

News Release — December 30, 2004



MEDICAL BOARD OF CALIFORNIA

December 30, 2004

Medical Board of California Accusation Leads to Surrender of Palos Verdes Estates Physician's Medical License

SACRAMENTO—Facing a formal Accusation by the Medical Board of California for multiple violations of the Medical Practice Act, Palos Verdes Estates physician Larry Melvin Colman, M.D. has surrendered his license to practice medicine. On December 23, 2004, the Division of Medical Quality accepted his surrender, which becomes effective on December 30, 2004.

In a Second Amended Accusation, the Medical Board accused Colman of violating multiple sections of the Business and Professions Code, including sections 2234(b) (c) (d) (e) (gross negligence, repeated negligent acts, incompetence and dishonesty); section 2261 (making false statements); and section 725 (excessive use of diagnostic procedure) in his care and treatment of two patients. Without having proper prior training, Colman performed ultrasounds, electrocardiograms, and colonoscopies. While performing a colonoscopy on one patient, Colman failed to detect a carcinoma or precancerous lesion which resulted in the death of the patient. Colman engaged in acts of dishonesty when he obtained and maintained colonoscopy privileges at the SurgiCenter of South Bay by false representation of his qualifications. The division accepted his surrender where he admitted to a violation of section 822 (physical illness affecting competency).

On June 2, 2000, an Accusation and Petition to Revoke Probation had been filed against Colman alleging acts involving dishonesty and making false statements in connection with quarterly reporting forms regarding his compliance with the terms of his probation. On June 20, 2001, a stipulated settlement and disciplinary order was adopted by the Division of Medical Quality and the terms of Colman's prior probation were continued along with additional terms and conditions, including a public letter of reprimand.

A First Supplemental Accusation, initially filed by the Board, alleged fraud, dishonest acts, and the making of false medical records in that Colman, in a communication with a patient's insurance company described as a medical procedure what was in fact a cosmetic procedure. The First Supplemental Accusation also alleged gross negligence and repeated negligence in the treatment of two patients. In a stipulated settlement and disciplinary order adopted by the Division of Medical Quality on March 3, 1997, Colman was placed on five years' probation under certain terms and conditions.

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MEDICAL BOARD OF CALIFORNIA

December 16, 2004

Medical Board of California Accusation Leads to Surrender of San Bernardino Physician's Medical License

SACRAMENTO—Facing a formal Accusation by the Medical Board of California for multiple violations of the Medical Practice Act, San Bernardino physician Sunil Kumar Bhasin, M.D. has surrendered his license to practice medicine. On December 9, 2004, the Division of Medical Quality accepted this surrender, which becomes effective on December 16, 2004.

The Medical Board accused Bhasin of violating multiple sections of the Business and Professions Code, including sections 2234(b), (c), (d), (e) (gross negligence, repeated negligent acts, incompetence and dishonesty); section 2261 (making false statements); section 2262 (alteration of medical records); section 2266 (maintaining inadequate and inaccurate medical records); section 725 (excessive treatments) and section 810 (insurance fraud). In the First Amended Accusation, filed July 24, 2003, it is first alleged that Bhasin's medical care and treatment of a 2 and 1/2 year-old patient in 1998 constituted an extreme departure from the standard of medical practice, as well as his being repeatedly negligent and incompetent. Specifically, after Bhasin's telephonic order to admit the child to the hospital, after she arrived via the Emergency Room due to the inhalation of one or more hard beans, he failed to arrive at the hospital later that evening to assess the condition of the child. In addition, he also failed to respond to multiple pages by pediatric nursing staff when the child's medical condition began deteriorating within hours of admission. When he finally did telephonically respond, and was advised of the child's deteriorating condition, he further failed to arrive at the hospital to evaluate the child even though he had been informed that she was still wheezing and her oxygen saturation levels were dropping. By refusing to respond to the hospital, he failed to adequately evaluate and initiate appropriate therapy in a timely manner for a patient he had ordered admitted to the hospital for unresolved stridor and wheezing. In doing so, he failed to order appropriate laboratory tests and imaging studies, or seek appropriate medical consultation by a specialist, for a child who had a potentially critical condition and who ultimately died from an undetected bean that was later found to be lodged in her airway.

In the First Amended Accusation, it is also alleged that Bhasin committed insurance fraud by knowingly presenting false and fraudulent insurance claims for payment of well-child immunizations. Bhasin was initially terminated as a provider by Inland Empire Health Plan (IEHP) after two audits found that some of his billing forms were altered so they would appear to have dates of service that would fall within billing time frame requirements. The audits also found that Bhasin's medical records for these patients were altered to match the billing forms submitted with altered dates of service and his medical record progress notes were also found to be altered to match dates on the billing forms submitted for payment.

In the agreement to surrender his medical license, Bhasin, with the assistance of counsel, agreed that, at a disciplinary hearing, the Medical Board could prove the charges and allegations set forth in the First Amended Accusation and that he has thereby subjected his medical license to disciplinary action.

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MEDICAL BOARD OF CALIFORNIA

December 16, 2004

**Medical Board of California Investigators
Arrest Unlicensed Newark Practitioner**

SACRAMENTO—On December 15, 2004, investigators from the Medical Board of California served an arrest warrant at a residence in Newark concerning the unlicensed practice of medicine. The investigators were assisted by the Newark Police Department during the arrest.

Fang "Connie" Wang, a 40-year-old female, was arrested at the location for felony unlicensed practice of medicine and felony grand theft. She was transported to the Alameda County Jail, where she was booked on \$50,000 bail. The arrest came after several complaints from patients. The Medical Board's investigation found that Wang was using a laser machine on patients without having the appropriate license to operate such a medical device. Wang advertised as a medical clinic, the "Rejuvenation Center," and performed the medical procedures from the business in Santa Clara County.

The board's investigation is continuing. Consumers are strongly cautioned to only seek medical care from physicians or licensed individuals practicing under the supervision of a physician. This includes the more invasive cosmetic treatments such as the use of a laser or anything injected into the skin.

Anyone who has received treatment from Fang "Connie" Wang is asked to contact the Medical Board's Central Complaint Unit at (800) 633-2322.

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News Release — December 8, 2004



MEDICAL BOARD OF CALIFORNIA

December 8, 2004

Medical Board of California Obtains a Partial Suspension of Pine Grove Physician's Medical License

SACRAMENTO—In response to a Petition filed by the Office of the Attorney General on behalf of the Medical Board of California, Administrative Law Judge Jaime Roman issued an order on December 3, 2004 partially suspending the medical license of Henry L. Fuller, M.D. of Pine Grove. The order bars Fuller from treating female patients pending the outcome of a December 20, 2004 hearing at the Office of Administrative Hearings in Sacramento.

The Petition for Interim Order of Suspension, filed by Deputy Attorney General Daniel Turner, alleges that Fuller committed multiple acts of sexual abuse and misconduct (Business and Professions Code section 729), as well as multiple acts of unprofessional conduct (Business and Professions Code section 2234), in his care and treatment of two female patients.

The Petition is in response to a complaint filed with the Amador County Sheriff's Office by one of Fuller's patients alleging that he had inappropriately touched her in a sexual nature on several occasions while she was a patient. As part of the investigation, Amador County sheriff officers contacted and interviewed Fuller at his office regarding the allegations of sexual misconduct. During the interview, Fuller acknowledged that he had been giving the patient superficial massages for two or three years during office visits although the patient never asked for the massages. He stated that he gave the massages while the patient wore nothing over her breasts and that her pants were pulled down below her hips and that he rubbed the patient's inner thighs and buttocks. Fuller also stated that he thought the patient enjoyed the massages, and admitted it was sexual in nature and inappropriate. An arrest warrant was issued and Fuller was charged with one count of violating Penal Code section 289(d) (sexual penetration with a foreign object), a felony, and two counts of section 243.4(c) (sexual battery by fraud) a felony.

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MEDICAL BOARD OF CALIFORNIA

December 3, 2004

**Medical Board of California 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 Bertram P. Rosenthal, M.D. has surrendered his license to practice medicine. The stipulated surrender of his license was ordered on December 1, 2004 and becomes effective on December 8, 2004.

Rosenthal was subject to disciplinary action under Business and Professions Code sections 490 and 2236(a) in that he was convicted of a criminal offense which is substantially related to the qualifications, functions, or duties of a physician and surgeon, for solicitation to commit the crime of assault with force likely to produce great bodily injury (Penal Code sections 245(a)(1) and 653f(a)).

After receiving information that Rosenthal had solicited the killing of his company accountant, who had allegedly uncovered embezzlement of company funds by Rosenthal, the Los Angeles Police Department initiated an undercover operation. However, during the meeting with undercover officers, Rosenthal said that he no longer wanted the accountant killed, he only wanted his legs to be broken and would pay \$3,000 to have it done.

On April 16, 2003, in the case entitled *The People of the State of California v. Bertram Paul Rosenthal*, case No. LA038648, Rosenthal pleaded no contest to Count 3, solicitation to commit a crime, and was found guilty. On June 27, 2003, the Superior Court placed Rosenthal on formal probation for three years, on the condition, among other things, that he serve 365 days in the County Jail and ordered that the remainder of the sentence might be served in the Sentinel Electronic Monitoring Program.

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MEDICAL BOARD OF CALIFORNIA

November 24, 2004

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

SACRAMENTO—Facing an Accusation for unprofessional conduct, issued by the Medical Board of California, Lancaster physician Nagaraja Bhaskara, M.D. has surrendered his license to practice medicine. The stipulated surrender of his license was ordered on November 23, 2004 and becomes effective on November 30, 2004.

