district to teach students about nutrition. For these efforts he received the Lydia Smiley Award from the California School Nurses Organization.



Dr. Pan founded and serves as director of the nationally recognized Communities and Physicians Together program at the U.C. Davis School of Medicine. The program teaches young pediatricians to gain a broader perspective about patients by understanding their home environment and community, and places physicians in disadvantaged communities to promote population-based health. The program received the 2005 Community Campus Partnerships in Health Award, and Dr. Pan received the 2008 Campus Compact Thomas Ehrlich Faculty Award for Service Learning.

The Board was pleased to recognize Dr. Pan for his many years of work and from so many angles on behalf of a most vulnerable population, and especially for his innovation in the models of the delivery of care for children.

The Physician Recognition Committee of the Medical Board recognizes physicians who strive to improve access and fill gaps in health care delivery for underserved patients. **Nominations for 2011 are being accepted until November 30. For more information, please go to: www.mbc.ca.gov/licensee/physician_recognition.html.**

State Personnel Board notice

Public service careers for physicians and surgeons

As one of the nation's largest employers, the State of California offers a multitude of professional medical career opportunities. To streamline the hiring process, the State Personnel Board recently has implemented a fully automated, paperless, online physician and surgeon job recruitment examination.

While you are probably aware of the current fiscal challenges facing the state, the need for essential medical services will continue. We need a strong candidate pool from which to recruit to ensure continuity of these services.

If you are interested in researching a career with the State of California, please use the following link to review the examination or other career opportunities for the medical profession:

<http://jobs.ca.gov/CASPB/sup/BulPreview.asp?R1=097500&R2=00107551&R3=9PB34>

GME and program directors: Are you tracking the application status of your postgraduate trainees?

The Medical Board needs your cooperation to license eligible residents and fellows in a timely manner.

California law requires U.S. and Canadian medical graduates to be licensed by the end of their 24th training month. Further, international medical graduates (IMGs) must be licensed by the end of their 36th training month.

The Board encourages you now to identify all of your residents and fellows who need licensure by the end of this training year. Program directors should coordinate this effort with their GME offices. We encourage GME offices to provide us with one list from each teaching hospital that identifies the US/Canadian PGY2s, IMG PGY3s, and fellows who are not licensed yet; staff will be contacting you to provide the proper format. This will assist us in identifying applicants who are coming to the end of the licensing exemption and insure they are licensed in a timely manner.

The Medical Board's annual matrix of names provided by teaching hospitals rose to nearly 1,800 names of residents and fellows needing licensure by June 30, 2010, to continue in their training programs. Approximately 300 names on the list were dropped during the year as some hospitals realized they had incorrectly provided names of first-year postgraduate trainees, doctors of osteopathic medicine, and some applicants who decided not to proceed with licensure.

In the last round of applicants, out of 425, two residents had indicated their intent to achieve licensure by June 30, but had yet to apply. This is a significant improvement from late April when we identified approximately 60 residents who intended to apply, but had not. The Board's licensing outreach manager personally contacted each of the individual's GME directors to initiate some prodding. Of those needing July 1 licensure, the latest application was submitted June 28.

We also hope that you will encourage all incoming residents and fellows to apply as soon as possible, especially IMGs who need a PTAL or license by July 2011; their names can be added to your hospital's list at a future date if you have not made all of your hiring commitments yet.

The Board extends its sincerest appreciation to all GME and program staff for your patience during the past year. We are aware of the implications caused by licensing delays; it is our strong desire, by collaborating with your staff, to be more responsive to the needs of our customers: applicants, hospitals, training programs, and ultimately, the health care consumers of California.

Is your home address posted on the Board's Web site?

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 have long informed physicians of this, both in our license applications and renewal forms, and quarterly in the Board's newsletter. **We continue to caution physicians about listing their home address as an address of record.** We encourage you to routinely visit your profile at 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.

If you want to change your address of record or need to update your survey, or if you have relocated and need to change your address, the change of address form is available on the Board's Web site at www.mbc.ca.gov/forms/07a-08.pdf. The Board must be notified 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**

Legislator profile

Assembly Speaker John A. Pérez

Assembly Speaker John A. Pérez was elected to the Assembly in 2008.

Assembly Speaker Pérez represents the 46th Assembly District, comprising the cities of Maywood, Vernon, Huntington Park as well as the community of Boyle Heights, Downtown Los Angeles, unincorporated East Los Angeles and parts of South Los Angeles.

In January 2010, he was elected Speaker of the California Assembly and was sworn in as the 68th Speaker on March 1, 2010. Prior to his election to the State Assembly, the Speaker served as political director for the United Food & Commercial Workers Local 324, and previously served in a similar position for the California Labor Federation.

Assembly Speaker Pérez serves as an elected member of the Democratic National Committee. He previously served as a board member for the California League of Conservation Voters and the Los Angeles Economic Development Corporation. He was appointed by former Speaker Bob Hertzberg to serve on a Blue Ribbon Panel on Initiative Reform as well as the Voting Modernization Board.

Among the Speaker's legislative actions that affect Medical Board licensees, he authored AB 342 (2009), which establishes the Medicaid program to provide comprehensive health benefits to low-income persons

and establishes the federal Medicaid Disproportionate Share Hospital program to provide financial assistance to hospitals that serve large numbers of Medicaid and uninsured patients.

After attending the University of California at Berkeley, the Speaker became active in the labor movement, where he spent over 15 years working to create jobs, expand health care and protect workers' rights. His commitment to the labor movement was matched by an equal commitment to civic involvement. He has served on the Board of Directors of the Los Angeles Community Redevelopment Agency, where he led the effort to mandate a local hire agreement requiring 30 percent of all major construction jobs to be dedicated to local residents and those in need, providing those individuals with valuable experience and training in skilled professions.



Medical Consultants needed — examinations coming soon

In the July issue of the Medical Board of California's Newsletter, page 6, physicians were notified of three types of Medical Consultants used by the Board and the need to fill vacant positions. Examination announcements for these classifications will be available in November or December 2010.

If the Board has your email address on file, you will receive a blast email message providing specific information on the upcoming examinations. If you wish to be added to our email database, please respond to jobs@mbc.ca.gov and staff will assist you. The three classifications are:

- 1) Medical Consultant (Enforcement): Works in one of the Board's field offices on an as-needed basis; assists investigators in evaluating physician performance by providing medical expertise; arranges and coordinates review of medical records, and performs physician interviews.
- 2) Medical Consultant (Licensing): Works for the licensing program performing academic evaluations of medical schools and curriculum; and should be in or retired from academic medicine.
- 3) Medical Consultant (Advisory): Works for the Executive Director, Board Members and staff on special assignments as needed for advice on issues or performing research.

Medical Board welcomes new chief of legislation and new chief of licensing

Jennifer Simoes has been selected as the Board's new chief of legislation. She replaces Linda Whitney whom the Board appointed as executive director earlier this year. Ms. Simoes is responsible for developing and managing the Board's legislative unit: representing the Board with legislators, legislative committees, the State and Consumer Services Agency, and the Governor's Office. She advises the 15-member Board and the executive director on legislative matters and makes final recommendations to the Board members and the executive director on such matters.

As chief of legislation, Ms. Simoes is a member of the executive staff and is influential in the formation of the Board's policies and programs.

Prior to accepting this position, Ms. Simoes was assistant deputy director for the Legislative and Government Affairs Office at the California Department of Public Health (CDPH) for two years, and legislative coordinator at CDPH, handling the Licensing and Certification program and Division of Communicable Disease Control issues for five years.

Ms. Simoes' state service spans approximately 17 years, with 11 years of that experience in the legislative field.



Curtis Worden (Curt) has been selected as the Board's new chief of licensing. He replaces Deborah Pellegrini, who retired in June. Mr. Worden is responsible for the management and operation of the Board's licensing programs and principal advisor for policy development, planning analysis, and evaluation of the overall operation. He is technical advisor to the Board members and the primary liaison between the Board, public, consumers, and licensees regarding all issues relating to the licensure of physicians and affiliated healing arts professions overseen by the Board.

As chief of licensing, Mr. Worden is a member of the executive staff and also is influential in the formation of the Board's policies and programs.

Prior to accepting this position, Mr. Worden was a program manager at the Bureau of Automotive Repair for two years where he managed complaint intake, the toll-free call center, statistical unit staff, and case settlements, citations and license denials.

Mr. Worden's state service spans approximately 20 years with the Department of Consumer Affairs, with more than 10 years of experience as a supervisor/manager, including two years as a line manager in the Board's licensing program.



Medical Board tours the Sierra Sacramento Valley Museum of Medical History

On the evening of July 29, 2010, Medical Board members and staff had the pleasure of touring the Sierra Sacramento Valley Medical Society Museum of Medical History. The tour was led by Robert LaPerriere, M.D., museum curator, and a dedicated group of physician docents who regularly donate their time to maintaining this valuable and historical collection. The museum is part of the Sierra Sacramento Valley Medical Society, which is the oldest medical society in California. In continuous operation since 1868 and dating back to 1850, it is now a regional society encompassing the counties of Sacramento, El Dorado and Yolo. Its historical committee produced a major medical history exhibit in 1990 for the Sacramento Discovery Museum.

The museum is organized by various themes: patent medicines and pharmacology, basic science and laboratory medicine, antibiotics and infectious diseases, medical diagnosis and therapy, surgical diagnosis and therapy, nursing, Asian medicine, radiology, ob/gyn, quackery and local medical history. Many larger artifacts also are displayed, including examination tables, a 1920-era X-ray machine, wheelchairs, nurses uniforms, a 1950-era iron lung and a variety of medical art.

The museum houses a historical library containing hundreds of medical textbooks from the mid-1700s through the early 1900s in addition to early runs of many journals from the late 1800s and early 1900s through 1950. The museum is a repository of numerous original and reprinted articles, many focused on western medical history, and a reference collection of texts about various aspects of medical history.

The museum sponsors a free lecture series on a variety of medical history topics that is open to the public. Evening lectures are held three times per year. The public can call, or check the Web site at <http://www.ssvms.org/museum>, for exact dates and lecture topics, a virtual tour of the museum, and additional information. The museum is open and free to the public from 9 a.m. to 4 p.m., Monday through Friday, except holidays. It is located at 5380 Elvas Avenue in East Sacramento. Private and school tours with a docent are available by appointment. For additional information, please call (916) 456-3152.



