

## News Release — December 12, 2003

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### MEDICAL BOARD OF CALIFORNIA

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December 12, 2003

## Medical Board Accusation Leads to Surrender of Fresno Physician's Medical License

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, Fresno physician Ahsan Kalim Bajwa, M.D. has agreed to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on December 5, 2003 and becomes effective December 12, 2003.

Bajwa is subject to disciplinary action under Business and Professions Code section 2236 in that on or about April 28, 2003, in a case entitled *United States of America v. Dr. Ahsan Kalim Bajwa*, in the U.S. District Court, Eastern District of California, Case No. CR S 02-319 EJJ, Bajwa pled guilty to violating Title 18, United States Code, section 1347, Health Care Fraud. Bajwa was sentenced to 12 months' home detention, five years' probation, a fine of \$40,000, ordered to pay restitution of \$275,832, and costs of prosecution of the case. Bajwa agreed to surrender his medical license and not apply for reinstatement for five years.

Beginning in January 1990 and continuing through February 2002, Bajwa, who was practicing in Fresno as a neurologist, would bill Medicare, Medi-Cal, and other private insurance companies for nerve conduction tests and needle electromyography which he did not perform. Bajwa's conduct in submitting false and fraudulent claims constitutes unprofessional conduct in violation of section 2234(e) of the Business and Professions Code.

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If you have a question or complaint about the healthcare you are receiving, the Board encourages you to visit its Web site at [www.medbd.ca.gov](http://www.medbd.ca.gov) or for questions call the Consumer Information Line at (916) 263-2382, or with complaints call (800) 633-2322.

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**MEDICAL BOARD OF CALIFORNIA**

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December 10, 2003

**Medical Board Investigation Results in Arrest of  
Fremont Unlicensed Practitioner**

**SACRAMENTO**—An investigation by the Medical Board of California lead to the arrest of Reena Chopra by the Alameda County District Attorney's Office. She was arrested on November 19, 2003 and charged with violating Business and Professions Code sections 2052 (two counts of felony unlicensed practice of medicine) and 2054 (two counts of misdemeanor false representation as a physician). She has posted bail and may still pose a threat to the East Indian community, to whom she confines her outreach.

The case was initiated after consumer complaints to the Medical Board that Chopra was falsely holding herself out as a licensed physician, and selling bogus alleged low-cost health insurance. She also allegedly sold drugs from India that were not FDA approved for dispensing in the U.S., with a 3,000 percent price markup. In one case she allegedly sent a patient for x-rays to a cooperating chiropractor. That information was shared by Medical Board investigators with the Board of Chiropractic Examiners.

The public is reminded not to seek medical diagnosis or treatment from an unlicensed person. To verify that someone is licensed as a physician by the State of California, please contact the Medical Board at (916) 263-2382, or visit the Board's Web site at [www.medbd.ca.gov](http://www.medbd.ca.gov). To file a complaint with the Medical Board, please call its toll-free hotline at (800) 633-2322.

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## News Release — November 21, 2003

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### MEDICAL BOARD OF CALIFORNIA

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November 21, 2003

## Medical Board Revokes License of Stockton Physician

**SACRAMENTO**—The Medical Board of California has revoked the medical license of Stockton physician Ernest J. Dupraw, Jr., M.D., effective Nov. 20, 2003. Dupraw had been enjoined from practicing medicine since May 5, 2003, when the San Joaquin County Superior Court issued a full suspension pursuant to Penal Code section 23, which enjoins a physician from practicing medicine while criminal charges are pending against him.

The Medical Board filed an Accusation against Dupraw on Aug. 14, 2003, after he pled nolo contendere to driving under the influence of alcohol and driving on a suspended license. He was convicted by the Kern County Superior Court, placed on probation for three years, ordered to pay a fine, ordered not to indulge in the use of intoxicants, and to enroll in DUI school. He failed to comply with the terms of the alcohol program and failed to appear for DUI school, at which time the court issued a bench warrant for his arrest.

On Jan. 24, 2003 he was arrested again for driving under the influence of alcohol or drugs. On Feb. 14, 2003, he was arrested by the Bakersfield Police Department for disorderly conduct while under the influence of alcohol or drugs. The matter was set for trial on May 9, 2003, but Dupraw failed to appear, and the matter was reset for July 14, 2003. On March 7, 2003 he was arrested by the California Highway Patrol in Lodi for driving while under the influence of alcohol or drugs, driving with a blood alcohol level greater than 0.08%, and driving on a suspended license. On May 2, 2003, in criminal proceedings in the San Joaquin County Superior Court, Dupraw failed to appear. The court issued a No Bail Bench Warrant for his arrest. At the request of the Medical Board, the court then enjoined Dupraw from practicing medicine during the course of the proceedings.

A hearing date was set on the Medical Board's Accusation and Dupraw was duly noticed, but he failed to appear. His medical license was then revoked by default, pursuant to Government Code section 11520, for violation of Business and Professions Code section 2239-repeated use of alcoholic beverages to the extent as to be a danger to himself, others, or that such use impaired his ability to practice medicine safely.

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**MEDICAL BOARD OF CALIFORNIA**

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November 19, 2003

**Medical Board Accusation Leads to Surrender  
of San Francisco Physician's Medical License**

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, San Francisco physician James Kevin Rist, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was ordered on Nov. 17, 2003 and becomes effective on Nov. 24, 2003.