The Medical Board accused Bhaskara of violating Business and Professions Code section 2234(b) and (d) in that he committed acts constituting gross negligence and incompetence in his care and treatment of a patient.

The Accusation alleged that Bhaskara's evaluation and treatment of a patient lacked the knowledge, skill and ability to conduct and document an appropriate history, physical examination, and to order tests that are necessary to properly diagnose and treat lupus, and neurological, spinal and degenerative joint disease complaints.

The disciplinary order provides that the stipulation becomes part of Bhaskara's license history, and effective November 30, 2004, he loses all rights and privileges as a physician and surgeon in California. Bhaskara agreed that, should he apply for relicensure in California, the charges and allegations in the Accusation will be considered true, correct, and admitted to by him.

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MEDICAL BOARD OF CALIFORNIA

November 12, 2004

**Medical Board of California's Suspension
of Palm Desert Physician's License Upheld**

SACRAMENTO—Administrative Law Judge Greer D. Knopf has upheld the imposition of the full interim suspension order (ISO) against Jane Espejo Norton, M.D. of Palm Desert. Based on evidence and testimony submitted at a hearing on October 27, 2004, Judge Knopf found that sufficient evidence existed to show that Norton cannot practice medicine without an unacceptable risk of harm to the public and to her patients. The ISO was based upon a finding that permitting Norton to continue to engage in the practice of medicine would endanger the public health, safety, and welfare.

The Petition alleged that on June 2, 2004, in the case entitled *United States of America v. Jane Norton*, United States District Court for the Southern District of New York, Norton was convicted of two counts of violating Title 18, United States Code, sections 1003 and 1002, as a result of her submitting to the United States Small Business Administration a fraudulent loan application seeking disaster business loans and submitting a letter to the United States Federal Emergency Management Agency falsely claiming that a piece of medical equipment belonging to her medical practice had been destroyed as a result of Hurricane Floyd.

The Petition further alleged that Norton committed multiple acts of gross negligence and unprofessional conduct in her care and treatment of a 56-year-old female patient with multiple medical problems, by: (1) performing multiple, prolonged, elective cosmetic surgical procedures on her, an unhealthy patient, in an outpatient setting with insufficient postoperative care and no preoperative medical clearance; (2) performing cosmetic liposuction and dermabrasion on the patient, who, at that time, had large, non-healing, open wounds from prior surgeries that Norton had previously performed on her; (3) leaving the patient, sick and deteriorating, in the care of a medical assistant after one of the surgeries, rather than leaving her in the care of a competent physician; and (4) performing one of the surgeries even though she knew that she would be out of town after the surgery without adequate physician coverage and then, after performing the surgery, actually leaving town without arranging for or obtaining adequate physician coverage for the patient.

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MEDICAL BOARD OF CALIFORNIA

November 8, 2004

Medical Board of California Poised to Implement New Enforcement Program Monitor Recommendations

Enforcement monitor report designed to improve consumer protection efforts under recent legislation authored by State Senator Liz Figueroa

SACRAMENTO—The Medical Board of California recently reviewed recommendations of a legislatively mandated report by Enforcement Program Monitor Julie D'Angelo Fellmeth, and has already voted unanimously to seek a fee increase that would permit the board to charge up to \$400 annually (currently, licensing fees are \$300 annually). This increase, strongly recommended in the report, would allow the board to restore enforcement positions lost through budget cuts over the last three years. Medical Board staff has begun work on many of the specific recommendations from the report. In addition, the board immediately referred to its Enforcement Committee, comprised of public and physician members, the task of reviewing and implementing the recommendations in greater detail. The Joint Legislative Sunset Review Committee will use this report as the basis for the board's sunset review hearing, scheduled for December 9, 2004.

"The mission of the Medical Board of California is protection of healthcare consumers. We welcome the carefully considered recommendations from Ms. D'Angelo Fellmeth and her team," said Board President Mitchell Karlan, M.D. "As a public protection agency, the Medical Board's top priority is maintaining high standards for the licensing and discipline of the medical profession in California. We are committed to educating and protecting consumers, and the Enforcement Program monitor's recommendations are another opportunity to improve our Enforcement Program to better serve patients and healthcare consumers in this state."

The report, mandated by SB 1950 (Figueroa, Chapter 1085, Statutes of 2002), required the director of the Department of Consumer Affairs to appoint a Medical Board of California Enforcement Program monitor. The monitor's duty is "to evaluate the disciplinary system and procedures of the board, making as (her) highest priority the reform and reengineering of the board's enforcement program and operations and the improvement of the overall efficiency of the board's disciplinary system." Ms. D'Angelo Fellmeth will issue a total of two reports; the final will be prior to November 1, 2005.

The initial report found generally that the enforcement process has been slowed primarily because current board resources are inadequate. This is due to recent cutbacks in staffing and funding resulting from hiring freezes and because licensing fees, which fund the board, have not been raised in a decade. As noted, recommendations include replacing 29 lost enforcement positions at the Medical Board by increasing the \$600 license renewal fee physicians pay every two years.

While the legislatively mandated goal for case investigation (when consumers make a complaint) is an average of no more than six months, the report found in fiscal year '03-'04, the average case processing time was 261 days. Also noted in the report is the complex nature of the board's investigations, along with difficulties encountered by staff in obtaining medical records from physicians, and the time spent reviewing cases by the board's medical consultants and specialty reviewers (an average of over two months in both instances). High

investigator turnover, as some competing agencies offer better benefits and pay to investigators, was another factor causing delays in processing cases.

Ms. D'Angelo Fellmeth, the Medical Board's enforcement monitor and administrative director of the Center for Public Interest Law, stated, "We are pleased with the high degree of cooperation our team received from the board and its staff during our review. We look forward to our continuing work to help the Medical Board fulfill its consumer protection mission by improving the quality of physician regulation and patient care in California." For a copy of the report's executive summary, please contact the Executive Office of the Medical Board at (916) 263-2389.

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MEDICAL BOARD OF CALIFORNIA

November 3, 2004

**Medical Board of California
Revokes License of Woodland Hills Physician**

SACRAMENTO—The Medical Board of California has revoked the medical license of Ropinder S. Chadda, M.D., of Woodland Hills. The decision becomes effective November 4, 2004.

Chadda is subject to disciplinary action under Business and Professions Code sections 2234(a), 2236 and 2239, in that he had been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon.

On March 9, 2002, Chadda was arrested for driving under the influence of alcohol (Vehicle Code section 23152(a)). On May 6, 2002, in *People v. Ropinder S. Chadda* before the Superior Court of Los Angeles County, Van Nuys Division, Case Number 2VN01233, Chadda pled nolo contendere to driving under the influence of alcohol with a .08 or more blood alcohol content, in violation of section 23152(b) of the Vehicle Code, a misdemeanor. On the same date, Chadda was found guilty of the charge and sentenced as follows: imposition of sentence was suspended; summary probation for 36 months under the following terms and conditions: 1) serve 12 days in jail or pay a fine of \$390 or perform 120 hours of community service, 2) enroll in and complete a three-month program of alcohol education and counseling, 3) restrict his driving to his place of employment and the alcohol program, and 4) pay a restitution fine of \$1,201.

On November 8, 2003, Chadda again was arrested for driving under the influence of alcohol. On March 17, 2004, in *People v. Ropinder Singh Chadda* before the Superior Court of Los Angeles, Van Nuys Division, Case Number 3VN04468, Chadda pled nolo contendere and was found guilty for violating both 23152(a) and 23152(b) of the Vehicle Code, both misdemeanors.

Chadda pled nolo contendere to driving under the influence of alcohol. On the same date, Chadda was found guilty of the charges. Sentencing was deferred; however, the findings of guilt meant that he had violated the probation in effect from his sentence in Case Number 2VN01233 as of May 6, 2002.

Chadda failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing, and his license was revoked by default.

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MEDICAL BOARD OF CALIFORNIA

November 1, 2004

**Medical Board of California Revokes
License of Moreno Valley Physician**

SACRAMENTO—The Medical Board of California has revoked the medical license of Rufus Lewter, Jr., M.D., of Moreno Valley. The decision became effective October 29, 2004.

Lewter was first disciplined by the Medical Board in October 1987 for violation of Penal Code section 487 (grand theft) which involved his Medi-Cal billing practices wherein he sought reimbursement for psychotherapy sessions actually conducted by a non-physician educational psychologist. The Board placed Lewter on probation for five years on terms and conditions that included an actual 60-day suspension. As a condition of the 1987 probation, Lewter was required to pass an oral clinical examination. Lewter failed the initial oral clinical examination in March 1988, which resulted in the automatic suspension of his medical license until passage of a repeat examination. Lewter failed three additional examinations and finally passed a December 14, 1990 oral examination, and received notice of the results on January 4, 1991. During the period of October 5, 1990 until he passed the oral examination, Lewter practiced medicine without a valid license. Based on this and the dishonest representations made in connection with his pursuit of medical employment, his license was revoked on January 29, 1993.

Lewter's medical license was reinstated on November 16, 2001. Upon reinstatement, the license was subject to certain terms and conditions for five years. One such condition required that he take and pass an oral clinical or written examination within three attempts and within 18 months of the decision. Lewter failed all of his exams and failed to submit, for the Board's approval, a clinical or educational training program, as required by a condition of his probation. Therefore, cause existed to revoke Lewter's probation and impose the revocation of his medical license.

Lewter also was ordered to pay the Board's reasonable costs of investigation and enforcement, in the amount of \$10,628.

