

News Release — December 27, 2006



MEDICAL BOARD OF CALIFORNIA

December 27, 2006

Executive Director of Medical Board of California to Retire *Board launches search for replacement to continue public protection commitment*

SACRAMENTO—Medical Board of California Executive Director Dave Thornton will retire from state service by June 2007. The Medical Board is the state consumer protection agency that licenses approximately 125,000 California medical doctors. Mr. Thornton rose from the ranks at the board over 32 years, where prior to becoming executive director he was chief of enforcement from 2000 - 2004. He was appointed by the board as interim executive director in March 2004 and as its executive director in September 2004.

"Dave has dedicated over three decades to the Medical Board as an outstanding public servant," said Board President Steve Alexander. "He set a standard that has earned staff loyalty, the board's admiration and trust, and statewide respect. His talents and understanding of the Medical Board and its operations are unequalled. The board is committed to finding an executive director who will work with us on behalf of California's healthcare consumers and continue Dave's consumer protection legacy."

The Medical Board has 21 members and a statewide staff of approximately 260. Its 100 investigators are sworn peace officers. As a law enforcement agency, the board's first priority is consumer protection. In addition to licensing physicians and surgeons, the Medical Board investigates complaints, disciplines physicians who violate the law, conducts physician evaluations, and facilitates rehabilitation where appropriate. The board performs similar functions for affiliated healing arts professions including registered dispensing opticians, spectacle lens dispensers, contact lens dispensers, licensed midwives, and research psychoanalysts.

An executive search committee established by Mr. Alexander is working with the Department of Consumer Affairs and the Governor's Office to ensure that Mr. Thornton's replacement will continue the board's high standards and dedication to its consumer protection mission. The search committee is conducting a nationwide search for an appropriate candidate for the new executive director. Applicants for the position should see the announcement on the State Personnel Board's Web site at: www.spb.ca.gov/Employment/more_info.cfm?recno=297519.

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

For up-to-date information on board activities, please join our "Subscribers' List" at www.mbc.ca.gov/subscribers.htm.

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MEDICAL BOARD OF CALIFORNIA

December 15, 2006

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

SACRAMENTO—Facing charges of wrongdoing filed by the Medical Board of California, Glendale physician Anselmo Miguel Alliegro, M.D. surrendered his license to practice medicine. The stipulated surrender of his medical license was adopted on December 7, 2006 and became effective on December 14, 2006. 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 December 10, 2001, the board filed an Accusation against Alliegro alleging violations of Business and Professions Code sections 2234(b)(c)(d) and 2266 (gross negligence, repeated negligent acts, incompetence, unprofessional conduct and inadequate medical records), and subsequently adopted a Stipulated Settlement and Disciplinary Order on July 26, 2004 that placed Alliegro's license on two years' probation with terms and conditions. Two of the conditions were that he enroll and successfully complete a clinical training or educational program equivalent to the Physician Assessment and Clinical Education Program (PACE), and that a practice monitor would be assigned to him.

On December 14, 2005, the board filed a new charge against Alliegro, alleging he was incompetent and that he failed to successfully complete the PACE program. Pleadings filed with the Office of Administrative Hearings allege that the PACE evaluations showed that Alliegro had numerous deficiencies in the six "core clinical competencies" used by the program to determine a physician's competency. It was the conclusion of PACE evaluators that Alliegro is "an immediate danger to his patients. He is not aware of current knowledge in general medicine, and so it is impossible for him to deliver quality of care to his patients."

Alliegro had been suspended from the practice of medicine since December 19, 2005 based on incompetence (Business and Professions Code section 2234(d)).

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MEDICAL BOARD OF CALIFORNIA

December 7, 2006

**Medical Board of California Obtains
Suspension of Granite Bay 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 Jonathan Lew issued an order on December 5, 2006, suspending the medical license of Mandeep Behniwal, M.D. of Granite Bay. The order was based on a finding that among other things, permitting Behniwal to continue to engage in the practice of medicine would endanger the public's 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 November 17, 2006, Behniwal was charged by the Sacramento County District Attorney with violations of Penal Code section 243.4(a) (sexual battery) and section 289(a)(1) (forcible act of sexual penetration), both of which are serious felonies within the meaning of Penal Code section 1192.7(c), if convicted requiring the offender to register as a sex offender pursuant to Penal Code section 290. Behniwal was also charged with violation of Business and Professions Code section 729(a) (sexual exploitation by physician).

Behniwal is enjoined from the practice of medicine pending the outcome of a December 21, 2006 hearing at the Office of Administrative Hearings in Sacramento.