Robert LaPerriere, M.D., museum curator with 1950-era iron lung



Museum physician docents

Medical Board undercover operation involves “big eyes” contact lenses

The latest rage in contact lenses are contact circle lenses — they are usually colored and make the eyes appear larger because they cover the iris and part of the whites of the eyes. The use of circle lenses has gone mainstream in many Asian countries and has infiltrated the U.S. market this past year. Through online sales, the sellers are thwarting professional health care and risking depriving the eye of oxygen from potentially ill-fitted lenses — a potential cause for serious vision problems.

Contact circle lenses are prohibited by law in California. No major manufacturer of contact lenses in the U.S. sells circle lenses. However, they are extensively available on the Internet with prescription strengths and/or for purely ornamental purposes. California law, Business and Professions Code section 2546.6, specifies that contact lenses may be sold only upon receipt of a written prescription or a copy of a written prescription and may be sold in quantities consistent with the prescription’s established expiration date and the standard packaging of the manufacturer or vendor.

This past summer, the Medical Board’s Operation Safe Medicine unit executed several undercover buys from unlicensed individuals who were selling contact circle lenses. In one case, after information was received by Board investigators indicating contact lenses were being sold without a prescription in the Santee Alley of the fashion district in Los Angeles, an undercover operation was initiated. A Board investigator purchased a pair of contact lenses from an outdoor vendor – she was given the vendor’s business card and told twice by the vendor that she did not need a prescription to purchase the contact lenses, despite the investigator pointing out that the package was clearly marked with the label, “Rx Only.”

The investigator also inquired whether she could buy a large quantity of contact lenses to resell and was given a number to call and assured that the lenses would be shipped directly to her. In the case cited above, and several others conducted this summer, Board investigators and the Los Angeles Police Department arrested nine unlicensed individuals selling contact circle lenses and the cases were referred to the Los Angeles City Attorney’s Office for prosecution.

In summary, the vendor illegally obtained and resold contact lenses without a prescription for contact lenses. A patient history was not obtained, an examination was not performed, and the proper care of the contacts and their dangers were not discussed with the purchaser — clearly violations of Business and Professions Code sections 2541, 2556, 2558 and 2559.

Contact lenses of any power, including plano power, are potentially dangerous. Severe eye injury, loss of vision, and even loss of an eye can occur. As such, they require a prescription to be dispensed. The prescription includes the manufacturer, style, power, and fitting information of the contact lens. The prescription indicates and certifies that: the patient has had a complete history and physical regarding the wearing of contact lenses; the patient has been fitted for the contact lens prescribed; and the patient has been educated on the potential problems associated with contact lens wear and how to deal with those problems. Regular follow-up always is required.



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

Radiological networks may be engaged in the unlawful corporate practice of medicine

Recent concerns regarding the prohibition against the corporate practice of medicine have come to light — in particular, as it relates to the area of radiological services and workers' compensation.

Section 2400 of the Business and Professions Code provides that corporations and other artificial legal entities may have no professional rights, privileges, and powers. Of particular importance is the concept that it is not always possible to divide the business side of the practice of medicine from the part that renders professional services. As it pertains to the practice of medicine, the subject must be treated as a whole.

The Board has become aware of radiological imaging service providers (RISPs) that perform an array of patient services including the selection of a qualified radiologist and appropriately equipped radiological facility or location to perform the needed services. RISPs may advertise themselves as part of a cost containment strategy in relation to workers' compensations claims and treatment. RISPs are often general (lay) corporations, not professional medical corporations, and it is these general-corporation RISPs that the Board is concerned with.

We understand that RISPs, often known as radiological provider networks, serve as a kind of intermediary between a patient's physician and the radiological site and services. For example, when the patient's physician refers the patient out for radiological services, the RISP evaluates the referral to ensure that it is appropriate to the patient's condition and, if it is, then matches the patient to a radiological site (with the requisite personnel) under contract with the RISP. After the patient is examined or evaluated, a diagnosis is rendered and offered to the patient and his or her physician. RISPs also may provide billing and payment services.

If the RISP determines that the recommended examination is not appropriate for the condition, then presumably the patient's physician is contacted and the matter discussed. Most RISPs also advertise internal quality assurance programs such that the medical reports generated for the patient and his or her physician are monitored for correctness.

When exercising its licensing, enforcement, or regulatory functions, public protection is paramount to the Board. With that obligation in mind, the Board is concerned that some RISPs may be practicing medicine in violation of Business and Professions Code section 2400.

It is important to note that the California Office of the Attorney General (AG) has issued two opinions (one in 2000 and another in 2009) regarding non-professional corporations providing radiological services that included the selection of the appropriate examination sites and the selection of the appropriate personnel to operate the equipment as well as review and interpret the examination results. Both opinions state that the selection of suitable radiological sites and personnel to prepare and interpret radiological images involve the exercise of professional judgment as part of the practice of medicine.

The services provided by a RISP cannot be separated into a business part and a professional services part — it must be treated as a whole. The RISP cannot bifurcate its operation into a business side (presumably, the acquisition and maintenance of its contracts with sites and providers as well as billing and payment services) and a professional side (presumably, matching the types of service, the site and provider to a particular patient and the appropriate medical services), as existing law does not embrace such divisions. The patient, perhaps an injured worker with a claim, in these circumstances may well face the competing pressures of cost reductions, profit margins, an accelerated return to work and medical services to be provided at an acceptable standard of care. This is exactly the situation to be avoided.

The Board notes that the opinions issued by the Attorney General are more recent than previous letters or publications issued by the Board.

Reminder

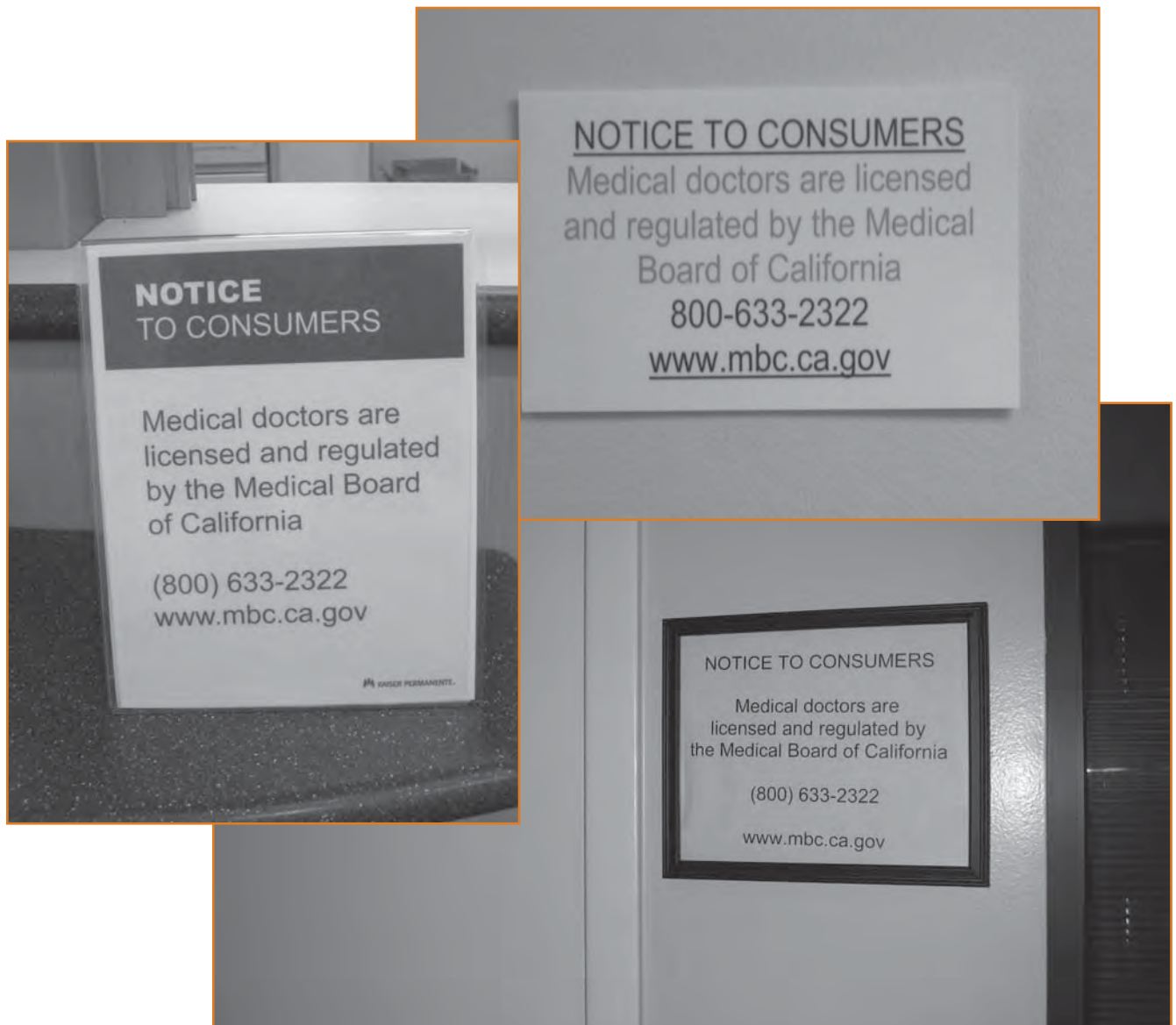
Notice to Consumers regulation: "This is how we do it."

On June 27, 2010, a new regulation became effective (Title 16, California Code of Regulations section 1355.4), requiring all California physicians to provide the following information to their patients:

NOTICE TO CONSUMERS
Medical doctors are licensed and regulated by the Medical Board of California
(800) 633-2322
www.mbc.ca.gov

Physicians have three different ways to comply; for more information please see our Web site at http://www.mbc.ca.gov/licensee/notice_to_consumers_regulation.html, or contact Debbie Nelson at (916) 263-2480 or debbie.nelson@mbc.ca.gov

Below are pictures of Sacramento-area physicians' offices and hospitals that chose the sign option.



2009 - 2010 ANNUAL REPORT

Medical Board of California

2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 • (916) 263-2389 • www.mbc.ca.gov

Executive Summary

In December 2009 the Medical Board initiated a new system to allow licensing applicants to look up on the Board's Web site the status of their application. By entering this 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 which ones 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 allows applicants to access their application information at their convenience without having to contact

the Board. This is one of many recent system improvements to streamline and expedite the licensing process.

Board staff also expanded its licensing outreach program to more teaching hospitals, and began outreach to physician recruiters. A Board representative explains the licensing process and especially how applications are reviewed, and assists individuals who have specific questions. This helps applicants identify potential problems they may face and assists the Board's staff by promoting the receipt of more properly prepared applications, again expediting the application process.