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MEDICAL BOARD OF CALIFORNIA

October 29, 2004

**Medical Board of California Accusation Leads to
Surrender of South Lake Tahoe Physician's Medical License**

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, South Lake Tahoe physician Joseph Simon, M.D., has surrendered his license to practice medicine. The stipulated surrender of his medical license was ordered on October 21, 2004 and became effective October 28, 2004.

The Medical Board accused Simon of being negligent in his care and treatment of nine patients, in violation of Business and Professions Code sections 2234(b), (c), (d) (gross negligence, repeated negligent acts and incompetence), 725 (excessive prescribing), 2242 (prescribing without a good faith exam), 2234 and 2241.5 (violations of Intractable Pain Act), 2238 (violation of drug statutes), and section 2241, and Health and Safety Code section 11156 (prescribing to an addict).

The accusation alleged that, despite complaints of depression or addiction, Simon failed to appropriately treat his patients or refer them to pain management medical consultants as required. In several instances, Simon prescribed highly addictive controlled substances without proper medical justification.

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MEDICAL BOARD OF CALIFORNIA

October 6, 2004

**Medical Board of California Obtains
Suspension of Soledad Physician's License**

SACRAMENTO—On October 4, 2004, Administrative Law Judge Jonathan Lew signed an order which prohibits Soledad physician Isaac A. Grillo, 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. Grillo has been ordered to appear at the Office of Administrative Hearings in Oakland on October 22, 2004 to show cause why the suspension of his license to practice medicine should not be extended.

The Medical Board had filed an accusation against Grillo alleging unprofessional conduct through gross negligence and incompetence in that he failed to diagnose a cervical spinal injury of a prisoner at Soledad prison who had suffered a subluxation of C4-C5, resulting in quadriplegia. The board later adopted a stipulated settlement and disciplinary order, which imposed a public letter of reprimand with a condition precedent: successful completion of Phases I and II of the Physician Assessment and Clinical Education (PACE) program at the University of California at San Diego.

In a September 8, 2004 communication to the board from the Director and Associate Director of the UCSD Pace Program, the board was informed that serious deficiencies were noted during Grillo's assessment by the PACE faculty/staff. The assessment report noted that at a multi-disciplinary staff meeting on September 1, 2004, the director and other participants "expressed grave reservations about whether Dr. Grillo should be practicing medicine" and that the "deficiencies documented during his two-day Phase-1 PACE Assessment, if applied in the real world of medical practice, would almost certainly have resulted in patient harm, and perhaps even death." The report also stated that Grillo's serious deficiencies of clinical knowledge and judgment extended beyond the limited scope of the PACE Program's five-day clinical education and that as a result, "may require additional training or monitoring either in residency, fellowship, or some other proctored environment."

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MEDICAL BOARD OF CALIFORNIA

October 1, 2004

**Medical Board of California Obtains
Suspension of Palm Desert Physician's License**

SACRAMENTO—In response to a Petition filed by Deputy Attorney General Thomas S. Lazar on behalf of the Medical Board of California, Administrative Law Judge Steven V. Adler issued a full interim suspension order (ISO) on September 30, 2004 against the medical license of Jane Espejo Norton, M.D., of Palm Desert. The suspension order is based upon a finding that permitting Norton to continue to engage in the practice of medicine will endanger the public health, safety, and welfare. The order was immediately effective and bars her from practicing medicine while in effect.

The Petition alleges that on June 2, 2004, in the case entitled *United States of America v. Jane Norton*, United States District Court for the Southern District of New York, Norton was convicted, upon her plea of guilty, of two counts of violating Title 18, United States Code, sections 1003 and 1002, as a result of her submitting to the United States Small Business Administration a fraudulent loan application seeking disaster business loans and submitting a letter to the United States Federal Emergency Management Agency falsely claiming that a piece of medical equipment belonging to her medical practice had been destroyed as a result of Hurricane Floyd. The Petition further alleges that on September 28, 2004, Norton was sentenced to 30 days' home detention on each count to be served concurrently including wearing an electronic bracelet, two years' probation, a \$5,000 fine, and alcohol aftercare treatment at the discretion of the probation officer.

The Petition further alleges that Norton committed multiple acts of gross negligence and unprofessional conduct in her care and treatment of a 56-year-old female patient with multiple medical problems, by: (1) performing multiple, prolonged, elective cosmetic surgical procedures on her, an unhealthy patient, in an outpatient setting with insufficient postoperative care and no preoperative medical clearance; (2) performing cosmetic liposuction and dermabrasion on the patient, who, at that time, had large, non-healing, open wounds from prior surgeries that Norton had previously performed on her; (3) leaving the patient, sick and deteriorating, in the care of a medical assistant after one of the surgeries, rather than leaving her in the care of a competent physician; and (4) performing one of the surgeries even though she knew that she would be out of town after the surgery without adequate physician coverage and then, after performing the surgery, actually leaving town without arranging for or obtaining adequate physician coverage for the patient.

A hearing is set for October 14, 2004 at the Office of Administrative Hearings in San Diego to determine if the ISO will remain in effect pending the completion of administrative disciplinary proceedings.

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MEDICAL BOARD OF CALIFORNIA

September 16, 2004

**Medical Board of California Accusation Leads to
Surrender of Former San Diego Physician's Medical License**

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, former San Diego physician William R. Cook, M.D., has surrendered his license to practice medicine. The stipulated surrender of his license was ordered on September 13, 2004 and becomes effective on September 20, 2004.

The Medical Board accused Cook of unprofessional conduct for violating Business and Professions Code sections 2234(b), (c), (d), (e), 2264, and 2266 in that he committed acts constituting gross negligence, incompetence, repeated negligent acts, acts of dishonesty, aided the unlicensed practice of medicine, and failed to maintain adequate and accurate records in his care and treatment of four patients.

Cook performed the "Weekend Alternative to the Facelift" procedure on patients, which included liposculpture of the face, neck, and jowls, laser dermal resurfacing, and chin implants. Cook performed laser resurfacing of the dermal surfaces of the skin and the platysma muscle. In addition, Cook erroneously diagnosed patients with lipodystrophy; placed a chin implant in one patient which became mobile and asymmetrical; and removed 80 cc of supranatant fat from the neck of an 18-year-old patient who weighed 90 pounds when there was no medical indication for any form of platysmaplasty.

The disciplinary order provides that the stipulation become part of Cook's license history, and effective September 20, 2004, he loses all rights and privileges as a physician and surgeon in California. Cook agreed that, should he apply for relicensure in California, the charges and allegations in the Accusation will be considered true, correct, and admitted to by him.

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MEDICAL BOARD OF CALIFORNIA

September 15, 2004

**Medical Board of California
Revokes License of Burbank Physician**

SACRAMENTO—The Medical Board of California has revoked the medical license of Anthony N. Peters, M.D. of Burbank. The decision becomes effective September 17, 2004.

The Medical Board filed an Accusation against Peters on May 28, 2004, accusing him of gross negligence, repeated negligent acts, incompetence, prescribing without a good faith examination, and unprofessional conduct in the care and treatment of a 48-year-old patient. Peters failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing, and his license was revoked by default.

In a prior disciplinary case, Peters admitted to committing repeated negligent acts in a patient's care, and thereby subjected his medical license to disciplinary action under Business and Professions Code section 2234, subdivision (c). As a result, on February 8, 1999 Peters entered into a Stipulated Settlement and was placed on five years' probation with terms and conditions, some of which included: enrolling in the Physician Assessment and Clinical Education Program, clinical training and examination; practice monitoring; enrolling and completing an ethics course; obeying all laws; submitting quarterly reports; reimbursing the board \$20,000 for investigative and prosecution costs; and paying costs associated with probation monitoring each year of probation, which was set at \$2,304. After successfully completing his probation, on February 8, 2004, Peters' medical license was fully restored to clear status and was free of probation requirements.

The mission of the Medical Board is to protect healthcare consumers through the proper licensing and regulation of physicians and surgeons and certain allied healthcare professions and through the vigorous, objective enforcement of the Medical Practice Act.

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News Release — September 2, 2004



MEDICAL BOARD OF CALIFORNIA

September 2, 2004

Medical Board of California Selects New Executive Director

SACRAMENTO—The Medical Board of California appointed Dave Thornton, 57, of Carmichael, as its new executive director. Mr. Thornton has been serving as interim executive director since last March, replacing former Executive Director Ron Joseph.

Mr. Thornton has over 30 years of experience in state service. He began his career with the Medical Board as an investigator, working his way up the ranks to senior investigator, supervising investigators I and II, deputy chief, and chief of the Enforcement Program. As an investigator for the board, Mr. Thornton participated in a multi-agency task force that targeted providers selling controlled substances to individuals for no legitimate medical purpose, and he was the lead investigator in a license fraud task force. This unit was responsible for investigating fraudulent medical schools and physician applicants attempting to gain licensure in California by using false medical diplomas. Mr. Thornton supervised the creation of the board's Central Complaint Unit and also worked closely with the board's Public Information Disclosure Committee to develop policy, regulation, and the format for the release of information to the public concerning California physicians.

Mr. Thornton has represented the board as a speaker to numerous professional associations and medical groups. His law enforcement career also includes four years with the California Highway Patrol. His leadership skills extend beyond the Medical Board to include his involvement as a parent, troop leader, and committee chairperson with the Boy Scouts of America.