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MEDICAL BOARD OF CALIFORNIA

October 20, 2006

**Medical Board of California Ranks at Top
of US Medical Board Web Sites**
*California earns "top 10" spot in
public protection research group picks*

SACRAMENTO—In a newly released report, the physician profiles on the Medical Board of California's Web site ranked seventh out of 65 state medical boards' sites rated by Public Citizen's Health Research Group. Public Citizen is a national, non-profit, consumer advocacy organization. Its Health Research Group promotes safer drugs and public health issues.

"The mission of the Medical Board of California is consumer protection. We are proud to be rated among the top 10 medical board sites in the nation," said Steve Alexander, president of the Medical Board of California. "The information provided by our board on our Web site's profiles has continued to grow over the last 10 years. California licenses over 122,000 physicians and has helped lead the way in providing accurate, timely and useful information disclosure by medical boards to the state's healthcare consumers."

Sites were ranked for content and usability, taking into account eight categories: types of physician-identifying information, board disciplinary action information, disciplinary actions taken by hospitals, disciplinary actions taken by the federal government (Medicare, the Drug Enforcement Administration, and the Food and Drug Administration), malpractice information, criminal conviction information, Web Site search capabilities and other information.

The following is public record about physicians and is posted on their individual profiles on the Medical Board of California's Web site at www.medbd.ca.gov:

- If a physician has been disciplined or formally accused of wrongdoing by the board.
- If a physician has been disciplined by a medical board of another state or federal government agency.
- If a physician has been convicted of a felony reported to the board after January 3, 1991.
- If a physician has been issued a citation for a minor violation of the law by the board within the last five years.
- Any hospital disciplinary actions that resulted in the termination or revocation of the physician's privileges to provide healthcare services at a healthcare facility for a medical disciplinary cause or reason reported to the board after January 1, 1995.

- After January 1, 1998, all malpractice judgments and arbitration awards (between January 1, 1993 and January 1, 1998, only those malpractice judgments and arbitration awards more than \$30,000 were required to be reported to the board).
- After January 1, 2003, malpractice settlements that meet the following criteria:
 - Four or more in a 10-year period (beginning 1/1/03) if the physician practices in a high-risk specialty (obstetrics, orthopedic surgery, plastic surgery, and neurological surgery)
 - Three or more in a 10-year period (beginning 1/1/03) if the physician practices in a low-risk specialty (all other specialties)

Effective January 1, 2007, misdemeanor convictions that result in discipline by the board also will be disclosed on the board's profiles, further reflecting the trend by the board to increase the amount of information provided about California's physicians.

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MEDICAL BOARD OF CALIFORNIA

July 28, 2006

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

SACRAMENTO—The Medical Board of California has revoked the medical license of Farhad Davidi, M.D. The decision became effective July 27, 2006. 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 February 2, 2005, an Accusation was filed against Davidi 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, Davidi is subject to disciplinary action under sections 2236 and 490 of the Business and Professions Code in that he was convicted of sexual penetration by a foreign object, forcible rape, and rape of an unconscious victim.

On September 11, 2003, Davidi was charged in an Amended Felony Complaint in The People of the State of California vs. David Farhad, aka Farhad Davidi, Case No. BA251789 in the Superior Court of the State of California, for the County of Los Angeles, with: Count 1 - sexual penetration against victim's will (Penal Code section 289(a)(1)); Count 2 - elder or dependent adult abuse (Penal Code section 368(c)); Count 3 - forcible rape (Penal Code section 261(a)(2)); Count 4 - forcible oral copulation (Penal Code section 288(a)(c)(2); and Count 5 - rape with an object and an unconscious victim (Penal Code section 289(D)). On February 23, 2004, Davidi pled nolo contendere to Counts 1, 3 and 5 (sexual penetration by a foreign object, forcible rape, and rape of an unconscious victim) and on March 18, 2004, he was sentenced to state prison for a total of three years.

On August 13, 2003, pursuant to Penal Code section 23, a Suspension Order was issued against the medical license of Davidi by the Superior Court of California, County of Los Angeles. The Medical Board ordered his 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

July 26, 2006

**Local Physician to be Honored by Medical Board
for Outstanding Public Service**

- What:** The Medical Board of California will honor the work of Mont eryl-Salinas orthopedic surgeon Ramon Jimenez, M.D., senior orthopedic consultant with Monterey Orthopedic and Sports Medicine Institute. He will be recognized by the Medical Board for 30 years of work to improve access to healthcare for farm workers and the Latino population in the Central Valley and Mexico.
- Why:** The board's Physician Recognition Committee was created to recognize the demonstration of excellence by physicians who strive to improve access and to fill gaps in the healthcare delivery system for underserved populations in California.
- When:** Friday, July 28, 2006
11:30 a.m. - 1 p.m., as the agenda allows
- Where:** Embassy Suites
Ambassador Room
150 Anza Blvd.
Burlingame, CA
(650) 342-4600
- Who:** Members, Medical Board of California
Ramon Jimenez, M.D.

