



## Legislative Update

### Board-sponsored restructuring

#### AB 253 (Eng, Chapter 678)

##### Restructuring of the Medical Board of California

Combines the two divisions of the board into one board on January 1, 2008. Revises the decision-making authority of the board by allowing the board to delegate to the executive director the authority to adopt default decisions and stipulations to surrender a license in disciplinary proceedings. Reduces the board membership from 21 members (12 physician members and nine public members) to 15 members (eight physician members and seven public members), effective January 1, 2008 to 17 members, and, on August 1, 2008 to 15 members.

### Chapters legislation

#### AB 3 (Bass, Chapter 376)

##### Physician Assistants

Allows a physician assistant to administer, provide, or issue a drug order under general protocols for Schedule II through Schedule V controlled substances without advanced approval by a supervising physician for each specific patient if the physician assistant completes specified educational requirements. Increases the number of physician assistants a physician may supervise from two to four (making this consistent with the number supervised in underserved areas). Specifies the services provided by a physician assistant are included as a covered benefit under the Medi-Cal program.

#### AB 329 (Nakanishi, Chapter 386)

##### Chronic Diseases: Telemedicine

Allows the Medical Board to establish a telemedicine pilot program. Authorizes the board to implement the program by convening a working group of interested parties. The board is required to make recommendations to the Legislature within one calendar year of the commencement date of the pilot program.

#### AB 682 (Berg, Chapter 550)

##### HIV/AIDS Testing

Deletes the provisions that prohibit testing a person's blood for evidence of antibodies acquired immunodeficiency syndrome

(AIDS) without written consent of the subject. Instead, requires a medical care provider, prior to ordering a test that identifies infection with human immunodeficiency virus (HIV), to inform the patient that the test is planned, provide information about the test, inform the patient regarding specified treatment options, and advise the patient that he or she has the right to decline the test. Requires that the person engaged in prenatal care of a pregnant woman ensure follow-up care for the mother and infant should the mother test positive for HIV antibodies. Strongly encourages providers to seek consultation with specialists who provide care for these women and their infants.

#### AB 1073 (Nava, Chapter 621)

##### Workers' Compensation: medical treatment utilization schedule

Makes changes in the Workers' Compensation law that will benefit injured workers. Provides that the current limit of 24 visits for chiropractic, occupational therapy, and physical therapy shall not apply to visits for post-surgical physical medicine and rehabilitation services.

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## The mission of the Medical Board of California

The mission of the Medical Board of California is to protect healthcare consumers through proper licensing and regulation of physicians and surgeons and certain allied healthcare 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

Throughout the first decades of California's union, growth and development were largely confined to the northern part of the state. Good doctors were rare and medicine was practiced by a variety of healers, unchecked in their theories, methods, and prices. From 1850 to 1870, there was a migration to southern California of thousands and then tens of thousands of invalids yearning for a healthy, dry climate. The migration of health seekers was accompanied by a migration of doctors.

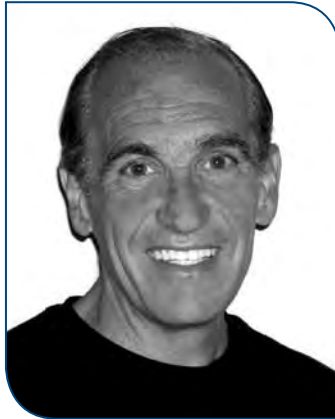
The evolution of the Medical Board of California began when the Legislature passed the first Medical Practice Act in 1876 and a Board of Examiners was established consisting of seven members. After conflicts over representation, power of appointment, and jurisdiction of the Board, the Legislature revised the Medical Practice Act in 1878 to provide for three separate Boards of Examiners: a State Medical Society Board, an Eclectic Medical Society Board, and a Board elected by the Homeopathic Medical Society.

The lack of funds severely restricted the Boards' abilities to regulate the quality of medical practice and in 1901, the Legislature repealed all prior Medical Practice Acts and enacted a new law consolidating the three boards into one nine-member Board. Only this new Board of Examiners could grant the right to practice medicine in California, and then only to those physicians passing a written examination.

Through the years, the Board has experienced several changes in its name, changes in the membership ratio of physicians to public members, and changes in its mission and responsibilities to both the consumer and the physician.

In December 1975, the Medical Injury Compensation Reform Act was passed, changing in 1976 the Board of Medical Examiners to the Board of Medical Quality Assurance; increasing the membership of the Board from 10 physicians and one public member to 12 physicians and seven public members. The new 19-member Board was comprised of three sections: the Division of Medical Quality, the Division of Licensing, and the Division of Allied Health Professions (the latter Division was abolished in 1994).

The responsibilities of the Division of Medical Quality included reviewing the quality of medical practice of physicians under the jurisdiction of the Board; administering



Richard Fantozzi, M.D.  
President of the board

discipline of physicians found to violate the laws or regulations, and carrying out disciplinary action appropriate to findings made by a Medical Quality Review Committee, an administrative law judge, or the Division.

The responsibilities of the Division of Licensing were to develop and administer the physician and surgeon examinations; issue licenses and certificates to physicians and other allied health care professionals, including midwives, registered dispensing opticians, registered contact lens dispensers, etc.; conduct site visits at medical schools

and teaching hospitals as part of its Special Programs oversight responsibilities; administer the special faculty permits; administer a program of continuing education for certificate holders; approve undergraduate and graduate medical education programs; approve clinical clerkships and special internship programs; and administer student loan programs and grants. More recently, and spirited by legislation, a Cultural and Linguistic Physician Competency Program Workgroup has been created to educate physicians on other cultures and languages that impact their patient health care practices.

Each Division had certain responsibilities as listed above and was prohibited from delegating its authority to the other. The Board did not have the authority to move members from Division to Division for educational purposes or when quorums were an issue.

Fast forward to present time and Assembly Bill 253 (Eng, 2007). This bill, which became effective January 1, 2008, eliminates the Division of Licensing and the Division of Medical Quality, and provides for the Board as a whole to handle the responsibilities of the divisions; revises the decision-making authority of the Board by allowing the Board to delegate to the executive director the authority to adopt default decisions and stipulations to surrender a license in disciplinary proceedings; and reduces the Board membership from 21 members (12 physician members and nine public members) to 15 members (eight physician members and seven public members). This is consistent with the Board's review of its workload, membership and other needs, but is subject to review and possible changes.

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# Preventive medicine and the seven deadly sins: avoiding discipline against your medical license

by Laura Sweet, Deputy Chief of Enforcement  
Medical Board of California

The final article for the “Seven Deadly Sins” series on avoiding discipline against your medical license will address pride. Pride seemed like such a proverbial “no-brainer” that I decided to save it for the last essay. Little did I know that I would get stuck on pride (a note-to-self moment?). So I conferred with my most trusted source of inspiration, who referred me to the well-known adage of Proverbs 16:18 which reads, “Pride goeth before destruction, and a haughty spirit before a fall.” Then I went to my second most trusted source of inspiration, Google, where I was delighted to learn how ecumenical the sin of pride is. That pride is recognized and derided by most religions suggests that pride must be a flaw with which most everyone struggles, but I have a question for you: do certain professions exemplify this sin better than others?

What happens when highly accomplished personalities find themselves in need of help? Does that translate to a self-perception of failure? Being so unaccustomed to failing, is it thus exponentially more difficult for a physician to ask for help? This is when pride does, in fact, precede destruction.

I know this is not glamorous, scandalous, or particularly memorable, but the first thing my colleagues and I thought of as examples of pride had to do with consultations — or more precisely, the failure to obtain a consultation. I guess if you look at it from pride’s point of view, a consultation literally requires asking for help. And wait! If you have to ask for help, you might have to admit you don’t know it all. Admitting you don’t know it all requires ... swallowing ... your ... pride.

I can think of one physician whose pride actually rendered him dangerous. In this particularly egregious case, the physician was not a trained surgeon; however, he took a one-week class in performing liposuction. The training recommended 20 proctored sessions prior to independently performing the procedures, but this physician was so arrogant he felt he did not need this level of oversight. Because the physician was performing the surgery in an outpatient setting, he was able to forego the proctoring requirements. The result: complication after complication. And, to compound this scenario, the physician was too proud to seek help when the complications occurred. One patient suffered from profuse post-operative bleeding. Rather than call an ambulance, or drive the patient to an emergency room, this physician actually tried to check her into a hotel! The hotel refused to accept her so the physician drove her to his home

where she bled to death. In cases where we can establish a physician poses an imminent threat to public safety, we are able to seek an interim suspension order (ISO). The ISO prohibits the physician from practicing medicine pending the outcome of legal proceedings seeking to revoke his or her medical license. This physician’s license was revoked (after it was suspended), and this case contributed to substantial legislative changes that now place requirements on outpatient surgery. It is unfortunate that laws have to be created to counteract such egregious levels of pride.

