

News Release — December 30, 2005



MEDICAL BOARD OF CALIFORNIA

December 30, 2005

Medical Board of California Accusation Leads To Surrender of Point Reyes Physician's License

Facing an Accusation and Petition to Revoke Probation for unprofessional conduct by the Medical Board of California, Point Reyes physician Charles Looney, M.D. has surrendered his license to practice medicine. The stipulated surrender of his license was ordered on December 22, 2005 and became effective on December 29, 2005. Medical Board Executive Director Dave Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

On January 14, 2004, Looney was placed on three years' criminal probation by the Marin County Superior Court for multiple convictions for driving under the influence of alcohol. Among the terms of his criminal probation were that he participate in an outpatient alcohol treatment program and that he report to his probation officer every Monday for urinalysis. As a result of the criminal convictions, on April 4, 2005, in case no. D1-2004-159697, the Division of Medical Quality placed Looney on five years' probation with terms and conditions, including: abstaining completely from the use of products or beverages containing alcohol; enrolling and participating in the board's Diversion Program until the Diversion Program determined that further treatment and rehabilitation were no longer needed; and obeying all federal, state and local laws, all laws governing the practice of medicine in California, remaining in full compliance with any court-ordered criminal probation, payments, and other orders.

On May 31, 2005, Looney was terminated from the board's Diversion Program after testing positive for alcohol use in violation of his Medical Board probation and his court-ordered criminal probation. On September 30, 2005, the board filed a Petition to Revoke Probation after Looney failed to abstain from the use of alcohol, was terminated from the Board's Diversion Program, and failed to remain in full compliance with his court-ordered criminal probation.

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MEDICAL BOARD OF CALIFORNIA

December 23, 2005

**Medical Board of California Accusation Leads
To Surrender of Huntington Park Physician's License**

SACRAMENTO—Facing an Accusation of unprofessional conduct by the Medical Board of California, Huntington Park physician Jose Alfredo Martinez, M.D. has surrendered his license to practice medicine. The stipulated surrender of his license was ordered on December 21, 2005 and became effective retroactively on December 1, 2005. Medical Board Executive Director Dave Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

The Medical Board accused Martinez of violating multiple sections of the Business and Professions Code, including section 2234(b)(c)(d) (gross negligence, repeated negligent acts, and incompetence), sections 2234(e) and 2261 (dishonest and false medical records), in his care and treatment of two patients.

The Accusation alleged that Martinez: failed to test, or to document that he tested, patients for an allergic reaction to Collagen or any other foreign substance prior to injecting them; failed to inform, or to document that he informed the patients of the risks and complications of injecting Collagen or any foreign material in and around the eyes; failed to advise, or to document that he advised the patients of the risk of an allergic reaction to Collagen or to the injection of any foreign material around the eyes and around the forehead; failed to offer to test the patients for allergic reactions, or to document that he offered the test, that he explained the test's risks, and that the patients declined the allergy test before being injected; failed to wait, or to document that he had informed the patients that it was important to wait, at least four weeks after a skin test in order to prevent or detect an immediate or delayed allergic reaction, before injecting the patients with Collagen or other foreign material; failed to document the lot numbers and expiration dates of the Zyplast that was injected into the patients; failed to record information about the product for possible contamination or mislabeling (so as to avoid using the product on other patients); and, failed to provide one patient and the subsequent treating surgeon with a complete and accurate set of the patient's medical records.

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MEDICAL BOARD OF CALIFORNIA

December 13, 2005

**Medical Board of California 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 Parviz Nasser, M.D. agreed to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on December 2, 2005 and became effective on December 9, 2005. On July 20, 2005 Nasser was ordered by the Los Angeles County Superior Court to cease the practice of medicine and has been enjoined from practicing medicine up to the time he surrendered his medical license. Medical Board Executive Director Dave Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

The Medical Board accused Nasser of unprofessional conduct for violating Business and Professions Code sections 726, 2234(b) (c) (d) (e) in that he committed acts constituting sexual misconduct, gross negligence, incompetence, repeated negligent acts, and acts of dishonesty in his care and treatment of three patients.

Nasser is accused of committing acts of sexual abuse and misconduct in that he touched intimate parts of patients in a manner that was unrelated to, and outside the scope of, the medical evaluation, diagnosis or treatment of the patients' injuries. Nasser also is accused of failing to conduct appropriate examinations for the patients' complaints and injuries as well as signing a comprehensive medical report concerning one patient which described findings and examinations that he did not conduct.

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MEDICAL BOARD OF CALIFORNIA

November 21, 2005

**Medical Board of California Obtains
Suspension of Mill Valley Physician's License**

SACRAMENTO—In response to a Petition filed by Deputy Attorney General Thomas P. Reilly on behalf of the Medical Board, Administrative Law Judge Cheryl Tomkin issued a full suspension order on November 18, 2005 against the medical license of Michael J. Dietrick, M.D. of Mill Valley. The suspension order is based on a finding that, among other things, permitting Dietrick to continue to engage in the practice of medicine would endanger the public health, safety, and welfare. Medical Board Executive Director Dave Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

The Medical Board's Petition alleges that Dietrick had repeatedly violated the Medical Practice Act, and is subject to disciplinary action under section 2234(b) (c) (d) and (e) (gross negligence, repeated negligent acts, incompetence, and dishonesty). After reviewing voluminous evidence, including evidence supplied by Dietrick's attorney, a highly qualified medical expert concluded that he is both incompetent and dangerous.

In 1998, one of Dietrick's psychiatric patients started a high tech company. Dietrick became deeply involved in the business affairs of the company, including writing a business plan for the enterprise, securing investors, and providing management advice for which he was paid. From 1998 through 2000, Dietrick continued his inappropriate dual role, both as the patient's therapist and business associate. During this period, Dietrick also persuaded other patients and their families to invest in this business. Throughout this time, Dietrick continued to function as the patients' psychiatrist, all the while repeatedly and egregiously violating the boundaries of their therapeutic relationships and continually violating the confidentiality of the doctor-patient relationship. When the business began to fail, Dietrick started harassing the patient who started the company via telephone calls and e-mail messages by making threats of personal and financial consequences if the patient did not follow his advice. In February 2004, upon learning that another patient investor had filed a complaint with the Medical Board, Dietrick telephoned and e-mailed the patient's family members demanding that the complaint be retracted or he would attempt to have the patient arrested and that the whole family would be drawn into this fight and "a lot of bad things will become public."

A hearing is set for December 6, 2005 at the Office of Administrative Hearings in Oakland to determine if the suspension will remain in effect pending the completion of administrative disciplinary proceedings.

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MEDICAL BOARD OF CALIFORNIA

November 18, 2005

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

SACRAMENTO—In response to a Petition filed by Deputy Attorney General Daniel Turner on behalf of the Medical Board, today Administrative Law Judge Jaime Rene Roman issued a full practice suspension against the medical license of Aaron Wilson Jones, M.D. of Redding. The suspension order is based on a finding that, among other things, permitting Jones to continue to engage in the practice of medicine will endanger the public health, safety, and welfare. Medical Board Executive Director Dave Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

On September 27, 2005, Criminal Complaint No. 05-07164 was filed by the Shasta County District Attorney's Office against Jones, charging him with violating, on September 9, 2005, Penal Code section 243.4 (b) (Sexual Battery on Incapacitated Victim), a felony. On November 7, 2005, Jones was arraigned in Shasta County Superior Court and pled not guilty to the above charge. A preliminary hearing on the charge is scheduled for December 7, 2005.