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MEDICAL BOARD OF CALIFORNIA

June 13, 2006

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

SACRAMENTO—In response to a Petition filed by Deputy Attorney General Sanford Feldman on behalf of the Medical Board of California, Administrative Law Judge Stephen E. Hjelt signed an order on June 12, 2006 which prohibits Riverside physician Merlin Lee Neff, M.D. from practicing medicine. The suspension order, which found Neff to have violated the terms and conditions of his probation, was immediately effective and prohibits him from practicing medicine while in effect. 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."

In a prior case, on March 31, 2005, the Division of Medical Quality placed Neff's medical license on probation for four years. The Petition for Interim Order of Suspension alleges that terms and conditions of probation included a requirement that Neff successfully complete a clinical training program. In July 2005, Neff began his clinical education program at the University of California at San Diego, School of Medicine -- Physician Assessment and Clinical Education Program (PACE). During PACE testing and evaluation, Neff's testing scores were uniformly extremely low and demonstrated a widespread level of incompetence in all of the elements required of a physician: knowledge, diagnostic ability, and clinical judgment. In addition, Neff demonstrated a less than adequate amount of knowledge regarding anesthesiology and acute medical care and also failed the oral examinations. Based on his performance, the PACE program denied Neff a certification of completion.

Neff has been ordered to appear at the Office of Administrative Hearings in San Diego on June 26, 2006, 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 22, 2006

**Medical Board of California Obtains
Suspension of La Jolla Physician's Medical License**

SACRAMENTO—In response to a Stipulation to an Order of Suspension filed by Deputy Attorney General Mary Agnes Matyszewski on behalf of the Medical Board of California, Jacques Lemire, M.D. of La Jolla voluntarily agreed to a suspension of his medical license. The Order was signed yesterday by Administrative Law Judge Alan R. Alvord and bars Lemire from practicing medicine until the effective date of any Decision by the Medical Board. 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 April 19, 2006, in United States of America v. Jacques Lemire, Criminal Case No. 06CR0867JM, Lemire was charged with one count of possession of visual depictions of minors engaged in sexually explicit conduct, in violation of Title 18, U.S.C. section 2252(a)(4)(B). He was arraigned on April 26, 2006, and released on \$50,000 bond. On May 18, 2006, Lemire pled guilty to violating Title 18, U.S.C. section 2252(a)(4)(B) - "knowingly possessing one or more matters containing any visual depiction which has been mailed, shipped, or transported in interstate or foreign commerce, including by computer, where the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and the visual depiction is of such conduct."

Lemire admitted that on January 20, 2004, he owned computers which he maintained at his residence in San Diego, owned CD's and other computer media, that he had access to at least two computer at his place of employment (UCSD Medical Center) and that at least one computer belonging to him contained more than 10, but less than 150, images of minors engaged in sexually explicit conduct. Several of the images possessed by Lemire depicted prepubescent minors engaged in sexually explicit conduct.

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MEDICAL BOARD OF CALIFORNIA

May 18, 2006

**First Public Member Medical Board President in Seven Years
*La Jolla Communications Strategist Elected President
of the Medical Board of California***

SACRAMENTO—Public Affairs Communications Strategist and Facilitator Steve Alexander of La Jolla, California has been elected president of the Medical Board of California, its first public member president in seven years. The Medical Board is the state agency responsible for licensing and regulating over 120,000 physicians in California. The board has 21 members; 12 are physicians, and nine are public members.

Alexander was reappointed to the board by Governor Arnold Schwarzenegger in July 2004. He has been a board member since June 2001.

"Every day consumers make critical choices about their healthcare providers," said Alexander. "The board's consumer protection mission is vital to that choice. The Medical Board faces important opportunities on behalf of California's healthcare consumers, and I look forward to playing a leadership role to help improve the board's effectiveness in fulfilling its public protection mission. This is a great honor, and I'm humbled the board has selected me to serve as its president."