On June 23, 2010, a new regulation by the Medical Board became effective: Title 16, California Code of Regulations, Section 1355.4 -- Notice to Consumers. This regulation requires all California-licensed physicians to notify their patients that they are licensed and regulated by the Medical Board, with the Board's (800) phone number and Web site. This may be done by prominently posting a sign or by giving the information in writing to each patient. The new requirement serves the public by informing consumers where to go for information or to complain about a California medical doctor.

Current Physician and Surgeon Licenses by County

Data reflects physicians with a renewed and current license excluding those in an inactive, retired, or disabled license status. The breakdown of those license statuses is: California - 2,560, Out of State - 3,855, Total - 6,415.

Alameda	4,425	Inyo	42	Monterey	853	San Luis Obispo	776	Trinity	9
Alpine	2	Kern	1,098	Napa	464	San Mateo	2,697	Tulare	484
Amador	65	Kings	137	Nevada	303	Santa Barbara	1,154	Tuolumne	125
Butte	461	Lake	77	Orange	9,177	Santa Clara	6,967	Ventura	1,656
Calaveras	49	Lassen	37	Placer	947	Santa Cruz	676	Yolo	515
Colusa	10	Los Angeles	27,255	Plumas	30	Shasta	439	Yuba	41
Contra Costa	2,967	Madera	187	Riverside	2,734	Sierra	0	California total	98,816
Del Norte	44	Marin	1,449	Sacramento	4,264	Siskiyou	80	Out-of-State total	23,635
El Dorado	288	Mariposa	11	San Benito	43	Solano	864	Total current licenses	122,451
Fresno	1,805	Mendocino	206	San Bernardino	3,495	Sonoma	1,321		
Glenn	11	Merced	230	San Diego	9,365	Stanislaus	898		
Humboldt	291	Modoc	5	San Francisco	5,858	Sutter	196		
Imperial	129	Mono	30	San Joaquin	1,026	Tehama	48		

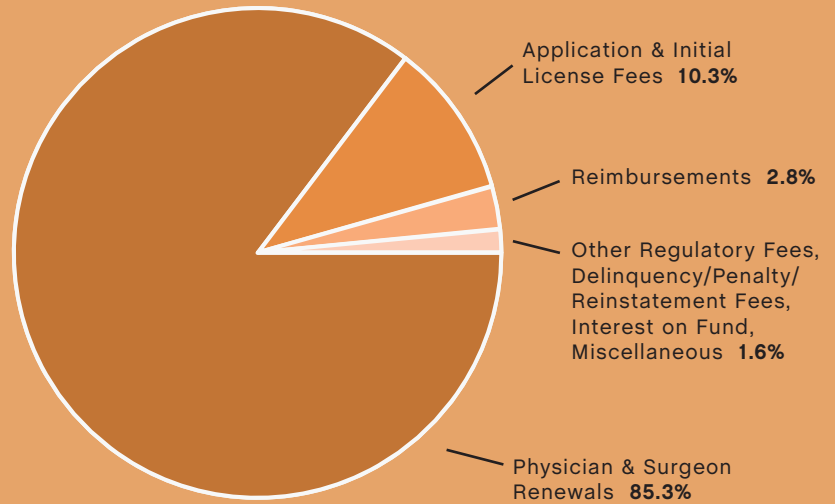
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The mission of the Medical Board of California is to protect health care consumers through proper licensing and regulation of physicians and surgeons and certain allied health care professions and through the vigorous, objective enforcement of the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

Medical Board of California 2009–2010 Fiscal Year

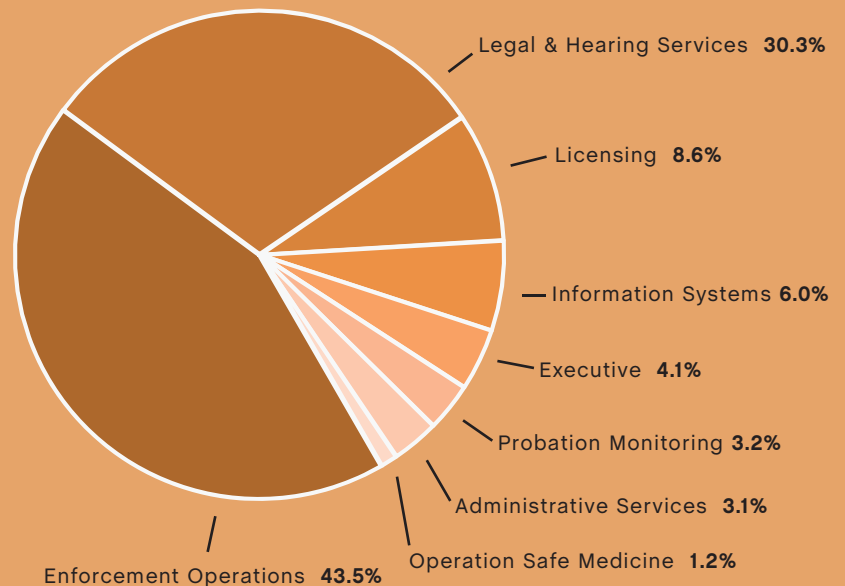
Revenues & Reimbursements

Physician & Surgeon Renewals	\$44,456,000
Application & Initial License Fees	5,340,000
Reimbursements	1,480,000
Other Regulatory Fees, Delinquency/ Penalty/Reinstatement Fees, Interest on Fund, Miscellaneous	819,000
Total Receipts	\$52,095,000



Budget Distribution

Enforcement Operations	\$21,519,000
Legal & Hearing Services	15,020,000
Licensing	4,262,000
Information Systems	2,953,000
Executive	2,030,000
Probation Monitoring	1,589,000
Administrative Services	1,558,000
Operation Safe Medicine	567,000
Total	\$49,498,000



Licensing Program

The Medical Board of California's Licensing Program continues to achieve its mission of protecting the health care of consumers through the proper licensing of physicians and surgeons and certain affiliated healing arts professionals. The Licensing Program also issues fictitious name permits, and licenses non-nurse midwives, research psychoanalysts, spectacle and contact lens dispensers, and registered dispensing optician businesses. It also approves accreditation agencies that accredit outpatient surgical centers in which general anesthesia is being used.

During the last fiscal year, the Licensing Program received 5,964 new physicians' and surgeons' applications and issued 5,110 licenses. In addition, during this reporting period the Licensing Program eliminated the backlog of physicians' and surgeons' applications not reviewed within the 60 working days regulatory time frame. The time frames for initial review of applications continue to stay well below the mandated time frames. This is due primarily to outstanding outreach efforts and the dedication, hard work, and team efforts of Medical Board staff. Staff continues to streamline workload and explore avenues for improving the licensing process.

Licensing Program Activity

	FY 08-09	FY 09-10		FY 08-09	FY 09-10
Physician Applications Received	6,169	5,964	Special Faculty Permits		
Physician Licenses Issued			Permits issued	3	2
FLEX/USMLE ¹	4,025	4,357	Permits renewed	5	5
NBME ¹	275	266	Total active permits	12	14
Reciprocity with other states	388	487	Licensing Enforcement Activity		
Total new licenses issued	4,688	5,110	Licenses Issued with Public Letter of Reprimand	6 ⁵	7
Renewal licenses issued – with fee	55,687	56,066	Probationary license granted	10	19
Renewal licenses issued - fee exempt ²	5,088	4,748	License denied (no hearing requested)	4	3
Total licenses renewed	60,775	60,814	Statement of Issues to deny license filed	9	2
Physician Licenses in Effect³			Statement of Issues granted (license denied)	0	3
California address	99,900	98,816	Statement of Issues denied (license granted)	3	3
Out-of-state address	27,536	23,635	Statement of Issues withdrawn	5	1
Total	127,436	122,451			
Fictitious Name Permits					
Issued	1,299	1,118 ⁴			
Renewed	4,486	4,968			
Total number of permits in effect	12,312	12,549			

¹ FLEX: Federation Licensing Examination
 USMLE: United States Medical Licensing Examination
 NBME: National Board Medical Examination
² Includes physicians with disabled, retired, military, or voluntary service license status
³ Reporting for FY 09/10 excludes physicians with inactive, retired, or disabled license status
⁴ Includes 18 FNPs issued on behalf of the Board of Podiatric Medicine
⁵ Pursuant to B&P Code §2221.05 effective 01/01/09

Verification & Reporting Activity Summary

	FY 08-09	FY 09-10
Application Status Verifications		
WAAS application look-up ¹	n/a	39,405
License Status Verifications		
Telephone verifications	27,900	15,371
Non-verification telephone calls	53,123	70,334 ²
Authorized LVS ³ Internet users	641	575
Online LVS ³ access verifications	2,296,316	2,331,033
Web license look-up	6,673,801	7,702,498
Certification Letters and Letters of Good Standing	12,205	11,791
Reporting Activities		
B&P Code §805 reports of health facility discipline received	125 ⁷	99 ⁸
Disciplinary reports mailed to health facilities upon written request pursuant to B&P Code §805.5	536	532
Adverse Actions reported to the NPDB ⁴	439 ⁵	547 ⁶

Allied Health Care Professions Licenses/Registrations

	Issued	Current
Licensed Midwife	20	219
Dispensing Optician	142	1,146
Contact Lens Dispenser	98	874
Non-Resident Contact Lens Seller	1	12
Spectacle Lens Dispenser	221	2,130
Research Psychoanalyst	3	87
Accreditation Agencies for Outpatient Settings	0	4
Podiatrist	59	2,122 ⁹

¹ WAAS: Web Applicant Access System – reporting started 1/28/10
² Does not include the 20,447 listed under Consumer Inquiries on page vi
³ LVS: Licensing Verification System
⁴ NPDB: National Practitioner Data Bank
⁵ Includes 406 MDs, 7 Podiatrists, 26 Physician Assistants

⁶ Includes 473 MDs, 9 Podiatrists, 26 Physician Assistants, 21 Registered Dispensing Optician Program Registrants, 7 Licensed Midwives and 11 Denials by Licensing Program
⁷ Includes 122 MDs and 3 Podiatrists
⁸ Includes 99 MDs and 0 Podiatrists
⁹ Includes fee-exempt licenses

2009 Licensed Midwife Annual Report Summary¹

	2008	2009
Clients served as primary caregiver at the onset of care	2,774	3,023
Clients served with collaborative care available through or given by a licensed physician and surgeon	976	1,461
Clients served under the supervision of a licensed physician and surgeon	285	285
Planned out-of-hospital births at the onset of labor	2,278	1,974
Planned out-of-hospital births completed in an out-of-hospital setting:	1,885	1,621
Twin Births	16	8
Multiple Births (other than Twin Births)	0	2
Breech Births	18	11
VBAC (vaginal births after the performance of a Cesarean section)	100	90
Complications resulting in the mortality of the mother	1	1
Complications resulting in the mortality of the infant	4	4
Antepartum		
Primary care transferred to another health care practitioner (elective)	244	209
Urgent or emergency transport of expectant mother	54	56
Intrapartum		
Elective hospital transfer	317	282
Urgent or emergency transfer of an infant or mother	33	42
Postpartum		
Elective hospital transfer	51	32
Urgent or emergency transfer of an infant or mother	29	27

¹ Updated March 2010 per Midwifery Advisory Council. Conclusions should not be drawn from this summary as data does not specify whether the death is fetal, intrapartum or neonatal; whether the affected perinate had congenital anomalies incompatible with life; or whether the perinate was born in or out of a hospital. Births are attended by the licensed midwife as the primary caregiver.