The standard of medical care is frequently breached when a physician fails to seek a consultation, which is naive on several levels. Consults provide access to quality care for the patient. Consults prevent errors. Averted errors prevent lawsuits. If a lawsuit or complaint is filed, then consults often prevent them from turning into formal action. (Of course, the consult is only really valuable when it is documented [see “Sloth,” *Medical Board Newsletter*, October 2006.])

The specialty we investigators observe as most susceptible to the consultation omission is pain management. Many physicians dabble in pain management. Many internists, psychiatrists, family physicians and even pediatricians will acquire a patient with an intractable pain condition, and they will get into trouble when they either didn’t refer the patient to someone who is well-versed with this specialty, or confer with a pain management physician only when the situation gets too complex. Remember, physicians who practice any specialty are held to the standard of care for that specialty they are practicing, whether they were formally trained or are board certified in that specialty.

Another common challenge for pain management practices is the drug-seeking patient who is quite cunning when it comes to compromising a physician’s lack of knowledge. What if the doctor faces the dilemma of the drug-addicted patient who is also suffering from chronic pain? All it takes is a consultation with experts and documentation of such.

Psychiatrists are sometimes conned into prescribing narcotics for pain management. Internists often prescribe psychotropic medications without the appropriate knowledge of their effects. And is it me, or has pharmacology itself become a Pandora’s Box of liability?

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# Legislative Updates *(Continued from cover)*

## **AB 1224 (Hernandez, Chapter 507)**

### **Telemedicine: Optometrists**

Adds optometrists to the list of health care professionals who are allowed to practice via telemedicine. Defines collaborating optometrist for purposes of his or her participation in treating primary open angle glaucoma.

## **AB 1226 (Hayashi, Chapter 693)**

### **Medi-Cal: Provider Enrollment**

Provides, as of July 1, 2008, that a physician practicing in an individual physician practice, and enrolled and in good standing in the Medi-Cal program, and who is changing locations of that practice within the same county, is eligible to continue enrollment at the new location by filing a change of location form in lieu of submitting a completed application package. Also requires the State Department of Health Services to provide notice to the physician of receipt of the application package or the change of location form.

## **AB 1302 (Horton, Chapter 700)**

### **Health Insurance Portability and Accountability Act**

Extends the Health Insurance Portability and Accountability Implementation Act of 2001 (HIPAA) to July 1, 2010, when it will become inoperative, unless extended by statute.

## **AB 1531 (DeSaulnie, Chapter 413)**

### **Vehicles: Disabled Parking**

Limits the maximum consecutive number of times a person can renew a temporary disability placard to six. State or local agency off-street parking and parking facilities are required to state after July 1, 2008, on new or replaced signs designating a parking space as reserved for a disabled person, the minimum amount a person could be fined for parking in the space, without displaying the appropriate plates or placard.

## **AB 1687 (Brownley, Chapter 552)**

### **Confidential Information**

Provides that for purposes of allowing medical information to be disclosed to providers of health care, and for the purpose of diagnosis and treatment of a mental health condition of a minor, a provider may disclose medical information to any person who is legally authorized to have custody or care of a minor. This is for coordinating health care services and medical treatment provided to the minor. Prohibits those who are legally authorized to have custody or care of a minor who receive medical information from further disclosing that information unless the disclosure is for the purpose of coordinating health care services and medical treatment of the minor

and the disclosure is authorized by law. Provides that if a provider determines that the disclosure of medical information concerning a minor is reasonably necessary for the purpose of assisting in coordinating the treatment and care of the minor, that medical information may be disclosed to any other person who is legally authorized to have custody or care of the minor.

## **SB 472 (Corbett, Chapter 470)**

### **Prescription Drug Labeling Requirements**

Requires the state Board of Pharmacy to promulgate regulations that require a standardized, patient-centered, prescription drug label on all prescription medication dispensed to patients in California. The board is required to hold special statewide public meetings to seek information on the label requirements. Requires the Board of Pharmacy to report to the Legislature on or before January 1, 2010 on its progress and to report to the Legislature on or before January 1, 2013 on the status of implementation of the requirements.

## **SB 620 (Correa, Chapter 210)**

### **Dental: General Anesthesia**

Removes the January 1, 2008 sunset date on the permitting process for physicians who administer general anesthesia for dental patients.

## **SB 767 (Ridley-Thomas, Chapter 477)**

### **Drug Overdose Treatment: Liability**

Authorizes, until January 1, 2011, a licensed health care provider, who is permitted to prescribe an opioid antagonist, when acting with reasonable care to prescribe, dispense or distribute an opioid antagonist in conjunction with an opioid overdose prescription and treatment program without being subject to civil liability or criminal prosecution. Requires that local health jurisdictions operating opioid overdose prevention and treatment training programs collect specified data and report it to the Legislature.

## **SB 850 (Maldonado, Chapter 661)**

### **Vital Statistics: Certificate of Still Birth**

Enacts the Missing Angels Act, which requires the local registrar of births and deaths of the county in which a fetal death, where the fetus has advanced to or beyond the 20th week of uterogestation, to issue upon request, to the father or mother, a Certificate of Still Birth. This would be done on a form prescribed by the State Registrar of Vital Statistics. Defines stillbirth for

*(Continued on page 8)*

## President's report *(Continued from page 2)*

Experience gained from the last Board reorganization in 1994 is the basis of the following assumptions when the division system is changed to one Board with standing committees and the membership reduced:

- The work of the Board will remain the same regardless of the number of members or whether it retains or consolidates the divisions;
- The work of reviewing and adopting disciplinary or licensing decisions will not significantly increase or decrease for individual members, regardless of the organizational change, but will be more evenly distributed;
- Removing the legislative mandate of divisions will not prohibit members from working and developing expertise in licensing or disciplinary matters, nor would it prohibit the establishment of committees to perform most of the duties performed by the present divisions;
- Removing the mandated division structure will alleviate, in times of reduced membership, delays in the decision-making process due to meeting problems or lack of quorums;
- The change will expand the members' knowledge base on issues previously only heard in the division meetings.

The role of the Board's committees will increase their profile to all members of the Board. Previously, committees within the divisions were effectively not accessible to members and the other divisions. The committee chairs and the committee members are appointed by the president of the Board. The committees for this year are: Executive Committee, Access to Care Committee, Public Education Committee, International Medical Education Committee, Medical Errors Committee, Special Programs Committee, Cultural & Linguistic Competence Committee, Midwifery Committee, Diversion Committee, Special Faculty Permit Committee, Wellness Committee, Application Review Committee, and the Physician Recognition Committee.

One of my ambitions as Board president is that the current and future committee chairs will be dedicated/invested and empowered in the work of this Board and that the committee chairs will share their valuable and specialized knowledge with the full Board. During my continued term, I hope to empower Board members and provide them more investment opportunities in the work of the Board and a greater opportunity to share their knowledge. For those reasons and more, I believe this will be a better functioning organizational structure for the future of this Board.

## Seven deadly sins *(Continued from page 3)*

I know many people who are prescribed so many pills, for so many varying ailments, that it's a wonder most physicians know all of what the patient is receiving, let alone how these various medications interact.

Here's another area where we often see problems because of pride. There are a lot of doctors out there who are brilliant practitioners, but they have no business acumen. Being too proud to admit it, they are lured into contracts and obligations due to their business naiveté and end up being cited for all kinds of violations (failing to have a fictitious name permit, aiding/abetting the unlicensed practice of corporate medicine, advertising violations). I hate to be the bearer of bad news, but ignorance is never a valid defense.

And finally, how about the most common demonstration of pride? How about being afraid to ask for emotional help? With the stresses of a busy practice, society's extraordinary expectations, extracting compensation from insurance companies or HMOs, malpractice premiums, complaints, technology, traffic, not to mention the activities of just a normal day, how do most physicians handle that cornucopia of stress? In my line of work, we see the

physicians who find it easier to succumb to a panacea of alcohol or drugs than to ask for help. (See *"Physician Wellness as Constrained by Burnout," Medical Board Newsletter, November 2007.*)

Pride challenges us all to some degree. A healthy sense of self-pride isn't entirely horrifying, and I know in my experience, whenever I exceed a healthy sense of esteem, an omniscient pride-ometer is just waiting to slap me down to reality.