The Medical Board obtained an Interim Suspension Order (ISO) on Rist in July 2003 based on complaints of alleged patient abandonment. After separately interviewing peers and relatives of Rist, a Board investigator learned that there was an extreme change in his behavior over the past year. During that time, Rist allegedly failed to meet financial responsibilities which included falling deeply into debt and failing to keep appointments with patients.

Investigators met with Rist on March 14, 2003 and he confirmed his financial problems and admitted that he may not have followed up with some of his patients. He provided a urine sample that when analyzed tested positive for the presence of Methamphetamine.

On April 9, 2003, Rist admitted to Board investigators that he had ingested a form of Methamphetamine known as "crystal meth" by smoking it over a period of approximately one year. He also signed a voluntary agreement for a mental examination but failed to make or keep the appointment.

Subsequently, the Board filed an Accusation against Rist on Sept. 16, 2003 which ultimately led to the Decision and Order to surrender his license to practice medicine in California. Rist agreed that if he ever files an application for re-licensure or reinstatement in California, the Board will treat his application as a petition for reinstatement of a revoked license. Further, prior to filing a petition for reconsideration, Rist shall first pay \$4,800 in satisfaction of cost recovery for the Board to consider his petition for reinstatement.

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**MEDICAL BOARD OF CALIFORNIA**

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October 23, 2003

**San Francisco District Attorney and the Medical Board of California  
File Suit to Stop Deceptive Advertising Regarding Breast Cancer  
Screening**

**SACRAMENTO**—San Francisco District Attorney Terence Hallinan and the Medical Board of California announced today that they have jointly filed a civil suit against Craig Bittner, M.D., founder and medical director of HealthScan America, Inc., an Arizona corporation doing business in California under the name of AmeriScan. Both agencies have filed the action under Business and Professions Code section 651, a state law that prohibits the dissemination of false, misleading or deceptive advertising by California physicians. The District Attorney also has separately charged Bittner as well as the corporation with false advertising and unlawful business practices under Business and Professions Code sections 17500 and 17200.

The suit, filed today in San Francisco Superior Court, seeks to halt alleged false and deceptive advertising used in the promotion of AmeriScan's MRI BreastScreen, a test marketed as an alternative to mammography for the detection of breast cancer. Defendants are alleged to have falsely touted, among other things, that "the MRI BreastScreen is the absolute most accurate technology available for the early detection of breast cancer;" that it is "proven to find nearly 100% of all breast cancers;" and that "its success has been repeatedly documented throughout international medical literature." Defendants are also alleged to have made false and misleading statements in comparing the MRI BreastScreen to mammography, including claims that "mammograms miss two out of three breast cancers," and that the MRI BreastScreen "is proven to be three times better at detecting early breast cancer than regular x-ray mammography."

The suit alleges that these and other statements used in AmeriScan's advertising are false and deceptive, and that the scientific claims being made by defendants cannot be substantiated by reliable, peer reviewed, published scientific studies as required by law. The suit also alleges that the defendants' advertisements include false or misleading endorsements in violation of state and federal law.

"This case was filed to stop the campaign of deceptive advertising employed by defendants to scare women away from mammography in order to sell them a \$2,000 MRI BreastScreen," District Attorney Hallinan said. "To actively discourage women from getting a mammogram by publicizing false and misleading information about its effectiveness compared to MRI is not only unlawful and irresponsible, it's dangerous."

Ron Joseph, Executive Director of the Medical Board, stated that "According to leading experts in breast imaging research, though MRI may be a useful tool when used in conjunction with mammography, there are no published, scientific data to support a claim that MRI is a proven alternative to mammography. Women are encouraged to consult their doctors to enable them to make the best healthcare decisions."

The suit seeks an injunction prohibiting defendants from making these and other illegal claims about the efficacy of the MRI BreastScreen without having a reliable scientific basis for such claims, and civil penalties in the amount of up to \$2,500 for each deceptive advertisement and for each unlawful business practice.

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## News Release — September 24, 2003

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### MEDICAL BOARD OF CALIFORNIA

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September 24, 2003

## Medical Board Obtains Suspension of Chula Vista Physician's License

**SACRAMENTO**—In response to a Petition filed by the Office of the Attorney General on behalf of the Medical Board of California, Presiding Administrative Law Judge Steven V. Adler issued an order suspending the medical license of Luis Juarez Perez, M.D., of Chula Vista. The order is based upon a finding that, among other things, permitting Perez to continue to engage in the practice of medicine will endanger the public health, safety, and welfare. The order is effective immediately and bars Perez from practicing medicine while it is in effect.

The Petition for Interim Order of Suspension, filed by Deputy Attorney General Thomas S. Lazar, alleges that Perez committed multiple acts of sexual abuse and misconduct in violation of California Business and Professions Code section 726, as well as multiple acts of gross negligence and unprofessional conduct in violation of California Business and Professions Code section 2234, in his care and treatment of a single patient. In particular, the Petition alleges that on January 4, 2003, Perez sexually abused a female patient who had come to his office to receive a laser hair removal treatment. Among other things, the Petition and supporting documents allege that Perez had the patient lie naked on the examination table, made inappropriate comments to her, inappropriately touched her, sexually assaulted her, and orally copulated her. The Petition also alleges that, at the time of the sexual abuse and misconduct, the patient was under the influence of medications that Perez had provided to her earlier.