The Medical Board's Petition alleges that Jones engaged in egregious and inappropriate behavior with his patient by touching her in a sexual manner and using nitrous oxide himself, and that such conduct constituted gross negligence, unprofessional conduct and sexual misconduct (Business and Professions code sections 726 and 2234). In addition, Jones' use of nitrous oxide on the patient for the purpose of making the patient less resistant and more vulnerable to his sexual conduct with her and under the guise of medical treatment, constitutes both a corrupt act (Business and Professions Code section 2234(e)) and general unprofessional conduct under section 2234.

A hearing is set for December 6, 2005 at the Office of Administrative Hearings in Sacramento to determine if the suspension will remain in effect pending the completion of administrative disciplinary proceedings.

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MEDICAL BOARD OF CALIFORNIA

September 21, 2005

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Redlands physician Robert Paul Iacono, M.D. agreed to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on September 12, 2005 and became effective on September 19, 2005. Medical Board Executive Director David Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

Iacono is accused of making dishonest and false statements on an application for hospital privileges and general unprofessional conduct in violation of Business and Professions Code sections 2234, 2234(e) and 2261. The Loma Linda University Medical Center suspended Iacono's staff privileges effective September 14, 1999 for 20 days and also required him to complete anger management therapy, after a third formal staff complaint regarding an incident in the operating room alleging abusive behavior and grabbing or hitting a technician's hand during a procedure.

Iacono further subjected his license to discipline when in December 2001, he responded "no" to a question on an application for privileges at Desert Regional Medical Center, in asking whether he had ever had his clinical privileges ".denied, suspended, restricted, reduced, subject to probationary conditions, revoked or not renewed for possible incompetence, improper professional conduct or breach of contract, or is any such action pending."

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MEDICAL BOARD OF CALIFORNIA

September 20, 2005

**Medical Board Accusation Leads to Surrender
Of Fallbrook Physician's Medical License**

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Fallbrook physician Joseph Edward O'Donnell, M.D. agreed to surrender his license to practice medicine. The stipulated surrender of his medical license was ordered on August 19, 2005 and became effective on September 19, 2005. Medical Board Executive Director David Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

The Medical Board had accused O'Donnell of violating Business and Professions Code sections 2234(b)(c)(d) [gross negligence, repeated negligent acts, incompetence] and 2266 [failure to maintain adequate and accurate medical records] in his care and treatment of two pregnant patients, resulting in the deaths of two infants shortly after delivery.

It was alleged O'Donnell had committed gross negligence, repeated negligent acts, and/or incompetence during his care of both pregnant patients. As concerned the first patient it was alleged he: failed to monitor the fetal heart rate for an extended period of time during the second stage of labor and delivery of "Twin B;" failed to record the presentation, station, and position of Twin B during all the maneuvers and manipulations intended to effect delivery; and failed to record the number and duration of pulls with the vacuum on Twin B. With respect to the second patient, it was alleged O'Donnell: failed to provide the patient with adequate analgesia; failed to adequately document the fetal station at which the vacuum was applied to the baby; and failed to timely delivery the posterior arm of the baby. It was further alleged that during his care, treatment, and management of the deliveries, O'Donnell failed to maintain adequate and accurate records.

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News Release — September 16, 2005



MEDICAL BOARD OF CALIFORNIA

September 16, 2005

Medical Board of California Revokes License of Beverly Hills Physician

SACRAMENTO—The Medical Board of California has revoked the medical license of M. Ibrahim Khan, M.D. of Beverly Hills. The decision became effective September 15, 2005. Medical Board Executive Director David Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

Khan was placed on probation by the Medical Board on April 29, 2004 after findings of gross negligence, repeated negligent acts and failure to maintain adequate and accurate medical records [Business & Professions Code sections 2234(b)(c) and 2266] in his care and treatment of four patients. On January 13, 2005 the Board filed a petition to revoke his probation after he failed to comply with its terms, some of which include his failure to: enroll in and complete a medical record keeping course; engage in an educational program course; enroll in and complete an ethics course; submit quarterly declarations stating whether compliance with all the conditions of his probation had been met; and make cost recovery reimbursement payments to the Board.

After the Medical Board filed a Petition to Revoke Probation, Khan failed to file a Notice of Defense and he automatically waived his right to a hearing on the merits of the Petition. His license was revoked by default. In addition to this matter, on March 30, 2005 the Board filed another Accusation against Khan (17-2003-149339) alleging acts of gross negligence, repeated negligent acts, incompetence and poor record keeping. He failed to return a notice of defense on that matter as well.

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MEDICAL BOARD OF CALIFORNIA

August 26, 2005

**Medical Board of California Announces Awardees for
This Year's Physician Corps Loan Repayment Program**

SACRAMENTO—The Medical Board of California is proud to announce the 2005 Steven M. Thompson Physician Corps Loan Repayment Program award recipients. This program, created legislatively by then-Assembly Member Firebaugh (South Gate), encourages recently licensed physicians to practice in underserved locations in California by authorizing a plan for repayment of their student loans (up to \$105,000) in exchange for their service in a designated medically underserved area for a minimum of three years. The Medical Board is the state agency responsible for administering the program. Approximately \$7 million has been awarded since the program's inception with another \$2 million available for 2006 awards. The 2005 awardees are:

Chibuike Anucha, M.D.	Clinica Sierra Vista Clinica Sierra Vista	Lamont Arvin
Jason Auriemma, M.D.	Communicare Health Centers	Woodland
Marjan Banooni, M.D.	St. Anthony Medical Center	Los Angeles
Carmen Espitia, M.D.	San Joseph Medical Clinic	Van Nuys
Lyle Forehand, M.D.	Stanislaus Behavioral Health Stanislaus Health Services	Modesto Modesto
Goretti Garcia, M.D.	Clinica Msr. Oscar Romero	Los Angeles
Salvador Garfias, M.D.	Clinica Msr. Oscar Romero	Los Angeles
Patrick Giesemann, M.D.	Neighborhood Healthcare	Escondido
Wendi Joiner, M.D.	Humboldt Medical Group Humboldt Medical Group	Fortuna Ferndale
Lamia Kadir, M.D.	Tri-City Health Center	Fremont
Shirley Leong, M.D.	North East Medical Services	San Francisco

John Lynn, M.D.	Neighborhood Healthcare	Lakeside
Miles Masatsugu, M.D.	Community Care Health Centers	Huntington Beach
Huey Merchant, M.D.	Valley Child Guidance Clinic	Palmdale
My-Linh Pham, M.D.	Sequoia Community Health	Fresno
Marlene Rodriguez, M.D.	La Clinica de La Raza	Oakland
Erica Shoemaker, M.D.	August F. Hawkins Clinic	Los Angeles
Lorrie Shrohecker, M.D.	Mid City Community Clinic Linda Vista Health Care Center	San Diego San Diego
Brian Thomas, M.D.	Mendocino Community Health Care Mendocino Community Health Care Mendocino Community Health Care	Ukiah Lakeport Willits

These 19 awardees bring the total to 66 physicians participating in the program, providing healthcare service to medically underserved areas throughout the state.