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MEDICAL BOARD OF CALIFORNIA

September 2, 2004

**Medical Board of California
Revokes License of San Mateo County Physician**

SACRAMENTO—The Medical Board of California has revoked the medical license of San Mateo physician Dave Allen Davis, M.D. The decision becomes effective September 2, 2004 at 5 p.m.

On October 7, 2003, a Restriction Order was issued by the Superior Court of California, County of San Mateo, against Davis pursuant to Penal Code section 23, based on criminal charges filed against for Business and Professions Code section 729 (sexual exploitation) and Penal Code section 243.4(e)(1) (sexual battery). The Order prohibited him from examining and treating female patients in any manner. Davis' medical practice was limited to the care and treatment of male patients *only* while the Medical Board completed their investigative process. The board obtained an Interim Order of Suspension (ISO) which stipulated that Davis could practice under the current restrictions, male patients only, until November 30, 2003.

In a First Amended Accusation filed by the board on March 10, 2004, Davis was accused of violating Business and Professions Code section 2234(a) for unprofessional conduct and 2234(b) gross negligence with three female patients. The documents also accused him of violating section 2236 (conviction of a crime) as a result of a criminal conviction of sexual exploitation and the sexual battery charges. Davis was sentenced to 120 days in county jail, followed by three years of criminal court probation, and was also required to register as a sex offender under section 290 of the Penal Code.

Assembly Bill 236 (Bermudez) effective January 1, 2004, added Business and Professions Code section 2232(a)(1) requiring the board to promptly revoke the license of any person who is subject to or becomes subject to section 290 of the Penal Code. Davis becomes the first physician prosecuted under this new section of law.

Davis admitted to the violations outlined above and voluntarily agreed to a formal Stipulation for Revocation of his License, which becomes effective at 5 p.m. on September 2, 2004.

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MEDICAL BOARD OF CALIFORNIA

August 31, 2004

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

SACRAMENTO—Facing further disciplinary action by the Medical Board of California, Pasadena physician Richard S. Infante has surrendered his license to practice medicine. The stipulated surrender of his medical license becomes effective today at 5 p.m.

The Medical Board adopted a Stipulated Settlement and Disciplinary Order that revoked Infante's license to practice medicine. The revocation was stayed by the board and Infante's license was placed on seven years' probation with various terms and conditions, some of which included: abstaining completely from the personal use or possession of controlled substances not including those that were lawfully prescribed to him for a bona fide illness or condition by another physician; abstaining completely from the use of alcohol; enrolling in a prescribing practices course; biological fluid testing; enrolling in the board's Diversion program until it was determined that further treatment and rehabilitation were no longer necessary; practice monitoring; obeying all laws; submitting quarterly reports; complying with probation surveillance; and paying the board's investigative and prosecution costs.

Infante's probation was subject to revocation for failing to comply with the monitoring conditions that required a board-approved monitor to practice medicine, and for the commission of dishonest acts for making false statements to a board investigator. In addition, Infante violated the terms of his probation when he prescribed hydrochlorothiazide to a patient without medical indication.

To determine the degree of discipline, the board also took into consideration that on March 23, 1989, in a prior disciplinary action (Case No. D-3689), Infante's license was revoked, the revocation was stayed, and he was placed on five years' probation. In the course of that disciplinary action, Infante admitted that he had: prescribed dangerous drugs and controlled substances without a good faith prior examination and medical indication under circumstances giving rise to four causes for discipline; that he had been convicted of three counts of the sale of controlled substances; and that he had been convicted of three counts of prescribing controlled substances to persons not under his treatment.

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MEDICAL BOARD OF CALIFORNIA

August 27, 2004

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

SACRAMENTO—The Medical Board of California has revoked the medical license of Beverly Hills physician La Vonne Willis, M.D. The decision became effective August 26, 2004.

The Medical Board filed an Accusation against Willis on April 5, 2001 and subsequently adopted a Stipulated Settlement and Disciplinary Order that revoked Willis' license to practice medicine in California. The revocation was stayed by the board and Willis' license was placed on probation for six years, under various terms and conditions, including successfully completing the board's Diversion program, practice monitoring, obeying all laws, submitting quarterly reports, complying with probation surveillance, and paying the cost of the disciplinary action and probation.

While entering into the Stipulated Settlement and Disciplinary Order, Willis admitted to violations of Business and Professions Code section 822, impaired ability to practice safely because of mental or physical illness affecting competency, and section 2239, excessive use of drugs or alcohol.

During probation, Willis subjected herself to further discipline for violating conditions of her probation, including but not limited to, failure to: complete Diversion, practice with an approved practice monitor, obey all laws, and comply with probation surveillance.

Due to the above, Willis' probation was revoked and the disciplinary order that had been stayed was imposed, revoking Willis' license to practice medicine in California effective August 26, 2004. Willis' approval to supervise physician's assistants, pursuant to Business and Professions Code section 3527 also was revoked.

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MEDICAL BOARD OF CALIFORNIA

August 26, 2004

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Lafayette physician Alene M. Pfister, M.D., has agreed to surrender her license to practice medicine. The stipulated surrender of her medical license was ordered on August 18, 2004 and became effective at 5 p.m. yesterday.

Pfister is charged with unprofessional conduct for conviction of a crime substantially related to the qualifications, functions or duties of a physician and surgeon (Business & Professions Code §§ 2236(a) and 2234) and the use of alcohol to the extent and in such a manner as to be dangerous to herself or others (Business & Professions Code § 2239(a)).

On June 18, 2003, in Contra Costa County, Pfister was arrested for the crime of driving under the influence of alcohol. Pfister failed the sobriety tests and was subsequently arrested and transported to the Lafayette Police Department where a PAS test revealed a blood alcohol content of .18%. Pfister was cited for driving under the influence and released.

On August 11, 2003, *People of the State of California v. Alene Maria Pfister*, Complaint No. 120332-2 was filed in Contra Costa County Superior Court (Walnut Creek), charging her in Count One with driving under the influence of alcohol or drugs (Vehicle Code § 23152(a)), and in Count Two with driving while having a 0.08% or higher blood alcohol (Vehicle Code § 23152(b)). On September 24, 2003, Pfister pleaded no contest to Count One, and Count Two was dismissed. As a result, she was placed on three years' probation with terms and conditions which included two days' imprisonment, work alternative program, fines totaling \$1,595, enrolling within 10 days in a First Offender Drinking Driver's Program, and restricted driving privileges for 90 days.

Prior to the June 18, 2003 arrest, Pfister was arrested on June 11, 2003, for driving under the influence. After failing field sobriety tests, she was arrested and taken to the Contra Costa County CHP office where a breath test revealed a blood alcohol level of .12%. Pfister was cited for driving while having a 0.08 or higher blood alcohol and released.

On September 4, 2003, *People of the State of California v. Alene Maria Pfistor [sic]*, Complaint No. 280369-0, was filed in Contra Costa County Superior Court (Richmond), charging her in Count One with driving while having a 0.08% or higher blood alcohol (Vehicle Code § 23152(b)) and in Count Two with hit and run (Veh Code § 20002(a)). On December 4, 2003, Pfister pleaded no contest to Count One, with the other counts dismissed. The Walnut Creek action was consolidated with this action in Richmond, and she was placed on three years' probation with terms and conditions which included two days' imprisonment, fines totaling \$1,615, and reporting to the Post Conviction Drinking Driver's Program within 10 days.

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News Release — August 3, 2004



MEDICAL BOARD OF CALIFORNIA

August 3, 2004

Medical Board of California Obtains Suspension of San Jose Physician's License

SACRAMENTO—In response to a petition filed on July 26, 2004, by the Office of the Attorney General on behalf of the Medical Board of California, Administrative Law Judge Jonathan Lew issued a full interim order of suspension against the medical license of Jose K. Reyes, M.D., on July 28, 2004. The suspension order prohibits Reyes from practicing medicine.

After receiving a complaint about Reyes, the board obtained the medical records of nine of his patients, eight of whom were being treated for chronic pain, and submitted them to two medical experts for review. Both experts concluded, after reviewing these records and an interview of Reyes conducted by the board, that Reyes lacks the necessary knowledge and ability to practice medicine safely and that he has placed the health and lives of his patients at risk. Based on the experts' evaluations, the interim executive director of the board filed a petition for an interim suspension order alleging that Reyes had engaged in a pattern of prescribing excessive amounts of potentially lethal controlled substances - typically, Vicodin - without medical indication and without taking proper histories or performing physical examinations.

One of the board's experts characterized Reyes' treatment of all nine patients as "extremely unprofessional conduct" and his treatment of chronic pain patients as "very troubling." At least four of the patients for whom Reyes prescribed large quantities of controlled substances were clearly addicts engaged in drug-seeking behavior. One of these patients stole blank prescription forms from Reyes and attempted to fill forged prescriptions at least six times and another used a pseudonym and a fake social security number to obtain drugs. Nonetheless, Reyes continued prescribing opiate medications for both of them.

Pending adjudication of this matter, the suspension order immediately prohibits Reyes from practicing medicine, possessing, prescribing, dispensing, furnishing, administering or otherwise distributing any controlled substance or any dangerous drugs. Judge Lew also ordered Reyes to surrender to the Medical Board his physician's and surgeon's wall and wallet certificates, all triplicates and regular prescription blanks, Drug Enforcement Administration drug order forms, and all Drug Enforcement Administration permits.

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MEDICAL BOARD OF CALIFORNIA

July 22, 2004

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Fair Oaks physician David Michael McCann, M.D., signed a stipulation surrendering his license to practice medicine in California. The surrender becomes effective today, July 22, 2004.