A further hearing is set in the case for October 10, 2003, to determine if the interim order of suspension will remain in effect pending the completion of administrative disciplinary proceedings to be instituted against Perez's medical license.

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## News Release — September 17, 2003

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### MEDICAL BOARD OF CALIFORNIA

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September 17, 2003

## Medical Board Accusation Leads to Surrender of San Diego Physician's Medical License

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, San Diego physician Martin F. Lorenz, M.D. has been ordered to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on September 10, 2003 and becomes effective on September 17, 2003.

The Medical Board accused Lorenz of violating Business and Professions Code sections 2234(b) (gross negligence) after he prescribed, on three different occasions, Vicodin to a patient who he knew had a history of narcotic abuse, and without a physical examination or any record keeping of the treatment; 2234 (general unprofessional conduct) for failing to complete at least 13 patient charts of patients at Villa View Community Hospital resulting in the suspension of his hospital privileges; 2242 (prescribing a dangerous drug without a good faith examination) to a patient he knew had a history of narcotic abuse; and 2266 (failure to maintain adequate records) as noted above.

Lorenz admitted to the truth of each of these charges. He further admitted that he was terminated from the Board's Diversion Program for failing to successfully complete mandatory requirements. Lorenz agreed that cause existed for discipline and surrender of his physician's and surgeon's license.

Lorenz loses all rights and privileges as a physician and surgeon in California effective September 17, 2003.

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## News Release — August 26, 2003

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### MEDICAL BOARD OF CALIFORNIA

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August 26, 2003

## Medical Board Accusation Leads to Surrender of Los Angeles Physician's Medical License

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, Los Angeles physician Matthew Walter Collins, M.D. has been ordered to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on August 7, 2003 and becomes effective August 29, 2003.

The Medical Board accused Collins of violating Business and Professions Code section 2234 for engaging in conduct constituting general unprofessional conduct with regard to his care and treatment of 14 pediatric and adult patients. He is accused of prescribing medicines without medical indication, including Ketamine, a general anesthetic, as well as a number of narcotic and non-narcotic analgesics and amphetamines, such as Percocet, OxyIR, Demerol, methadone, OxyContin, and Ritalin, Valium, Dexoxyn, DextroStat, Vicodin ES, and Tylenol #4.

Medical Board investigators felt that Collins was pushing drugs, pointing out the case of one patient, a possible drug abuser, who drove 60 miles and asked for a prescription for Ketamine for lower back pain. Collins prescribed a one-year supply of injectable Ketamine which was obviously inappropriate as injectable Ketamine is a rapid-acting general anesthetic that produces unconsciousness and hallucinations. It is used only in hospital and outpatient operative procedures and is supervised by surgeons, nurses and anesthesiologists skilled in its use. Further, eight months later, Collins gave the same patient another year's supply of Ketamine. The Board performed an undercover investigation and followed with a search warrant which revealed additional patient records suggesting further improper prescribing, which led to the Accusation.

For the purpose of resolving the disciplinary action without the expense and uncertainty of further proceedings, Collins agreed that at a hearing, the Board could establish a factual basis for the charges in the Accusation and that those charges constituted cause for discipline. Therefore, he waived his right to contest and lost all rights and privileges as a physician in California. He may petition for reinstatement after two years from the effective date of this order.

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## News Release — August 20, 2003

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### MEDICAL BOARD OF CALIFORNIA

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August 20, 2003

## Medical Board Revokes License of Los Angeles Physician

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, Carson physician Joseph Alfred, M.D. has agreed to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on August 13, 2003 and becomes effective on August 20, 2003.

On January 11, 2001, Alfred pled guilty to bank fraud and aiding and abetting in violation of 18 U.S.C. Section 1344, a felony conviction, and was sentenced by the District Court to a 15-month prison term. As a result, pursuant to Business and Professions Code section 2236.1(a), on March 19, 2001, Alfred's medical license was automatically suspended and remained suspended while he was incarcerated, and thereafter until a hearing could be held or until further order of the Board to determine if the conviction was substantially related to the qualifications, functions, and duties of a physician and surgeon.

Alfred admitted that he was convicted of bank fraud and agreed that cause existed for discipline and the surrender of his license to practice medicine in California. He further agreed that if he ever petitions for reinstatement of his medical license in California, the Board will treat it as a new application for licensure. Alfred must comply with all the laws, regulations and procedures for licensure in effect at the time the petition is filed, and all of the charges and allegations contained in a September 21, 2001 Accusation by the Medical Board will be deemed to be true, correct and admitted by Alfred.

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**MEDICAL BOARD OF CALIFORNIA**

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August 8, 2003

**Medical Board Obtains Restriction  
on San Mateo Physician's License**

**SACRAMENTO**—The Medical Board of California has obtained a practice restriction on the medical license of Dave Allen Davis, M.D., of San Mateo, effective August 7, 2003. Judge William Burleigh of the Superior Court of the County of San Mateo issued the restriction in response to a request by Deputy Attorney General Brenda Reyes, on behalf of the Medical Board. Her request was pursuant to Penal Code 23, which permits a licensing agency to protect the public by being heard in criminal proceedings involving a licensee.