For more information about the program, please go to www.mbc.ca.gov/mdloan or call Kevin Schunke at (916) 263-2368.

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MEDICAL BOARD OF CALIFORNIA

August 10, 2005

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

SACRAMENTO—The Medical Board of California has revoked the medical license of John Robert Felkel, M.D. The decision became effective August 8, 2005. Medical Board Executive Director David Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

On September 10, 2004, an Accusation was filed against Felkel charging him with unprofessional conduct on the grounds that he had been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon. In particular, the Accusation alleged that on or about October 2, 2001, Felkel's ex-girlfriend's two daughters reported that he had inappropriately touched them from 1998 to 2000. Felkel was subsequently arrested for investigation of continuous sexual abuse with a minor. Pornographic materials, photos, and child erotica DVD movies were seized after a search warrant was executed on his residence.

On or about October 31, 2001, a Felony Complaint was filed in Superior Court of California, County of San Bernardino, entitled *The People of the State of California v. John Robert Felkel*, Case No. FSB032470, charging Felkel with 29 counts of violating Penal Code section 288(a) (lewd act upon a child under the age of 14). Pursuant to Penal Code section 23, on or about November 7, 2001 a motion for an order suspending Felkel's medical license was granted. As a result of a plea bargain, on or about May 4, 2004, Felkel pled *nolo contendere* and was convicted of Counts 1 and 29. He was sentenced to five years in state prison.

The Medical Board ordered Felkel's medical license revoked after finding that he was subject to disciplinary action under Business and Professions Code section 2236 in that he had been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon, and, further, that his license was subject to revocation under Business and Professions Code section 2232(a), in that he had been convicted of a crime that requires him to register as a sex offender (Penal Code section 290).

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MEDICAL BOARD OF CALIFORNIA

August 9, 2005

**Medical Board of California Accusation Leads
To Surrender of Las Vegas Physician's License**

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Las Vegas physician Michael Joseph Perel, M.D., formerly of Santa Monica, has surrendered his license to practice medicine. The stipulated surrender of his license was ordered on August 1, 2005 and was effective August 8, 2005. Medical Board Executive Director David Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

The Medical Board accused Perel of violating multiple sections of the Business and Professions Code, including section 2234(b)(c)(d) (gross negligence, repeated negligent acts, and incompetence); section 2266 (failure to maintain adequate and accurate medical records); and sections 2261 and 2262 (alteration of medical records).

The Medical Board received a Business and Professions Code section 805 report from Riverside Medical Clinic advising that Perel had been terminated from employment as a dermatologist. The 805 report cited 22 incidents of behavior deemed by the peer review committee to qualify as unprofessional conduct detrimental to patient safety, to the delivery of patient care, and incompetence. Following the Medical Board's investigation, some of the violations alleged in the Accusation included: performing procedures at the wrong sites; excising lesions before the patients had been adequately anesthetized; failing to measure the size of lesions; failing to notice the lab abnormalities and the significance of these abnormalities; failing to perform additional biopsies on patients in a timely manner; using liquid nitrogen in a manner that resulted in second degree burns; throwing syringes in front of patients and nurses demonstrating a health and safety concern for everyone, a lack of professionalism and a worrisome anger management problem; failing to make correct diagnoses; performing punch biopsies although less scar-causing shave removals should have been performed; refusing to treat patients when he felt he was not being compensated enough; failing to perform appropriate physical examinations; failing to perform appropriate follow-up treatments on patients; and failing to maintain accurate and adequate patient charts which also contained false information.

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MEDICAL BOARD OF CALIFORNIA

July 6, 2005

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Westminister physician Monica Jeanne-Maria Murphy, M.D. has surrendered her license to practice medicine. The stipulated surrender of her license was ordered on June 24, 2005 and was effective July 1, 2005. Medical Board Executive Director David Thornton stated, "The mission of the Medical Board is to protect healthcare consumers. We work diligently to achieve our mission by vigorously enforcing the Medical Practice Act."

Murphy was charged with unprofessional conduct following her conviction of crimes substantially related to the qualifications of a California physician (Business and Professions Code section 2236). The charges followed Murphy's plea of nolo contendere, on March 17, 2003 in Los Angeles County Superior Court, to two felony counts related to her practice of medicine. One felony count involved a violation of Penal Code section 487(A) - grand theft - and was count 15 of a 16-count felony complaint relating to fraudulent billing of the California Medi-Cal Program for medical services provided by unlicensed people. The second felony count involved a violation of Revenue and Taxation Code section 19706 - failure to file income taxes - and was count 16 of the felony complaint. On April 2, 2003, Murphy was placed on three years' probation by the Superior Court with terms and conditions that included 300 days county jail, stayed with approval to complete with electronic monitoring; pay \$77, 447 in restitution to the State Department of Health Services; pay \$20,544 in restitution to the California State Franchise Tax Board; attend 60 hours of continuing medical education; exclusion from participating in the California or federal Medi-Cal Program; pay \$6,320 to the California Franchise Tax Board for investigative costs; charges to be reduced to misdemeanors if ordered restitution is paid in three years; and other standard terms and conditions.

According to allegations contained in the First Amended Felony Complaint, Case No. NA049500, before September 1, 1997 and continuing through October 31, 1998, Murphy and her co-defendant, physician assistant Kendall T. Heath, willfully and unlawfully conspired with one another, along with others, to commit Medi-Cal fraud and acts injurious to the public health by permitting unlicensed medical practitioners to examine, diagnose, and/or treat patients of the Medi-Cal Program. Murphy and Heath allegedly agreed to use Murphy's Medi-Cal provider number at a clinic owned by Heath, and to pay Murphy a monthly fee of \$2,000 for the use of her Medi-Cal provider number and her signature on patients' charts.

Murphy also was accused of unprofessional conduct/dishonesty (Business and Professions Code section 2234(e)), for altering medical records (Business and Professions Code section 2262), making false statements (Business and Professions Code section 2261), and aiding and abetting the unlicensed practice of medicine (Business and Professions Code section (2052(b))).

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MEDICAL BOARD OF CALIFORNIA

July 5, 2005

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

SACRAMENTO—Facing an Accusation of unprofessional conduct by the Medical Board of California, Beverly Hills physician Michael J. Scolaro, M.D. has surrendered his license to practice medicine. The stipulated surrender of his license was ordered on June 23, 2005 and became effective on June 30, 2005.

The Medical Board accused Scolaro of violating multiple sections of the Business and Professions Code, including section 2234(b)(c)(d) (gross negligence, repeated negligent acts, and incompetence), section 725 (excessive prescribing), and section 2266 (failing to maintain adequate and accurate records) in that he demonstrated a lack of medical knowledge, judgment and skill in the care and treatment of three patients.