The Medical Board accused McCann of: unprofessional conduct; gross negligence; violating drug statutes; unlawful use or prescribing; prescribing to addicts; prescribing without prior examination or medical indication; and failure to maintain adequate medical records. On March 13, 2003, the Sacramento County Sheriff's Department, the California Bureau of Narcotics, the Federal Drug Enforcement Administration, and the Medical Board of California executed a search warrant at McCann's medical offices. In the course of that search, a loaded RG .22 caliber revolver was found in McCann's desk, in violation of a February 2003 Temporary Restraining Order that directed him to surrender any weapons and/or firearms within 24 hours of the order, which stemmed from a domestic-violence complaint.

McCann also is accused of gross negligence and patient abuse in that from 1999 to February 5, 2003, he provided various medications, including injections of Demerol, to a female with whom he had a personal relationship. McCann advised the female that he considered her to be overweight at 5' 7" and 111 pounds and directed her not to consume food unless in his presence and also chained her to the bed at night to prevent her from getting up and eating any food. In addition, the board accused McCann of providing Vicodin and Valium to the female patient's 10-year-old daughter.

On February 6, 2003, a consensual search conducted by the Sacramento Sheriff's Department resulted in seizure of controlled substances, including hydrocodone, procaine, and other substances, in containers with labels indicating that he had prescribed these substances to himself, or in containers with labels indicating that the substances were prescribed to others. An item of drug paraphernalia commonly described as a "bong" or device for smoking marijuana also was seized at his residence.

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MEDICAL BOARD OF CALIFORNIA

July 22, 2004

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Beverly Hills physician Russell Scott Hitt, M.D., signed an agreement to surrender his license to practice medicine in California. The surrender became effective July 20, 2004.

The Medical Board accused Hitt of: sexual misconduct; gross negligence; repeated negligent acts; incompetence; and dishonest and corrupt acts. Hitt admitted to touching two patients in an inappropriate and sexual manner in July and August of 2000. In addition, in August 1999, Hitt was arrested for performing a lewd act in a public restroom at the Beverly Center Mall in the presence of two undercover officers. In lieu of having formal charges filed against him, Hitt took and successfully completed the Los Angeles City Attorney's "Alternative Prosecution Program" in November 1999.

On March 22, 2004, the board revoked Hitt's medical license; however, the revocation was stayed and he was placed on probation for seven years with certain terms and conditions which included 60 days' actual suspension from practicing medicine. Other terms and conditions required that Hitt, within 60 days of the effective date of the decision: take and pass an ethics course; take and pass a professional boundaries program; undergo and complete a psychiatric evaluation; submit to the board the name(s) and qualifications of a board-certified psychiatrist or psychologist with at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. During probation, Hitt was required to have a third-party chaperone present while consulting, examining or treating patients and to submit to the board for approval the name(s) of persons who would act as a third-party chaperone. Hitt also was required to obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court-ordered criminal probation, payments and orders.

On May 10, 2004, Hitt was arrested by the Los Angeles Police Department for illegal possession of a controlled substance. When board probation investigators contacted him about the new charges, Hitt surrendered his medical license.

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MEDICAL BOARD OF CALIFORNIA

July 1, 2004

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

SACRAMENTO—The Medical Board of California has revoked the medical license of Woodland Hills physician Clifford Anthony Davis, M.D. The decision becomes effective July 1, 2004, at 5 p.m.

The Medical Board filed an Accusation against Davis on December 4, 2001, after he pled guilty to using a communication facility, a telephone, in committing, causing, and facilitating a felony drug offense. Specifically, Davis violated Title 21 of the United States Code, sections 846 and 841(a)(1), in conspiring to distribute a controlled substance, by using false and fraudulent prescriptions for the Schedule II (controlled substance) hydromorphone, without legitimate medical purpose and outside the usual course of professional medical practice.

On November 20, 2003, Davis pled guilty in federal court and was sentenced to serve 96 months followed by one year of probation with terms and conditions. On January 12, 2004, Davis was ordered to self-surrender to authorities at the Federal Metropolitan Detention Center in Los Angeles, where he is incarcerated at Taft Correctional Institute until November 12, 2010.

Davis failed to file a notice of defense in the mandated 15 days after being served with the Accusation by the Medical Board, giving the Board the authority to issue the June 1, 2004 Default Decision and Order revoking his license to practice medicine effective July 1, 2004.

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MEDICAL BOARD OF CALIFORNIA

June 14, 2004

Medical Board of California Files Accusation Against Los Altos Physician

SACRAMENTO—The Medical Board of California has filed an Accusation of wrongdoing against Deborah Ann Metzger, M.D., an obstetrician/gynecologist from Los Altos. The board sought and received an interim suspension order on April 8, 2004, prohibiting her from performing any surgical procedures. That order is still in effect, pending resolution of the Accusation.

The Accusation charges Metzger with gross negligence, repeated negligent acts, and incompetence in the care and treatment of six patients, women who complained to the board. In each case the board charges that Metzger diagnosed patients with multiple hernias which in fact did not exist, and subjected them to unnecessary surgical procedures for the treatment of these non-existent "hernias." In the most recent case the board is aware of, the patient was so injured by Metzger's procedures that she had to undergo emergency surgery for life-threatening conditions and spent four weeks in a hospital for treatment.

In all, Metzger performed 11 surgeries on the six women. Two medical experts for the board who reviewed the records concluded that the surgeries were not only unnecessary but also badly performed. In several of these instances she inflicted injury on healthy tissue in the course of performing these surgeries.

The case will next be scheduled for a hearing before an administrative law judge at the Office of Administrative Hearings in Oakland.

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MEDICAL BOARD OF CALIFORNIA

June 9, 2004

**Medical Board Obtains Suspension of
Riverside Physician's License**

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Rolling Hills physician Samar Sircar, M.D. signed a stipulation surrendering his license to practice medicine in California. The surrender, which was accepted by the Board's Division of Medical Quality on June 1, 2004, became effective on June 8, 2004.

Sircar is subject to disciplinary action under Business & Professions Code section 2236, in that he has been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon. On March 8, 2002, in United States of America v. Samar Sircar, before the United States District Court for the Central District of California, Sircar was charged with mail fraud; aiding and abetting, causing an act to be done; and income tax evasion.

Charges against Sircar stemmed from his participation in a kickback scheme involving patient referrals from personal injury attorneys, the provision of medical reports favorable to the claims of the patients, the receipt of money from insurance companies in compensation of the patient claims, reliance of U.S. mails to receive the money, and failure to report the receipt of these funds, estimated at \$225,147, to the U.S. Internal Revenue Service as income subject to taxation in 1996. On March 18, 2002, Sircar pled guilty to felony tax evasion and on July 9, 2002, before the United States District Court for the Central District of California, he was sentenced to: five years' probation, to include six months in a home detention program, payment of back taxes in the amount of \$56,795, and a payment of a special assessment of \$200. This sentence was ordered to run concurrently with the sentence imposed for the mail fraud conviction.

Sircar is also subject to disciplinary action under Business & Professions Code sections 802.1 and 2234(a), for failing to report to the Medical Board the filing of felony charges and his conviction of two felonies within 30 days of each event.

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MEDICAL BOARD OF CALIFORNIA

May 28, 2004

**Medical Board Obtains Suspension of
Riverside Physician's License**

SACRAMENTO—In response to a petition filed on May 26, 2004, by the Office of the Attorney General on behalf of the Medical Board of California, a full interim order of suspension was issued against the medical license of Philip Pierre-Louis, M.D., by Administrative Law Judge Stephen E. Hjelt. The suspension order which found Pierre-Louis to have violated the terms and conditions of his probation was immediately effective and prohibits him from practicing medicine while in effect.

In a prior case, on March 31, 1999, the Division of Medical Quality placed Pierre-Louis' medical license on probation for a period of four years. The petition to revoke probation alleges that, as one of the terms and conditions of his probation, Pierre-Louis must satisfactorily complete the assessment portion of the Physician Assessment and Clinical Education Program (PACE) offered by the University of San Diego School of Medicine. On November 12-13, 2003, he completed that portion of the program. It is further alleged that the results of that assessment indicate that Pierre-Louis lacks the knowledge, training and clinical judgment to safely practice medicine. The petition also alleges that, beginning at some unknown time and continuing to April 2, 2004, Pierre-Louis employed an unlicensed person to work as a physician assistant at his Los Angeles clinic and that on January 22 and March 8, 2004, Pierre-Louis wrote two prescriptions which were filled under his expired DEA certificate.

Pierre-Louis has been ordered to appear at the Office of Administrative Hearings in San Diego on June 15, 2004, to show cause, if any, why the suspension order should not remain in full force pending the issuance of a final decision by the Division of Medical Quality.

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MEDICAL BOARD OF CALIFORNIA

May 26, 2004

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Carlsbad physician William E. Watkins, M.D. signed a stipulation surrendering his license to practice medicine in California. The surrender, which was accepted by the Board's Division of Medical Quality on May 20, 2004, becomes effective on May 27, 2004.

Watkins' license was suspended on July 24, 2003, as the result of the issuance of an Interim Suspension Order, and remained suspended up to the time he surrendered his medical license.

When he surrendered his medical license, Watkins was facing disciplinary charges arising out of his care and treatment of four patients upon whom he had performed cosmetic surgeries at his office during the calendar years 2000 and 2001. In summary, those charges alleged that: (1) Watkins had performed breast augmentation surgeries on all four patients, as well as additional facelift surgeries on one of the patients; (2) that all of the surgeries were performed in Watkins' office while the patients were under local anesthesia and nerve blocks rather than under general anesthesia; and (3) that each patient had suffered severe pain during their breast augmentation surgeries.