Davis is charged with violating Penal Code section 243.4(D)(1) (sexual battery) and Business and Professions Code section 729 (sexual exploitation of a patient). Davis, who specializes in physical medicine and rehabilitation, is alleged to have sexually assaulted two patients in his office during scheduled appointments. Davis has admitted to engaging in sexual relations with one female patient, contending it was consensual.

The order, which expires 90 days from its effective date, prohibits Davis from examining and/or treating in any manner female patients. The Medical Board will seek an Interim Suspension Order within the next 90 days until a formal hearing can be held on the disposition of Davis' medical license.

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**MEDICAL BOARD OF CALIFORNIA**

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July 17, 2003

**Medical Board Obtains Suspension of  
San Francisco Physician's License**

**SACRAMENTO**—On July 15, 2003, Administrative Law Judge Ruth S. Astle signed an order which prohibits San Francisco physician James Kevin Rist, M.D. from practicing medicine; possessing, prescribing, dispensing, furnishing, administering or otherwise distributing any controlled substance or any dangerous drug; and possessing or holding his physician wall and wallet certificates, any triplicates and regular prescription blanks, DEA order forms, and any DEA permits. He has been ordered to appear at the Office of Administrative Hearings in Oakland on August 4, 2003 to show cause why the suspension of his license to practice medicine should not be extended.

This followed a filing by the Medical Board for a Petition of Interim Order based on complaints of alleged patient abandonment. After separately interviewing peers and relatives of Rist, a Board investigator learned that there was an extreme change in his behavior over the past year. During that time, Rist allegedly failed to meet financial responsibilities - falling deeply into debt and failing to keep appointments with patients.

Investigators met with Rist on March 14, 2003 and he confirmed his financial problems and admitted that he may not have followed up with some of his patients. He provided a urine sample that when analyzed tested positive for the presence of Methamphetamine.

On April 9, Rist admitted to Board investigators that he had ingested a form of Methamphetamine known as "crystal meth" by smoking it over a period of approximately one year. He also signed a voluntary agreement for a mental examination but failed to make or keep the appointment. He was advised by the Board that if he had not scheduled an appointment for the mental examination by June 4, the matter would be referred to the Office of the Attorney General.

As of July 17, 2003, Rist had not arranged nor undergone a mental examination. His use of Methamphetamine puts the patients he treats at great risk of harm because of the mental impairment that chronic use can cause.

After the August 4 Interim Suspension Order (ISO) hearing, if the ISO is ordered, the Board has 15 days to file an Accusation.

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**MEDICAL BOARD OF CALIFORNIA**

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July 16, 2003

**Medical Board Accusation Leads to Surrender  
of Los Angeles County Physician's Medical License**

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, Covina physician Victor Vicente Leon, M.D. has been ordered to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on July 9, 2003 and becomes effective today, July 16, 2003.

The Medical Board accused Leon of violating Business and Professions Code section 2234 for engaging in conduct constituting general unprofessional conduct with regard to his care and treatment of an obstetrics patient. He agreed that such conduct constituted cause for discipline.

Leon engaged in an extreme departure from the standard of practice in the care and treatment of this patient by failing to immediately hospitalize her after she presented with contractions, cervical dilation and effacement. His omission prevented timely serial monitoring to determine if the contractions were causing the cervical change, and if the prescribed tocolytic, Brethine, was working or needed to be replaced. Leon's omission represented a lack of medical judgment and knowledge.

In order to resolve this matter without the necessity of a costly and prolonged hearing, and because Leon voluntarily retired from the practice of medicine around September 2002, he agreed to surrender his medical license without further administrative process.

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**MEDICAL BOARD OF CALIFORNIA**

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July 11, 2003

**Medical Board Accusation Leads to Suspension of Ventura County Physician's Medical License and Probation**

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, Oxnard physician Michael Huff, M.D. has agreed to a nine-month suspension of his license to practice medicine in California. Once the period of suspension is completed, his medical license will be placed on probation for seven years. The Stipulated Settlement and Disciplinary Order was effective July 7, 2003.

The Medical Board accused Huff of violating Business and Professions Code section 725 for excessively prescribing highly addictive medications to five patients, which ultimately resulted in two patients needing detoxification treatment. Further, he violated sections 2242 and 4172 for furnishing dangerous drugs without a good faith prior examination and for dispensing controlled substances to patients from unsecured areas.

On February 26, 2003, upon entering the front office of Huff's medical office to serve a search warrant, a Medical Board investigator and a detective found a safe standing open which contained bottles of a Schedule II controlled substance. The safe was located in a community access area for all staff working in the office. Additionally, Huff had a closet in his office which contained numerous medications including Schedule II controlled substances. The law requires that a prescriber who dispenses drugs shall store all drugs to be dispensed in an area that is secure.

During probation, Huff is prohibited from practicing any pain management or addiction medicine. He cannot prescribe, administer, dispense, order, or possess any controlled substances as defined by the California Uniform Controlled substances Act (except for Schedule IV and V drugs). Huff, himself, must abstain completely from the personal use or possession of controlled substances.

Per the numerous terms and conditions of Huff's probation, he must within 90 days from the effective date, enroll in the Physician Assessment and Clinical Education Program (PACE), which assesses physical and mental health, neuropsychological performance, basic clinical and communication skills, medical knowledge, and skill and judgment pertaining to specialty or sub-specialty. Additionally, he must complete 40 hours per year of approved medical education programs or courses. Following completion of each course, the Board may administer an examination to test his knowledge of the course. He also must submit to random urine testing.