Enforcement Program

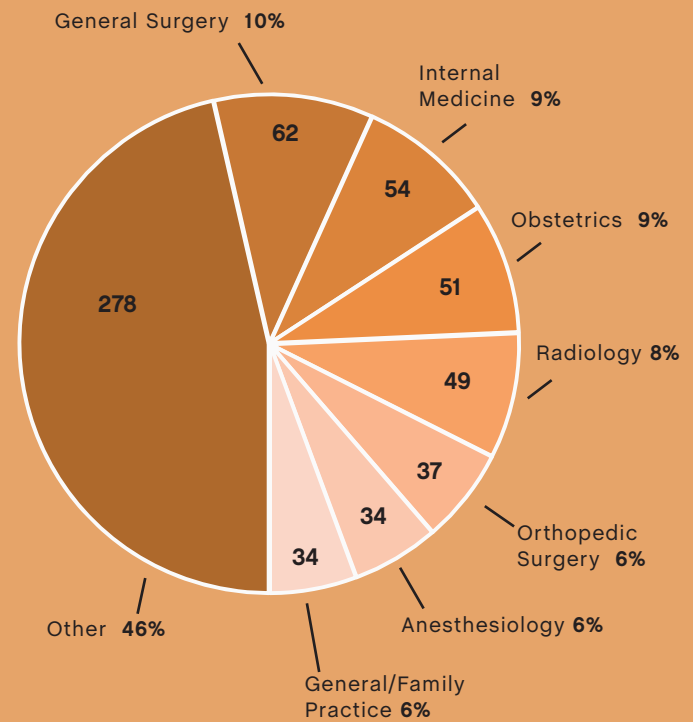
The highest priority for the Enforcement Program, during fiscal year 09/10, was the reduction of the average time to complete investigations, from the receipt of complaint through the entire disciplinary process. The statistics support success in achieving a 21-day decrease in the average number of days to investigate, despite unprecedented operational challenges. The reduction of the average time to complete investigations remains a priority in this fiscal year along with continuing improvements to quality and process efficiencies. There were 119 more cases that were referred to the Office of the Attorney General for disciplinary action in this fiscal year compared to last fiscal year. Additionally, administrative outcomes resulting in the surrender of a license more than doubled, which suggests improvement in the quality of cases being referred for prosecution.

Public Letters of Reprimand increased 43 percent this year, largely due to the passage of AB1070 (Hill, Chapter 505, Statutes of 2009), a bill sponsored by the Board. The bill allows an administrative law judge to recommend that a licensee is issued a public reprimand including additional requirements for education and training, and was a significant achievement in the ongoing pursuit of promoting public safety.

The Enforcement Program re-established its Operation Safe Medicine (OSM) in July 2009. This small unit of four investigators is achieving great success as a result of its efforts to investigate allegations of unlicensed practice of medicine. OSM is currently investigating approximately 70 complaints of unlicensed and unsafe practice resulting in significant accomplishments, including contributing to a 30 percent increase in cases being referred for criminal prosecution.

Malpractice Settlement Reports Received Per Business and Professions Code Section 801.01 by Specialty Practice

Specialty/Subspecialty	No. of Reports ¹	No. of Physicians ²
Anesthesiology	34	5,029
Cardiology	22	3,017
Colon and Rectal Surgery	1	155
Dermatology	7	1,654
Emergency Medicine	22	3,463
Endocrinology	1	629
Gastroenterology	20	1,341
General/Family Practice	34	7,919
General Surgery	62	4,034
Gynecology	26	4,866
Hematology	3	802
Infectious Disease	3	721
Internal Medicine	54	21,183
Neonatal/Perinatal Medicine	3	561
Nephrology	1	1,046
Neurological Surgery	26	543
Neurology	10	1,588
Obstetrics	51	4,866
Oncology	4	1,997
Ophthalmology	9	2,653
Orthopedic Surgery	37	2,975
Otolaryngology	8	1,414
Pain Medicine	2	477
Pathology	21	2,413
Pediatrics	17	9,124
Physical Medicine & Rehabilitation	1	867
Plastic Surgery	22	1,006
Psychiatry	15	5,184
Pulmonology	6	1,323
Radiology	49	4,395
Thoracic Surgery	6	670
Urology	15	1,210
Vascular Surgery	7	232



Reports Per Business and Professions Code Section 805

Total Reports Received 99

Peer Review Body Type

Health Care Facility/Clinic	63
Hospital/Clinic	0
Surgical Center	0
Health Care Service Plan	17
Professional Society	0
Medical Group/Employer	19

Outcomes of Reports Received

Accusation Filed	0
Pending Disposition ¹	71
Cases Closed	28

¹ Includes 2 cases in which a suspension order was issued and 1 in which a citation was issued

¹ The procedure was performed in the practice specialty/subspecialty; however, the physician may or may not have been certified in the specialty/subspecialty area

² California physicians certified in specialty according to the American Board of Medical Specialties 2009 Certificate Statistics report

Enforcement Program Action Summary

Physicians & Surgeons

	FY 08-09	FY 09-10
Complaints/Investigations¹		
Complaints received	6,437	6,539
Complaints closed by Complaint Unit	5,303	5,251
Investigations		
Cases opened	1,123	1,312
Cases closed	1,100	1,290
Cases referred to the Attorney General (AG)	450	569
Cases referred for criminal action	27	35
Number of probation violation reports referred to the AG	27	32
Consumer Inquiries		
Consumer inquiries	15,699	20,447
Jurisdictional inquiries	8,634	11,246

Enforcement Processing Time Frames

Average and median time (calendar days) in processing complaints during the fiscal year, for all cases, from date of original receipt of the complaint, for each stage of discipline, through completion of judicial review:

	FY 08-09		FY 09-10	
	AVG	MED	AVG	MED
Complaint Unit processing	75	63	76	63
Investigation	349	309	328	292
AG Processing to preparation of an accusation	103	63	106	66
Other stages of the legal process (e.g., after charges filed)	381	311	368	312

Enforcement Field Operations Caseload²

	Statewide	Per Investigator
Active investigations	1,288	17
AG assigned cases ³	560	7
Probation Unit Caseload⁴		
	Statewide	Per Inspector
Monitoring Cases ⁵	399	27

¹ Some cases closed were opened in a prior fiscal year

² Includes physicians and surgeons, licensed midwives, research psychoanalysts, dispensing opticians, podiatrists, physician assistants, psychologists, and osteopathic physicians and surgeons

³ These cases are at various stages of AG processing and may require supplemental investigative work, such as subpoena services, interviewing new victims or witnesses, testifying at hearings, etc.

⁴ Includes physicians and surgeons, licensed midwives, research psychoanalysts, and dispensing opticians

⁵ 156 additional monitoring cases were inactive because the probationer was out of state as of June 30, 2010

Complaints Received by Type & Source

	Fraud	Health & Safety ¹	Non-Jurisdictional ²	Gross Negligence/Incompetence ³	Other Category	Personal Conduct ⁴	Unprofessional Conduct ⁵	Unlicensed/Unregistered	Total
Public	80	64	859	2,216	0	45	812	83	4,159
B&P Code⁶	0	4	0	912	0	119	23	0	1,058
Licensee/Prof. Group⁷	39	5	37	49	0	29	88	25	272
Govt. Agency⁸	17	28	9	94	69	224	406	55	902
Misc./Anonymous	14	15	16	16	0	17	44	26	148
Totals	150	116	921	3,287	69	434	1,373	189	6,539

¹ Health and Safety complaints, e.g., excessive prescribing, sale of dangerous drugs, etc.

² Non-jurisdictional complaints are not under the authority of the Board and are referred to other agencies such as the Department of Health Care Services, Department of Managed Health Care, etc.

³ Gross Negligence/Incompetence complaints are related to the quality of care provided by licensees

⁴ Personal Conduct complaints, e.g., licensee self-abuse of drugs/alcohol, conviction of a crime, etc.

⁵ Unprofessional Conduct complaints include sexual misconduct with patients, discipline by another state, failure to release medical records, etc.

⁶ Reference is to B&P Code §§800 and 2240(a) and includes complaints initiated based upon reports submitted to the Medical Board by hospitals, insurance companies and others, as required by law, regarding instances of health facility discipline, malpractice judgments/settlements, or other reportable activities

⁷ Licensee/Professional Group includes the following complaint sources: other Licensee, Society/Trade Organization, and Industry

⁸ Governmental Agency includes the following complaint sources: Internal, Law Enforcement Agency, other California State Agency, other State, other Unit of Consumer Affairs, and Federal or other Governmental Agency

Reports Received Based Upon Legal Requirements

	FY 08-09	FY 09-10
Medical Malpractice		
Insurers: B&P Code §801.01	605	556
Attorneys or Self-Reported or Employers:		
B&P Code §801.01	204	253
Courts: B&P Code §803	2	8
Total Malpractice Reports	811	817
Coroners' Reports		
B&P Code §802.5	16	18
Criminal Charges & Convictions		
B&P Code §§802.1 & 803.5	91	122
Health Facility Discipline Reports		
Medical Cause or Reason: B&P Code §805	122	99
Outpatient Surgery Settings Reports		
Patient Death: B&P Code §2240(a)	6	6

Enforcement Program Action Summary

FY 08-09 FY 09-10

FY 08-09 FY 09-10

Administrative Actions

Accusation	238	276
Petition to Revoke Probation	25	24
Amended Accusation/Petition to Revoke Probation	50	62
Number of completed investigations referred to the AG awaiting the filing of an Accusation as of June 30, 2010	149	156
Number of cases over 6 months old that resulted in the filing of an Accusation	160	224

Administrative Outcomes

Revocation	45	34
Surrender (in lieu of Accusation or with Accusation pending)	35	71
Suspension Only	0	0
Probation with Suspension	13	13
Probation	78	93
Probationary License Issued	10	19
Public Reprimand	81	116
Other Actions (e.g., exam required, education course, etc.)	10	3
Accusation Withdrawn ¹	15	11
Accusation Dismissed	11	8

Dispositions of Probation Filings

Probation Revoked or License Surrendered	9	14
Additional Suspension and Probation	1	2
Additional Suspension or Probation	2	9
Other	1	1
Petition Withdrawn/Dismissed	2	1

Referral and Compliance Actions

Citation and Administrative Fines Issued	185	111
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Petition Activity

Petition for Reinstatement of License Filed	18	16
Petition for Reinstatement of Licensed Granted	5	5
Petition for Reinstatement of License Denied	5	6
Petition for Penalty Relief ² Granted	16	26
Petition for Penalty Relief ² Denied	5	9
Petition to Compel Exam Filed	11	20
Petition to Compel Exam Granted	9	20
Petition to Compel Exam Denied	0	0

License Restrictions/Suspensions Imposed While Administrative Action Pending

Interim Suspension Orders	16	19 ³
Temporary Restraining Orders	0	0
Other Suspension Orders	38	31 ⁴

License Restrictions/Suspensions/Temporary Restraining Orders Sought and Granted by Case Type

	Orders sought	Orders granted
Gross Negligence/Incompetence	6	9
Inappropriate Prescribing	5	4
Unlicensed Activity	0	0
Sexual Misconduct	7	6
Mental/Physical Illness	13	14
Self-Abuse of Drugs or Alcohol	3	2
Fraud	0	0
Criminal Charges/Conviction of a Crime	16	11
Unprofessional Conduct	4	4
Total	54	50

NOTE: Some orders granted were sought in prior fiscal year.

