

## News Release — December 7, 2007

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### MEDICAL BOARD OF CALIFORNIA

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December 7, 2007

## Medical Board of California investigation results in the arrest of Downey unlicensed practitioner

**SACRAMENTO** — An investigation by the Medical Board of California led to the arrest yesterday of Martin Yanez for the unlicensed practice of medicine. A search warrant was executed by Medical Board investigators at two locations in Downey. Yanez will be formally charged in the near future. The case was initiated after receiving information that Yanez was allegedly practicing medicine without a license. It is alleged that Yanez was soliciting patients from California for major cosmetic surgery, including: tummy tucks, liposuction, and breast augmentations.

"The mission of the Medical Board is public protection, and this action reflects the board's ongoing commitment to that mission," said Barb Johnston, executive director of the Medical Board.

Although licensed in Mexico, it is alleged that Yanez was conducting pre-operative examinations and post-operative care in two locations in Downey. He performed the surgeries in Tijuana at Hospital de la Mujer y el Niño.

Victims treated by Martin Yanez are encouraged to contact the Medical Board of California's Cerritos District Office at (562) 402-4668.

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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, and, to promote access to quality medical care through the Board's licensing and regulatory functions.

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](http://www.mbc.ca.gov) or for questions call the Consumer Information Line at (916) 263-2382, or with complaints call (800) 633-2322.

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**MEDICAL BOARD OF CALIFORNIA**

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October 26, 2007

**Medical Board of California accusation leads to surrender of San Diego physician's medical license**

**SACRAMENTO** — Facing charges of unprofessional conduct before the Medical Board of California, San Diego physician Stephen Gene Kolkow has surrendered his license to practice medicine. The stipulated surrender of his medical license was adopted on October 17, 2007 and became effective on October 24, 2007.

In this case, Kolkow had been charged with general unprofessional conduct under Business and Professions Code section 2234 as a result of his admitted sexual abuse of a minor female family member. Kolkow had also been charged under Business and Professions Code section 2236 with having been convicted of crimes substantially related to the qualifications, functions, or duties of a physician and surgeon, and with being subject to mandatory revocation of his medical license under Business and Professions Code section 2232 as a result of his criminal conviction sentence requiring him to register as a sex offender (Penal Code section 290).

On August 24, 2005, a total of thirty-six (36) felony criminal charges were filed against Kolkow in San Diego County Superior Court. On August 8, 2006, Kolkow pled guilty to thirteen (13) felony counts of lewd acts on a child under 14 years of age (Penal Code section 288(a)), and one (1) felony count of oral copulation of a person under the age of 14 (Penal Code section 288(a)(c)(1)). On January 29, 2007, Kolkow was sentenced to ten (10) years in state prison, imposition of which was stayed by the court, placed on five (5) years formal probation, ordered to serve 365 days in county jail with credit for 190 days already served, ordered to pay fines and restitution and to register as a sex offender pursuant to Penal Code section 290.

After Kolkow's arrest and while the criminal case was pending, he had been suspended from the practice of medicine since November 14, 2005, as the result of a Petition for Interim Order of Suspension previously filed by the Office of the Attorney General on behalf of the Executive Director of the Medical Board.

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## News Release — September 11, 2007

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### MEDICAL BOARD OF CALIFORNIA

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September 11, 2007

## Medical Board of California obtains a practice restriction of Oxnard 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, Administrative Law Judge H. Stuart Waxman issued an order on September 6, 2007 partially suspending the medical license of Shamim Amini, M.D. of Oxnard. The order bars Amini from consulting, interviewing, examining, treating, or in any manner interacting with female patients within the context of a physician-patient relationship pending a final decision by the board.

The Petition for Interim Suspension Order, filed by Deputy Attorney Cindy M. Lopez, alleges that Amini committed multiple acts of sexual misconduct as defined in Business and Professions Code section 726, as well as unprofessional conduct per Business and Professions Code section 2234, in his care and treatment of two patients. Both incidences occurred while the patients were being examined in the Emergency Department of Simi Valley Hospital.

On August 17, 2007, in a stipulated agreement, Amini agreed not to practice or attempt to practice any aspect of medicine until an order was issued pursuant to the September 4, 2007 hearing on the Petition for Interim Suspension.