Huff was ordered to reimburse the Board in the amount of \$30,000 for costs associated with investigation and prosecution. He must also pay the costs associated with probation monitoring each year of probation. Failure to pay costs within the required time period will constitute a violation of probation.

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**MEDICAL BOARD OF CALIFORNIA**

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July 3, 2003

**Medical Board of California Arrests Two Orange County Residents for Unlicensed Practice of Medicine**

**SACRAMENTO**—The Medical Board of California assisted the Westminister Police Department on July 1, 2003 in the arrest of two unlicensed persons, Thuba Tran and Tuyet Nguyen, for performing cosmetic surgery at the Christina Beauty Center in Westminister. They were charged with violating Business and Professions Code section 2052, a felony, by risking great bodily harm, serious injury or death by practicing medicine without a license. Tran and Nguyen were arrested and booked into the Orange County Jail in Santa Ana.

When the Westminister Police Department responded to a 911 call advising that an unlicensed person was performing cosmetic surgery at the Christina Beauty Center at 14082 Magnolia Avenue, #114 in Westminister, they found Nguyen performing an eyelid surgery on a female patient in a back room. The patient had paid \$1,600 for the surgery that was just being completed at the time police and Medical Board investigators arrived. The patient identified Nguyen as the person performing the surgery and Tran as the assistant.

The Christina Beauty Center operates under license number A220074 issued by the Bureau of Barbering and Cosmetology but during the search of the premises, investigators found no shampoo bowls or hair stations and no inventory of hair or nail products which are commonly found in a beauty salon. They did find two enclosed rooms containing a padded table in each room. Also, signage in the front window of the establishment advertised in Vietnamese, "Cosmetic Surgery Done by Well Known Doctors." Hanging in the waiting room was a framed medical assistant diploma from the Medical Career College issued to Tuyet Nhung Nguyen.

Medical Board investigators also found a bloody scalpel and hemostat along with suture materials in the room where the patient was found. Also recovered were large amounts of medical and surgical supplies along with prescription medications commonly used by hospitals and physicians performing surgery, including injectable lidocaine, syringes, scalpels, hemostats, and silicone breast implants.

Medical Board investigators are continuing the investigation and will refer the case to the Orange County District Attorney for criminal prosecution. Investigators are notifying the Bureau of Barbering and Cosmetology as they have jurisdictional authority over the establishment license of Christina Beauty Center.

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**MEDICAL BOARD OF CALIFORNIA**

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May 23, 2003

**Medical Board Revokes License of  
San Bernardino County Physician**

**SACRAMENTO**—The Medical Board of California has revoked the medical license of Hari M. Reddy, M.D. of Victorville. The decision becomes effective today, May 23, 2003, at 5:00 p.m.

Reddy was found to have violated the Medical Practice Act, specifically Business and Professions Code section 2234, by engaging in multiple acts of misconduct constituting unprofessional conduct during the care and treatment of four patients. Evidence showed that he phoned an 18-year old patient at home on several occasions and made sexually provocative comments. Similar misconduct was committed during an examination of a 15-year old female patient who Reddy attempted to kiss at the completion of the visit, and was subsequently convicted of a minor crime. A third female patient was seen by Reddy for an ear and throat infection. While listening to her breathing with a stethoscope, he placed the instrument alternately on each breast and subsequently made inappropriate comments about her body. While a fourth female patient sat on an examination table for treatment of a flu virus, Reddy placed a stethoscope on her nipple, then leaned against her and made an inappropriate comment in a low seductive voice.

Business and Professions Code sections 726 (sexual misconduct) and 2236 (criminal conviction) were also violated by Reddy and were included in the disciplinary action taken. His actions with patients, his lack of candor during the investigation, and his lack of candor at the hearing led to the conclusion to revoke.

The Board's Division of Medical Quality adopted the Proposed Decision of Administrative Law Judge Roy W. Hewitt to revoke Reddy's license to practice medicine in the State of California effective May 23, 2003.

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**MEDICAL BOARD OF CALIFORNIA**

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April 30, 2003

**Medical Board Revokes License of San Bernardino Physician**

**SACRAMENTO**—The Medical Board of California has revoked the medical license of Philip B. Pierre-Louis, M.D. of San Bernardino. The decision becomes effective May 27, 2003.

Pierre-Louis was put on four years of probation and fined \$5,000 in cost recovery by the Board on March 31, 1999 for gross negligence, incompetence, unprofessional conduct and failure to maintain adequate medical records when he perforated a patient's uterus and removed three to five feet of her intestine when performing an abortion. Another physician performed corrective surgery and completed the procedure. The patient was placed in intensive care for nine days and had to remain in the hospital for 12 days, postoperatively.

In his Stipulated Settlement and Disciplinary Order stemming from that case, Pierre-Louis acknowledged that had the matter gone to a hearing, the Board would have been able to establish a factual basis for its charges, and he agreed to several probationary terms. In its Petition to Revoke Probation, filed November 20, 2002, the Board charged Pierre-Louis with numerous violations of his probation, including failure to take and pass a remedial clinical program; failure to submit timely reports to the Board; failure to reimburse the Board for its investigative and probation monitoring costs; and failure to appear for interviews with Board staff, all of which he had agreed to do in his settlement.