The three initiatives Mr. Alexander will be working closely with the board on are:

- Board restructuring - The goal is to create a model board that fulfills the board's consumer protection mission and ensures that physician licensing is processed efficiently, enforcement and disciplinary actions are fair and effective, and consumers receive timely, accurate and useful information about their doctors. Board members and executive staff have been reexamining the structure of the board, which has not changed in 30 years.
- New enforcement model - Recent law teams the board's investigative staff with deputy attorneys general from the Health Quality Enforcement Section of the Attorney General's Office to make the board's enforcement actions more efficient and effective for physicians and consumers.
- Medical error reporting - Recent trends throughout the nation and in California encourage physicians to communicate directly with patients about medical errors when they happen, seek solutions to what may have caused them, and compensate affected patients. The models have shown promise in regions of the country and could reduce malpractice lawsuits and premiums in California.

Issues the board will continue to address this year include professionalism and continuing competency, incentives such as the board's Physician Loan Repayment Program that encourage physicians to practice in underserved areas of California, and improved recruitment of expert witnesses who serve as the backbone of the board's enforcement program.

Julie D'Angelo Fellmeth, administrative director of the Center for Public Interest Law and former Medical Board enforcement monitor, said, "Steve Alexander has been a strong and consistent voice for public protection on the Medical Board. We look forward to continuing our work with the board during his presidency."

Former Board President Gary Gitnick, M.D. said, "Steve Alexander's well-known leadership abilities, energy and dedication to the interests of patients will make him a very effective board president. As a physician member of the board, I am pleased to work with Steve on the board's programs and projects that fulfill the board's consumer protection mission."

Alexander added, "My goal during my term is to raise awareness of the Medical Board's role in helping consumers get accurate, useful and timely information about their doctors. It's also critically important that the physician community have confidence that the board is doing the best job possible in the timely processing of licenses and the even and just application of our disciplinary actions."

Mr. Alexander is a recognized leader with a long history of community and civic involvement. He served as a commissioner for San Diego's Park and Recreation Board, has previously chaired California's Behavioral Sciences Board and has years of experience in the regulation of professions. In his specialty of facilitation and communications in public affairs, he works throughout the country with government, non-profit and private clients in large public projects, consensus building, strategic planning and communications. Through his work, Mr. Alexander has developed a reputation with elected officials, government staff, and business and community leaders as a trusted facilitator and communications strategist. He is a member of the *International Association of Facilitators* and the *International Association of Public Participation*.

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MEDICAL BOARD OF CALIFORNIA

May 10, 2006

**Los Angeles Physician to be Honored by Medical Board
For Outstanding Public Service**

SACRAMENTO—The Medical Board of California will honor the work of Los Angeles allergist Craig Jones, M.D. on behalf of the patients of Los Angeles County. Dr. Jones is the chief of the Division of Allergy and Immunology, Department of Pediatrics, at the Los Angeles County + University of Southern California Medical Center. He is the director of the center's Allergy/Immunology Residency Training Program. He will receive a plaque and address the Medical Board at its May 12 meeting, between 11 a.m. and 1 p.m., at the Orange County Embassy Suites, 1325 E. Dyer Road, in Santa Ana.

To help combat asthma in children, Dr. Jones, with the Asthma & Allergy Foundation of America, Southern California Chapter, developed the concept of the Breathmobile program, which he serves as its volunteer medical director. The Breathmobile is an asthma clinic on wheels, and brings free treatment and medicine to disadvantaged children at over 120 schools, resulting in significantly fewer emergency room visits, and a dramatic decrease in school absenteeism. The first Breathmobile was launched in 1995, there are now five units in Southern California, and four more will become operational this year.

The Breathmobile is the first project in the country to exclusively treat children with asthma at their school site. Each Breathmobile is staffed by a team from the Division of Allergy and Immunology at LAC +USC, visits about 20 targeted schools every six weeks, and enrolls about 1,000 new patients per year.

The Physician Recognition Committee was created by the Medical Board to recognize the demonstration of excellence by individual physicians or groups of physicians who strive to improve access and to fill gaps in the healthcare delivery system for the underserved populations in California.

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MEDICAL BOARD OF CALIFORNIA

May 1, 2006

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

SACRAMENTO—Facing an Accusation of wrongdoing by the Medical Board of California, Alturas physician Owen Murphy Panner, Jr., M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was adopted on April 21, 2006 and became effective on April 28, 2006.