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**MEDICAL BOARD OF CALIFORNIA**

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September 5, 2007

**Medical Board of California investigation results in the arrests  
of two San Jose unlicensed practitioners**

**SACRAMENTO**—An investigation by the Medical Board of California led to the arrests today of Ha Nguyen and Zbigniew Makowski for the unlicensed practice of medicine. Medical Board investigators, in conjunction with the San Jose Police Department and the Santa Clara County District Attorney's Office, served a search warrant at the home shared by Nguyen and Makowski in San Jose. While executing the search warrant, investigators found the home in a filthy condition with a large number of syringes and drugs readily available while children were present in the home. Both are being charged with child endangerment. Charges included violations of Penal Code sections 182a and 203 (conspiracy and mayhem); Business and Professions Code sections 2052(a)(b) and 1282.3 (practicing medicine without a license, conspiracy to practice medicine without a license, and improper collection, handling and storage of biological specimens). Nguyen and Makowski are expected to be arraigned in court this Friday.

The case was initiated after a disfigured victim notified the Santa Clara County District Attorney's Welfare Fraud Division and they contacted the Medical Board to begin an investigation. Nguyen and Makowski have allegedly been performing major cosmetic surgery, including: face lifts, altering lips, altering eye brows, tummy tucks, etc. Nguyen ran an ad in a local Vietnamese paper which advertised tattooing eye brows, eye liner, and lips. However, once the victims arrived at Nguyen's residence, where she performed the procedures, she would try and talk them into other procedures. All the victims are Vietnamese.

Victims treated by Nguyen and/or Makowski are encouraged to contact the Medical Board of California's San Jose District Office at (408) 437-3680.

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## News Release — August 29, 2007

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### MEDICAL BOARD OF CALIFORNIA

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August 29, 2007

## Medical Board of California to sponsor summit on physician diversion

**SACRAMENTO**—Following its unanimous vote on July 26, 2007 to abolish its current Diversion Program for physicians with substance-abuse problems, the Medical Board of California will sponsor a summit early in 2008 to discuss in a comprehensive manner the complex issues involved and how the public can best be protected. At present, the program is scheduled by law to be sunsetted on June 30, 2008.

At the upcoming summit, the board will invite the input of interested parties, including the general public, the California Medical Association, the California Society of Addiction Medicine, the California Psychiatric Association, the Center for Public Interest Law, and patient advocacy groups. It will re-examine whether - and under what conditions - confidential "diversion" from discipline is possible within a public protection mandate, and whether such a program should be operated by a state agency or a private entity. It also will consider the possibility that there be a statewide program for all healthcare professionals and possibly all professionals within our state that administers policies directed at this issue.

For further information, please see the article linked on the home page of the board's Web site ([www.mbc.ca.gov](http://www.mbc.ca.gov)) under "What's New" entitled, "Diversion Program Information."

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## News Release — August 1, 2007

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### MEDICAL BOARD OF CALIFORNIA

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August 1, 2007

## Medical Board of California obtains suspension of Murrieta physician's license

**SACRAMENTO**—The Medical Board of California has obtained a practice suspension on the medical license of Joel Stanley Dreyer, M.D., of Murrieta, effective July 30, 2007. Judge Paul Dickerson of the Superior Court of the County of Riverside signed the Order in response to a request by Deputy Attorney General Harinder Kapur, on behalf of the Medical Board. The board's request was filed pursuant to Penal Code section 23 which permits a licensing agency, in the interest of protecting the public, to make an appearance before the court in a criminal action against its licensee and to recommend that the licensee be prohibited from practicing medicine.

On July 24, 2007, Dreyer was charged with five counts of issuing false prescriptions in violation of Health and Safety Code section 11153(a). On four separate occasions beginning in February 2007, undercover investigators for both the Drug Enforcement Agency and the Medical Board of California, went to Dreyer's office posing as patients. In each instance, the undercover investigators were asked by Dreyer what they wanted and he proceeded to write prescriptions for the requested medication without taking a history or any type of physical examination. On two of the four controlled buys by investigators, Dreyer was aware that the medication was not for the patient that he was seeing, rather for the patient's boyfriend. In each instance, Dreyer received \$100 cash for each of the prescriptions.