It was further alleged that Watkins failed to adequately monitor the patients during their surgeries. All four patients were alleged to have later undergone subsequent corrective surgery by a plastic surgeon. As a result of his conduct, Watkins was charged with gross negligence, repeated negligent acts, incompetence, failure to maintain adequate and accurate records, and aiding and abetting the unlicensed practice of medicine.

Watkins will lose all rights and privileges to practice medicine in California on May 27, 2004.

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MEDICAL BOARD OF CALIFORNIA

May 14, 2004

**Medical Board Obtains Suspension of
Napa Physician's License**

SACRAMENTO—The Medical Board of California has obtained a practice suspension on the medical license of Jeffrey Thomas Gray, M.D. of Napa, California, effective May 13, 2004. Commissioner Kelly Boyd of the Superior Court of the County of Napa issued the suspension in response to a request by Supervising Deputy Attorney General Vivien H. Hara, on behalf of the Medical Board. Her request was pursuant to Penal Code section 23, which permits a licensing agency, in the interests of protecting the public, to bring a motion in a criminal action against its licensee that the licensee's ability to practice be suspended or restricted as a condition of release on bail or probation.

In response to an arrest warrant issued by Napa County on May 12, 2004, Gray, later that day, turned himself in. He is charged with one felony count of prescribing an illegal drug for a person who was not his patient, one count of possession of drugs without a prescription, one felony count of possession of a controlled substance, misdemeanor possession of child pornography, and misdemeanor exploitation of a patient by a physician.

The Deputy Attorney General representing the Medical Board requested the order in light of criminal charges pending against Gray that are substantially related to the duties and functions of a physician. The charges against the former county health department staff psychiatrist are the result of an allegation that Gray had a sexual relationship with a 21-year-old female patient. Gray also is charged with prescribing Dexedrine for his fiancée who is not his patient, and after a search warrant was executed at his home, sheriff's investigators found Vicodin and Temazepam drugs for which Gray did not have a prescription. Investigators also uncovered numerous photographs from Gray's home computer that they suspect to be child pornography.

The Penal Code section 23 order also prohibits Gray from possessing, prescribing, dispensing, furnishing, administering or otherwise distributing any controlled substance or any dangerous drug, except pursuant to a valid prescription issued by a California physician, and orders that he surrender to the Medical Board his physician and surgeon's wall and wallet certificates, any triplicates and regular prescription blanks, Drug Enforcement Administration (DEA) Order Forms, and DEA permits, pending the adjudication of the criminal matter.

The Napa County Sheriff's Department is asking anyone with information regarding the investigation or any person who had a personal or sexual relationship with Gray while under his professional care to call detective Jon Crawford at (707) 253-4205 or (707) 253-4591.

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MEDICAL BOARD OF CALIFORNIA

May 13, 2004

Medical Board Revokes License of Pasadena Physician

SACRAMENTO— The Medical Board of California has revoked the medical license of Kevin P. Anderson, M.D., of Pasadena effective May 12, 2004. Anderson was convicted of second degree murder in November 2000. It was further found that in the commission of the act, Anderson personally inflicted injury on his victim when he knew, or should have known, she was pregnant and that the injury would result in the termination of her pregnancy. Based on the conviction and incarceration, Anderson's medical license was automatically suspended by the Medical Board until a hearing could be held, or until further order by the Medical Board's Division of Medical Quality. On November 27, 2000, Anderson was found guilty and was sentenced on March 8, 2001 to state prison for a period of 20 years to life.

On November 11, 1999 Anderson had his lover, a fellow pediatrician and prospective business partner, meet him on the hillside in the Angeles National Forest. The two had been having an affair for several months and the victim was approximately six weeks pregnant. The victim joined Anderson in his vehicle and an argument ensued, purportedly regarding his decision to back out of the planned business venture. He subsequently strangled the victim, first with his hands, then with a necktie. He then drove her vehicle to the brink of the cliff, carried her back to her vehicle and positioned her body at the driver's seat. Anderson proceeded to douse her body with gasoline thinking that her death would appear accidental if the vehicle caught on fire. Before he could light a match, however, the vehicle began rolling down the hill and he quickly jumped out of her vehicle, returned to his own and sped away from the scene. A passerby alerted the authorities after noticing a vehicle being suspiciously pushed over the cliff. The responding paramedics located the vehicle and pronounced the victim, who had been thrown from her vehicle, dead at the scene. Anderson was soon thereafter located on the Angeles Crest Highway where he was trying to free his vehicle, which had struck a dirt berm.

Anderson was ordered by the court to pay a restitution fine in the amount of \$1,000 and in a subsequent hearing on August 1, 2001, was ordered to pay restitution to the victim's family in the amount of \$42,611.

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MEDICAL BOARD OF CALIFORNIA

May 13, 2004

**Medical Board Reaffirms its Commitment to Physicians
Who Recommend Medical Marijuana**

Board adopts statement clarifying implementation of California's Compassionate Use Act to insure California's physicians and consumers receive appropriate guidance under the law

SACRAMENTO—The Medical Board of California marked a milestone for California consumers and physicians by adopting a statement clarifying that the recommendation of medical marijuana by physicians in their medical practice will not have any effect against their physician's license if they follow good medical practice.

"The intent of the statement is to clearly and succinctly reassure physicians that if they use the same proper care in recommending medical marijuana to their patients as they would any other medication or treatment, their activity will be viewed by the Medical Board just as any other appropriate medical intervention," said Hazem Chehabi, M.D., immediate past president of the board. "This is consistent with the board's mission to protect and advance the interests of California patients."

In November 1996, the voters of California passed Proposition 215, the "Compassionate Use Act of 1996." The purposes of the act were "to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where the medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana....and to ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction."

In January 1997 the Medical Board published standards for physicians when recommending medical marijuana. According to the board's new statement, consultation should include:

- History and good faith examination of the patient
- Development of a treatment plan with objectives
- Provision of informed consent including discussion of side effects
- Periodic review of the treatment's efficacy
- Consultation, as necessary
- Proper record keeping that supports the decision to recommend the use of medical marijuana

"The clarification of the guidelines regarding the recommendation for the use of medical marijuana assists both physicians and patients," said Dr. Chehabi. "Establishing clearly defined guidelines will allow the medical

community to concentrate on the important medical needs of the patient and end the confusion about when recommendation of medical marijuana is appropriate."

According to testimony received by the board at its hearing on this issue last week, the author of the Act, Dennis Peron, supported the board's efforts to implement the law and assist California's physicians and their patients who receive a recommendation for the use of medical marijuana. "The Medical Board is in a unique position to guide physicians and patients on the proper standards for medical intervention for those who can benefit from treatment using medical marijuana," stated Mr. Peron. "I applaud the board's efforts and hope their action puts an end to the controversy that has surrounded this issue since California citizens voted to support the Compassionate Use Act."

For a copy of the Medical Board's statement, please contact the board's information officer, Candis Cohen, at (916) 263-2394.

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MEDICAL BOARD OF CALIFORNIA

May 12, 2004

**Medical Board Obtains Suspension
of City of Calexico Physician's License**

SACRAMENTO— In response to a Petition filed by Deputy Attorney General Thomas S. Lazar on behalf of the Medical Board of California, Administrative Law Judge Steven V. Adler issued a full interim suspension order (ISO) on May 7, 2004 against the medical license of Warren C. Lemons, M.D., City of Calexico, California. The suspension order is based upon a finding that, among other things, permitting Lemons to continue to engage in the practice of medicine will endanger the public health, safety, and welfare. The order was immediately effective and bars him from practicing medicine while in effect.

The Petition alleges that on April 14, 2004, Lemons was arrested on suspicion of murder and that the alleged murder victim was a patient of Lemons' with whom he had a sexual relationship. The Petition further alleges that on April 14, 2004, after responding to a suspicious call regarding a 22-year-old male who was in respiratory arrest, the Calexico Fire Department contacted the Calexico Police Department and requested a police officer. Lemons allegedly told a paramedic that the victim would let Lemons practice medical procedures on him and that, on that day, they were practicing medical respiratory intubations. When asked by a police officer why the paramedics took the victim to the hospital if he was a doctor, Lemons allegedly responded, "probably because I gave too much medicine." One of the paramedics reportedly found Versed and Diprivan anesthetics around the victim. The victim was pronounced dead later that same evening.

The Petition further alleges that on April 15, 2004, a search warrant was executed on Lemons' hotel room at the Best Western John Jay Inn Motel and on his vehicle. Some of the items seized during that search included Androgel (testosterone), a bottle of Ethyl Chloride, an ammonia capsule, syringes, several ET (endotracheal) tubes, a laryngoscope, prescriptions that appear to have been written for the victim by Lemons for drugs such as Morphine Sulfate, Adderall, Dilaudid, Tylenol #3, and syringes and needles. Several videotapes were also seized during the search which contain recordings allegedly made by Lemons of encounters with numerous naked male patients. The recordings of these encounters appear to have been made in different examination rooms in a medical facility. One of the seized videotapes also allegedly includes a recording of Lemons massaging the victim while he appeared to be unconscious and strapped on a board.

Lemons is accused of violating Business and Professions Code sections 726, 2234(b), and 2234 in that he has allegedly committed acts of sexual abuse and misconduct, gross negligence, and unprofessional conduct. A hearing is set for May 21, 2004 at the Office of Administrative Hearings in San Diego to determine if the ISO will remain in effect pending the completion of administrative disciplinary proceedings.