Administrative Outcomes by Case Type⁵

	Revocation	Surrender	Suspension Only	Probation with Suspension	Probation	Probationary License Issued	Public Reprimand	Other Action	Total Actions by Case Type
Gross Negligence/Incompetence	6	23	0	4	44	0	78	2	167
Inappropriate Prescribing	2	10	0	3	12	0	7	0	24
Unlicensed Activity	1	0	0	1	0	0	0	0	2
Sexual Misconduct	7	7	0	1	5	0	2	1	23
Mental/Physical Illness	3	10	0	0	3	0	2	0	18
Self-Abuse of Drugs/Alcohol	9	7	0	2	11	1	0	0	30
Fraud	1	8	0	0	2	0	5	0	16
Conviction of a Crime	3	2	0	1	8	3	2	0	19
Unprofessional Conduct	2	4	0	1	3	15	20	0	45
Miscellaneous Violations	0	0	0	0	5	0	0	0	5
Totals by Discipline Type	34	71	0	13	93	19	116	3	349

¹ Accusations withdrawn for the following reasons: physician passed a competency exam; physician met stipulated terms and conditions; physician was issued a citation/fine instead; physician died, etc.

² Penalty Relief includes Petitions for Modification of Penalty and Petitions for Termination of Probation

³ Pursuant to B&P Code §2220.05(c), ISOs were granted in the following priority categories: 2-gross negligence/incompetence resulting in death or serious bodily injury, 0-drug or alcohol abuse involving death or serious bodily injury, 1-excessive prescribing, 3-sexual misconduct with a patient, and 0-practicing under the influence of drugs/alcohol

⁴ Includes 4-Automatic Suspension Orders per B&P Code §2236, 6-license restrictions per Penal Code §23, 18-out-of-state suspension orders per B&P Code §2310, 2-stipulated agreements to suspend or restrict the practice of medicine, and 1-suspension order issued by the Chief of Enforcement for violation of probation condition

⁵ Pursuant to B&P Code §2220.05(c), disciplinary actions were taken in the following priority categories: 82-gross negligence/incompetence resulting in death or serious bodily injury, 0-practicing under the influence resulting in death or serious bodily injury, 20-excessive prescribing, 14-sexual misconduct with a patient, and 4-practicing under the influence of drugs/alcohol

Enforcement Action Summary for Allied Health Care Professionals¹

	FY 08-09	FY 09-10
Complaints/Investigations		
Complaints received	363	378
Complaints closed by Complaint Unit	261	309
Investigations		
Cases opened	179	210
Cases closed	144	201
Cases referred to the AG	68	102
Cases referred for criminal action	8	6
Number of Probation Violation Reports referred to AG	3	2
License Restrictions/Suspensions Imposed While Administrative Action is Pending		
Interim Suspension Orders	5	2
Other Suspension Orders	3	2 ²
Administrative Actions		
Accusation	19	22
Petition to Revoke Probation	1	2
Amended Accusation/Petition to Revoke Probation	3	6
Statement of Issues to deny application	4	5
Number of completed investigations referred to AG's Office awaiting the filing of an Accusation as of June 30, 2010	16	29
Administrative Outcomes		
Revocation	4	1
Surrender (in lieu of Accusation or with Accusation pending)	5	6
Probation with Suspension	2	2
Probation	17	17
Probationary License Issued	10	1
Public Reprimand	0	0
Other Actions (e.g., exam required, Education course, etc.)	1	0
Statement of Issues Granted (License Denied)	2	1
Statement of Issues Denied (License Granted)	1	5
Accusation/Statement of Issues Withdrawn	0	4
Accusation Dismissed	0	0
Dispositions of Probation Filings		
Additional Probation or Suspension	1	0
Probation Revoked or License Surrendered	0	1
Petition Withdrawn or Dismissed	0	0
Referral and Compliance Actions		
Citation and Administrative Fines Issued	10	11
Office Conferences Conducted	2	1
Petition Activity		
Petition for Reinstatement of license filed	2	0
Petition for Reinstatement of license granted	0	3
Petition for Reinstatement of license denied	3	0
Petition for Penalty Relief ³ granted	1	3
Petition for Penalty Relief ³ denied	0	2
Petition to Compel Exam granted	0	0
Petition to Compel Exam denied	0	0

Reports Received Based Upon Legal Requirements

	FY 08-09	FY 09-10
Medical Malpractice		
Insurers: B&P Code §§801 and 801.01	16	10
Attorneys or Self-Reported or Employees:		
B&P Code §§801 and 801.01	2	2
Courts: B&P Code §803	0	0
Total Malpractice Reports	18	12
Coroners' Reports		
B&P Code §802.5	0	0
Criminal Charges & Convictions		
B&P Code §§802.1 & 803.5	1	7
Health Facility Discipline Reports		
Medical Cause or Reason:		
B&P Code §805	3	0
Outpatient Surgery Settings Reports		
Patient Death: B&P Code §2240(a)	0	0

¹ Allied Health Care professionals includes licensed midwives, research psychoanalysts, dispensing opticians, podiatrists, physician assistants, except in the categories of investigations, cases referred to the AG and cases referred for criminal action which also includes psychologists and osteopathic physicians and surgeons

² Includes 1-Automatic Suspension Order per B&P Code §2236, and 1-stipulated agreement to suspend or restrict the licensee's practice

³ Penalty Relief includes Petitions for Modification of Penalty and Petitions for Termination of Probation

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Notice to physician assistants regarding new continuing medical education requirements

Effective June 12, 2010, the Physician Assistant Committee enacted new regulations (Title 16, California Code of Regulations section 1399.615 et seq.), mandated by Business and Professions Code section 3524.5, requiring physician assistants to complete continuing medical education as a condition of license renewal. The requirement may be met by completing 50 hours of medical education every two years or by obtaining certification by the National Commission on Certification of Physician Assistants.

A physician assistant who renews his or her license in June 2010, and after, is responsible for complying with these new regulations for this renewal cycle and forward.

Please review and become familiar with the CME regulations, as shown below.

1399.615. Continuing Medical Education Required

- (a) A physician assistant who renews his or her license on or after January 1, 2011, is required to complete fifty (50) hours of approved continuing medical education during each two (2) year renewal period.
- (b) The requirements of subdivision (a) shall be deemed satisfied if the physician assistant, at the time of renewal, is certified by the National Commission on Certification of Physician Assistants.
- (c) Each physician assistant in order to renew his or her license at each renewal thereof shall report compliance with the provisions of this article by declaring upon application that he or she has complied with the continuing medical education requirements or that the provisions of subdivision (b) are applicable.
- (d) Any physician assistant who does not complete the required hours of approved continuing medical education during the two-year period immediately preceding the expiration date of the license shall be ineligible for renewal of his or her license under section 1399.617, unless such physician assistant applies for and obtains a waiver pursuant to Section 1399.618 below.
- (e) A physician assistant shall retain, for a period of four years after the acquisition of the necessary continuing medical education, records issued by an approved continuing medical education provider that indicate the title of the course or program attended, the dates of attendance and the hours assigned to the course or program, or if a physician assistant is certified by the National Commission on Certification of Physician Assistants at the time of license renewal, evidence of certification shall be retained for four (4) years after such certification is issued.

Note: Authority cited: Section 3510, Business and Professions Code. Reference: Section 3524.5, Business and Professions Code. HISTORY

- 1. New article 8 (sections 1399.615-1399.619) and section filed 5-13-2010; operative 6-12-2010 (Register 2010, No. 20).

For further information, please call the Physician Assistant Committee at (916) 561-8780, or go to www.pac.ca.gov/licensees/cmeregs.pdf.

The Medical Board of California continues to go green

This newsletter is being sent via email to all physicians who have provided an email address on the Board's physician survey or application form. If you receive this by mail, consider contacting us to update your email address so we may contact you immediately with updates about the Board and your profession. This assists the Board in keeping costs down and the environment healthy by reducing the use of paper.

See page 18 for information on joining our Subscriber's List.

Online Pain Management and Domestic Violence CME programs are educationally effective

by John M. Harris Jr., M.D., M.B.A., President, Medical Directions, Inc.

The California Legislature has supported the value of continuing medical education (CME) since CME was first required for physician relicensure in 1976. Two National Institutes of Health-funded studies now show that online CME programs used by many California physicians have positive educational benefits.

“Improving Outcomes in Chronic Pain”, authored by Drs. Thomas Elliott, Charles Chabal, and Bennet Davis, is a multimedia online program that provides up to 14.55 CME credits and helps California physicians meet their one-time pain management CME requirement. Harris and colleagues found in a 2008 study that this CME program was just as effective as live presentations by national pain experts in improving physician knowledge, attitudes, and self-reported practices.¹

“Current Management of Domestic Violence - Responding to IPV”, prepared by Drs. Zita Surprenant and Ellen Taliaferro, is also an interactive, case-based online program that offers up to 16 CME credits. The program deals with the recognition and management of intimate partner violence (IPV) in five clinical settings, family/internal medicine, emergency medicine, obstetrics/gynecology, pediatrics, and mental health. Lynn M. Short, Ph.D., M.P.H., and colleagues tested this program in a group of 52 primary care physicians and found long-term (12 month) improvement in knowledge, attitudes, beliefs, and self-reported IPV management practices.²

Both of these online programs were developed with small business research funding from the National Institutes of Health and both currently are available at a subscriber-supported CME Web site, The Virtual Lecture Hall (www.VLH.com). MBC Newsletter readers can take these programs for free by creating a complimentary account at www.VLH.com – use Special Registration Code 5040 (membership usually costs \$25). CME credit is \$25 per credit. The site’s owner advises that California physicians can determine how many physicians already have used these courses and how they have rated them without having to subscribe to the site.