I am proud to have had the opportunity to write these words of caution to you. I hope there is a parcel of information contained within this catalog of sins to help you navigate the investigative process and have a better understanding of what we investigators encounter in our job. Most important, I hope there was some advice within these sins that helps keep someone out of this newsletter! But if I have failed, and if you do end up here, we can consume our pride together and learn from the experience. After all, as C.S. Lewis said, "A proud man is always looking down on things and people; and, of course, as long as you're looking down, you can't see something that's above you."

## Medical Board's Physician Humanitarian Award accepted posthumously



Board President Richard Fantozzi, M.D., congratulates Drs. Susan and Debra Bangasser.

One of the Medical Board's two recipients of its Physician Humanitarian Award for 2007, Ron Bangasser, M.D. of Redlands, passed away on May 2, 2007 of colorectal cancer.

His death certainly was a loss not only for his family and friends, but also for the patient population of Redlands.

At its November 2 meeting in San Diego, the board was honored to have his widow, Dr. Susan Bangasser, accept the award on his behalf. She was accompanied by their daughter, Dr. Debra Bangasser.

Dr. Ron Bangasser, a family practitioner, was the director of the Wound Care Center at Redlands Community Hospital. He introduced hyperbaric chambers to the wound-care ward at that hospital in 1982, and that unit now treats more than 4,000 patients a year. He was a member of numerous organized-medicine associations and societies, and participated in causes ranging from domestic violence awareness to the United Way. He was an outspoken advocate of access to medical care for all, regardless of income, and participated in medical organizations where his voice could be heard.

He promoted the involvement of medical students and residents in organized medicine, sponsoring at least two students from Loma Linda University School of Medicine to attend CMA's Legislative Leadership Day. For two decades, he served as team physician for San Bernardino Valley College and the San Bernardino Stampede Professional Baseball team. He was highly respected by his peers, his friends, his patients, elected officials, and his community.

## Free online domestic violence CME helps California physicians to better recognize intimate partner (domestic) violence (IPV)

*Web site and CME paid for by a grant from Blue Shield of California Foundation; Project endorsed by CMA, Family Violence Prevention Fund and Kaiser Permanente*

A free online CME course, Respond to Domestic Violence, offers California physicians the opportunity to earn up to 16 AMA PRA Category I credits or 16 AAFP Prescribed credits. The program is available at [www.RespondtoDV.org](http://www.RespondtoDV.org).

IPV is more common than most physicians may believe and studies have shown that experienced physicians have trouble recognizing and responding to IPV in their practices. California physicians may not be aware that they and other health care practitioners are required to report to local law enforcement authorities the names of persons whom they treat for injuries that are the result of assault or abuse, including abuse by a spouse or cohabitant (California Penal Code §11160).

In 2006, Blue Shield of California Foundation decided to help California physicians to better recognize IPV. The foundation teamed up with a group of national experts, led by Zita Surprenant, M.D., of Kansas University, and an Arizona company specializing in online CME, to provide a customized IPV CME program for California physicians.

The program uses an interactive case-based teaching approach. It emphasizes the practical management of IPV and explains California's reporting requirements. The program has been shown in two published studies to improve physician confidence in managing IPV.

Since its launch in July 2006, more than 1,700 California physicians have enrolled in the online program, earning 6,000 CME credits. Physicians who complete the program have been enthusiastic, with 90 percent of them rating the program "above average" or "excellent." Almost three quarters of physicians expect to change their practice based on what they learned from the program.

According to Dr. John Harris, president of Medical Directions, the company that developed the program and hosts the [www.RespondtoDV.org](http://www.RespondtoDV.org) Web site, the online program will provide free CME to licensed California physicians at least until July 2008. "We believe this is a worthy project," Dr. Harris said. "We plan to promote the IPV program this winter and are seeking support to keep it available beyond July."

# The goals of the Medical Board's Wellness Committee

by Laurie Gregg, M.D., former member, Medical Board of California

The American Board of Holistic Medicine defines optimal health as “the conscious pursuit of the highest level of functioning and balance of the physical, environmental, mental, emotional, social, and spiritual aspects of human experience, resulting in a dynamic state of being fully alive.” Given the demands and stress of a busy medical practice, physicians are unlikely to consciously pursue anything more than a good night's sleep. Can you imagine if all physicians are allowed or allow themselves time to balance the physical, environmental, mental, emotional, social, and spiritual aspects of their lives? Many organizations in California have realized the rewards of physician well-being and the Medical Board of California would like to contribute to this worthy pursuit.

I have seen those that give up the fight to achieve balance and leave medicine completely. Take Dr. Smith (name changed to protect the departed). She started medicine with a love for science and learning, excelled in medical school and shined with her abundance of compassion. She completed her residency at the same time she married and soon after started a family. As her practice opened, the word about her compassion and knowledge spread. Her patient volume overwhelmed her available appointments, but Dr. Smith made room for the extra patients. As her practice thrived, she had a child and was due to take her board exams. Her patients, her family, and her field continued the same expectations on Dr. Smith but the cumulative demands were overwhelming. She felt like she was cheating each patient from appropriate face-to-face time, she felt guilty leaving her newborn, she could not dedicate the time to study for her board exams, and she was named in her first medical malpractice lawsuit. This was all too much for a physician who loved learning and prided herself on compassionate, competent care. Dr. Smith left medicine to dedicate herself to her family and find another area that would allow her time to enjoy her love of learning. Dr. Smith's departure is not only a personal loss but a loss to her patients and the medical community.

Imagine if Dr. Smith “consciously pursued the highest level of functioning and balance?” Imagine if she realized she needed to feed her passion to learn and give more time to her family. Consider a society that recognized the need to have different job descriptions. As compassionate caretakers, doctors like Dr. Smith have difficulty setting limits and saying “no.” This was one of the hardest lessons I had to learn. No, I cannot take any more new patients. No, I cannot have a 100 percent clinical practice and feel well-rounded. No, I cannot pursue another term on the Medical Board at this time in my children's lives. No, I cannot come in early

because that is the time for my four-mile run. I've been proud of my fellow board members and medical colleagues that have had the insight to make small decisions and career-altering decisions to enhance their well-being.

How can we as a medical board prevent the departures of caring and competent doctors like Dr. Smith? The board believes that any step it can promote in the prevention of physician “unwellness” is a worthwhile one. Although most board members and staff have realized this concept, it had not been addressed in a formal setting until now. The 2007 Medical Board created a Wellness Committee to investigate and promote issues of physician well-being. With the goal of furthering the board's consumer protection mission by encouraging and guiding licensees to promote their personal and professional well-being, the committee met for the first time on September 26, 2007.

The committee discussed the function of well-being committees at each hospital. Although some of these committees have been able to be proactive and preventative, many end up in a responsive mode, dealing with behavior and substance abuse issues. A negative connotation often follows this responsive nature. The Medical Board's committee hopes to be proactive and focus on the issue of balance. With the above in mind and a realization of limited resources, our immediate goals are the following:

- To increase physician awareness of the importance of physician well-being through a series of articles published in the *Medical Board of California Newsletter*.
- To collate resources in California that promote physician wellness.
- To encourage and possibly reward physicians for taking time to become knowledgeable regarding the issues of physician well-being.
- To perform outreach activities that promote physician wellness.

Even if we only affect the life of one Dr. Smith, “I feel our work will have been worthwhile.”

## Members of the Wellness Committee

Shelton Duruisseau, Ph.D., chair

Dr. John Chin

Dr. Daniel Giang

Dr. Laurie Gregg

Dr. Peter Moskowitz

Dr. William Norcross

Dr. Ron Wender

## Legislator profile

# Senator Sam Aanestad, D.D.S.



**Sam Aanestad** (R-Grass Valley) is an oral and maxillofacial surgeon who was elected to the California State Legislature in 1998. In 2006, Senator Aanestad was elected to serve a second term in the California State Senate.

Senator Aanestad was named 2006 California Charter School Legislator

of the Year by the California Charter Schools Association for successful legislative efforts that benefited charter schools.

Dr. Aanestad has practiced oral and maxillofacial surgery full time in Grass Valley, and has served as the vice chief of surgery at Sierra Nevada Memorial Hospital. He served three terms on the California Dental Association Council on Legislation, including three years as chairman, and he served two terms as president of the Butte-Sierra District Dental Society. He is also a member of the California and American Dental Associations.

Senator Aanestad received both his bachelor of arts and doctor of dental surgery degrees from the University of

California at Los Angeles. He then completed a four-year oral and maxillofacial surgery residency at Highland General Hospital in Oakland. Dr. Aanestad received a master in public administration degree from Golden Gate University in 1991. He was honored by the UCLA School of Dentistry as its "Alumnus of the Year" in November 1998.