The Accusation alleged that Scolaro was negligent by infusing one patient with Cytogam to treat thrombocytopenia without medical indication and/or failing to document this indication and by ordering an excessive number of tests without indication and/or failing to document these indication(s). On a second patient, Scolaro is accused of ordering excessive IVIG infusions and failing to request a timely hematological consultation and/or failing to document such consultation. Scolaro also is accused of failing to perform monthly physical examinations on a third patient during the administration of IVIG treatment from May 17, 2000 to November 15, 2001.

In July 1994, the board placed Scolaro on three years' probation in response to allegations that he had experimented with 11 terminally ill AIDS patients by inoculating them with 0.5 to 2.0 ml. of blood containing a human immunodeficiency virus. As part of his probation, Scolaro was ordered "not to engage in research projects involving human subjects without first obtaining independent review board approval."

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MEDICAL BOARD OF CALIFORNIA

June 24, 2005

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

SACRAMENTO—The Medical Board of California has revoked the license of Robert I. Kerwood, M.D. of Oroville. The decision became effective on June 23, 2005.

Kerwood is accused of violating Business and Professions Code sections 2242 (prescribing without a good faith examination/medical indication), 2238 (violating drug statutes), and 2234(e) (unprofessional conduct, dishonesty).

As a result of a Petition filed on February 17, 2005 by Supervising Deputy Attorney General Gail Heppell, on behalf of the Medical Board of California, on February 18, 2005 a full interim suspension order was issued by Administrative Law Judge Jaime Roman against Kerwood's license. The suspension order was based on a finding that permitting Kerwood to continue to engage in the practice of medicine would endanger the public's health, safety, and welfare. The order was immediately effective and barred Kerwood from writing prescriptions or practicing medicine while in effect.

The Medical Board of California and the Butte Interagency Narcotics Task Force (BINTF) conducted a joint investigation into Kerwood's alleged illegal practices. Kerwood is accused of illegally selling prescriptions for narcotics and other controlled substances without any medical examination. After a three-month undercover investigation confirmed that Kerwood was selling prescriptions for any drugs requested, a search warrant was executed on February 2, 2005 by BINTF with assistance from the Medical Board.

On March 17, 2005, an Accusation was filed and served on Kerwood, and when Kerwood failed to timely file a Notice of Defense, he automatically waived his right to a hearing on the merits of the Accusation, and his license was revoked by default.

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MEDICAL BOARD OF CALIFORNIA

June 24, 2005

**Medical Board of California Obtains
Suspension of San Pedro Physician's License**

SACRAMENTO—In response to a Petition filed by the Office of the Attorney General on behalf of the Medical Board of California, Presiding Administrative Law Judge Ralph B. Dash issued an order on June 20, 2005 suspending the medical license of Philip Gustave Martin, M.D., of San Pedro. The Order is based on a finding that, among other things, permitting Martin to continue to engage in the practice of medicine would endanger the public's health, safety and welfare.

The Petition for Interim Order of Suspension, filed by Deputy Attorney General Nancy Ann Stoner, alleges that Martin committed multiple acts of sexual abuse and misconduct as defined in Business and Professions Code section 726, as well as unprofessional conduct per Business and Professions Code section 2234, by rubbing his groin area against patients while conducting examinations or treatments.

Pending a final decision by the board on the Accusation filed on April 18, 2005 (Case No. 06-2004-160928), Martin is barred from the practice of medicine.

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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MEDICAL BOARD OF CALIFORNIA

June 16, 2005

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

SACRAMENTO—Facing an Accusation of unprofessional conduct by the Medical Board of California, La Habra physician John L. Johnson, M.D. has surrendered his license to practice medicine. The stipulated surrender of his license was ordered on June 10, 2005 and became effective on June 15, 2005.

The Medical Board accused Johnson of violating multiple sections of the Business and Professions Code, including section 2234(b)(c)(d) (gross negligence, repeated negligent acts, and incompetence), section 2242 (prescribing without a good faith exam), section 725 (excessive prescribing), and section 2266 (failing to maintain adequate and accurate records) in his care and treatment of one patient.

The Accusation alleged that Johnson was grossly negligent for prescribing narcotics and sedatives without medical indication and that from January 2001 to April 2002, Johnson prescribed Prilosec, Vicodin, Soma, Tagamet, Premarin, Ativan, Valium, Bacitracin, Zantac, Midrin, Norco and Phentermine to the patient. Johnson's examinations of the patient consisted of nothing more, with minor exceptions, than checks of blood pressure, pulse, height and, on one occasion, temperature. In addition, Johnson's simultaneous prescribing of Valium, Soma and Ativan subjected the patient to a significant risk of over sedation and addiction.

Although Johnson was aware that the patient was also being treated by another physician, he did not know the name of the physician and never discussed the patient with the other physician who, from January 2001 through at least February 2002, was prescribing Zyprexa, Restoril, Paxil and Cogentin, and therefore failed to warn the patient of the possible interactions of the drugs being prescribed by both doctors.

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MEDICAL BOARD OF CALIFORNIA

June 13, 2005

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

SACRAMENTO—Facing a Petition to Revoke Probation due to unprofessional conduct before the Medical Board of California, San Marcos physician Senator De Villa Fandino, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was accepted by the board on June 1, 2005 and became effective on June 8, 2005. Fandino's license was suspended on April 12, 2005, as the result of the issuance of an Interim Suspension Order, and remained suspended up to the time he surrendered his medical license.

In August 1993, the board filed an Accusation against Fandino charging him with gross negligence, repeated negligent acts, and incompetence with respect to his care and treatment of one patient with suspected cancer. A First Supplemental Accusation was filed against Fandino in February 1994 alleging violations of Business and Professions Code sections 2234 and 2236, as a result of Fandino's indictment and conviction for mail fraud, a felony, in the United States District Court for Southern District of California. The conviction was the result of Fandino's charges to a medical insurance company for medical services for a patient that were not actually delivered, and the submission of falsified medical records to assist the patient in an effort to obtain a settlement for injuries resulting from an auto accident. Fandino entered into a stipulation with the board in resolution of the charges and allegations contained in the August 1993 Accusation and effective January 1, 1995 was placed on seven years' probation with terms and conditions including six months' practice suspension, continuing education, taking and passing an ethics course, a monitored practice, and taking and passing an oral clinical examination before returning to practice. However, the stipulation did not resolve the allegations in the First Supplemental Accusation.

Fandino entered into a plea agreement with the U.S. Attorney that resulted in the conviction alleged in the First Supplemental Accusation. The plea agreement required Fandino to surrender his medical license to the board and in accordance with the agreement, Fandino surrendered his medical license in July 1996. In December 2000, Fandino petitioned the board for reinstatement of his license and in January 2002 the board granted his request and placed him on seven years' probation with terms and conditions.

On April 25, 2005, the board filed an Accusation to revoke Fandino's probation for violations of Business and Professions Code sections 2234(d) (incompetence), 2234(e), 2261 (dishonesty and false documents) and for violation of probation, some of which included: condition 6 -- failing to successfully complete the PACE clinical and education training; conditions 11 and 13 -- failing to obey all laws and complying with the probation surveillance program by failing to advise his probation monitors of his current places of employment; condition 8 -- submitting a plan for monitoring in February 2005 when he had worked at a different facility since September 2003; and condition 1 -- failing to provide the board with proof of service of a copy of his disciplinary order on the chiefs of staff at two facilities where he was employed.