¹ Harris et al., *Educating generalist physicians about chronic pain: live experts and online education can provide durable benefits.* *Pain Med.* 2008 Jul-Aug;9(5):555-63.

² Short et al., *A community-based trial of an online intimate partner violence CME program.* *Am J Prev Med.* 2006 Feb;30(2):181-5.

Physician resource guide now online

The Medical Board is pleased to announce that *the Guide to the Laws Governing the Practice of Medicine by Physicians and Surgeons* is revised (Sixth Edition) and available on the Board’s Web site at http://www.mbc.ca.gov/publications/laws_guide.pdf.

This publication is a reference source on the federal and state laws and additional information that govern the licenses of physicians and surgeons and other allied health care professionals. It has been designed to give readers a summary of information that will assist them in their daily medical practices and should not be used in place of the complete laws themselves (available at <http://www.leginfo.ca.gov/calaw.html>).

The Board hopes you find the *Guide* a useful and informative tool.

DMV revises application for Disabled Person Placard or Plates (REG 195)

The Department of Motor Vehicles (DMV) has revised its disabled person application, effective 6/2010. This revised application will not be available at DMV field offices until January 1, 2011, but is available for immediate download and use now on its Web site at www.dmv.ca.gov/vr/disabled.htm.

Prior versions of the application will be accepted through March 31, 2011; however, effective April 1, 2011, any versions other than the REV. 6/2010 (or subsequent) date (found in the bottom left corner of the application) will be returned to the patient for a new application to be completed by the medical provider.

Highlights of changes include:

- A statement notifying disabled veterans with a 100 percent disability rating that they may be eligible for a disabled veteran license plate, which is exempt from payment of the registration, weight fees (e.g., pickup trucks under 8,001 lbs. unladen), and license fees. Documentation from the Department of Veterans Affairs along with a separate Miscellaneous Certification form (REG 256A), completed by the patient, is required.
- A notation that temporary placards cannot be renewed more than six times consecutively (Note: “consecutive” is defined as following one another in uninterrupted succession. Even if the interruption is just one day between the expiration of a placard and the issuance of a subsequent placard, the count starts over again at one). See California Vehicle Code §22511.59(b).
- A reminder notation for the medical provider that only original signatures will be accepted, no faxes or photocopies; any alterations, crossovers, or whiteouts will void the form (including changes with initials), and all information in the certification must be provided.
- A reminder notification that the patient must check the box whether he/she is permanently or temporarily disabled and list the reason for his/her disability in Section E of the form.

Questions about the application should be directed to DMV Registration Titling Policy at (916) 657-6678.



October is “Talk about prescriptions” month

The Food and Drug Administration’s Office of Women’s Health has rolled out several drug safety campaigns based on its Take Time to Care: Use Medicines Wisely program. Following the easy steps below can help prevent medication problems:

- Read the label – Read the information on the drug label or insert.
- Keep a record – Make a list of the medicines you take including prescriptions, aspirin, vitamins, herbs, and other supplements.
- Ask questions – Talk to your doctor, nurse, or pharmacist about your medicines.
- Follow the directions – Use your medicines as your doctor tells you. Do not share your medicines with others.
- Report problems – Tell your health care provider about any side effects or other problems you may have.



Take Time to Care: Use Medicines Wisely brochures are available from your local FDA District Offices at (510) 337-6888 (No. California), or (949) 608-4407 (So. California).

Administrative actions: May 1, 2010 - July 31, 2010

Physicians and surgeons

AARON, BENJAMIN L. (C23473) Lakeside, CA

Stipulated Decision. Surrendered license in Texas in lieu of further proceedings related to compliance with continuing medical education requirements. Surrender of license. July 27, 2010

AIMAQ, RAHIM, M.D. (A113236) Pasadena, CA

Stipulated Decision. Convicted of driving under the influence of alcohol. Probationary license issued, placed on 35 months 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 June 16, 2010.

ALI, WAZIR N. (G83188) Rowland Heights, CA

Stipulated Decision. Convicted of sexual battery on 2 female patients under the guise of a medical examination. Revoked. June 21, 2010

ALTCHEK, MARK, J., M.D. (G43919) Davis, CA

Stipulated Decision. No admissions but charged with gross negligence, acts of repeated negligence and incompetence in the care and treatment of a patient by failing to treat a patient to a point where the patient was medically stabilized or it was determined that an emergent medical problem was not present, and by failing to intubate the patient in violation of ACLS guidelines for management

of asystole. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing a clinical education program and restricted from practicing emergency medicine until he successfully completes the PACE Program. June 7, 2010

ANWAR, HABIB (A36305) Temecula, CA

Stipulated Decision. Unable to complete the terms and conditions of a Board-ordered probation. Surrender of license. July 19, 2010

ARAM, DAVAR (A46392) Chino Hills, CA

Stipulated Decision. No admissions but charged with having a condition affecting his ability to practice medicine safely, making dishonest statements while on probation, and violating his Board-ordered probation by misusing alcohol or drugs. Surrender of license. June 17, 2010

ASHER, DAVID TODD, M.D. (A67110) Anaheim, CA

Stipulated Decision. Convicted of conspiracy and paying financial kickbacks for patient referrals. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, 30 days actual suspension, must provide 80 hours of community service, complete an educational course and an ethics course, and obtain a practice monitor. July 6, 2010

Explanation of disciplinary language and actions

“Effective date of decision”— Example: “May 4, 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.

BAKER, RANDY SCOTT, M.D. (G52554)
Soquel, CA

Stipulated Decision. No admissions but charged with violating the Business and Professions Code, repeated negligent acts, and failing to maintain adequate and accurate medical records in the care and treatment of 2 patients by failing to obtain written informed consent or document his discussion of the risks and benefits of IV vitamin therapy with the patients before administering the therapy to them. Also, when 1 patient refused to take any medication more often, he prescribed small amounts of various psychotropic medications in different classes at the same time for the patient to rotate to see how each worked. Physician must complete a medical record keeping course and an educational course in use and prescribing of psychotropic medication. Public Reprimand. July 23, 2010

BEBEN, TOMASZ, M.D. (A113430)
San Diego, CA

Stipulated Decision. Reported a history requiring participation in a treatment program. Probationary license issued, placed on 7 years probation with terms and conditions including, but not limited to, enrollment in a professional boundaries program and an approved monitoring program, and must obtain a practice monitor. Probationary license issued July 29, 2010.

BERGER, CHRISTOPHER ERIC, M.D. (A113239)
Loma Linda, CA

Stipulated Decision. Reported a history requiring participation in a treatment program. Probationary license issued, placed on 3 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 July 16, 2010.

BODEN, SCOTT ADAM, M.D. (A90385)
Wethersfield, CT

Stipulated Decision. Disciplined by Connecticut for using unlicensed individuals to administer local anesthetics prior to hair restoration procedures. Public Letter of Reprimand. June 30, 2010

BORTZ, WALTER MICHAEL, M.D. (G83310)
Ukiah, CA

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts, excessive prescribing and prescribing without an appropriate prior examination, sexual misconduct, and failing to maintain adequate and

accurate medical records in the care and treatment of a patient. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing a professional boundaries program, an educational course, a prescribing practices course and a medical record keeping course, and prohibited from the solo practice of medicine. July 30, 2010

BRECHER, ERIC SCOTT, M.D. (A85011)
Marietta, PA

Stipulated Decision. Disciplined by Colorado for rendering treatment below the standard of care. Public Letter of Reprimand. May 17, 2010

BREEN, PETER HERSCHEL, M.D. (G78104)
Orange, CA

Stipulated Decision. No admissions but charged with making a false record by pre-filling out and signing the Attending Anesthesiologist's Note before surgery indicating that various phases of anesthesia procedure had been performed. Physician must complete an ethics course and a medical record keeping course. Public Reprimand. May 20, 2010

BUHR, LESLIE RICHARD, M.D. (G66637)
Kerman, CA

Stipulated Decision. No admissions but charged with gross negligence by failing to correctly diagnose a patient with an acute coronary syndrome and failing to order that the patient be transported to the ER for treatment. Physician must complete a clinical training program and an educational course. Public Reprimand. June 16, 2010

BURMAN, MATTHEW LLOYD (GFE31513)
Bloomfield Hills, MI

Stipulated Decision. Disciplined by Michigan following a misdemeanor conviction for criminal sexual misconduct. Surrender of license. July 16, 2010

CHAO, RONALD PHILIP, M.D. (A81490)
Beverly Hills, CA

Stipulated Decision. Disciplined by North Carolina for failing to accurately disclose information on an application for licensure and failing to timely complete continuing medical education requirements for Florida. Public Letter of Reprimand. July 19, 2010

COMDEN, SACHA SUSAN, M.D. (A112824)
Torrance, CA

Stipulated Decision. Reported a history requiring participation in a treatment program. 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 participating in an approved monitoring program. Probationary license issued June 16, 2010.

COPELAND, JOHN W., M.D. (C26299)
Antioch, CA

Stipulated Decision. No admissions but charged with gross negligence, incompetence, failing to maintain adequate and accurate medical records in the care and treatment of a patient by failing to adequately evaluate and treat the new onset of neurological abnormalities in a patient, and failing to document that he had referred the patient to a cardiologist and the reason for the referral. Physician must take an educational course and a medical record keeping course. Public Reprimand. May 19, 2010

CORTINA, PABLO GARZA, M.D. (G47561)
Ukiah, CA

Committed gross negligence, repeated negligent acts and failed to maintain adequate and accurate medical records in the care and treatment of 3 patients. Revoked, stayed, placed on 7 years probation including, but not limited to, completing a medical record keeping course, a clinical training program and obtaining a practice monitor. June 9, 2010

ERDLER, BRANDON JAMES, M.D. (A112365)
Irvine, CA

Stipulated Decision. Failed to disclose a conviction for driving while impaired. Probationary license issued, placed on 3 years probation with terms and conditions including, but not limited to, completing an ethics course and must provide 120 hours of community service. Probationary license issued May 12, 2010.