In the current legislative session, Senator Aanestad has authored six bills that directly impact the Medical Board of California (SBX1 7, SBX1 8, SB 238, SB 253, SB 438, and SB 822). Most notably, Senate Bill X1 7 (2007) helps health care providers who service qualified low-income persons. If passed, SBX1 7 would increase Medi-Cal reimbursement rates for health care providers to 80 percent of the reimbursement rate of the federal Medicare Program with annual increases tied to the California Consumer Price Index. Senate Bill X1 8 would allow a physician a tax credit in an amount equal to 50 percent of the fair market value of uncompensated medical care provided to an uninsured individual.

In the California State Senate, Dr. Aanestad's top priorities are new job and business creation in Northern California, preserving rural health care, protecting north state water, and serving the needs of the citizens of the 4th Senate District, which includes Butte, Colusa, Del Norte, Glenn, Nevada, Placer, Shasta, Siskiyou, Sutter, Tehama, Trinity, and Yuba counties.

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this purpose to be delivery of a fetus where there was a naturally occurring intrauterine fetal death that occurred after a gestational age of not fewer than 20 weeks.

### **SB 1047 (Committee on Business and Professions, Chapter 354) Professions and Vocations**

Requires each of the boards under the Department of Consumer Affairs to meet at least three times each calendar year and at least once each calendar year in Northern California and in Southern California. Authorizes the director of Consumer Affairs to exempt any board from the meeting requirement upon a showing of good cause and to call a special meeting of the board when a board is not fulfilling its duties.

### **SB 1048 (Senate Business and Professions Committee, Chapter 588) Healing Arts: Omnibus**

This bill has several provisions. Some impact statutes governing the Medical Practice Act. The first provision, amending B&P Code section 2177, allows an applicant who obtains a passing score on Part III of the USMLE in more than four attempts and who meets the requirements of section 2135.5 to be eligible for a physician's license. The second provision, amending B&P Code section 2313, makes current the language to reflect that references to B&P Code section 801 now refer to section 801.01. It also revises language on collecting information on complaint forms as it is no longer practical to report on forms sent by mail, as many are printed from the Web site.



# Administrative actions: August 1, 2007 — October 31, 2007

## Physicians and surgeons

### AGUILERA, MANUEL CHUA, M.D. (A38823)

#### Los Angeles, CA

Stipulated Decision. No admissions but charged with repeated negligent acts, gross negligence, incompetence, and failure to maintain adequate and accurate medical records in the care and treatment of a patient. Physician completed a clinical training program and a medical record keeping course. Public Reprimand. August 16, 2007

### BELLOMO, JOSEPH F. (G80391)

#### Dallas, TX

Stipulated Decision. Disciplined by Texas for an incident at a hospital in which his actions were disruptive to the staff and a patient. Surrender of license. August 17, 2007

### BIMSTON, DAVID NOEL, M.D. (G85112)

#### Davie, FL

Stipulated Decision. Disciplined by Florida for leaving a blue surgical towel in a patient while performing abdominal surgery. Physician completed an educational program in gastrointestinal surgery risk management. Public Reprimand. August 2, 2007

### BRAR, HARINDER S., M.D. (G85511)

#### Milledgeville, GA

Stipulated Decision. Disciplined by Georgia for transecting a surgical patient's spinal accessory nerve, failing to adequately inform the patient of all complications, and

failing to adequately document operative and postoperative treatment. Physician completed a medical record keeping course. Public Reprimand. August 28, 2007

### BRENNAN, H. GEORGE, M.D. (C27484)

#### Newport Beach, CA

Committed acts of repeated negligence in his care and treatment of a cosmetic surgery patient, and failed to maintain adequate and accurate medical records for 3 patients. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing a clinical training program and a medical record keeping course. September 26, 2007. Judicial review pending.

### BROWN, TERRILL EUGENE, M.D. (G53967)

#### Visalia, CA

Stipulated Decision. Failed to maintain adequate and accurate medical records in the care and treatment of 4 patients. Physician completed a clinical training program. Public Reprimand. August 23, 2007

Copies of public documents from 2004 to the present are available at [www.mbc.ca.gov](http://www.mbc.ca.gov). Click on "Enforcement Public Documents," or for copies of all public documents call the Medical Board's Central File Room at (916) 263-2525.

## Explanation of disciplinary language and actions

**"Effective date of decision"** — Example: "Sept. 12, 2007" 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.

**BRYAN, WASHINGTON, II, M.D. (A61799)**  
**Los Angeles, CA**

Stipulated Decision. Physician was charged in a Notification of Violation and Imposition of Civil Penalty with failing to release the medical records of 5 patients to the Medical Board after having received valid patient releases. \$25,000 civil fine. October 29, 2007

**BULLIAS, BRUCE ALAN, M.D. (G27217)**  
**Murrieta, CA**

Stipulated Decision. For the past 10 to 15 years, physician prescribed various controlled substances including Valium, Ambien and Halcion to his now ex-wife and diverted those drugs for his personal use. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, taking a prescribing practices course and an ethics course, abstaining from the personal use or possession of controlled substances and submitting to biological fluid testing. October 29, 2007

**BURWICK, RICHARD MICHAEL, M.D. (A101683)**  
**Manhattan Beach, CA**

Stipulated Decision. Criminal conviction for driving under the influence of alcohol. Probationary license issued, placed on 3 years probation with terms and conditions including, but not limited to, 120 hours of free, non-medical community service, abstaining from the use of alcohol and drugs, and submitting to biological fluid testing. Decision effective September 26, 2007, probationary license issued October 3, 2007.

## **MBC medical consultant examination**

The Medical Board of California employs medical consultants (MC) in each of its district offices. An MC assists in investigating and evaluating complaints of professional misconduct against licensees. This includes interpreting the medical significance of information and evidence. To be considered for an MC position, physicians must take an examination. The next MC exam will be administered in early 2008. In January, please visit the Department of Consumer Affairs' Web site at [www.dca.ca.gov/about\\_dca/jobs/exams1.shtml](http://www.dca.ca.gov/about_dca/jobs/exams1.shtml) and refer to the "open exam" section. This exam will be posted for a short time and applications will have a specific due date. For questions, please contact the board by email: [Webmaster@mbc.ca.gov](mailto:Webmaster@mbc.ca.gov).

**BUTCHER, MICHAEL DANE, M.D. (C31760)**  
**Los Gatos, CA**

Stipulated Decision. Failed to maintain adequate and accurate medical records in the care and treatment of a patient. Physician completed a medical record keeping course and a physician-patient communications course. Public Reprimand. August 24, 2007

**CARLTON, LYNN NORMAN, M.D. (G26817)**  
**Springfield, MO**

Disciplined by Colorado for failing to conform to minimal standards of acceptable medical practice in the evaluation of CT scans of the cervical and thoracic spine of a 16-year-old patient. Public Letter of Reprimand. October 29, 2007

**COOTS, LAWRENCE ERNEST, M.D. (G40413)**  
**Orange Park, FL**

Disciplined by Florida for failing to practice medicine within the standard of care and to adequately supervise a nurse practitioner. Public Letter of Reprimand. October 15, 2007

**DAVID, ANNA MARIA, M.D. (A61522)**  
**National City, CA**

Stipulated Decision. Failed to maintain adequate and accurate medical records in the care and treatment of a patient. Physician must complete a medical record keeping course. Public Reprimand. September 10, 2007

**DE, MALABIKA (A69859)**  
**Irvine, CA**

Physician has a condition affecting her ability to practice medicine safely. Revoked. August 16, 2007

**DENKER, MARK STEFAN, M.D. (A50791)**  
**Boca Raton, FL**

Stipulated Decision. Disciplined by Florida for practicing medicine while impaired or under the influence of drugs or alcohol. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing the Diversion Program, abstaining from the personal use or possession of controlled substances and alcohol, and submitting to biological fluid testing. August 16, 2007

**DEPINTO, VINCENT JAMES, M.D. (G86735)**  
**Colorado Springs, CO**

Disciplined by Colorado for delaying emergency surgery and failing to follow up on critical tests ordered for a surgical patient with a declining status. Public Letter of Reprimand. September 7, 2007

**DICKERSON, CHARLES HOWARD (G41769)**  
**Streator, IL**

Committed acts of gross negligence and repeated negligence in the care and treatment of 4 patients. Revoked.  
October 29, 2007