Dreyer's medical license will remain suspended pending adjudication of the criminal matter.

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**MEDICAL BOARD OF CALIFORNIA**

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July 31, 2007

**Medical Board of California hires new executive director  
*First woman in Medical Board history to hold this position***

**SACRAMENTO**—The Medical Board of California has hired a new executive director, Barbara Johnston, of Sacramento. She replaces Executive Director Dave Thornton, who retires from state service on July 31. Ms. Johnston begins her new position on August 1.

Ms. Johnston is a registered nurse who comes to the board after serving for four years as the executive director for the California Telemedicine and eHealth Center (CTEC), where she drove development of CTEC as one of six national Telemedicine and eHealth Resource centers. Under her leadership CTEC was able to fund the development of 10 regional eHealth networks that currently provide health services to rural and underserved communities in over 120 rural and remote health facilities across the state.

"The Medical Board of California is confident that Ms. Johnston will be an outstanding administrator and uphold the board's mission of consumer protection," said Medical Board President Richard Fantozzi, M.D. "Her clinical background, combined with her extensive managerial history and cutting-edge experience in telemedicine, made her an outstanding candidate for executive director of the Medical Board of California."

Prior to her position with CTEC, she served as chief operations officer for a private company in Australia that developed a virtual private health network providing access to health services for patients in underserved rural areas. She also serves as a board member for the American Telemedicine Association, which is the leading resource and advocate promoting access to medical care for consumers and health professionals via telecommunications technology and is the largest such trade association the country. She has several years' experience as a clinical nurse, having worked in intensive care, hospice, and home health care. Her clinical and professional career has had at its core strong patient and consumer advocacy roles.

Ms. Johnston received her bachelor's degree in nursing in 1978 from California State University, Sacramento, and master's degrees in science and nursing and leadership and management from Sonoma State University in 1996.

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## News Release — July 30, 2007

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### MEDICAL BOARD OF CALIFORNIA

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July 30, 2007

## Medical Board of California revokes license of Quincy physician

**SACRAMENTO**—The Medical Board of California has revoked the medical license of Quincy physician Gail Lee Pearson effective July 27, 2007. Pearson failed to file a Notice of Defense within 15 days after service upon her of the board's Accusation, and therefore waived her right to a hearing, and her license was revoked by default. 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."

Pearson is accused of unprofessional conduct for violating Business and Professions Code sections 2239(a) and 2280, for practicing medicine while under the influence of alcohol and a controlled substance—marijuana—in a manner dangerous to herself, or to any other person, to the extent as to impair her ability to safely practice medicine.

On June 15, 2006, Pearson, who appeared sickly and thin, was interviewed by Medical Board investigators on an unrelated case. At the conclusion of the interview, she was advised of the board's Diversion Program and, at the request of the investigators, agreed to provide a urine specimen. The sample came back positive for alcohol and marijuana. After being advised of the positive results, Pearson admitted to having an alcohol problem and agreed to participate in the Diversion Program. Pearson, however, changed her mind after learning what the program expected of her. Pearson contacted the board and stated that she wished to surrender her medical license.

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**MEDICAL BOARD OF CALIFORNIA**

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July 12, 2007

**Medical Board of California announces improvements  
in its diversion program for impaired physicians**

**SACRAMENTO**—In response to the State Auditor's report of June 2007 on the Medical Board of California's physician diversion program, the board has implemented the following measures to ensure the public is adequately protected from physicians in the diversion program. Executive Director Dave Thornton said, "Consistent with its mandate of public protection, the board has worked swiftly to make meaningful changes in its diversion program."

- Any physician who tests positive for alcohol or drugs will be immediately suspended from the practice of medicine (this is current diversion program policy) and not allowed to return to practice until the matter is fully evaluated and board executive management is satisfied the physician no longer poses a threat.
- To ensure compliance with this zero-tolerance policy, the board's executive director and/or deputy director review on a daily basis all positive test results, and verify that those physicians who test positive have been removed from practice.
- Diversion program staff has conducted a review of all work-site monitors and removed any monitor who had a conflict of interest with the physician he or she was monitoring. This review was completed on July 2, 2007. If a work-site monitor is removed, the physician must cease the practice of medicine until another, appropriate work-site monitor is in place.
- To correct deficiencies identified by the auditor regarding the diversion program's random drug testing procedures related to unapproved vacation requests, the new policy in effect now requires diversion participants to submit vacation requests to the case manager and group facilitator at least 14 days in advance for approval. Requests that do not comply with this new policy are not approved.