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MEDICAL BOARD OF CALIFORNIA

June 1, 2005

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

SACRAMENTO—In response to a Petition filed by Deputy Attorney General David Carr on behalf of the Medical Board of California, Administrative Law Judge Ruth Astle issued a full interim suspension order (ISO) on May 31, 2005 against the medical license of Jeffrey T. Gray, M.D., of Napa. The suspension order is based upon a finding that permitting Gray to continue to engage in the practice of medicine will endanger the public health, safety, and welfare. The Order was immediately effective and bars Gray from practicing medicine while in effect.

A board investigator was assigned to investigate allegations against Gray by the Napa County Health and Human Services where he worked as a psychiatrist. The Petition alleges that Gray began seeing a 17-year-old female psychiatric patient in 1997 through the Napa County Health and Human Services until, according to the patient, January 29, 2001 when Gray suggested that she switch her psychiatric care to Kaiser so they could see one another socially. Gray and the patient began a sexual relationship that very evening. Gray failed to refer the patient to an independent psychiatrist. Two other female former patients of Gray told the Napa County Sheriff's detectives that he had suggested inappropriate social contact with them.

Napa County sheriff's detectives conducted a search of Gray's home pursuant to a search warrant issued in the course of the criminal investigation. Seized in that search were controlled substances prescribed by Gray for persons believed not to be his patients, a prescription from another doctor to Gray's former assistant, and vicodin in an unlabeled container. Analysis of Gray's home computer revealed thousands of images of sexually explicit activity.

On May 12, 2004, the Napa County District Attorney filed a five-count criminal complaint against Gray, alleging felonious prescribing of a possession of a controlled substance and possession of controlled substances, sexual exploitation of a patient or former patients, a misdemeanor, and misdemeanor violations of the prohibition against possession of child pornography. At Gray's arraignment, the court granted the board's request to suspend Gray's medical license as a condition of his bail. Gray filed a petition in Napa Superior Court seeking rescission of the order suspending his license and on July 27, 2004, the court denied his petition. Gray subsequently filed a writ in the Court of Appeal at which time Gray's petition was granted. On remittitur from the appellate court, the Napa Superior Court on March 15, 2005 vacated its order suspending Gray's license. The board, thereafter, obtained and filed a declaration from an expert psychiatrist in support of the suspension order. The trial of the criminal allegations against Gray is pending at this time.

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MEDICAL BOARD OF CALIFORNIA

April 19, 2005

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

SACRAMENTO—Facing a formal Accusation by the Medical Board of California for multiple violations of the Medical Practice Act, San Diego physician Phillip R. Rand, M.D. has surrendered his license to practice medicine. On April 11, 2005, the board accepted his surrender, which became effective on April 18, 2005. The license surrender follows the imposition of a full practice suspension that has been in effect since September 15, 2004 at the request of the board.

In an Amended Accusation, Rand was charged with violating multiple sections of the Business and Professions Code, including section 2234(b)(c)(d) (gross negligence, repeated negligent acts, incompetence); section 2241 (prescribing to an addict); section 2242 (prescribing without a good faith examination); and section 2266 (failure to maintain adequate and accurate medical records) in his care and treatment of two patients. He also was charged in the Amended Accusation with violating Business and Professions Code section 2234(e) (dishonesty) by allegedly signing under penalty of perjury that he had documentation reflecting his having taken an average of 25 hours of CME for each calendar year his license was effective, and 100 hours of CME within the past four years, when he could only document the completion of one hour of CME since 1999. With respect to one of the patients, the Amended Accusation alleged that in August 2004, after performing an ultra sound and determining the gestation of a fetus to be about 20 weeks, Rand allegedly performed a vaginal suction abortion on a patient with little or no analgesia or anesthesia for pain. After completing the approximately five-minute procedure, Rand allegedly advised the patient that she would bleed a little which was normal. The patient was taken to a recovery room consisting of several futon-like beds, only a foot or so off the floor, and left in the care of two medical assistants. There were no other licensed personnel on the premises, nor was there any emergency equipment like a crash cart, oxygen, or any I.V.s available. While in the recovery room for about 30 minutes, the patient began to bleed heavier, get chills, and feel dizzy. The medical assistant watching the patient called Rand on the telephone to advise him of the patient's condition and was reportedly told to call 911 if the patient's condition did not improve. When the patient's bleeding did not stop, the fire department was called. Paramedics arrived about 10 minutes later and found the patient bleeding heavily, with a blood pressure of 80/40, a pulse of 160, and looking pale and weak with no I.V. hook up, nor had she received any oxygen. The patient was immediately transported to a local hospital.

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MEDICAL BOARD OF CALIFORNIA

March 23, 2005

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

SACRAMENTO—Facing a formal Accusation of unprofessional conduct before the Medical Board of California, Fullerton physician Harley Sterling, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was accepted by the board on March 14, 2005 and became effective on March 21, 2005.

In a November 1999 First Amended Accusation, the board accused Sterling of violating multiple sections of the Business and Professions Code, including section 2234(b)(c) (d) (gross negligence, repeated negligent acts, and incompetence) in his care and treatment of two patients. One patient, while under his care, underwent approximately 32 procedures on her breasts. During all surgical procedures performed which involved injection of saline or silicone gel into intact breast implants, Sterling directly punctured with a syringe needle the outer shell of the silicone implants, thereby causing leakage of implant material into the surrounding tissue. He also augmented the volume of the implants with saline or silicone gel, although it was never intended by implant manufacturers and was clearly prohibited by the federal Food and Drug Administration. On a second patient, Sterling used a homemade "nutcracker" device (consisting of two ax handles connected by a small metal bar at the top) to perform a closed capsulotomy. This procedure is commonly performed to breakup the fibrous scar capsule around the implant. Sterling failed to explain to the patient the potential risks and complications from using the device, did not obtain verbal or written approval from the patient, and failed to provide appropriate follow-up care to ensure no complications occurred from using this device.

Pursuant to a Stipulated Settlement and Disciplinary Order in May 2000, the board placed Sterling on five years' probation for unprofessional conduct. During the term of probation, he was required to comply with the board's Probation Surveillance Program along with terms and conditions, some of which included: enrolling in and completing the full Physician Assessment and Clinical Education Program (PACE) at the University of California, San Diego School of Medicine and undergo assessment, clinical training and examination with a focus, where possible, on plastic and reconstructive surgery, within 90 days; on an annual basis thereafter for each year of probation, submitting to the board an educational program or course not less than 40 hours per year; enrolling and passing a board-approved ethics course; having a practice monitor for the first two years of probation; obeying all federal, state and local laws, all rules governing the practice of medicine in California, and remaining in full compliance with any court-ordered criminal probation, payments and orders; submitting quarterly reports advising of his compliance with his probation and any court-ordered probation; and appearing in person for interviews with the board.