**DJORDJEVIC, BORKO, M.D. (A31228)**  
**Palm Desert, CA**

Stipulated Decision. Convicted in federal court of one count of making a false declaration; convicted in state court of an infraction of maliciously and willfully disturbing another, and failed to report to the board his indictment and conviction in federal court. Revoked, stayed, placed on 7 years probation with terms and conditions including, but not limited to, 3 months actual suspension; complete an ethics course; provide 520 hours of free, non-medical community service within the first 2 years of probation; and complete an educational course in addition to required CME. October 8, 2007

**DONALDSON, BRIAN ROBERT, M.D. (G32428)**  
**Healdsburg, CA**

Disciplined by Alaska for a health condition that required he be monitored by a psychiatrist and that he take medication designed to help him react more appropriately to members of the opposite sex. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing a professional boundaries course and a prescribing practices course, obtaining a medical boundaries monitor, and having a third party present when consulting, examining or treating female patients. October 8, 2007

**DORSEY, THOMAS REID (G54664)**  
**Bonita, CA**

Stipulated Decision. Physician has a condition affecting his ability to practice medicine safely; and, misdemeanor conviction for battery related to domestic abuse. Surrender of license. October 26, 2007

**EDWARDS, HANNIBAL (GFE44813)**  
**Apple Valley, CA**

Stipulated Decision. Disciplined by Georgia for prescribing dangerous drugs over the Internet without examining patients and without a bona fide physician-patient relationship. Surrender of license. September 14, 2007

**EL-ATTAR, OSAMAH AMIN, M.D. (A26314)**  
**Los Angeles, CA**

Stipulated Decision. Failed to maintain adequate and accurate medical records in his care and treatment of 4 patients. Physician must complete a medical record keeping course and a coronary intervention course. Public Letter of Reprimand. September 17, 2007

**EVANS, THOMAS ROSS, M.D. (G30778)**  
**Tulare, CA**

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts, incompetence and failure to maintain adequate and accurate medical records in his 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 educational course in addition to the required CME; prohibited from ordering, prescribing, dispensing or administering controlled substances from Schedules II and III, and obtaining a practice monitor. September 17, 2007

**FERNANDO, ISRAEL VALDEZ (A69914)**  
**Bettendorf, IA**

Stipulated Decision. Disciplined by Iowa after a board-appointed peer review committee determined he substantially deviated from the standard of practice and was evaluated and found to be incompetent to practice medicine. Surrender of license. September 14, 2007

**FISCHBEIN, STUART JAMES, M.D. (G52027)**  
**Los Angeles, CA**

Criminal conviction for having sexual relations with a patient. Revoked, stayed, placed on 7 years probation with terms and conditions including, but not limited to, completing an ethics course, an educational course in addition to required CME, and must have a third-party chaperone present while consulting, examining or treating female patients. October 10, 2007

**FLEISS, PAUL M., M.D. (A28858)**  
**Los Angeles, CA**

Stipulated Decision. Failed to maintain adequate and accurate medical records in his care and treatment of 2 pediatric patients. Revoked, stayed, placed on 35 months probation with terms and conditions including, but not limited to, completing a medical record keeping course and an educational course in addition to required CME, and obtaining a practice monitor. October 8, 2007

**FLEMING, SUSAN BRINDAMOUR, M.D. (G34801)**  
**Tucson, AZ**

Disciplined by Arizona for improper and excessive prescribing to a patient and failing to recognize drug-seeking behavior. Public Letter of Reprimand. October 17, 2007

**FLORES, CRISTINA SALAZAR, M.D. (A54112)**

**Chula Vista, CA**

Stipulated Decision. Failed to maintain adequate and accurate medical records in her care and treatment of 2 patients. Physician must complete a medical record keeping course. Public Reprimand. September 10, 2007

**FOOTE, RONALD HOPE, M.D. (G66195)**

**Las Vegas, NV**

Stipulated Decision. Disciplined by Nevada for engaging in conduct that brings the medical profession into disrepute for his conduct related to fleeing the scene of an accident, making inappropriate threats to the arresting officer, inappropriately grabbing the attending nurse at the hospital and fleeing the hospital without permission. The physician also was disciplined by Nevada for improper monitoring of an epidural patient and improper placement of an endotracheal tube. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, participate in the board's Diversion Program, abstain from the use of alcohol and drugs, submit to biological fluid testing, and complete an educational course in addition to required CME. October 12, 2007

**FRANCK, ELIZABETH REDDAN (G81779)**

**San Francisco, CA**

Stipulated Decision. Convicted of driving under the influence of alcohol on 4 different occasions between September 2005 and November 2006. Revoked, stayed, placed on 7 years probation with terms and conditions including, but not limited to, 1 year of actual suspension, abstain from the use of controlled substances and alcohol, submit to biological fluid testing, successful participation, complete an ethics course, and complete the board's Diversion Program or her license will be automatically revoked. October 12, 2007. License was automatically revoked effective October 17, 2007 when she was terminated from the board's Diversion Program for non-compliance.

**FRANK, SIDNEY ALAN, M.D. (G23569)**

**Visalia, CA**

Stipulated Decision. Committed acts of 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 a clinical training program. August 30, 2007

**GIL, ALEJANDRO ESTEBAN, M.D. (A37558)**

**Los Angeles, CA**

Stipulated Decision. Committed acts of gross negligence in the care and treatment of 5 patients. Revoked, stayed, placed on 5 years probation with terms and conditions including,

but not limited to, 30 days actual suspension, prohibited from treating patients for HIV and/or AIDS, completing an ethics course and obtaining a practice monitor.

August 27, 2007

**GONZALEZ, SALVADOR ALONSO, M.D. (A60322)**

**Fresno, CA**

Stipulated Decision. Committed acts of repeated negligence and gross negligence in the care and treatment of a patient. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing a clinical training program and an educational course in addition to required CME, and obtaining a practice monitor. August 4, 2007

**GUERRA, ROBERT MARCIAL, M.D. (G65335)**

**Lompoc, CA**

Stipulated Decision. No admissions but charged with gross negligence and failure to maintain adequate and accurate medical records in the care and treatment of a patient. Physician completed a medical record keeping course. Public Reprimand. August 24, 2007

**HAZAN, SABINE SOLIKA, M.D. (C51399)**

**Ventura, CA**

Stipulated Decision. Disciplined by Florida for failure to practice within the standard of care and failure to maintain adequate medical records related to her care of a patient. Disciplined by New York for failure to evaluate and document her evaluation of 5 patients during their colonoscopies. Physician must complete a medical record keeping course. Public Reprimand. September 12, 2007

**HERRMANN, DONALD WILLIAM, M.D. (G34040)**

**Victorville, CA**

Stipulated Decision. Violated the terms and conditions of his board-ordered probation by committing acts of gross negligence and repeated negligence in his care and treatment of a patient. Current probationary term extended for an additional 6 months, physician must obtain a practice monitor, and must complete an educational course in addition to required CME. September 10, 2007

**HOLLANDER, NEIL, M.D. (G18418)**

**Huntington Beach, CA**

Stipulated Decision. No admissions but charged with repeated negligent acts, gross negligence, incompetence, failure to maintain adequate and accurate medical records, and dishonesty in the care and treatment of 1 patient. Current probation extended for 2 years from January 16, 2007 with original terms and conditions. August 15, 2007

**HORNE, JONATHAN H., M.D. (G60499)**  
**Salt Lake City, UT**

Disciplined by Colorado for failing to perform a proper incision and drainage procedure; failing to appropriately evaluate or manage the patient's loss of median nerve sensation, and failing to timely recognize and treat the patient's infection post-operatively. Public Letter of Reprimand. September 20, 2007

**HUBBARD, DERRICK SIDNEY (G69055)**  
**Los Angeles, CA**

Stipulated Decision. Felony conviction for health care fraud. Surrender of license. August 22, 2007

**HUFF, MICHAEL BORCHARD (A34873)**  
**Oxnard, CA**

Violated the terms and conditions of his board-ordered probation by being convicted of a felony for knowingly, intentionally, and unlawfully distributing and dispensing controlled substances. Revoked. August 1, 2007

**IBRAHIM, ALBEER I., M.D. (A44213)**  
**Encino, CA**

Stipulated Decision. Convicted of a misdemeanor for presenting false and fraudulent claims. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, in lieu of 6 months actual suspension physician may perform 416 hours of free, medical community service; completing a medical record keeping course and an ethics course; and obtaining a billing monitor. August 27, 2007

**JAHANPANA, FERESHTEH, M.D. (G65104)**  
**El Cajon, CA**

Stipulated Decision. Failed to maintain adequate and accurate records in her care and treatment of 3 patients. Physician must complete a medical record keeping course. Public Reprimand. October 29, 2007