Prior to surrender, Panner's license was suspended on October 14, 2005, as the result of the issuance of an Interim Suspension Order (ISO), and remained suspended up to the time he surrendered his medical license. The ISO was based on evidence that Panner surreptitiously videotaped two minor female patients during pelvic exams and an adult female patient during a breast exam. In a formal accusation, the board alleged the above conduct constituted sexual misconduct, corrupt acts and unprofessional conduct. 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 August 23, 2005, the Modoc County District Attorney filed a First Amended Criminal Complaint, Case No. M-05-295, in Modoc County Superior Court, against Panner, charging him with two misdemeanor counts of violating Penal Code section 647(k)(2) (secretly video taping a person in a state of full or partial undress for the purpose of viewing the body or undergarments of the person without her consent or knowledge). Panner pled no contest.

On August 24, 2005, the day after Panner's criminal conviction, he met with the Modoc Medical Center administrator and informed her that there was a third hidden camera located at the "Doc's House" - a residence on the Medical Clinic grounds where temporary staff (male and female), including physicians, nurses and others, would live while working at the Medical Center - and that the camera was located in the bathroom wall above the sink. Panner's conduct in placing a hidden camera in the bathroom at the temporary residence of female and male staff working at the Modoc Medical Center was an abuse of trust as a physician and constitutes unprofessional conduct within the meaning of section 2234 of the Business and Professions Code.

As a result of his criminal conviction, on October 12, 2005, Panner was sentenced to three years' probation and, as a condition of probation, was sentenced to serve 30 days' county jail time for each count for a total of 60 days.

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MEDICAL BOARD OF CALIFORNIA

April 28, 2006

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

SACRAMENTO—In response to a Petition filed by Deputy Attorney General D. Kenneth Baumgarten on behalf of the Medical Board, Administrative Law Judge Julie Cabos-Owen issued a full practice suspension against the medical license of Anthony Tun Lee, M.D. of Anaheim. The suspension order is based on a finding that, among other things, permitting Lee 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."

On March 23, 2006, felony complaint No. 06HF0555 was filed against Lee in Orange County Superior Court, Harbor Justice Center. On March 24, 2006, an amended felony complaint was filed charging him with: Count 1 - Sexual battery by fraud, in violation of Penal Code section 243.4(c), a felony; Count 2 - Sexual penetration by means of fraudulent representation of professional purpose, in violation of Penal Code section 289(d)(4), a felony; Count 3 - First degree residential burglary of inhabited dwelling, in violation of Penal Code sections 459-460(a), a felony; Count 4 - Lewd act upon a child under 14, between the dates of January 1, 2004 and December 31, 2004, in violation of Penal Code section 288(a), a felony; Count 5 - Lewd act upon a child under 14, between the dates of February 11, 2001 and February 10, 2002, in violation of Penal Code section 288(a), a felony. In addition to these charges, an allegation was made concerning Counts 4 and 5. It was further alleged that pursuant to Penal Code section 1203.066(a)(8), Lee had substantial sexual conduct with a child under 14 years of age, specifically, oral copulation.

Lee was arrested on March 23, 2006 by the Irvine Police Department (IPD) with bail set at \$100,000 and surrender of his passport. Following his arrest, and the publicity generated in Orange County as a result of the arrest, a former female patient of Lee contacted the IPD. The former patient stated that during a "pap" check up, Lee began his examination of her which appeared to be routine, although he did not have a chaperone in the room during the exam. While performing a breast exam, the patient noticed Lee giving her a "strange" look. After completing the breast exam, the patient stated that "all of a sudden" he leaned down towards her, while she was lying on the exam table, and began to "French" kiss her although she did not kiss him back. The patient believed that Lee realized by her "frozen" expression, that she did not want to be kissed and immediately stopped after which he began to act "normal," as if nothing had happened.

A hearing is set for May 24, 2006, at the Office of Administrative Hearings in Los Angeles to determine if the suspension will remain in effect pending the completion of administrative disciplinary proceedings.

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MEDICAL BOARD OF CALIFORNIA

March 7, 2006

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

SACRAMENTO—Facing an Accusation by the Medical Board of California alleging unprofessional conduct, Pasadena physician Robert R. Torrey, Sr., M.D. has surrendered his license to practice medicine. The stipulated surrender of his license was ordered on February 27, 2006 and became effective on March 6, 2006. 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 Torrey of unprofessional conduct for violating Business and Professions Code sections 2234(b)(c)(d) (gross negligence, repeated neglected acts and incompetence), 725 (excessive prescribing) and 2266 (failure to maintain adequate medical records) in his care and treatment of two patients.