FARAHMAND, NOOSHIN, M.D. (A56465)
Anaheim, CA

Stipulated Decision. Committed gross negligence, repeated negligent acts, excessive prescribing and prescribed without an appropriate prior examination or medical indication, and failed to maintain adequate and accurate medical records during the care and treatment of 3 patients. Revoked, stayed, placed on 5 years probation

with terms and conditions including, but not limited to, completing a clinical training program, a prescribing practices course, a medical record keeping course, and an ethics course, obtaining a practice monitor and maintaining a record of all controlled substances ordered, prescribed, dispensed, administered, possessed and any recommendation or approval for marijuana. July 14, 2010

FENTON, BARRY JAY, M.D. (G38398)
Dallas, TX

Stipulated Decision. No admissions but disciplined by Texas for entering into a personal and romantic relationship with a patient under his treatment for depression and anxiety. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing a professional boundaries program and obtaining a practice monitor. July 5, 2010

FISHER, JOHN STEELE, M.D. (G87517)
Belleair, FL

Stipulated Decision. Disciplined by Colorado for failing to report a 2006 medical malpractice settlement to Colorado. Public Letter of Reprimand. July 28, 2010

FREEMAN, MARK EVAN (C52034)
Arroyo Grande, CA

Default Decision. Disciplined by Louisiana for continuing to prescribe in violation of his disciplinary order and

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

shipping controlled substances out-of-state to people with whom he had no physician-patient relationship. Revoked. May 10, 2010

**GOLDSTEIN, LEONARD STEVEN, M.D.
(GFE86122) Fairfax, VA**

Stipulated Decision. Disciplined by Virginia for executing an IOU Promissory Note after receiving a \$20,000 loan from a patient he was treating for bipolar disorder. Public Letter of Reprimand. May 19, 2010

**GREWAL, RANJIT SINGH, M.D. (A38510)
Torrance, CA**

Stipulated Decision. Committed unprofessional conduct by failing to successfully complete a Board-ordered clinical training program. Probation is extended for 1½ years with the terms and conditions from the previous order continued and must complete an additional educational course and obtain a practice monitor should his hospital privileges lapse. June 7, 2010

**HASTIK, KARIN LESLIE, M.D. (A60374)
San Francisco, CA**

Committed gross negligence, repeated negligent acts, prescribed without performing an appropriate prior examination and medical indication, and failed to maintain adequate and accurate medical records in the care and treatment of a patient. Revoked, stayed, placed on 5 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, and must obtain a practice monitor. May 19, 2010

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**HOWE, DAVID ALAN, M.D. (A66398)
La Mesa, CA**

Stipulated Decision. No admissions but charged with repeated negligent acts and failing to maintain adequate and accurate medical records in the care and treatment of a patient by failing to provide care and treatment in accordance with the standard of practice in the medical community. Physician must complete an educational course and a medical record keeping course. Public Reprimand. July 30, 2010

**KAURA, CLAIRE SARAH, M.D. (A112659)
Sacramento, CA**

Stipulated Decision. Convicted of driving under the influence. Probationary license issued, placed on 5 years probation with terms and conditions including, but not limited to, abstaining from the use of alcohol and drugs and submitting to biological fluid testing. Probationary license issued June 2, 2010.

**KEAGLE, JENNIFER NEWMAN, M.D. (A64773)
Los Angeles, CA**

Stipulated Decision. Disciplined by Washington for failing to monitor a patient post-surgically or to ensure that the nurses and residents were familiar with the proper method to perform vision checks where a Frost suture was used. Physician must complete an educational course. Public Reprimand. June 10, 2010

**KING, JONATHAN CHARLES, M.D. (A112833)
Los Angeles, CA**

Stipulated Decision. Convicted of driving under the influence of alcohol. Probationary license issued, placed on 3 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 enrollment in an approved monitoring program. Probationary license issued June 16, 2010.

**KIRMANI, MUZAFFAR HASSAN, M.D. (A41874)
Las Vegas, NV**

Stipulated Decision. Disciplined by Nevada for failing to maintain adequate and accurate medical records related to the diagnosis, treatment and care of a patient. Public Letter of Reprimand. June 2, 2010

**LE MAILE-WILLIAMS, ROBERT LAWRENCE
(A29921) Rowland Heights, CA**

Convicted of sexual battery. Revoked. June 16, 2010

LEWIS, JEFFREY EARL (G29805) Fairfield, IA
Default Decision. Disciplined by Texas for writing prescriptions for controlled substances for his former wife's patients after his DEA certificate and state controlled substance registration had expired. Revoked. July 30, 2010

**LIEBERMAN, ALEXANDER (A20798)
City of Industry, CA**
Stipulated Decision. Physician has a condition affecting his ability to practice medicine safely. Surrender of license. July 15, 2010

**LOPEZ, ROBERT, M.D. (G75281)
Chino, CA**
Stipulated Decision. No admissions but charged with gross negligence and repeated negligent acts in the care and treatment of a patient by failing to appropriately manage a patient's elevated blood pressure during pregnancy and failing to recognize and act accordingly to the urgency of the patient's postpartum bleeding. Physician must complete an educational course and a medical record keeping course. Public Reprimand. June 17, 2010

LY, BANG QUOC (A38841) Westminster, CA
Stipulated Decision. Physician has a condition affecting his ability to practice medicine safely. Surrender of license. May 19, 2010

**LYAPIS, VICTOR, M.D. (A54424)
San Francisco, CA**
Stipulated Decision. No admissions but charged with gross negligence, incompetence, false/misleading advertising, failing to maintain adequate and accurate medical records, dishonesty or corruption and prohibited referrals by failing to adequately document his care and treatment of a patient, failing to promptly recognize the potential seriousness of the patient's post-procedure complaints of pain and making false representations that he is board certified. Physician must complete a medical record keeping course and an ethics course. Public Reprimand. July 9, 2010

**LYONS, COLLEEN CARALYN, M.D. (G63394)
Carson City, NV**
Stipulated Decision. Disciplined by Nevada for committing malpractice in the care of a newborn infant. Public Letter of Reprimand. June 24, 2010

**MALILAY, CICERO HILARIO, M.D. (A63311)
Cerritos, CA**
Stipulated Decision. Failed to maintain a proper airway of

a patient during the administration of Propofol and failed to recognize the bradycardia/hypoxia in time to prevent anoxic brain injury. Public Letter of Reprimand. June 3, 2010

**MATHEWS, ROGER D. (A20921)
Carmichael, CA**
Stipulated Decision. No admissions but charged with violating drug container labeling requirements and storage of drugs. Probation is extended for an additional 3 years with the terms and conditions from the previous order continued; may not dispense or administer controlled substances; and must maintain a record of all controlled substances prescribed. May 6, 2010. Unable to complete the terms of a Board-ordered probation. Surrender of license. May 25, 2010

**MAZER, NEAL STUART, M.D. (G86314)
Santa Barbara, CA**
Stipulated Decision. Self-prescribed controlled substances and dangerous drugs without an appropriate prior examination and/or medical indication and failed to maintain adequate and accurate medical records relating to the provision of services to his patient. Revoked, stayed, placed on 3 years probation with terms and conditions, including but not limited to, maintain a record of all controlled substances ordered, prescribed, dispensed, administered, possessed and any recommendation or approval for marijuana; abstain from the use of controlled substances and submit to biological fluid testing; complete a prescribing practices course, a medical record keeping course and a professional boundaries program. May 24, 2010

**MIRANDA, CONRADO J.R., IV (C51139)
Glendale, CA**
Disciplined by North Carolina for prescribing to 4 friends without maintaining a patient record or performing an appropriate prior medical examination. Convicted of health care fraud and failed to report the conviction to the Board. Revoked. July 30, 2010

**MOLLAH, ALI AYUB, M.D. (A82560)
Glen Allen, VA**
Stipulated Decision. Disciplined by Virginia for allowing unlicensed clinic staff to independently administer controlled substances to patients without verifying said medication; allowing a medical assistant to triage patients and to start and/or place intravenous medications; failing to maintain adequate and accurate medical records

regarding to a patient, and failing to notify his patients when he temporarily left the clinic for 4 months. Public Letter of Reprimand. May 11, 2010

**MOON, ROBERT HAHN, M.D. (A76947)
Anaheim Hills, CA**

Stipulated Decision. Convicted of 2 misdemeanors for petty theft. Revoked, stayed, placed on 4 years probation with terms and conditions including, but not limited to, abstaining from the use of controlled substances, submitting to biological fluid testing and completing an ethics course. July 14, 2010

NASSE, JOHN T., JR. (C29053) Ojai, 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 patients by prescribing dangerous drugs without an appropriate prior examination and/or medical indication and failing to assess and treat the underlying illnesses. Surrender of license. May 25, 2010

NEJAT-BINA, DAVID, M.D. (G80039) Brea, CA

Stipulated Decision. No admissions but charged with repeated negligent acts and failing to maintain adequate and accurate medical records in the care, treatment, diagnosis and testing of a patient with an adrenal mass. Physician must complete a clinical training program and a medical record keeping course. Public Reprimand. June 17, 2010

OH, DONG SUCK, M.D. (A38686) Tustin, CA

Knowingly made a false statement in his application for a physician and surgeon license by failing to disclose a conviction that occurred more than 9 years before in South Korea. Public Reprimand. May 7, 2010

**OVERTON, JOHN BLANTON, M.D. (C38023)
Stockton, CA**

Stipulated Decision. Committed violations of the Business and Professions Code by allowing his son to cultivate large amounts of marijuana at his residence. Physician must complete an ethics course. Public Reprimand. May 6, 2010

**PALMER, ROBERT BYRON, M.D. (G53445)
Soulsbyville, CA**

Stipulated Decision. Convicted of false imprisonment by violence. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing a clinical training program prior to resuming the practice of medicine, obtaining a practice monitor and

is prohibited from the solo practice of medicine.