In addition to these interim measures, the board's staff will continue to work on additional improvements as recommended by the auditor. At its July 26-27 quarterly meeting, the board will have a comprehensive discussion on the future of the program.

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**MEDICAL BOARD OF CALIFORNIA**

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June 29, 2007

**Medical Board of California accusation leads to surrender of Santa Barbara physician's medical license**

**SACRAMENTO**—Facing an Accusation of wrongdoing by the Medical Board of California, Santa Barbara physician Lawrence Roger Jellinek has surrendered his license to practice medicine. The stipulated surrender of his medical license was adopted on June 21, 2007 and became effective on June 28, 2007. 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 Jellinek of unprofessional conduct for violating Business and Professions Code section 2239(a) (excessive use of alcohol and use of a controlled substance). On November 1, 2004 and July 15, 2006, Jellinek used alcoholic beverages in such a manner as to be dangerous to himself and to others. On November 1, 2004, Santa Barbara police officers responded to an injury traffic collision in the city of Santa Barbara after Jellinek lost control of his vehicle. Smelling of alcohol and with slurred speech, Jellinek was arrested for driving under the influence of alcohol in violation of Vehicle Code section 23152. His blood alcohol level was .26%. On September 21, 2005, in a criminal proceeding entitled *People v. Lawrence Roger Jellinek* in Santa Barbara Superior Court, Case No. 1162522, Jellinek was convicted of driving under the influence in violation of Vehicle Code section 23152(b), a misdemeanor. He was placed on three years' probation with various terms and conditions including 60 days' jail time, attendance at Alcoholics Anonymous meetings, driver's license suspension for 90 days, and a requirement that he not drive with any measurable amount of alcohol in his blood.

On July 15, 2006, while driving in the City of Hanford, Jellinek was stopped by California Highway Patrol officers. Smelling of alcohol, with visibly red, watery eyes and slurred speech, Jellinek was uncooperative, refused to exit his vehicle, and had to be physically removed by the officers and was subsequently arrested. His blood alcohol level was .25%. An inventory search of Jellinek's property revealed a small plastic bag containing a white powdery substance which tested positive for cocaine. A blood test of Jellinek was positive for cocaine. On August 25, 2006, Criminal Complaint 06CM3820 was filed in Kings County Superior Court, Hanford Division, charging Jellinek with violating Health and Safety Code sections 11235(a) (unlawfully transporting cocaine), a felony; 11350(a) (unlawfully possessing cocaine), a felony; Vehicle Code sections 23152(a) (driving under the influence of an alcoholic beverage and a drug) a misdemeanor; and, 23152(b) (unlawfully driving a vehicle with a blood alcohol level greater than .08%).

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**MEDICAL BOARD OF CALIFORNIA**

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June 20, 2007

**Medical Board of California accusation  
leads to surrender of Turlock physician's medical license**

**SACRAMENTO**—Facing an Accusation of wrongdoing by the Medical Board of California, Turlock physician Christopher Aguilar has surrendered his license to practice medicine. The stipulated surrender of his medical license was adopted on June 12, 2007 and became effective on June 19, 2007. 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 Aguilar of unprofessional conduct for violating Business and Professions Code sections 726 and 2234(b) in that he committed acts constituting sexual misconduct and gross negligence in his care and treatment of a female patient.

Aguilar, a pediatrician with The Permanente Medical Group (TPMG), was the patient's treating physician from the time she was 15 years of age. Aguilar commenced a romantic relationship shortly after the patient turned 18 years old. After finding Aguilar at her home on two separate occasions, and after finding evidence of a romantic relationship, the patient's mother confronted Aguilar who later admitted that he had been romantically involved with her daughter. The mother filed a complaint with TPMG and Aguilar resigned shortly after it commenced its internal investigation.