Sterling's probation was subject to revocation for failing to obey all laws, submit quarterly reports to the board, pay cost recovery to the board for investigative and prosecution costs as well as the costs associated with probation monitoring. In addition, Sterling was subject to discipline for performing surgeries in an outpatient center without a transfer agreement and without admitting privileges at a local licensed acute care hospital. According to Sterling's own surgical records, he performed over 100 surgical procedures in his outpatient surgery center between January 6, 2003 and August 26, 2003 without the required transfer arrangement and without the required liability insurance coverage for malpractice claims.

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MEDICAL BOARD OF CALIFORNIA

March 21, 2005

**Medical Board Accusation Leads to Surrender
of Corcoran State Prison Physician's Medical License**

SACRAMENTO—Facing a formal Accusation by the Medical Board of California for multiple violations of the Medical Practice Act, Corcoran State Prison physician James Pendleton, Jr., M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was accepted by the board on March 11, 2005 and became effective on March 18, 2005.

The Medical Board accused Pendleton of violating Business and Professions Code sections 726 (sexual misconduct), 2234 (unprofessional conduct), 2234(b) (gross negligence), and 2234(e) (corrupt and dishonest acts) in his care and treatment of a Corcoran State Prison inmate. Pendleton is accused of engaging in sexual relations with an inmate/ patient while the patient was incarcerated, and continued the relationship after the inmate's release from prison.

Pendleton agreed, by way of stipulation, that the board could establish that he engaged in a sexual relationship after the inmate was paroled. Additionally, from February 1999 to October 2000, Pendleton provided the parolee with financial assistance. The parolee ended the relationship in October 2000, and a little over a year later was returned to Corcoran State Prison for violating parole. Upon learning that the inmate had returned to the prison, Pendleton attempted to pursue the sexual relationship with him. The inmate objected and reported it to Internal Affairs at Corcoran State Prison. Pendleton was relieved of his duties at the prison after, as part of the investigation, a camera and recording device substantiated the inmate's allegations. Pendleton surrendered his license based on the allegation of a sexual relationship with the parolee which constituted gross negligence and unprofessional conduct; however, he denied all other allegations.

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MEDICAL BOARD OF CALIFORNIA

March 16, 2005

Medical Board of California Accusation Leads to Surrender of Laguna Niguel Physician's Medical License

SACRAMENTO—Facing a formal Accusation by the Medical Board of California for multiple violations of the Medical Practice Act, Laguna Niguel physician Kevin J. London, M.D. (also known as Gerald K. Greenberg) has surrendered his license to practice medicine. The stipulated surrender of his medical license was effective on March 15, 2005. The license surrender follows the imposition of a full interim suspension order by Administrative Law Judge Ralph Dash that has been in effect since February 10, 2005.

In a Second Amended Accusation and Petition to Revoke Probation, the Medical Board accused London 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 2266 (inadequate medical record-keeping); section 2306 (practicing medicine while suspended); and section 2238 (violating drug statutes). Between January 5, 2001 through March 19, 2002, London wrote prescriptions for nine different medications for a patient on 18 occasions while failing to make any notations on the patient's chart. Even though three of the medications he prescribed were antidepressants, he failed to advise the patient's psychotherapist that he prescribed these medications. London also violated physician-patient boundaries when he hired and became romantically involved with the patient to whom he was providing psychological treatment and prescribing psychoactive drugs.

The board also accused London of being grossly negligent in his care and treatment of several patients who had cosmetic procedures performed by him. Among other things, these included: positioning breast implants too high; failing to recognize deep infections around the breast implants; suturing draining wounds over infected breast implants; failing to remove implants when infections were noted; replacing infected breast implants before allowing sufficient time for the infection to clear; removing, then re-implanting an infected, exposed implant in the same breast in the same capsule; and prescribing antibiotics for prolonged periods of time, contributing to the emergence of resistant bacteria.

Prior to London's name change, in an action entitled In the Matter of the Accusation Against Gerald K. Greenberg, M.D. Case No. 04-1997-76124, the board placed his medical license on seven years' probation effective March 1, 2000. Term and Condition 1 of the probation order initially suspended London from the practice of medicine for 135 days from March 1, 2000 through July 14, 2000. Although a medical colleague agreed, as a professional courtesy, to issue a prescription for London's mother while his license was suspended, London continued to call in prescriptions for not only his mother, but his father and himself without the knowledge or consent of the medical colleague. Several of these prescriptions were procured while his license was suspended. London also violated other terms and conditions of his probation, including failing to obey all laws when he refused to allow an on-site drug inventory inspection.

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MEDICAL BOARD OF CALIFORNIA

March 10, 2005

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

SACRAMENTO—The Medical Board of California has revoked the medical license of Robert Braun, M.D. of Los Angeles. The decision becomes effective today at 5:00 p.m.

Pursuant to a Stipulated Settlement and Disciplinary Order in early 2000 in the Matter of the Accusation and Petition to Revoke Probation Against Robert Braun, M.D., the board placed Braun on five years' probation for unprofessional conduct. The grounds for disciplinary action were that Braun failed to have a third-party chaperone present when he examined a female patient in violation of his probation and for furnishing drugs in a used and improperly labeled container, also in violation of his probation. In the Stipulated Settlement and Disciplinary Order, Braun admitted truth to every allegation of the Accusation and Petition to Revoke Probation and agreed that he subjected his license to disciplinary action and also agreed to be bound by the Disciplinary Order.

In October 2001, before the Superior Court of California, County of Los Angeles, in People v. Robert Braun, Case No. 1PN04589, although Braun was originally arrested for spousal battery, he was convicted on his plea of no contest to disturbing the peace, a misdemeanor. As a result of the plea, he was placed on informal probation for three years on condition, in part, that he enroll in a 12-month batterer's counseling program, not own or possess any dangerous weapons, not threaten or use force or violence against anyone, and obey all laws.

The board also accused Braun of unprofessional conduct in that he committed gross negligence in his care and treatment of an 11-year-old patient in March 2001. After performing and interpreting the patient's EKG, he failed to call and/or advise the referring physician that his patient had abnormal EKG results which constituted an extreme departure from the standard of care.

In addition, Braun also failed to meet the practice monitoring requirements imposed on May 20, 2000.

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MEDICAL BOARD OF CALIFORNIA

March 7, 2005

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

SACRAMENTO—Facing a formal Accusation of unprofessional conduct before the Medical Board of California, Covina physician Pedro Miguel Reyes, Jr., M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was accepted by the board's Division of Medical Quality on March 2, 2005 and becomes effective on March 9, 2005.

The Medical Board accused Reyes of violating Business and Professions Code section 2234(b) (c) and (d) in that he was grossly negligent, repeatedly negligent and incompetent in connection with his care, treatment and management of a 24-year-old female patient. Reyes is subject to disciplinary action for: failing to timely diagnose the patient's rectovaginal fistula; failing to refer the patient to a colorectal surgeon or a gynecological surgeon for treatment of her rectovaginal fistula; attempting, on two separate occasions, in-office repairs on a patient with rectovaginal fistula; and using an overlapping and opposing technique to close the excision when he lacked knowledge about the diagnosis and treatment of her condition.