The Accusation alleged that between January 2001 and January 2002 Torrey: administered repeated doses of the steroid Kenalog in the face of evidence that the patient had developed or was developing Cushing's syndrome secondary to the Kenalog injections; repeatedly administered and/or prescribed analgesic medications, including Demerol, OxyContin and morphine sulphate, for pain without first having attempted to address the pain with non-narcotic medications or in the face of the patient's history of drug abuse; failed to perform and/or document a comprehensive orthopedic or neurological history and examination of the patient for her recurrent headaches, neck pain and low back pain; failed to refer the patient for diagnostic studies, physical therapy or consultations for her recurrent headaches, neck pain and low back pain; incorrectly diagnosed the patient as suffering from chronic fatigue syndrome; and failed to properly evaluate or refer for consultation the patient's hypertension.

Regarding the second patient, the board accused Torrey of being grossly negligent in that between March 1999 and May 2003, he: failed to perform a comprehensive history and physical and diagnostic work up, including tests to exclude vascular disease, for patient's complaints of fatigue, headaches, joint pain and depression; failed to document an appropriate history and physical exam to support a diagnosis of chronic fatigue syndrome; failed to refer the patient for consultations, including neurology, rheumatology and psychiatric consults, for patient's complaints of fatigue, headaches, joint pain and depression; failed to refer patient for a gynecological consultation; and failed to perform a PAP smear prior to prescribing hormonal therapy.

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MEDICAL BOARD OF CALIFORNIA

February 27, 2006

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

SACRAMENTO—Facing an Accusation by the Medical Board of California alleging unprofessional conduct, Anaheim physician Peter Aloys Ahles, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was ordered on February 17, 2006, and became effective on February 24, 2006. Ahles' medical license has been suspended since September 26, 2005, following the issuance of an Interim Suspension Order, and remained suspended up to the time he surrendered his 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 Ahles of unprofessional conduct for violating state and federal drug statutes regulating dangerous drugs and controlled substances. Following undercover purchases of large quantities of pharmaceutical narcotics from Ahles by agents of the Drug Enforcement Administration (DEA), the agents and Medical Board investigators arrested him at his medical office on June 14, 2005 and also executed search warrants. Searches of Ahles' residence, medical office and car resulted in the seizure of over \$1.3 million in cash, along with several large denomination cashier checks and U.S. Postal money orders. The cash was found in Ahles' residence, stored in envelopes that were located inside luggage bags and suitcases. Many of the envelopes were labeled with his name, the amount of money contained in the envelope and the date the money was apparently received, beginning in 2003. The cashiers checks and money orders were found in Ahles' medical office. In addition, agents seized at both locations numerous containers of Schedule 2-5 controlled substances along with records and documents. On July 13, 2005, Ahles was formally indicted by a federal grand jury for multiple violations of Title 21, U.S.C. section 841(a)(1), unlawful distribution of controlled substances.

The Medical Board also accused Ahles of additional unprofessional conduct for violating Business and Professions Code sections 2234(b)(c)(d)(e) (gross negligence, repeated negligent acts, incompetence and acts of dishonesty) and 2266 (failure to maintain adequate and accurate medical records) in his care and treatment of one patient. The 39-year-old female died of a drug overdose from the combined effects of fluoxetine (Prozac), Oxycodone, and diazepam (Valium). At the time of her death, the patient was also the roommate and/or girlfriend of Ahles' son. Ahles had been treating and issuing prescriptions to the patient from approximately January 31, 2003 to November 5, 2003, four days prior to her death. During this treatment period, Ahles had been prescribing various prescription medications that included Prozac and Valium, as well as Norco and Oxycontin, both narcotic controlled substances, for alleged various medical and psychiatric problems. Although the patient's medical records failed to document that Oxycontin had been prescribed to her, pharmacy records indicated that Ahles had in fact issued such narcotic prescriptions. Ahles also admitted knowledge that the patient was a drug addict, with a known cocaine and pharmaceutical drug-abuse problem, which rendered his prescribing of sedatives and narcotics specifically contraindicated.

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News Release — February 27, 2006



MEDICAL BOARD OF CALIFORNIA

February 27, 2006

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

SACRAMENTO—Facing an Accusation of wrongdoing by the Medical Board of California, Los Angeles physician Samuel L. Cotton, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was ordered on February 17, 2006 and became effective on February 24, 2006. 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 Cotton of unprofessional conduct for violating Business and Professions Code sections 2234(b)(c)(d) (gross negligence, repeated negligent acts, and incompetence) and 2266 (failure to maintain adequate and accurate medical records) in his care and treatment of three patients.