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**MEDICAL BOARD OF CALIFORNIA**

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June 12, 2007

**Medical Board of California obtains  
suspension of San Francisco physician's medical license**

**SACRAMENTO**—The Medical Board of California has obtained a "no practice" order against Jose Antonio Rosas, M.D. of San Francisco, effective June 11, 2007. Judge Harold Kahn of the Superior Court of the County of San Francisco signed the "no practice" order in response to a request by Deputy Attorney General Brenda Reyes, on behalf of the Medical Board. The board's request, filed pursuant to Penal Code section 23, was made following Rosas' violation of an existing protective order restricting his medical practice relative to treatment of female patients. Penal Code section 23 permits a licensing agency, in the interest of protecting the public, to make an appearance before the court in a criminal action against its licensee and to recommend that the licensee be prohibited from practicing medicine. 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 7, 2007 Rosas was arrested by the San Francisco Police Department and charged with violations of Penal Code sections 289(d)(4) (sexual penetration where the victim is unconscious of the nature of the act); 368(b)(1) (willfully causing or inflicting unjustifiable pain or mental suffering on an elder adult); 243.4(e)(1) (sexual battery); and, 136.1(b)(1) (attempting to prevent and dissuade a victim from reporting). Rosas is accused of committing these acts during the examination of a female patient while he was released from custody in a felony offense, on bail and on his own recognizance.

On June 8, 2005, a seven count Amended Felony Complaint was filed in San Francisco Superior Court Case No. 2221229, alleging violations of Penal Code sections 289(d), 368(b)(1) and 245(a)(1) arising from defendant's sexual misconduct during the examination of two patients. On the same date, the court issued a protective order which prohibited Rosas from conducting any pelvic and gynecological exams. On August 9, 2005, a Second Amended Felony Complaint was filed in Case No. 2221229, alleging two additional Counts for violation of Penal Code sections 289(d) and one additional count for violation of Penal Code section 245(a)(1) arising from Rosas sexual misconduct during the examination of two additional patients.

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**MEDICAL BOARD OF CALIFORNIA**

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June 1, 2007

**Medical Board of California revokes license of Wilton physician**

**SACRAMENTO**—Following his second felony fraud conviction in a 10-year period, the Medical Board of California has revoked the medical license of Wilton physician Roscoe Bernard Martin effective May 31, 2007. 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."

Martin's first criminal conviction came on October 21, 1996, in the Superior Court of California, County of Sacramento, where he was found guilty of violating Insurance Code section 1871.4(a)(2) (fraudulent compensation claim), a misdemeanor and a crime of moral turpitude in violation of Business and Professions Code sections 2234(e), 2261, and 2236 (dishonesty, false document related to medical practice, and conviction of a crime). Martin had assisted a patient in fraudulently applying for worker's compensation benefits for an injury which had actually occurred many months prior and was, in fact, not employment related. Martin submitted false documentation to the State Compensation Insurance Fund for the patient. In response to this conviction, the Medical Board placed Martin's license on probation for three years with terms and conditions. Martin then failed to fully comply with the terms of his probation, and on November 2, 1998, the board extended his probation for five years. Martin successfully completed probation on November 3, 2003.

In his most recent conviction, on June 26, 2006, Martin pled nolo contendere in the Superior Court of California, County of Sacramento, Case No. 05F08516, to violating Penal Code section 118(a) (perjury), and Penal Code section 550(a)(5) (fraudulent claim). Both charges are felonies and crimes of moral turpitude substantially related to the qualifications, functions or duties of a physician and surgeon. The court sentenced Martin to 210 days in county jail and three years' probation. Pursuant to Business and Professions Code section 2236.1, the Medical Board had automatically suspended Martin's medical license based on his incarceration, and filed an accusation charging Martin with unprofessional conduct (conviction of a crime substantially related to the practice of medicine). Following an administrative hearing in which Martin was represented by an attorney, the Medical Board revoked his license.