Reyes loses all rights and privileges as a physician and surgeon in California as of March 9, 2005, and is ordered to deliver to the board his wall and pocket certificate on or before this date. Although he is presently retired from and has no intention of ever resuming the practice of medicine, should Reyes apply for licensure or petition for reinstatement in the State of California, the board shall treat it as a petition for reinstatement, and all of the charges and allegations contained in the Accusation shall be deemed true, correct and admitted by him when the board determines whether to grant or deny the application or petition.

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MEDICAL BOARD OF CALIFORNIA

February 28, 2005

**Three San Jose Residents Agree to Unlicensed Practice of
Medicine Plea**

SACRAMENTO—Three San Jose residents have agreed to plead guilty to a scheme involving the unlicensed practice of medicine. After an investigation by the Medical Board of California and the Santa Clara County District Attorney's Office, the three were arrested and charged in November 2003 with the unlicensed practice of medicine, battery with serious bodily injury, mayhem, and unlawful rebates for patient referrals. The original charges centered around a breast implant surgery on a victim causing great bodily injury and disfigurement. Additional victims were identified.

Nguyen Nhu Quang, 62, of San Jose, pleaded guilty to 21 counts including the unlicensed practice of medicine, battery, distribution of narcotics and paying kickbacks for patient referrals. He had faced more than 27 years in prison, but in the plea agreement, faces no more than 12 years in state prison.

Julie Thuy-Huong Trinh, 36, pleaded guilty to 16 charges including battery and practicing cosmetology and medicine without a license. Trinh had faced more than 18 years in prison, but in the plea agreement, faces no more than five years in state prison.

Minh Ly Utley, 58, pleaded guilty to charges including aiding and abetting the unlicensed practice of medicine. She had faced more than 16 years in prison, but in the plea agreement, faces no more than five years in state prison. Formal sentencing is scheduled for April 22, 2005.

The convictions came after a joint investigation by the Medical Board of California, the Santa Clara County District Attorney's Office and the Department of Insurance. Nguyen Nhu Quang, who is not a physician, performed breast implant surgery causing great bodily injury and disfigurement. Julie Thuy-Huong Trinh acted as Quang's surgical assistant. Both Minh Ly and Julie Thuy-Huong Trinh referred patients to Quang through their separately operated "beauty care" businesses, in exchange for unlawful compensation from Quang.

Due to the extreme danger posed to the public health by unlicensed persons, the Medical Board urges anyone with questions or concerns about physicians to confirm the licensing of such persons before obtaining treatment.

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MEDICAL BOARD OF CALIFORNIA

February 25, 2005

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

SACRAMENTO—The Medical Board of California has revoked the medical license of Dan R. Kirkham, M.D. of Fountain Valley. The decision becomes effective today.

On June 7, 2002, in the United States District Court, District of Oregon, Kirkham was convicted, after trial by jury, on one count of violating 18 United States Code, section 371 (conspiracy to defraud the United States) and one count of violating 26 United States Code, section 7201 (attempting to evade and defeat payment of taxes). Kirkham is subject to discipline under Business and Professions Code section 2236(a) in that he was convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon and Business and Professions Code section 2234(e), in that he committed acts of dishonesty and/or corruption in his roles as a co-conspirator and tax evader.

Kirkham, who is also a California attorney who has been on inactive status since 1999, was part of a conspiracy to defraud the federal government out of income taxes. Kirkham joined an organization called "Christian Patriot Association" (CPA) which operated a "warehouse" bank designed to enable customers to conduct anonymous banking transactions and conceal income and assets from the Internal Revenue Service (IRS). CPA commingled the deposits of over 900 customers from across the United States in commercial bank accounts with no connection to any individual customer. CPA would pay bills by writing checks drawn on these bank accounts, as directed by their customers, as well as mail cash withdrawn from these accounts. Between March 1995 and October 1996, CPA sent Kirkham 28 packets of cash totaling \$676,000, none of which it reported to the IRS. As a customer of CPA, Kirkham used the alias "Rex Ro."

On January 13, 2003, Kirkham was sentenced to 30 months as to each count, the sentences to run concurrently. After release from imprisonment, Kirkham will be on supervised release for three years. His commitment was stayed pending appeals which have now been exhausted. Kirkham is due to begin serving his sentence within the next 90 days.

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MEDICAL BOARD OF CALIFORNIA

February 18, 2005

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

SACRAMENTO—In response to a Petition filed today, by Supervising Deputy Attorney General Gail Heppell on behalf of the Medical Board of California, a full interim suspension order was issued against the license of Robert I. Kerwood, M.D., age 79, of Oroville by Administrative Law Judge Jaime Roman. The suspension order is based upon a finding that permitting Kerwood to continue to engage in the practice of medicine will endanger the public health, safety, and welfare. The order was immediately effective and bars Kerwood from writing prescriptions or practicing medicine while in effect.

The Medical Board of California and the Butte Interagency Narcotics Task Force (BINTF) conducted a joint investigation into Kerwood's alleged illegal practices. Kerwood is accused of illegally selling prescriptions for narcotics and other controlled substances without any medical examination. After a three-month undercover investigation confirmed that Kerwood was selling prescriptions for any drugs requested, a search warrant was executed on February 2, 2005 by BINTF with assistance from the Medical Board.

A complaint is being submitted to the Butte County District Attorneys Office for review of criminal charges.

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MEDICAL BOARD OF CALIFORNIA

February 15, 2005

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

SACRAMENTO—Facing a formal Accusation of unprofessional conduct before the Medical Board of California, Los Angeles physician Alan Nathan Rademan, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was accepted by the board's Division of Medical Quality on January 7, 2005 and becomes effective on February 22, 2005.

The Medical Board accused Rademan, a psychiatrist, of violating Business and Professions Code sections 726 and 2234(b), in that, in 2004, he committed numerous boundary violations by engaging in significant financial transactions with three patients and a sexual relationship with one patient.

Rademan also violated several terms and conditions of his probation by: failing to comply with the practice monitor's request for information about and access to the charts of the four patients with whom he committed boundary violations; failing to obey all laws by engaging in financial transactions with three patients and a sexual relationship with one patient, as well as failing to transfer the patient to an independent therapist; and when submitting his quarterly declaration, failing to respond to the question about whether he was in compliance with each condition of his probation.

Previously, Rademan had been disciplined by the board. On June 23, 2003, the Division of Medical Quality placed Rademan's medical license on five years' probation with terms and conditions, some of which included: 14 days' actual practice suspension; enrolling in the Physician Assessment and Clinical Education Program's record keeping and pain management courses; enrolling and completing an ethics course; practice monitoring; obeying all laws; submitting quarterly reports; no supervising physician assistants; reimbursing the board \$4,000 for investigative and prosecution costs; and paying costs associated with probation monitoring each year of probation, which was set at \$2,488.

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MEDICAL BOARD OF CALIFORNIA

January 25, 2005

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

SACRAMENTO—Facing a formal Accusation of unprofessional conduct before the Medical Board of California, Riverside physician Philip Pierre-Louis, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was accepted by the Division of Medical Quality on December 23, 2004 and became effective on January 24, 2005.