**JONES, HENRY EUGENE, M.D. (C29697)**  
**Oakdale, CA**

Approved the filling of prescriptions for dangerous drugs via the Internet without performing a good faith prior examination or maintaining adequate and accurate medical records. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, taking a prescribing practices course and obtaining a practice monitor. September 20, 2007

**KHAN, SHAGUFTA PARVIN, M.D. (A29867)**  
**San Diego, CA**

Stipulated Decision. Violated the terms and conditions of her board-ordered probation. Revoked, stayed, placed on an

additional 7 years probation with additional terms including, but not limited to, completing an ethics course and obtaining a practice monitor. October 24, 2007

**KAMSON, SOLOMON, M.D. (G51847)**  
**Seattle, WA**

Stipulated Decision. Disciplined by Washington related to the performance of spinal surgery on 3 patients. The physician, a board-certified anesthesiologist, failed to disclose that he was not qualified professionally to perform these procedures, and failed to inform the patients of the potential risks involved with each procedure. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, must complete a clinical training program, obtain a practice monitor, and complete an ethics course and an educational course in addition to required CME. September 26, 2007

**KATIBY, NAIM SAFIULLAH, M.D. (A50826)**  
**San Leandro, CA**

Stipulated Decision. No admissions but charged with gross negligence and repeated negligent acts in the care and treatment of a patient. Revoked, stayed, placed on 35 months probation with terms and conditions including, but not limited to, completing a clinical training program and an educational course in addition to required CME, and obtaining a practice monitor. September 26, 2007

**KIMPLE, JOHN MICHAEL, M.D. (G29775)**  
**Redding, CA**

Stipulated Decision. No admissions but charged with gross negligence in the care and treatment of a patient. Revoked, stayed, placed on 35 months probation with terms and conditions including, but not limited to, completing a clinical training program, a medical record keeping course and a prescribing practices course, and obtaining a practice monitor. September 27, 2007

**KIPPER, DAVID A., M.D. (G29776)**  
**Beverly Hills, CA**

Stipulated Decision. Failed to maintain adequate and accurate medical records in the care and treatment of 8 patients. Physician must complete a prescribing practices course, a medical record keeping course, an ethics course, and a profession boundaries program. Public Reprimand. September 5, 2007

**KOLKOW, STEPHEN GENE (A79480)**  
**San Diego, CA**

Stipulated Decision. Convicted of 13 felony counts of lewd acts on a child under 14 years of age and 1 felony count of oral copulation. Surrender of license. October 24, 2007

**KUGEL, SAMUEL, M.D. (A54412)**  
**National City, CA**

Stipulated Decision. Committed an act of dishonesty by signing a certification under penalty of perjury that he had attended 65 hours of lectures at a conference when in fact, he had only attended 1 day of that 5-day seminar and had returned to California to treat patients. Physician must complete an ethics course. Public Reprimand. September 28, 2007

**KUNDEL, DAVID GUS (C30019)**  
**Emmetsburg, IA**

Stipulated Decision. Disciplined by Iowa for failing to practice medicine within minimal and acceptable standards. Surrender of license. October 3, 2007

**LAMANTIA, MICHELE ALEXANDRIA, M.D. (G71855)**  
**El Cajon, CA**

Stipulated Decision. Failed to adequately and accurately document that she reviewed a patient's laboratory results and document her reasons for referring the patient to urology. Physician must complete a medical record keeping course. Public Reprimand. September 12, 2007

**LEDERGERBER, WALTER JOSEPH, M.D. (A32530)**  
**Laguna Niguel, CA**

Stipulated Decision. Violated the terms and conditions of his board-ordered probation by failing to maintain adequate and accurate medical records in the care and treatment of 4 patients, and has a condition affecting his ability to practice medicine safely. Revoked, stayed, placed on 7 years probation with terms and conditions including, but not limited to, prohibited from practicing medicine until passing a clinical training program and a medical record keeping course, prohibited from performing plastic or cosmetic surgery or any other type of surgery. September 4, 2007

**LEE, KEN K., M.D. (A26661)**  
**Simi Valley, CA**

Stipulated Decision. No admissions but charged with gross negligence, repeated negligence, incompetence, and inadequate supervision of physician assistants in the care and treatment of 5 patients. Physician completed an ethics course and a clinical training program. Public Letter of Reprimand. August 29, 2007

**LEE, THOMAS TUAN-TONG, M.D. (A37294)**  
**Montclair, CA**

Stipulated Decision. No admissions but charged with gross negligence and failing to maintain adequate and accurate medical records in his care and treatment of a patient. Physician must complete a medical record keeping course. Public Reprimand. October 25, 2007

**LEMAY, DANIEL ROBERT, M.D. (G74285)**  
**Downey, CA**

Committed acts of repeated negligence, gross negligence, and failed to maintain adequate and accurate medical records in the care and treatment of a patient. Public Reprimand. August 13, 2007

**LEVINE, HARVEY ALLAN, M.D. (G13400)**  
**New York, NY**

Stipulated Decision. Disciplined by New York for failing to perform and/or document adequate physical examinations and medical histories; inappropriately prescribed narcotics; and failed to properly evaluate, treat or provide follow-up patient care for several patients. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing a clinical training program prior to practicing medicine, completing a prescribing practices course, a medical record keeping course and an educational course in addition to required CME, and obtaining a practice monitor. September 10, 2007

**LI, TED YITAO, M.D. (A55348)**  
**San Francisco, CA**

Stipulated Decision. No admissions but charged with gross negligence, repeated negligence and incompetence in the care and treatment of a patient. Physician completed American Board of Internal Medicine (ABIM) Recertification Course. Decision effective June 25, 2007. Public Reprimand. September 6, 2007

**LIZARRAGA, JUAN FERNANDO, M.D. (A49181)**  
**Cerritos, CA**

Stipulated Decision. Violated the terms and conditions of his board-ordered probation by failing to complete an ethics course and a clinical-training program. Probation extended for 2 years with all prior terms and conditions. August 15, 2007

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

Your address of record is public.

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

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

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

Medical Board of California  
Division of Licensing  
1426 Howe Avenue, Suite 54  
Sacramento, CA 95825

**LOVELACE, STEWART W., M.D. (C30263)**  
**Manhattan Beach, CA**

Engaged in unprofessional conduct by failing to timely comply with the board's request for a patient's medical records and failing to comply with an administrative citation and fine related to the failure to produce the requested medical records. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, paying a civil penalty of \$244,000. September 28, 2007. Judicial review pending.

**LUNDAHL, GERALD DALE, M.D. (A28772)**  
**Chino Hills, CA**

Stipulated Decision. Committed acts of gross negligence, repeated negligent acts and aiding abetting the unlicensed practice of medicine in his care and treatment of 2 patients. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing courses in medical record keeping and ethics, and taking a refresher course in family practice. October 26, 2007

**MACMORRAN, IAN SCOTT, M.D. (G19401)**  
**San Diego, CA**

Stipulated Decision. Committed acts of dishonesty or corruption and unprofessional conduct in the care and treatment of a patient. Physician must complete an ethics course. Public Reprimand. August 27, 2007

**MAGRANN, JOHN J. (A28610)**  
**Cypress, CA**

Stipulated Decision. Physician has a condition affecting his ability to practice medicine safely. Surrender of license. August 30, 2007

**MALKOFF, LORI L. (G57705)**  
**Encinitas, CA**

Stipulated Decision. Physician has a condition affecting her ability to practice medicine safely, including the unlawful use of marijuana. Surrender of license. October 25, 2007

**MBAGWU, CHIDOZIE CONSTANCE, M.D. (A51399)**  
**Riverside, CA**

Stipulated Decision. Committed acts of repeated negligence, gross negligence, incompetence, and aided and abetted the unlicensed practice of medicine by allowing medical assistants and physician assistants to engage in unlicensed practice and practice beyond their scope. Revoked, stayed, placed on 2 years probation with terms and conditions including, but not limited to, completing an ethics course. September 4, 2007

**MCLAUGHLIN, BARBARA ELAINE, M.D. (G13975)**  
**Paradise, CA**

Stipulated Decision. Committed acts of gross negligence when she diagnosed a patient as having terminal liver failure due to hepatitis C and referring the patient to hospice care. The patient was later seen by a gastroenterologist who found no evidence of liver disease. Physician completed a clinical training program. Public Reprimand. October 24, 2007

**MOAYED, ALI (G84380)**  
**Los Gatos, CA**

Stipulated Decision. No admissions but charged with falsifying pathology reports for 3 patients who were seen for prostate screening evaluations. He collected tissue samples from each patient, sent them to a pathology laboratory for analysis and all reports came back negative for cancer. He then altered the reports to show the patients did have cancer and referred the patients to surgeons for brachytherapy surgery. Surrender of license. October 22, 2007

**MOORE, CAROLINE RUTH (G19522)**  
**Yucca Valley, CA**

Stipulated Decision. Physician has a condition affecting her ability to practice medicine safely. Surrender of license. October 24, 2007

**NABER, ADNAN ISSA, M.D. (C53003)**  
**Osterville, MA**

Stipulated Decision. Failed to disclose on his application for licensure a misdemeanor conviction for petit larceny and a misdemeanor conviction for driving under the influence of alcohol. Probationary license issued, placed on 3 years probation with terms and conditions including, but not limited to, completing an ethics course and 120 hours of free, non-medical community service. Decision effective May 31, 2007, probationary license issued September 14, 2007.