The Board's Division of Medical Quality entered a Decision and Order on April 24, 2003. When it becomes effective on May 27, 2003, Pierre-Louis will no longer be able to practice medicine in California.

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**MEDICAL BOARD OF CALIFORNIA**

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April 28, 2003

**Medical Board Accusations Lead to Surrender of  
San Diego Physician's Medical License**

**SACRAMENTO**—Facing formal Accusations of wrongdoing by the Medical Board of California, San Diego physician Egisto Salerno, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license is effective on April 29, 2003.

Salerno was placed by the Medical Board on two years' probation beginning June 18, 2001 for an assessment and plan for a patient inconsistent with the patient's records, which he had not signed; for inadequate follow-up with the patient; for not being truthful at his interviews with Medical Board staff; and because he admitted to lying to the city attorney and to the police who were investigating the patient.

On April 22, 2002 Salerno was arrested for being under the influence of cocaine; chasing non-existent people with a loaded weapon and threatening to kill his wife. When arrested, he had a baggie of cocaine in his underwear, and additional cocaine and marijuana were found in other places in his home. He admitted to using the cocaine that day. Police officers also found numerous unregistered weapons and 300 rounds of ammunition in his home.

As a result of the felony charges stemming from Salerno's arrest, on May 22, 2002 he agreed with the Board to accept a full temporary restraining order that prohibited him from any medical practice. The Board filed an Accusation and Petition to Revoke his probation on June 13, 2002. His surrender of his medical license constitutes the conclusion of this case.

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**MEDICAL BOARD OF CALIFORNIA**

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April 21, 2003

**Medical Board of California Revokes License  
of Half Moon Bay Physician**

**SACRAMENTO**—The Medical Board of California has revoked the medical license of Richard Berry Dye, M.D. of Half Moon Bay. The decision becomes effective May 5, 2003.

Dye was found to have violated the Medical Practice Act by engaging in, among other things, repeated and long term sexual misconduct which also constituted gross negligence in the performance of his duties as a physician. Evidence demonstrated that he performed excessive breast and vaginal examinations in the absence of any abnormal findings and he also insisted on applying anti-fungal vaginal creams that patients customarily purchase over-the-counter and apply at home.

Another finding concluded that he also made false statements on the application he submitted to the Medical Board which would have warranted the denial of his California medical license when he first sought licensure in 1996. He also was found to have deliberately breached patient confidentiality when, in a dishonest and corrupt manner, he deliberately and willfully created and distributed flyers in the Half Moon Bay community containing personal information about complaining patients who came forward and identified themselves to the Medical Board as abuse victims. He engaged in a calculated pattern of harassment against these complaining patients that included writing highly personal and disparaging letters to other healthcare providers in the area without the patients' consent or knowledge, often disclosing private medical information about the patients.

Dye was ordered to pay the Medical Board of California the reasonable costs of the investigation and enforcement of this case in the amount of \$104,440.

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**MEDICAL BOARD OF CALIFORNIA**

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March 24, 2003

**Medical Board Charges Lead to Suspension of  
Van Nuys Physician's License**

**SACRAMENTO**—The Medical Board of California has revoked the medical license of Clyde K. Emery, Jr., M.D. of Torrance. The decision becomes effective April 1, 2003.

The Board's Division of Medical Quality adopted the Proposed Decision of Administrative Law Judge Ralph B. Nash to revoke Emery's license. Judge Nash based his decision on a felony conviction rendered in August 1998 against Emery by the State of Nevada court system. His conviction for embezzlement of funds from a mobile home park homeowner's association constituted unprofessional conduct within the meaning of Business and Professions Code section 2236(a), and was grounds for discipline under Business and Professions Code section 2234(e).

Judge Nash stated in his finding that "the crime is clearly one of moral turpitude and, as it has as its hallmark a basic act of dishonesty, is also substantially related to the functions, duties and qualifications of a medical doctor." Emery also was convicted of a felony in Nevada 10 years earlier. His plea at that time of nolo contendere to a perjury charge landed him on probation with the Medical Board of California for two years.

The Board is entitled to recover the reasonable costs and expenses of the prosecution of this action under Business and Professions Code section 125.3. The Board incurred costs of \$6,361.

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**MEDICAL BOARD OF CALIFORNIA**

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March 13, 2003

**Medical Board Revokes License of Los Angeles Physician**

**SACRAMENTO**—The Medical Board of California has revoked the medical license of Clyde K. Emery, Jr., M.D. of Torrance. The decision becomes effective April 1, 2003.

The Board's Division of Medical Quality adopted the Proposed Decision of Administrative Law Judge Ralph B. Nash to revoke Emery's license. Judge Nash based his decision on a felony conviction rendered in August 1998 against Emery by the State of Nevada court system. His conviction for embezzlement of funds from a mobile home park homeowner's association constituted unprofessional conduct within the meaning of Business and Professions Code section 2236(a), and was grounds for discipline under Business and Professions Code section 2234(e).

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**MEDICAL BOARD OF CALIFORNIA**

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March 10, 2003

**Medical Board Accusation Leads to Surrender of  
Fresno Physician's Medical License**

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, Fresno physician Richard H. Thorp, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was effective on March 5, 2003.

The Medical Board accused Thorp of unprofessional conduct for violating Business and Professions Code sections 2234(b) and (c) in that he committed acts constituting gross negligence and repeated negligent acts. The Board alleged that he performed cervical spine surgery on a patient at the wrong level.