May 6, 2010

**PAPPAS, NICHOLAS, M.D. (C28598)
Novato, CA**

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts, incompetence, excessive treatment or prescribing to an addict, violating California's Intractable Pain Treatment Act and failing to maintain adequate and accurate medical records in the care and treatment of a patient by prescribing controlled substances despite a substance-abuse history and without an appropriate prior examination. 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. June 25, 2010

PARIKH, BIPIN J. (A38353) Williston Park, NY

Default Decision. Disciplined by New Jersey for charges of health care fraud and distribution of controlled substances. Revoked. July 19, 2010

**PARR, TERENCE JAMES (G42348)
Hendricks, MN**

Stipulated Decision. Disciplined by Minnesota based on a comprehensive skills assessment that revealed he demonstrated the need for improvement in some areas of his medical knowledge, clinical judgment and clinical reasoning. Surrender of license. June 29, 2010

**PERRY, JEANETTE, M.D. (G86421)
Highland Beach, FL**

Stipulated Decision. Disciplined by New York for failing to appropriately manage the use of Pitocin and the delivery of a patient's baby. Public Letter of Reprimand. May 3, 2010

**RADHAKRISHNAN, JAY K., M.D. (C53448)
Evans, GA**

Stipulated Decision. Disciplined by Florida for performing a wrong-site procedure on a patient. Public Letter of Reprimand. May 17, 2010

**RAYGOR, PRAKASHKUMAR HARILAL, M.D.
(A41680) Walnut Creek, CA**

Stipulated Decision. Committed gross negligence by incorrectly administering continuous epidural anesthesia for post-operative pain control to a patient that resulted in an unintended total spinal anesthetic leading to circulatory arrest, respiratory arrest and anoxic encephalopathy with

prolonged partial recovery. Public Letter of Reprimand.
June 9, 2010

ROBINSON, COLE WARREN, M.D. (A112840)
Loma Linda, CA

Stipulated Decision. Substance-addiction diagnosis and treatment was disclosed on his application for licensure. Probationary license issued, placed on 7 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, prohibited from practicing as an anesthesiologist and maintaining participation in an approved monitoring program. Probationary license issued June 16, 2010.

RUDERSDORF, PATRICK D., M.D. (A113303)
Orange, CA

Stipulated Decision. Convicted of driving under the influence of alcohol. Probationary license issued, placed on 35 months 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 July 19, 2010.

RUTH, ROBERT ALLAN, M.D. (C52796)
Glendive, MT

Stipulated Decision. Disciplined by Florida for committing medical malpractice for failing to investigate a patient's abdomen when presented to the emergency room with complaints of left chest pain after previously having undergone a colonoscopy, and failing to investigate the cause of another patient's anemia by performing certain tests and scans and misdiagnosing the condition by discharging the patient from the emergency room with a diagnosis of chest wall pain. Public Letter of Reprimand.
July 8, 2010

SAMOUHA, PEJMAN, M.D. (A106358)
Tarzana, CA

Stipulated Decision. Convicted of exhibition of speed and failed to notify the Board of the conviction. Physician must complete an ethics course. Public Letter of Reprimand. July 1, 2010

SECH, LAURA ANN, M.D. (A112684)
Huntington Beach, CA

Stipulated Decision. Convicted June 4, 2009 of driving under the influence of alcohol. Probationary license issued, placed on 5 years probation with terms and conditions including, but not limited to, abstaining from the use of alcohol and drugs and submitting to biological fluid

testing and maintaining participation in an approved monitoring program. Probationary license issued
June 2, 2010.

SEELEY, ELLIOTT SCOTT, M.D. (A113425)
Menlo Park, CA

Stipulated Decision. Convicted of driving under the influence of alcohol. Probationary license issued, placed on 3 years probation with terms and conditions including, but not limited to, abstaining from the use of alcohol and drugs and submitting to biological fluid testing and participating in an approved monitoring program. Probationary license issued July 27, 2010.

SHAH, NAYAN, M.D. (A80851)
Diamond Bar, CA

Stipulated Decision. No admissions but charged with corporal injury to spouse, terrorists threats, violating the Business and Professions Code, and conviction of a crime. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, 30 days actual suspension, completing an ethics course and an anger management course. July 16, 2010

SHEMESH, ELIYAHU, M.D. (A51934)
Boca Raton, FL

Stipulated Decision. Disciplined by Florida for leaving a surgical towel in a patient's abdominal cavity during a surgical procedure. Public Letter of Reprimand.
May 18, 2010

SILK, ADNAN (A35054) Beckley, WV

Stipulated Decision. Disciplined by West Virginia for self-reporting that he suffered a head injury and no longer performed surgeries or myelograms. Surrender of license.
June 1, 2010

SOKOLOFF, BRET ROBERT (A73416)
Memphis, TN

Stipulated Decision. Physician has a condition affecting his ability to practice medicine safely. Surrender of license.
June 9, 2010

SORBERA, THOMAS ANTHONY, M.D. (A74942)
Lodi, CA

Stipulated Decision. Committed acts of sexual misconduct by engaging in a sexual relationship with a patient. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing a clinical training program and completing an ethics course.
May 28, 2010

STAMM, PATRICIA JANE, M.D. (G40384)

San Rafael, CA

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts, incompetence and excessive prescribing in the care and treatment of a patient with a history of psychiatric issues and chronic pain.

Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, enrolling in a prescribing practices course and an ethics course.

July 15, 2010

SUN, JEN C., M.D. (A82642)

Las Vegas, NV

Disciplined by West Virginia for failing to provide accurate information on his application for licensure.

Public Reprimand. May 20, 2010

SUVAK, JANINE GAIL, M.D. (A93043)

Montgomery, TX

Stipulated Decision. Committed acts of gross negligence, repeated negligent acts and incompetence in the care and treatment of 7 patients and prescribing controlled substances over the Internet without an appropriate prior examination, and failed to maintain adequate and accurate medical records. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, enrolling in a clinical training program, completing a prescribing practices course and an ethics course, and obtaining a practice monitor or participating in a professional enhancement program. July 9, 2010

TABRIZ, A. REZA NASSEHZADEH, M.D.

(A72923) Milpitas, CA

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts, failing to maintain adequate and accurate medical records, and dishonest acts in that he misrepresented his skills and credentials in cosmetic surgery and held himself out as a Fellow of the American College of Surgeons. Revoked, stayed, placed on 3 years probation with terms and conditions, including but not limited to, successfully completing a clinical training program before performing any cosmetic surgical procedures, and completing a medical record keeping course and an ethics course. May 28, 2010

VALCARCEL, JORGE ALBERTO (A36786)

Downey, CA

Committed unprofessional conduct in violating his Board-ordered probation by failing to successfully pass an oral clinical examination. Revoked. May 3, 2010

VAN MEURS, DIRK HENDRIK, M.D. (G40574)

Albany, CA

Violated his Board-ordered probation by failing to participate in and successfully complete the PACE program and failing to pay probation monitoring costs. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, 30 days actual suspension, obtaining a practice monitor, maintaining a record of all controlled substances ordered, prescribed, dispensed, administered, possessed and any recommendation or approval for marijuana, and completing an educational course. July 19, 2010

VANICHSOMBAT, ARTIT GEORGE, M.D.

(A77014) Los Angeles, CA

Convicted of driving under the influence of alcohol. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, abstaining from the use of alcohol and submitting to biological fluid testing, and prohibited from the solo practice of medicine. May 17, 2010

VARGA, CLAYTON ALEXANDER, M.D.

(G52859) Pasadena, CA

Stipulated Decision. No admissions but charged with sexual misconduct and gross negligence in the care and treatment of a patient. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing an ethics course and a professional boundaries course and must have a third-party chaperone present while consulting, examining or treating female patients. May 11, 2010

WARREN, HEATHER FLEHARTY, M.D.

(A113292) Rosemead, CA

Stipulated Decision. Convicted of driving under the influence of alcohol. 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 and submitting to biological fluid testing and maintaining participation in an approved monitoring program. Probationary license issued July 16, 2010.

WHITE, LLOYD GEORGE (G37804)

Corona, CA

Default Decision. Violated his Board-ordered probation by failing to complete an educational course and failing to pay probation costs. Revoked. July 22, 2010

WINFIELD, JULIE ANNE, M.D. (A55830)

Corte Madera, CA

Stipulated Decision. No admissions but charged with self-use of drugs or alcohol, misdemeanor conviction for driving under the influence of alcohol, obtaining controlled substances by fraud and prescribing without a medical examination. 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; prohibited from prescribing to family members, abstaining from the use of alcohol and controlled substances and submitting to biological fluid testing; and completing a prescribing practices course and an ethics course. June 14, 2010

WOLFE, MICHAEL BENJAMIN, M.D. (A63089)

Los Gatos, CA

Stipulated Decision. No admissions but charged with 2 misdemeanor convictions involving the consumption of alcohol. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, abstaining from the use of alcohol and submitting to biological fluid testing. July 14, 2010

ZABIEGA, ANDREW S. (AFE40331)

Bolingbrook, IL

Stipulated Decision. Disciplined by Indiana for failure to disclose required information. Surrender of license.

June 24, 2010

ZACHARIAH, ABRAHAM, M.D. (A37144)

San Jose, CA

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts, incompetence, dishonesty and/or misleading advertising in the care and treatment of a patient while performing a breast augmentation. Revoked, stayed, probation extended 1 year commencing January 21, 2010 with terms and conditions including, but not limited to, completing an ethics course, abstaining from the use of alcohol and controlled substances, and submitting to biological fluid testing.

May 20, 2010

ZHANG, ALAN LINGQI, M.D. (A113302)

Los Angeles, CA

Stipulated Decision. Convicted of wet 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 and submitting to biological fluid testing, and participation in an approved monitoring program. Probationary license issued July 16, 2010.

Physician assistants

CORMIER, BRIAN JOSEPH, P.A. (PA11588)

Ripon, CA

Stipulated Decision. No admissions but charged with repeated negligent acts, violation of drug statutes and administering medication without patient-specific authority. Revoked, stayed, placed on 1 year probation with terms and conditions. May 26, 2010

CRESPO, CHRISTOPHER NEOL, P.A.

(PA21046) Oceanside, CA

Stipulated Decision. Misdemeanor conviction of driving under the influence of alcohol. Probationary license issued, placed on 3 years probation with terms and conditions. Probationary license issued July 21, 2010.

RHOADES, CRAIG ALLEN, P.A. (PA19345)

Rocklin, CA

Stipulated Decision. Conviction for driving under the influence and for forging a prescription for a controlled substance. Revoked, stayed, placed on 5 years probation with terms and conditions. July 16, 2010

Podiatrists

BARNEY, EUGENE JEFFREY (E1924)

San Diego, CA

Default Decision. Felony conviction for insurance fraud. Revoked. May 27, 2010

ECTON, THOMAS REID (E4330) Mission, KS

Stipulated Decision. Committed repeated negligent acts, incompetence and failed to maintain adequate and accurate medical records in the care and treatment of 8 patients. Surrender of license. May 4, 2010

WOLF, CLIFFORD (E2161) Poway, CA

Stipulated Decision. Felony conviction for health care fraud. Surrender of license. June 29, 2010

Department of Consumer Affairs
Medical Board of California
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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



Medical Board of California Meetings—2010/11

November 4-5, 2010: Long Beach
January 27-28, 2011: San Francisco

All meetings are open to the public.

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