On October 30, 2003, the Division of Medical Quality placed Pierre-Louis' medical license on four years' probation with terms and conditions, including that he satisfactorily complete the assessment portion of the Physician Assessment and Clinical Education Program (PACE) offered at the University of San Diego School of Medicine. The Program consisted of a two-day assessment of Pierre-Louis' mental and physical health; basic clinical and communication skills common to all clinicians; medical knowledge, skill and judgment pertaining to his specialty or sub-specialty, and a minimum of a 40-hour program of clinical education in the area of practice in which he was alleged to be deficient. On November 12-13, 2003, Pierre-Louis completed the assessment portion of the program and on March 17, 2004, the PACE Program issued a report with the assessment results. The report indicated that Pierre-Louis performed poorly on nearly every practice area assessed and strongly suggested that he may be not competent to practice medicine safely.

Based in part on the report from the PACE program, the Office of the Attorney General, acting on behalf of the Medical Board of California, filed a petition for an order immediately suspending Pierre-Louis from the practice of medicine. That order was granted on May 26, 2004 and remained in effect until yesterday.

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MEDICAL BOARD OF CALIFORNIA

January 20, 2005

**Medical Board of California Obtains Suspension
of Solana Beach Physician's License**

SACRAMENTO—In response to a Petition filed by Deputy Attorney General Steven Zeigen on behalf of the Medical Board of California, Administrative Law Judge Stephen E. Hjelt signed an order on January 13, 2005 which prohibits Solana Beach physician Paul Kevin Barkal, M.D. from practicing medicine. The suspension order is based upon a finding that Barkal is not currently fit to directly or indirectly practice medicine.

Although Barkal argued he had not treated patients for two years, Deputy Attorney General Zeigen argued that Barkal was dishonest, disreputable, and acted in a manner which made him not only a danger to his patients, but to the broader public who may come in contact with him as part of his medical practice. It was also alleged that Barkal had violated the conditions of his Medical Board probation. In his January 13, 2005 decision, Judge Hjelt found that Barkal's ".conduct in dealing with employees and vendors is shameful and egregious and is not consistent with ethical medical practice." He further stated that even though Barkal was not actively seeing patients, absent a suspension order, there was nothing to prevent him from doing so.

The Petition additionally charged that Barkal had engaged in insurance fraud by up-coding and forging operative reports, and that the manner in which Barkal's corporate employees had performed manipulations under anesthesia had compromised patient safety. A Board-certified anesthesiologist opined that the manner in which those procedures were performed was grossly negligent, involved insurance fraud and placed patients at risk.

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MEDICAL BOARD OF CALIFORNIA

January 11, 2005

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

SACRAMENTO—Facing a formal Accusation of unprofessional conduct before the Medical Board of California, San Diego physician Richard M. Escajeda, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was accepted by the Division of Medical Quality on January 4, 2005 and becomes effective on January 11, 2005. Escajeda had been accused of violating Business and Professions Code section 2234 (c) and (d) (repeated negligent acts and incompetence) in his care and treatment of two patients, and also section 2266 (failure to maintain adequate and accurate medical records) in his care and treatment of one of those patients. With respect to the first patient, Escajeda was charged with injecting fat directly into the patient's supraorbital artery thereby occluding the ophthalmic artery and its first branch, the central retinal artery to the right eye, causing permanent blindness in the patient's right eye; using a "Disposa-Jet," rather than a syringe, to inject fat into the patient's right forehead thereby increasing the risk of not recognizing that he was injecting fat directly into her supraorbital artery; being unaware of the vascular anatomy of the area into which he was injecting fat on the patient's right forehead and its origin from the ophthalmic artery and initially misdiagnosing the cause of the patient's blindness; and continuing to inject fat into the patient's "laugh lines" even after she told him that she could not see and that everything was dark in her right eye, and despite her alarm and request that he do something. With respect to the second patient, Escajeda was charged with failing to diagnose the patient's significant postoperative bleeding problem and hematoma when she first returned to his office following revision of her right breast augmentation; and failing to use adequate and appropriate anesthesia to minimize the patient's pain during the surgery to evacuate the hematoma from her right breast.

The Accusation also alleged that Escajeda had been previously disciplined by the Division for acts constituting sexual abuse and misconduct in violation of Business and Professions Code section 726, and gross negligence in violation of Business and Professions Code section 2234(b). In the previous discipline, which became effective on August 1, 1992, Escajeda's medical license had been revoked, with the revocation stayed, and he was placed on probation for five years on terms and conditions, including requirements that he serve 90 days' actual suspension from the practice of medicine, that he undergo a psychiatric evaluation and undergo treatment if required; that he submit a plan for monitoring of his practice; that he have a third party present while examining or treating female patients; that he take continuing education courses related to plastic and reconstructive surgery of at least 40 hours per year for each year of probation in addition to the continuing education requirements for relicensure; that he take and complete a course in medical ethics; and that he comply with all other standard terms and conditions contained in the stipulated settlement.

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MEDICAL BOARD OF CALIFORNIA

January 10, 2005

Suspension of Fountain Valley Physician's License Upheld

SACRAMENTO—On January 7, 2005, Sacramento Superior Court Judge Raymond Cadei upheld a suspension order previously imposed against Fountain Valley physician Manorama Sharma on the basis that she had not demonstrated she would prevail on the merits of her case. The suspension order was first signed by Administrative Law Judge Joseph Montoya on December 3, 2004, and prohibits Sharma from practicing or attempting to practice any aspect of medicine; being present in any location or office which is maintained for the practice of medicine; possessing, ordering, purchasing, receiving, prescribing, furnishing, administering, or otherwise distributing controlled substances or dangerous drugs.

The Medical Board had filed an Accusation against Sharma in connection with her treatment of a cosmetic surgery patient. After the hearing she was found to be grossly negligent, repeatedly negligent, incompetent, and to have fraudulently modified a document, all in violation of Business and Professions Code sections 2234 (b)(c)(d) and 2262. The Board decision was effective December 14, 2001. As a result of this finding, Sharma's license was placed on four years' probation. As a term and condition of probation, Sharma was required to attend and successfully complete Phases I and II of the Physician Assessment and Clinical Education (PACE) program at the University of California at San Diego (UCSD).

After seven days of intensive testing and evaluation in Phases I and II, it was the determination of the PACE Program that Sharma was found to have consistent deficiencies in several clinical competencies. The deficiencies were summarized as: 1) inadequate knowledge in cosmetic surgery, obstetrics and gynecology, and general medicine; 2) poor clinical judgment in cosmetic surgery; 3) inadequate knowledge of her own clinical limitations; 4) lack of an effective and organized system of continuing medical education, a deficiency which impedes her ability to stay current with advances in medicine, and offer her patients optimal care; 5) marginal communication skills; and 6) lack of insight into her own skills and knowledge, a deficiency which calls into question her own professionalism and concern for patient well being. In addition, the PACE Program evaluation further noted that, "Any single one of these areas of incompetence are sufficient to place patients in danger for poor clinical outcomes, including death." Based on the entire seven days of testing and evaluation, it was the PACE Program's opinion that Sharma "is an immediate danger to her patients." Given this evaluation, the Medical Board sought an immediate suspension of Sharma's license to practice.

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