An MRI showed that the patient had a disk bulge at C6-C7 and the patient signed Thorp's Informed Consent form which described the surgery as an "Anterior Disc Excision/Corpectomy with Interbody Fusion C6-7 and Antologous Bone Graft From Hip." However, according to the Operative Report, the fusion was done at C5-C6. When Thorp obtained an intraoperative x-ray to check the placement of the needle, the x-ray showed that the needle had been inserted at the C6-7 level. Apparently confused, he repositioned the needle to the C5-C6 level. Additionally, in the Patient Summary Sheet dated the same day as the surgery, and signed by Thorp, he listed the admitting diagnosis as "Cervical Disc C5-6" and the procedure as "Cx laminotomy, foraminotomy."

During the post operative evaluation, the patient explained he was there to see him about the procedure done at C6-C7, and Thorp replied, "No, C5-C6." The patient replied, "C6-C7." Thorp checked the patient's records and stated he was right but never admitted to the patient that he had incorrectly performed the fusion at the wrong level.

Further, Thorp met with the patient three times postsurgically and despite knowing his egregious error, he failed to inform the patient. These actions constitute repeated negligent acts. Thorp agreed that improper documentation led to the repeated negligent acts, but denied the allegations of gross negligence.

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**MEDICAL BOARD OF CALIFORNIA**

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February 20, 2003

**Medical Board Charges Lead to Suspension and Surrender  
of Los Angeles Physician's Medical License**

**SACRAMENTO**—Facing formal charges of wrongdoing by the Medical Board of California, Los Angeles physician Charles Phillip Loeb, III, M.D. surrendered his license to practice medicine, effective February 14, 2003. The license surrender follows the imposition of a full interim suspension order by Administrative Law Judge Vincent Nafarrete that has been in effect since March 9, 2001 at the request of the Board.

Loeb admitted in his stipulated surrender of his license:

- He was convicted of a crime that is substantially related to the qualifications, functions or duties of a physician in violation of Business and Professions Code sections 2234(a) and 2236, pursuant to his plea of nolo contendere of sexual exploitation of a patient—a felony; and
- He failed to obtain an internal medicine consultation or other appropriate medical consultation to evaluate another patient's preexisting medical problems before performing two surgeries on the patient, failed to properly evaluate, diagnose or treat a complaint of that patient's, and failed to maintain adequate and accurate medical records.

Loeb agreed that these acts of unprofessional conduct constituted causes for discipline. If he ever files an application for reinstatement of his California medical license, in addition to complying with all the laws and procedures for reinstatement, he would have to reimburse the Board's Division of Medical Quality \$5,000 for the costs of investigation and prosecution of his case.

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## News Release — February 14, 2003

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### MEDICAL BOARD OF CALIFORNIA

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February 14, 2003

## Medical Board Accusation Leads to Surrender of Los Angeles Physician's Medical License

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, Thousand Oaks physician Russell Manthey, M.D. has agreed to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on January 27, 2003 and became effective on February 3, 2003.

The Medical Board accused Manthey of being grossly negligent in the preparation of medical records for seven patients seeking ophthalmic care and treatment. The standard of care in the ophthalmic community for any patient considering eye surgery is to perform a thorough eye examination. In the case of seven patients considered by Manthey, he allegedly failed to record the completion of, and/or perform a thorough eye examination prior to surgical procedures on, six of the patients. With respect to three of the seven patients, Manthey allegedly maintained records which misrepresented the actual surgical procedures performed.

Collectively, the Medical Board alleged that Manthey violated Business and Professions Code sections: 2234(a), (b), (c), (d), (e), and (f) for unprofessional conduct; 2261 for knowingly making or signing a certificate or document that falsely represented a state of facts; and 2266 for failure to maintain adequate and accurate records relating to patient services.

Manthey admitted that he failed to maintain adequate medical records of patients and agreed that cause existed for discipline and the surrender of his license to practice medicine in California.

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**MEDICAL BOARD OF CALIFORNIA**

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February 10, 2003

**Record Fines Issued by Medical Board  
to Physicians in Internet Prescribing Cases**

**SACRAMENTO**—The Medical Board of California today announced that it has cited six physicians who are not licensed in California for illegally prescribing drugs over the Internet, with fines in excess of \$48 million. All have issued prescriptions for California residents for dangerous drugs, without performing a prior good faith examination, as required by Business and Professions Code section 2242(a).

These fines, the largest issued by a state medical board, were imposed pursuant to Business and Professions Code section 2242.1, which allows the Board to levy fines of up to \$25,000 per incident involving a California resident. The six physicians wrote a total of 1,952 prescriptions, accounting for the \$48 million citation figure.

"The reason I authored the legislation that enabled the Board to impose fines in cases like these is to protect consumers from the harm that can come from those who irresponsibly and illegally prescribe drugs over the Internet," said Senator Jackie Speier.

"The mission of the Medical Board is consumer protection," said Ron Wender, M.D., President of the Board's Division of Medical Quality. "We have taken these actions in pursuit of that mission. We want to send a very clear message to those who prescribe illegally over the Internet that the Medical Board will not tolerate placing the safety of the public at risk."