**NG, CHI KWONG, M.D. (A53864)**  
**Crystal River, FL**

Disciplined by Florida for failing to practice medicine within minimal acceptable standards in the care and treatment of a patient. Public Letter of Reprimand. September 7, 2007

**NIGRO, DENNIS M., M.D. (C36972)**  
**Encinitas, CA**

Committed acts of gross negligence and sexual misconduct with a patient. Revoked, stayed, placed on 7 years probation with terms and conditions including, but not limited to, completing a professional boundaries program and an ethics course, and prohibited from consulting, examining, or treating female patients without a third-party chaperone. August 9, 2007

**OMIDI, C. JULIAN (A71181)**  
**Los Angeles, CA**

Obtained a license by fraud or misrepresentation by failing to disclose attendance at a medical school where he had been discharged for cause and for failing to disclose a criminal conviction. Revoked. October 26, 2007. Judicial review pending.

**O'NEIL, KELLY JAMES, M.D. (A36888)**  
**Temecula, CA**

Stipulated Decision. No admissions but charged with repeated negligent acts and failure to maintain adequate and accurate medical records in the care and treatment of 1 patient. Revoked, stayed, placed on 35 months probation with terms and conditions including, but not limited to, obtaining written clearance and approval from the patient's personal physician or another examining physician prior to performing any medical procedure requiring IV sedation or general anesthesia; completing a clinical training program, a medical record keeping course and an educational course in addition to required CME; and obtaining a practice monitor. September 3, 2007

**PEHLEVANIAN, GARO Z., M.D. (A38617)**  
**Los Angeles, CA**

Aided and abetted the unlicensed corporate practice of medicine by working for a business organization he knew was owned by a layperson. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing an ethics course and providing 8 hours of free medical services each month for 12 months to a community or charitable facility. September 24, 2007. Judicial review pending.

## Medical Board's Subscribers' List

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

If yes, please join the Medical Board of California's Subscribers' List to obtain e-mail updates of the MBC Newsletter; Hot Sheet; meeting agendas, notices, and minutes; and regulations. **The following actions were recently added to the list: license suspensions, restrictions, revocations, and surrenders for physicians and surgeons.**

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

**PETTIT, JOHN CHARLES, M.D. (G52812)**  
**Santa Maria, CA**

Committed acts of repeated negligence by continuing to prescribe controlled substances for 3 individuals after his employment with the county public health department was terminated and they were no longer his patients. Breached the terms of a prior Stipulated Decision by failing to complete a clinical training program. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing a clinical training program, obtaining a practice monitor, and maintaining a log of all controlled substances ordered, prescribed, dispensed, or administered. October 18, 2007

**PILOVETZKY, PIERRE (A52249)**  
**Burbank, CA**

Felony conviction for offering and paying remuneration to individuals in return for referring and transporting patients to a clinic so that he and other defendants could furnish services and merchandise for which payment may be made by Medi-Cal. Revoked. October 24, 2007

**POURAT, BIJAN, M.D. (A33770)**  
**Beverly Hills, CA**

Stipulated Decision. Failed to maintain adequate and accurate medical records for 2 patients. Physician must complete a medical record keeping course. Public Letter of Reprimand. August 24, 2007

**RECINE, CARL ALBERT, M.D. (G87933)**  
**Coeur D'Alene, ID**

Disciplined by Colorado for inappropriate diagnosis and treatment of a patient. Public Letter of Reprimand. September 17, 2007

**RODIBAUGH, DAVID LEONARD, M.D. (C33122)**  
**Santa Ana, CA**

Stipulated Decision. No admissions but charged with gross negligence, repeated negligent acts and incompetence in his care and treatment of a surgical patient. Physician must complete a clinical training program and a prescribing practices course. Public Reprimand. October 19, 2007

**ROWLAND, DALE WILSON, M.D. (G28599)**  
**San Luis Obispo, CA**

Stipulated Decision. Failed to maintain adequate and accurate medical records in the care and treatment of a patient. Physician completed a medical record keeping course. Public Reprimand. August 28, 2007



**SABRI, MAZIN QASSIM, M.D. (A35229)**  
**Montclair, CA**

Stipulated Decision. No admissions but charged with gross negligence, incompetence, and failure 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 clinical training program, and a medical record keeping course, and an educational course in addition to required CME. August 16, 2007

**SANDERS, EDWARD WAYNE, JR. (C29998)**  
**Sausalito, CA**

Stipulated Decision. Charged with submitting false and or unsubstantiated medical diagnoses in his billing claims to Medi-Cal and maintaining false and inadequate medical records for 10 patients; failed to perform a good faith prior examination before diagnosing and treating each of the 10 patients; improperly dispensed prescription medication in inadequately labeled containers to each of the 10 patients; committed acts of unprofessional conduct by failing to maintain professional boundaries with his patients and by handling money for his patients, co-mingling money for patients in his account and frequently disbursing money to patients; aided and abetted the unlicensed practice of medicine by allowing his unlicensed assistants to perform physical and psychological assessments of patients; and unprofessional conduct for permitting an attorney to solicit business in his medical office. Surrender of license. October 4, 2007

**SARSHAD, RAMIN, M.D. (G79730)**  
**Culver City, CA**

Stipulated Decision. Committed acts of gross negligence and failure to maintain adequate and accurate medical records in the care and treatment of a patient. Physician completed a clinical training program. Public Reprimand. August 20, 2007

**SCHWARTZ, GEORGE ROBERT (G23732)**  
**Santa Fe, NM**

Stipulated Decision. Disciplined by New Mexico for issuing prescriptions for controlled substances without maintaining adequate, accurate and complete medical records; was unable to account for large quantities of controlled substances he obtained from pharmacies and manufacturing distributors; and engaging in injudicious prescribing, administering or dispensing of narcotics. Surrender of license. October 24, 2007

**SCOTT, JOSEPH AUSTIN, M.D. (G73141)**  
**Coral Gables, FL**

Disciplined by Florida for providing substandard care to a patient who presented with chest pain, shortness of breath and nausea. Public Letter of Reprimand. September 7, 2007

**SEE, DARRYL MATTHEW (G61569)**  
**Buena Park, CA**

Stipulated Decision. Committed acts of gross negligence, repeated negligent acts and incompetence in his care and treatment of 5 patients, failed to maintain adequate and accurate medical records for these patients; and convicted of a misdemeanor for driving under the influence of drugs. Surrender of license. October 30, 2007

**SHARP, FRANK RAY (G30991)**  
**Sacramento, CA**

Stipulated Decision. Disciplined by Ohio for having a condition affecting his ability to practice medicine safely and violated the terms and conditions of the Consent Agreement with Ohio. Surrender of license. October 19, 2007

**SHEGA, JOHN FRANCIS, M.D. (G40700)**  
**San Diego, CA**

Failed to maintain legible and adequate medical records related to his care and treatment of a patient. Public Reprimand. September 27, 2007

**STEWART, KERBY JAMES (A39131)**  
**Austin, TX**

Stipulated Decision. Disciplined by Texas for violating the terms and conditions of probation by failing to abstain from the use of controlled substances and dangerous drugs. Surrender of license. August 21, 2007

**STOCKARD, CHARLES GEER, JR., M.D. (C42444)**  
**Hacienda Heights, CA**

Stipulated Decision. Aided and abetted the unlicensed practice of medicine by working for an unlicensed person at a weight control clinic, and dispensed prescription drugs in improperly labeled containers. Revoked, stayed, placed on 4 years probation with terms and conditions including, but not limited to, completing a prescribing practices course and an ethics course, and obtaining a practice monitor. October 4, 2007

**STYLES, ROGER ALLEN, M.D. (G59795)**  
**Hollywood, FL**

Disciplined by Florida for misinterpreting a CT scan which lead to the death of a patient. Public Letter of Reprimand. September 7, 2007

**THEIN, AUNG MYINT, M.D. (A64782)**  
**Frisco, TX**

Disciplined by Texas for failing to recognize a skull fracture on a CT scan in an emergency room patient. Public Letter of Reprimand. August 20, 2007

**TRAN, VINCENT, M.D. (A101551)**

**Bakersfield, CA**

Stipulated Decision. Falsified his application for license by failing to reveal a limitation on his ability to practice during postgraduate training. Probationary license issued, placed on 3 years probation with terms and conditions including, but not limited to, completing an ethics course and performing 120 hours of free, non-medical community service during the first year of probation. Decision effective August 10, 2007, probationary license issued September 12, 2007.