The board accused Cotton of gross negligence in that he began treating one of the patients for anemia and iron deficiency starting in November 1990 and out of the 40 office visits with this patient, he failed to: adequately diagnose or treat the patient's proteinuria or anemia in a timely and effective manner; further investigate the complaint and arrive at a diagnosis as to the cause and institute a course of therapy; modify the course of prescribing oral iron medication after the patient complained the pills made her dizzy - patient was intolerant of the oral medication, thus keeping her condition from improving; refer her to a hematologist until April 2001 to evaluate her anemia, iron deficiency and low hematocrit levels that had been persistent and uncorrected during all the years he had been treating her; follow-up on the recommendations of the hematologist that the patient continue to receive intravenous injections of iron, that her iron deficiency should be controlled, and that an underlying thalassemic syndrome should be evaluated; recognize, follow up on, or treat the early signs of renal failure; and diagnose uterine fibroid, or to rule out uterine problems as the source of her anemia, iron deficiency and blood loss until November 2001.

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MEDICAL BOARD OF CALIFORNIA

February 27, 2006

**Medical Board of California Accusation Leads
To Surrender of Palm Desert Physician's License**

SACRAMENTO—Facing an Accusation of unprofessional conduct by the Medical Board of California, Palm Desert physician Jane Espejo Norton, M.D. has surrendered her medical license. The stipulated surrender of her license was accepted by the board on February 17, 2006 and became effective on February 24, 2006. Additionally, Norton agreed she shall be forever barred from filing a petition for reinstatement of her license or filing an application for a new license, meaning she shall never again practice medicine in California. Norton's license was suspended on September 30, 2004, as the result of the issuance of an Interim Suspension Order (ISO), and remained suspended up to the time she surrendered her medical license. 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. 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 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 Accusation filed by the board 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, and failed to arrange for adequate physician coverage for her patient.

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MEDICAL BOARD OF CALIFORNIA

January 30, 2006

**Medical Board of California
Suspends Long Beach Physician's License**

SACRAMENTO—The Medical Board of California has issued a full Suspension Order against the medical license of Mary Zulfacar, M.D. of Long Beach. The Suspension Order, which was adopted by the board's Division of Medical Quality on January 24, 2006 and became effective on January 27, 2006, was based on a violation of probation. 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 March 13, 2003, the Medical Board filed an Accusation against Zulfacar alleging unprofessional conduct for, among other things, excessive diagnostic tests, repeated negligent acts, failing to maintain adequate and accurate medical records, misuse of fictitious names without the required fictitious name permits, aiding and abetting an unlicensed entity incorporated as a general business to engage in the unlicensed practice of medicine, and conviction of a crime which was substantially related to the qualifications, functions or duties of a physician and surgeon.

In an October 28, 2004 Stipulated Settlement and Disciplinary Order, Zulfacar was placed on three years' probation with terms and conditions, some of which included: enrolling and completing a "Cultural Diversity in Patient Care" course provided by the PACE Program at the University of California, San Diego; enrolling and completing a course in medical record keeping; enrolling and completing a course in ethics; having a board-approved practice and billing monitor; and obeying all federal, state and local laws, all laws governing the practice of medicine in California, and remaining in full compliance with any court-ordered criminal probation, payments, and other orders. Zulfacar violated probation condition 4 which provides that, if the practice monitor resigns or is no longer available, the name and qualifications of a replacement monitor who will be assuming responsibility within 15 days, must be submitted for prior approval by the board. Failure to obtain approval of a replacement monitor within 60 days of the resignation or unavailability of the monitor will cause the license to be suspended until a replacement monitor is approved and prepared to assume immediate monitoring responsibility. Zulfacar's practice monitor resigned on November 10, 2005 and she has failed to obtain a replacement.

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MEDICAL BOARD OF CALIFORNIA

January 25, 2006

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

SACRAMENTO—Facing a formal Accusation of wrongdoing by the Medical Board of California, Los Angeles physician Paul Joseph Duran, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was ordered on January 23, 2006 with a retroactive effective date of July 29, 2005. An Interim Suspension Order issued on July 29, 2005, enjoined Duran from practicing medicine pending a final decision on the Accusation filed in this matter. 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 Duran of unprofessional conduct for violating multiple Business and Professions Code sections including 725, 2234(b) (c) (d), 2238, 2242, 2266, and 4170 (excessive prescribing, gross negligence, incompetence, repeated negligent acts, violation of laws dealing with dangerous drugs or controlled substances, prescribing without a good faith examination, failing to maintain adequate and accurate medical records, and drug labeling) in his care and treatment of four patients. Duran also is accused of violating section 726, sexual misconduct with one patient.