- Michael Brunsman, M.D, licensed in Arizona, was fined \$1,800,000 for issuing 72 prescriptions to Californians.
- Martin Feldman, M.D., licensed in Rhode Island and Florida, was fined \$3,925,000 for issuing 157 prescriptions to Californians.
- Harry Hoff, M.D., licensed in Florida, was fined \$1,250,000 for issuing 50 prescriptions to Californians.
- Carlos Levy, D.O., licensed in Florida, was fined \$39,175,000 for issuing 1,567 prescriptions to Californians.
- David Livingston, M.D., licensed in Tennessee, was fined \$1,500,000 for issuing 60 prescriptions to Californians.
- Jose Crespin, M.D., licensed in Florida, was fined \$1,115,000 for issuing 46 prescriptions to Californians.

These actions come on the heels of recent disciplinary actions levied against California physicians, including the revocation of one physician's license to practice. These cases are being referred for disciplinary action to each physician's original licensing state.

Business and Professions Code section 2242.1 became law in 2001, and is intended to protect Californians by penalizing so-called "rogue" Internet sites and the physicians who support them by prescribing drugs for consumers in violation of California law. The Legislature passed the law because it recognized the danger inherent in physicians and others prescribing drugs without performing the good faith examination of patients required by Business and Professions Code section 2242(a). This examination cannot be accomplished by a review of forms sent over the Internet, nor can a clear and safe medical indication for a prescription be confirmed.

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**MEDICAL BOARD OF CALIFORNIA**

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January 28, 2003

**Medical Board Accusation Leads to Surrender of  
Los Angeles Physician's Medical License**

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, Los Angeles physician Andrew J. Connick Doran, M.D. has been ordered to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on January 13, 2003 and becomes effective on February 12, 2003.

The Medical Board accused Doran of being negligent in his care and treatment of nine patients. He violated Business and Professions Code section 2234 (unprofessional conduct) in that he engaged in extreme departures from the standard of practice, both singularly and collectively, by failing to: perform or document an adequate medical history and examination to support the diagnosis, treatment and prescribed medications; demonstrate an indication for an EKG; demonstrate an indication for motor and sensory nerve conduction studies; demonstrate an indication for exhaustive blood chemistry studies; investigate patient complaint of low back pain to the point of diagnosis because he did not order any x-rays, and many other departures. Doran also violated Business and Professions Code section 725 (excessive prescribing/treatment) for failing to render a diagnosis, based on test results, that justified the prescription of Tylenol #3 with Codeine, Tylenol #4 with Codeine, and VC cough syrup and then failing to undertake an ongoing assessment of patient's psycho-social issues as is required by the prescription of medications containing Codeine, which have addictive potential.

Doran signed a Stipulated Surrender of License and waived his rights to a hearing. After the Medical Board accepts the surrender of his license on February 12, 2003, Doran will lose all rights and privileges to practice as a physician and surgeon in the State of California.

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**MEDICAL BOARD OF CALIFORNIA**

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January 16, 2003

**Medical Board of California Announces Launch of  
Student Loan Repayment Program  
Apply by April 11, 2003**

**SACRAMENTO**—The Medical Board of California announced the launch of a new program that encourages recently licensed physicians to practice in underserved locations in California by authorizing a plan for repayment of their medical school loans in exchange for their service in a designated medically underserved area for a minimum of three years. Applications for the program are now available online at [www.mbc.ca.gov/mdloan.htm](http://www.mbc.ca.gov/mdloan.htm). The California Physician Corps Loan Repayment Program was created by Assembly Bill 982 (Firebaugh) and became law on January 1. The Medical Board of California, the California Medical Association, the California Primary Care Association, and the Latino Coalition for a Healthy California co-sponsored AB 982 and worked closely to achieve its passage.

"The mission of the Medical Board of California has always been the protection of the public. However, we see our fundamental responsibility to the public to include all reasonable efforts that we can make to improve, not only the quality of the medical care they receive, but their access to it as well. This is a modest step in that direction, and one that grows out of our commitment to the well-being of California's healthcare consumers," said Board President, Dr. Gary Gitnick.

The population of California's medically uninsured now stands by some estimates at over seven million residents. In its recently developed Strategic Plan, the Board notes that various issues can limit access to critical medical services. There is not a direct statutory charge that the Board address the problem of access to care, but it recognizes its obligation to participate in the search for opportunities to expand the availability of healthcare services.

The enabling legislation and the program that it spawned recognizes the necessity of improving conditions which lead to healthcare disparities in the state, including those arising from cultural and linguistic barriers. At the same time, there is an acknowledged difficulty for many culturally or linguistically competent physicians to practice in underserved areas because of the heavy debt load that they carry from acquiring a medical education. Therefore, the loan repayment program seeks to match qualified physicians with clinics in need of their medical services and their understanding of the language and culture of populations served by that clinic.

In addition to earning a salary, physicians participating in the program will be eligible for loan repayments of up to \$105,000 each, paid from specially established funds within the Medical Board. The new law requires that most participants be selected from the specialty areas of family practice, internal medicine, pediatrics, and obstetrics/gynecology; however, up to 20% of the participants may be selected from other specialty areas. Those participants who receive an award will work in clinics located in medically underserved areas, offering healthcare to underserved and uninsured populations.

For additional information on this new program and to download an application, visit [www.mbc.ca.gov/mdloan.htm](http://www.mbc.ca.gov/mdloan.htm). The final filing date is April 11, 2003.

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