**TRINDLE, MICHAEL RYAN (G63287)**

**San Francisco, CA**

Stipulated Decision. Violated the terms and conditions of his board-ordered probation by failing to abstain from the use of alcohol and controlled substances, failing to successfully complete the Diversion Program, and failing to pay cost recovery and probation monitoring costs. Surrender of license. August 2, 2007

**TZENG, THOMAS SHOW-TZER, M.D. (A37994)**

**Whittier, CA**

Committed acts of gross negligence in the care and treatment of a patient and failed to maintain adequate and accurate medical records in the care and treatment of 4 patients. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing a medical record keeping course and obtaining a practice monitor. September 14, 2007

**ULLOA, FERNANDO GONZALO, M.D. (G49903)**

**Mill Valley, CA**

Stipulated Decision. Convicted of 3 misdemeanor vehicle code violations and committed acts of unprofessional conduct by attempting to evade the police on a motorcycle, placing his passenger and the public at serious risk of great bodily injury or death. Public Reprimand. August 30, 2007

**UMANSKY, CHARLES, M.D. (G9683)**

**La Jolla, CA**

Stipulated Decision. Engaged in a sexual relationship with a patient. Revoked, stayed, placed on 3 years probation with terms and conditions including, but not limited to, completing an ethics course and professional boundaries course. October 25, 2007

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

**Albany, CA**

Stipulated Decision. No admissions but charged with repeated negligent acts related to his prescribing of controlled substances to 11 pain 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 and an educational course in addition to required CME; obtaining a practice monitor; and maintaining a record of all controlled substances ordered, prescribed, dispensed, or administered. October 15, 2007

**WEISS, JUSTIN FREDRIC, M.D. (G44085)**

**Tucson, AZ**

Stipulated Decision. Disciplined by Arizona for his care and treatment of a patient for failing to order further diagnostic studies and failure to diagnose a malignant breast mass. Physician completed a clinical training program. Public Reprimand. October 11, 2007

**WIGGINS, STEVEN HERBST (C41663)**

**Sacramento, CA**

Committed acts of unprofessional conduct by abandoning his patients and not providing copies of medical records in the care and treatment of 3 patients. Revoked. August 24, 2007

**WILLIAMS, WYDELL LAWRENCE, M.D. (G68780)**

**Las Vegas, NV**

Disciplined by Nevada for negligent care and treatment of a patient by performing a laparoscopic cholecystectomy, during which a small perforation was created causing complications and subsequently the patient expired from acute and chronic cholecystitis. Public Letter of Reprimand. August 30, 2007

**WILLIAMSON, GEORGE D., M.D. (C39455)**

**Hamilton, TX**

Stipulated Decision. Disciplined by Maine for misrepresentation in response to a question on his application for a medical license. Physician completed an ethics course. Public Reprimand. August 28, 2007

**WINGFIELD, THOMAS WHETSELL, M.D. (G14490)**

**Gastonia, NC**

Disciplined by North Carolina for inappropriate prescribing of dangerous drugs to a close associate and a relative without a good faith prior examination or medical indication. Public Letter of Reprimand. September 7, 2007

**WRIGHT, JAMEY D., M.D. (A78435)**

**Spring, TX**

Disciplined by Ohio for failing to disclose on his Ohio licensing application that the Florida Department of Health, Board of Medicine had issued a Uniform Non-Disciplinary Citation for failing to fulfill continuing education requirements. Public Letter of Reprimand. October 11, 2007

**ZANDER, ALLA, M.D. (A61985)**  
**Laguna Hills, CA**

Stipulated Decision. Violated terms and conditions of her board-ordered probation by filing quarterly probationary reports that falsely stated she had complied with all terms and conditions of probation when in fact she had failed to see her treating psychotherapist on a weekly basis, and for stating she had not been arrested when she in fact had been arrested for violating her criminal probation. Revoked, stayed, placed on 7 years probation with terms and conditions including, but not limited to, immediate license suspension for any shoplifting or theft-related crime, completing an ethics course, and no solo practice. October 26, 2007

## **Doctors Of Podiatric Medicine**

**AINSLEY, WILLIAM TODD, D.P.M. (E4471)**  
**Los Angeles, CA**

Stipulated Decision. Misdemeanor conviction for violation of Penal Code section 549, Solicitation of Workers' Compensation. Revoked, stayed, placed on 5 years probation with terms and conditions including, but not limited to, completing an ethics course and a medical billing course, must have a billing monitor for the first year of probation and must provide proof to the board that victim-restitution has been paid. October 18, 2007

**MOY, RICHARD RAYMOND, D.P.M. (E3833)**  
**Lake Forest, CA**

Stipulated Decision. No admissions but charged with repeated acts of negligence, gross negligence, failure to maintain adequate and accurate medical records, sexual misconduct with a patient, dishonesty, excessive treatment, made or signed false statements in medical records, and general unprofessional conduct in the care and treatment of multiple patients. Revoked, stayed, placed on 8 years probation with terms and conditions including, but not limited to, 30 days actual suspension; prohibited from practicing podiatric medicine until passing an examination; during the first 5 years of probation prohibited from seeing female patients under age 35 and for the remaining 3 years must have a third-party chaperone while consulting, examining, or treating female patients under age 35; completing a medical record keeping course; obtaining a practice and billing monitor; and ordered to pay cost recovery of \$14,000. September 1, 2007

## **Physician Assistants**

**DAVIS, RODNEY EUGENE, P.A. (PA19449)**  
**Los Angeles, CA**

Failed to disclose on his application for licensure a conviction for theft by unlawful taking. Probationary license issued, placed on 3 years probation with terms and conditions including, but not limited to, completing an ethics course. Decision effective October 26, 2007, probationary license issued October 30, 2007.

**GIANNINI, JOHN RUSSELL, P.A. (PA20771)**  
**Colton, CA**

Convicted of a felony for operating a methamphetamine lab and use of controlled substances. Revoked, stayed, placed on 7 years probation with terms and conditions including, but not limited to, completing the Diversion Program, abstaining from the personal use or possession of controlled substances and alcohol, submitting to biological fluid testing, surrender of DEA permit, obtain an on-site supervising physician, and completing an ethics course. August 17, 2007

**OGBODO, EMMANUEL O., P.A. (PA19357)**  
**Moreno Valley, CA**

Failed to disclose on his application for licensure a 1989 conviction for vandalism. Probationary license issued, placed on 3 years probation with terms and conditions including, but not limited to, completing an ethics course. Decision effective September 12, 2007, probationary license issued September 20, 2007.

**ORTIZ, JUANITA, P.A. (PA12947)**  
**Imperial Beach, CA**

Stipulated Decision. Convicted of misdemeanors for forging or altering prescriptions and obtaining a controlled substance, Vicodin, by fraud and deceit by writing prescriptions in another person's name for her personal use. Revoked, stayed, placed on 7 years probation with terms and conditions including, but not limited to, completing the Diversion Program, abstaining from use or possession of controlled substances, dangerous drugs and alcohol, completing an ethics course and submitting to biological fluid testing. October 1, 2007

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**Business and Professions Code section 2021(b) & (c) require physicians to inform the Medical Board in writing of any name or address change. See: [www.mbc.ca.gov/Address\\_Record.htm](http://www.mbc.ca.gov/Address_Record.htm)**



## Medical Board of California Meetings—2008

**January 31-February 1:** Los Angeles

**April 24-25:** Sacramento (*note date change*)

**July 24-25:** San Francisco

**November 6-7:** San Diego

*All meetings are open to the public.*

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### Toll-free Complaint Line: 800-Med-Bd-CA (800-633-2322)

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#### Board of Podiatric Medicine (916) 263-2647

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### MEDICAL BOARD OF CALIFORNIA NEWSLETTER — JANUARY 2008

Candis Cohen, Editor (916) 263-2389

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