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MEDICAL BOARD OF CALIFORNIA

May 11, 2004

**Medical Board of California Arrests a San Diego County Resident
for Unlicensed Practice of Medicine**

SACRAMENTO— Investigators from the Medical Board of California arrested an unlicensed person, Rigoberto Camacho Alvarez, on May 6, 2004, for identity theft and practicing medicine without a license. Alvarez was arrested without incident in his vehicle in San Diego and transported to the Orange County Jail in Santa Ana. He is charged with violating Business and Professions Code section 2052(a), a felony, for practicing without a California medical license, and Penal Code 530.5(a), a felony, for obtaining the personal identification of another unlawfully and using that information for an unlawful purpose. Alvarez is being held on \$200,000 bail.

Medical Board investigators identified Alvarez after receiving information from a physician in Florida alerting them that someone was using his name and identity to practice medicine at the First and Bristol Medical Clinic in Santa Ana.

The investigation revealed that Alvarez was not a physician but had worked at the clinic for the past year treating patients. A physician who owns the clinic has cooperated with the Medical Board's investigation. Information obtained during the investigation led to a residential area in La Mesa where Alvarez was living.

The Medical Board of California and the Orange County District Attorney's office are asking that anyone who may have received medical treatment from Alvarez please call the Board at (714) 247-2126.

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MEDICAL BOARD OF CALIFORNIA

April 5, 2004

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Richmond physician Clarence Andrew Feagin, M.D., has agreed to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on March 29, 2004 and becomes effective on April 5, 2004. Feagin has been enjoined from practicing medicine since May 15, 2002, when the Contra Costa Superior Court issued a suspension order under Penal Code section 23. That statute allows a judge to prohibit a physician from practicing medicine pending resolution of criminal charges.

On behalf of the Medical Board, Deputy Attorney General Thomas P. Reilly requested the 2002 suspension order because of pending criminal charges against Feagin substantially related to the duties and functions of a physician - multiple counts of sexual battery and sexual exploitation of a patient. The patient was a 23-year-old woman who sought treatment for a work-related injury. After she consulted with Feagin at his office, he went to her home on two separate occasions and forcibly attempted to have sex with her. After a jury trial, Feagin was convicted in September 2002 of assault and battery upon this patient.

The Board had also received information about several other complaints of sexual misconduct by Feagin involving patients and colleagues in medical settings. Some of these led to his resignation of hospital privileges at Sonoma Valley Hospital. Feagin also has a 1989 conviction for lying to a peace officer (Penal Code §148.9). This conviction followed his arrest for providing alcohol to a minor after he was found parked with a 17-year-old girl in a remote area with an open bottle of wine.

In addition to Feagin's pattern of predatory sexual behavior, the Board had accused him of practicing medicine on a suspended license. Specifically, from May 15, 2002 through March 3, 2003, he served as and received compensation for being the medical director for two medical transportation firms - Bay Medic Ambulance Service of Concord and California Medical Transport of Mountain View. Both positions required possession of a valid license to practice medicine and in both positions Feagin was responsible for authorizing orders of dangerous drugs and controlled substances. Feagin was also accused of violating drug laws for dispensing prescription medication (Health and Safety Code §11152 and Business and Professions Code §4077) on a suspended license. In 1999, Feagin applied for and entered into the Medical Board's Diversion Program but he was expelled in July 2002 for non-compliance with program requirements.

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MEDICAL BOARD OF CALIFORNIA

March 26, 2004

**Medical Board Revokes License
of Chula Vista Physician**

SACRAMENTO—The Medical Board of California has revoked the medical license of Luis Juarez Perez, M.D., of Chula Vista. The decision becomes effective today, March 26, 2004.

On September 23, 2003, 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 Perez. The order was based upon a finding that, among other things, permitting Perez to continue to engage in the practice of medicine would endanger the public health, safety, and welfare. The Petition, filed by Deputy Attorney General Thomas S. Lazar, alleged that Perez committed multiple acts of sexual abuse and misconduct in violation of Business and Professions Code section 726, as well as multiple acts of gross negligence and general unprofessional conduct in violation of Business and Professions Code section 2234, in his care and treatment of a single female patient. In particular, the Petition alleged that on January 4, 2003, Perez sexually abused this patient who had come to his office to receive a laser hair removal treatment. Among other things, the Petition and supporting documents alleged 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 alleged 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. Perez has remained suspended from the practice of medicine since September 23, 2003.

The full administrative hearing on the disciplinary charges filed against Perez was held on January 26-30, 2004, in San Diego. On February 25, 2004, the Medical Board adopted the 27-page decision of Administrative Law Judge James Ahler finding Perez guilty of sexual abuse and misconduct, gross negligence, and general unprofessional conduct in his care and treatment of this patient and concluding that the revocation of Perez's medical license "is the only measure of discipline that will adequately protect the public." Perez also was ordered to pay \$42,600 to the Medical Board for its costs of investigation and enforcement of the case.

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MEDICAL BOARD OF CALIFORNIA

March 25, 2004

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Glendale physician John Alexander Krosnoff, M.D., has agreed to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on March 17, 2004 and became effective March 24, 2004.

The Medical Board accused Krosnoff of violating Business and Professions Code sections 2234 (unprofessional conduct), 2234(b) (gross negligence), 2234(c) (repeated negligent acts), 2234(d) (incompetence), and 2266 (failure to maintain adequate medical records) in his care and treatment of a patient. Krosnoff failed pre-operatively to: have or to record a discussion with the patient of the proposed operative procedure, limitations, alternatives, risk or complications, including infection; perform and/or record an evaluation, including but not limited to, an interim history, physical examination, and vital signs; perform and/or to record any laboratory tests, including but not limited to a urinalysis and complete blood count (CBC); give intravenous prophylactic antibiotic; and, maintain resuscitative equipment, including but not limited to a defibrillator. Throughout the four-hour facial cosmetic procedure, Krosnoff failed to monitor the patient including, but not limited to, interval measurements of the blood pressure, electrocardiogram, oxygen saturation, level of consciousness, and to monitor and/or document the patient's vital signs. Krosnoff also failed to perform an instrument count immediately after the surgery, and post-operatively failed to: properly monitor and/or to document the patient's vital signs; examine or evaluate the patient's chief complaint on post-operative day two; utilize or record minimal diagnostic tests such as vital signs on post-operative day three; examine the patient and/or to evaluate or take seriously the persistent complaints of the patient which were compatible with an infection on post-operative day four; recognize the presence of a post-operative surgical wound infection and perform appropriate treatment and/or referrals; and consider or properly treat an infection with complaints of pain, chills and fever in a post-operative patient.

Krosnoff also violated a term and condition of a stipulated settlement and disciplinary order previously agreed to on April 11, 2002, which required him to enroll in the Physician Assessment and Clinical Education Program's physician prescribing course and medical record keeping course within 60 days from the effective date of the decision and completion of the PACE program within six months of his initial enrollment.

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MEDICAL BOARD OF CALIFORNIA

March 18, 2004

Medical Board Launches New, Consumer-Friendly Web Site Address

SACRAMENTO—The Medical Board of California announced today a new, consumer-friendly, easy-to-remember Web site address. The new address will become a familiar part of the board's communications efforts to make the board better known to those who need to find it. ***The new address is www.caldocinfo.ca.gov.***

"We are excited about this new change," commented Board President Hazem Chehabi, M.D. "This continues our important and strategic effort to do everything possible to fulfill the board's consumer protection mission by making it easier for consumers and others to find out about us, and to access our services."

The board's Web site was launched in 1997, and is used by the public, physicians, allied healthcare professionals, reporters, hospitals, credentialing organizations, insurance companies and many others. The board is averaging over 400,000 hits per month on its site. The most popular feature is its individual physician profiles, where the following information is available.

- If a person is licensed as a physician in California
- A physician's address of record
- The date a physician's license was issued, and the date it will expire if not renewed
- The medical school a physician graduated from, and year of graduation
- The status of a physician's license, e.g., renewed and current, revoked, retired, etc.
- If a physician has been formally accused of wrongdoing by the Medical Board
- If a physician has been disciplined by the Medical Board of California or the medical board of another state
- If a physician has been convicted of a felony, reported to the board after Jan. 3, 1991
- Malpractice judgments or arbitration awards reported to the board after Jan. 1, 1993
- Any hospital disciplinary actions that resulted in the termination or revocation of a physician's hospital staff privileges for a medical disciplinary cause or reason reported to the board after Jan. 1, 1995

- Malpractice settlements within a 10-year period - when three or more if a physician is in a low-risk specialty, and when four or more if a physician is in a high-risk specialty - reported to the board after Jan. 1, 2003

The Medical Board's original Web site address (www.medbd.ca.gov) can still be used to access the board and will still take users to the board's home page.

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MEDICAL BOARD OF CALIFORNIA

March 16, 2004

**Medical Board Revokes License
of Irvine Physician**

SACRAMENTO—In a decision effective March 15, 2004, the Medical Board revoked the license of an Orange County physician, Robert Leslie, M.D., and ordered him to pay \$75,000 in cost recovery within 60 days.

Leslie is an Orange County physician, first licensed in 1958. Following a two-week hearing, Leslie was found guilty of: gross negligence in his care and treatment of two patients; repeated negligent acts; incompetence; engaging in repeated acts of dishonesty and through "widespread, repeated, and pervasive acts of negligence;" aiding and abetting the unlicensed practice of medicine by unlicensed individuals at two separate medical enterprises over a period of months; the issuance of false documents related to the practice of medicine; operating a medical clinic under a fictitious name without obtaining a fictitious name permit from the board; advertising a medical clinic under a fictitious name without obtaining a fictitious name permit; excessive prescription of diagnostic tests; violation of the Knox-Moscone Act; and engaging in fee splitting with a non-licensee.