Among other things, Duran was accused of providing care and medications to a patient while the patient was hospitalized in a facility in which Duran did not have privileges to practice medicine and for knowingly prescribing opioid medication without a prior good faith examination to a patient with an addiction to opioids. Duran is also accused of: failing to perform adequate physical examinations; failing to discuss with patients the risk of addiction and possible side effects and complications; failing to evaluate patients for psychological and psychiatric problems; failing to document history of addiction; failing to follow-up with appropriate evaluations, examinations, and referrals to specialists; and failing to appropriately monitor patients who were prescribed significant amounts of controlled substances.

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MEDICAL BOARD OF CALIFORNIA

January 9, 2006

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

SACRAMENTO—Facing an Accusation of wrongdoing by the Medical Board of California, Mill Valley psychiatrist Michael Joseph Dietrick, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was accepted by the board on December 29, 2005 and became effective on January 5, 2006. Dietrick's license was suspended on November 18, 2005, as the result of the issuance of an Interim Suspension Order, and remained suspended 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 Dietrick of unprofessional conduct for violating Business and Professions Code sections 2234(b) (c), 2238, and 2242 (gross negligence, repeated negligent acts, incompetence, and inappropriate prescribing). 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 obtaining the interim suspension order in November, the Board alleged that Dietrick became deeply involved in the business affairs of a high-tech company founded by one of his patients, including writing a business plan for the enterprise, securing investors, some of whom were also patients, and providing management advice for which he was paid. The Board's accusation, which led to this surrender, alleged that Dietrick was grossly negligent by taking on a patient whose father had a long-term personal and business relationship with him and for allowing a treatment relationship and a business relationship to co-exist with the patient for months during the course of his treatment. Dietrick was also accused of being grossly negligent in prescribing a benzodiazepine to a patient with a history of alcohol abuse. The Board also alleged that, after the patient filed a complaint with the Board, Dietrick started harassing the patient's family, who had invested in the company, via telephone calls and e-mail messages 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."

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MEDICAL BOARD OF CALIFORNIA

January 6, 2006

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

SACRAMENTO—Facing an Accusation of wrongdoing by the Medical Board of California, Newport Beach physician Dennis Greg Jacobson, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was ordered on December 29, 2005 and became effective on January 5, 2006. Jacobson's license was suspended on June 14, 2005, as the result of the issuance of an Interim Suspension Order, and remained suspended up to the time he surrendered his 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."

In an October 2005 First Amended Accusation, the Medical Board accused Jacobson of unprofessional conduct for violating several Business and Professions Code sections including 2239(a) (danger to public safety due to narcotic and/or controlled substance self-use), 2280 (practice of medicine while under the influence of a narcotic), 2234(b) (gross negligence), and 2354 (failure to complete board's Diversion Program).

In March 2005, Newport Beach officers responded to a hit-and-run traffic collision involving Jacobson's vehicle. While impounding the unlocked vehicle, the officers performed an inventory search and found a brown paper bag containing several full vials of fentanyl and a bottle of Demerol. Officers also found an empty vial of fentanyl and a used syringe. Following a failed field sobriety evaluation, Jacobson was placed under arrest for driving under the influence. Once booked at the Newport Beach Police Department jail, Jacobson submitted a blood test which resulted in positive findings of fentanyl and Demerol and was additionally charged with violations of Health and Safety Code sections 11350 (possession of a controlled substance) and 11550 (being under the influence of a controlled substance); Vehicle Code sections 23152(a) (misdemeanor driving under the influence of drugs) and 20002(a) (misdemeanor hit and run).

Jacobson is accused of having a history of self-use of narcotics and/or controlled substances in a manner dangerous or injurious to himself, to any other person or to the public, to the extent that such use impairs his ability to practice medicine. According to several former employees who worked with him in 2004, Jacobson closed his medical practice in September 2004 due to self-use of narcotics and/or controlled substances. In particular, on September 2, 2004, his registered nurse observed him to be under the influence of narcotics prior to performing a scheduled cosmetic surgery on a patient who was already in a surgical gown and pre-medicated in preparation of the surgery. Due to his condition, the surgery was canceled. During the same month, the nurse also discovered that injectable Demerol and seven ampules of fentanyl were unaccountably missing from Jacobson's drug inventory. A former scrub technician also observed Jacobson, on multiple occasions during 2004, engaged in erratic behavior indicating drug use. In addition to finding used syringes discarded in the office trash can, the scrub technician also noted several ampules of fentanyl unaccountably missing.

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