Leslie had been previously disciplined by the Medical Board in March 1990 for conviction of substantially related crimes and for violation of state laws regulating dangerous drugs.

Leslie allowed his license to be used by two non-physicians to operate a number of medical offices, contrary to state law. The persons named in the Accusation were Sayed Mostafa Kamal El Sayed, who operated a facility called the Robert M.D. Clinic in Lawndale, and Kaled Ahmed, who operated a string of seven medical clinics in Huntington Park and Downtown Los Angeles which operated under the names of the Clinica Kholy, the Clinica Santa Maria, and the Clinica Leslie Medical Group.

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MEDICAL BOARD OF CALIFORNIA

March 9, 2004

**Medical Board Investigators Arrest
Unlicensed Practitioner in Orange County**

SACRAMENTO—On March 8, 2004, investigators for the Medical Board of California served a search warrant at a residence in Santa Ana concerning the unlicensed practice of medicine. The investigators were assisted by the Santa Ana Police Department and the Orange County District Attorney's Office.

The arrest occurred after an undercover officer was diagnosed and treated by Maria Torres, a 53-year-old female with no medical training or license. She was arrested at the location for the unlicensed practice of medicine and transported to the Orange County Jail, where she is being held on \$20,000 bail. Investigators searching the residence, located at 810 Halladay Street, Santa Ana, seized large quantities of unapproved Mexican pharmaceuticals, hypodermic needles, syringes and \$8,000 in cash.

The arrest and search warrant were executed without incident. The investigation is continuing and anyone who has received treatment from this person is asked to call the Medical Board at (714) 247-2126.

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MEDICAL BOARD OF CALIFORNIA

March 5, 2004

**Medical Board Executive Committee Appoints
New Interim Executive Director**

SACRAMENTO—The Executive Committee of the Medical Board of California (MBC) has appointed Dave Thornton, former MBC chief of enforcement, as the board's new interim executive director. The appointment is effective immediately. Thornton succeeds former Executive Director Ron Joseph, who was appointed last month by Governor Schwarzenegger as chief deputy director of the Department of General Services.

Thornton worked for the board for 29 years, until he retired as chief of enforcement in July 2003. Most recently he has been serving as the board's consultant to the enforcement monitor created by SB 1950 (Figueroa) of 2002. Thornton began his career with the board in 1974 as an investigator working in Southern California. He worked his way up through the investigative ranks, culminating in his appointment as chief of enforcement in 2000. His decades of experience in public service make him an excellent choice as the interim manager of day-to-day operations at the Medical Board, which is dedicated to patient protection.

The Executive Committee also convened a selection committee of members Lorie Rice and Mitchell Karlan, M.D. to assist in the recruitment and appointment of a permanent executive director. They will work with the Department of Consumer Affairs' Personnel Office and others to make the best choice possible. A decision is expected by June.

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###



MEDICAL BOARD OF CALIFORNIA

March 4, 2004

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, San Diego physician Joan Marianne Collins, M.D., has agreed to surrender her license to practice medicine. The stipulated surrender of her medical license was ordered on February 25, 2004 and becomes effective March 3, 2004.

The Medical Board accused Collins of violating Business and Professions Code section 2239 (unlawful use or prescribing); Business and Professions Code section 820 (mental or physical illness); and Health and Safety Code section 11170 (self-use of a controlled substance).

In December 2000, Collins entered the Board's Diversion Program; however, in February 2001 she quit the program on her own accord. Collins admitted to taking sample boxes of a controlled substance, Vicoprofen, a form of Vicodin, from her office for self-use and without consulting her family physician. She also admitted to using marijuana a few times from April to November of 2000. Collins also prescribed medications for herself from samples she received at her office. She prescribed herself Paxil for depression, and Ambien and Sonata for sleep aid. During the past five years, Collins also admitted taking Wellbutrin and Effexor to augment the Paxil.

Collins has lost all rights and privileges as a physician and surgeon and was ordered to deliver to the Board her license, and wall and pocket certificates, on or before March 3, 2004. If Collins ever files an application for licensure or a petition for reinstatement in the State of California as a physician, she will be required to comply with all laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in her Accusation shall be deemed to be true, correct, and admitted by Collins when the Board determines whether to grant or deny the petition. In addition, her petition will not be granted until the Board determines that it has received competent evidence of the absence of, or her control of the conditions, mental and physical, that formerly impaired her ability to practice safely.

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News Release — February 27, 2004



MEDICAL BOARD OF CALIFORNIA

February 27, 2004

Medical Board Revokes License of San Diego Physician

SACRAMENTO—The Medical Board of California has revoked the license of Donna M. Anderson, M.D., effective February 26, 2004. Anderson was convicted of first degree murder and attempted murder in June 2002. Anderson is an ob/gyn who was licensed in California. She practiced medicine in Minnesota for a number of years. On February 24, 2002, Anderson went to the Burlingame, California home of her former husband where she stabbed her 13-year-old son to death. During the attack on her son, Anderson also stabbed her former husband, seriously injuring him. On February 26, 2002, the Medical Board, represented by Deputy Attorney General Jane Simon, appeared before the Superior Court of the County of San Mateo and obtained a practice restriction on Anderson's medical license. On June 7, 2002, Anderson pled guilty to all charges against her and was sentenced on July 5, 2002 to 37 years to life.

The Medical Board filed an Accusation against Anderson's license on August 2, 2002. She requested a hearing on the charges, and the case was heard on December 10, 2003, at the Central California Women's Facility in Chowchilla, California by Administrative Law Judge Leonard L. Scott, at which time Anderson appeared on her own behalf. Judge Scott ruled in favor of the Medical Board that there was sufficient cause for discipline under Business and Professions Code section 2234(e) (the commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, and duties of a physician and surgeon) and section 2236 (conviction of a crime). In addition, Anderson was ordered to pay cost recovery to the Board in the amount of \$7,230.54. The Medical Board adopted the judge's proposed decision.

On February 23, 2004 Anderson filed a Petition for Reconsideration of the Medical Board's decision and on February 27, 2004, the petition was denied by the Medical Board.

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MEDICAL BOARD OF CALIFORNIA

January 21, 2004

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, La Jolla physician Douglas A. Simay, M.D. has agreed to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on January 14, 2004 and becomes effective January 21, 2004.

The Medical Board accused Simay of being negligent in his care and treatment of at least six patients. The Board alleged that Simay violated Business and Professions code section 2234 (unprofessional conduct) in that he engaged in extreme departures from the standard of practice by failing to perform or document adequate medical histories and examinations; section 2241 (prescribing to addicts) by prescribing controlled substances to patients who he knew, or should have known, were addicts; section 2266 (failing to maintain adequate records) by failing to maintain a consistent and accurate record of the number of medications he prescribed; and section 725 (excessive prescribing).

In many instances, Simay failed to recognize and respond to clear evidence of addictive behavior exhibited by patients and continued to prescribe large doses of medications despite his acknowledgment that some patients were taking too much. While records showed that some patients were consuming medications at one level, Simay was providing medications in amounts showing that they were actually being consumed greater than two times the dosage prescribed. Often, medications were refilled, yet he failed to record the amounts.

Simay signed a Stipulated Surrender of License and waived his right to a hearing.

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MEDICAL BOARD OF CALIFORNIA

January 8, 2004

**Medical Board Obtains Suspension of
South Lake Tahoe Physician's License**

SACRAMENTO—Effective January 9, 2004, South Lake Tahoe physician Joseph H. Simon, M.D. has been ordered to cease his practice of medicine in California by El Dorado County Superior Court Judge Suzanne K. Kingsbury pending the outcome of criminal proceedings against him. The Order was a result of an action filed on November 10, 2003 by the Office of the Attorney General on behalf of the Medical Board, under Penal Code section 23, which permits the Medical Board to ask a judge in a criminal matter to suspend the license of a physician.

On October 20, 2003, Deputy Attorney General Sharon A. Lueras, on behalf of the Bureau of Medi-Cal Fraud and Elder Abuse, filed felony charges with the El Dorado County Superior Court against Simon pursuant to Business and Professions Code section 803.5(a). Simon was charged with eight counts of violating Health and Safety Code section 11153 (issuing an unlawful controlled substance prescription) and one count of violating Penal Code section 550(a)(6) (submission of a false claim for payment of healthcare benefits).

These crimes by law are substantially related to the qualifications, functions, or duties of a physician and surgeon. Business and Professions Code section 2238 provides that, "A violation of any federal statute or federal regulation or any of the statutes or regulations of this state regulating dangerous drugs or controlled substances constitutes unprofessional conduct."

An independent medical expert, Board certified in pain management and psychiatry, opined that Simon, over a three-year period, repeatedly engaged in numerous extreme departures from the standard of care in his treatment and care of patients. Even though Simon was prescribing very powerful and addictive drugs, he failed to develop a comprehensive treatment plan and he repeatedly prescribed highly addictive controlled substances in large quantities without considering the individual needs of the patient - conduct that presents a danger to public safety.

The mission of the Medical Board is to protect healthcare consumers through the proper licensing and regulation of physicians and surgeons and certain allied healthcare professions and through the vigorous, objective enforcement of the Medical Practice Act.

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 or for questions call the Consumer Information Line at (916) 263-2382, or with complaints call (800) 633-2322.

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