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## News Release — June 1, 2007

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### MEDICAL BOARD OF CALIFORNIA

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June 1, 2007

## Medical licenses of two Southern California physicians suspended

**SACRAMENTO**—On May 29, 2007 the Attorney General's Office appeared in Orange County Superior Court on behalf of the Medical Board of California in the criminal actions against Cerritos physician Michael Cheeluen Chan, M.D. and Seal Beach physician William Wilson Hampton, Jr., M.D. and obtained stipulations to suspend their medical licenses as a condition of bail. Adopting the stipulation, the court ordered that Drs. Hampton and Chan remain suspended as a condition of bail until August 31, 2007 or until a hearing on the board's motion under Penal Code section 23, whichever comes first.

Penal Code section 23 authorizes a licensing agency to make an appearance in a criminal proceeding and recommend that the court place restrictions on the defendant's license if the crime charged is substantially related to the qualifications, functions, or duties of the licensee. Defendants Chan and Hampton have been charged with insurance fraud arising out of their medical practices. 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 and taking actions to protect the public."

Chan, an obstetrician-gynecologist and Hampton, a general surgeon were arrested on May 16, 2007 in one of the largest medical fraud prosecutions in the nation. They are accused of violating Penal Code sections 182(a)(1), 549, 550 (conspiracy to commit a crime, false and fraudulent claim, conspiracy to commit insurance fraud), felonies and Insurance Code section 750(a) (capping), also a felony.

According to the Orange County District Attorney's Office, the two physicians are accused of being part of the Unity Outpatient Surgery Center scheme which is alleged to have fraudulently billed over \$30 million to medical insurance companies. The two are accused of performing medical procedures on healthy people with the knowledge that the patients were being recruited by cappers. Allegedly, many of the surgeries performed were performed on weekends and often on members of the same household on the same day.

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**MEDICAL BOARD OF CALIFORNIA**

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May 31, 2007

**Medical Board of California Accusation leads  
to surrender of Thousand Oaks physician's medical license**

**SACRAMENTO**—Facing a formal Accusation of wrongdoing by the Medical Board of California, Thousand Oaks physician William Coburn, Jr. has surrendered his license to practice medicine. The stipulated surrender of his medical license was ordered on May 23, 2007 and became effective on May 30, 2007. 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 Coburn of unprofessional conduct for violating multiple Business and Professions Code sections including 725, 2234(b)(c)(d), 2241, 2242, and 2266 (excessive prescribing, gross negligence, incompetence, repeated negligent acts, prescribing to an addict, prescribing without a good faith examination, and failing to maintain adequate and accurate medical records) in his care and treatment of several patients.

Coburn further subjected his license to discipline in that as a result of an undercover operation conducted by the Ventura County Sheriff's Department in June 2005, he was arrested for a violation of Health and Safety Code section 11352 (sale, transportation or offer to sell controlled substances) and Penal Code section 12072(d) (unlawful transfer of a firearm). During a transaction with a confidential informant, Coburn exchanged Norco and Xanax for tools and requested a firearm. Later that same evening Coburn provided more controlled substances in exchange for the firearm.

Coburn had been ordered by the Superior Court of the County of Los Angeles, Northeastern District, on July 18, 2005 to surrender to the clerk of the court all triplicate prescription blanks and controlled substance prescription forms, thereby barring him from prescribing medications.

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**MEDICAL BOARD OF CALIFORNIA**

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May 24, 2007

**Medical Board of California Accusation leads to  
surrender of Corcoran physician's medical license**

**SACRAMENTO**—Facing an Accusation and Petition to Revoke Probation due to unprofessional conduct before the Medical Board of California, Corcoran physician Augusto Loaiza has surrendered his license to practice medicine. The stipulated surrender of his medical license was accepted by the board on May 16, 2007 and became effective on May 23, 2007. 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 December 2000, the board placed Loaiza on seven years' probation with terms and conditions, including 60 days' actual suspension from the practice of medicine. Loaiza was accused of aiding and abetting the unlicensed practice of medicine, conspiracy to violate the Medical Practice Act, dishonesty and corruption, gross negligence, repeated negligent acts, dispensing without a good faith examination, violation of drug statutes, falsification of medical records, and failure to maintain adequate and accurate records (Business and Professions Code sections 2234(a)-(f), 2238, 2242, 2261, 2264 and 2266). In the Accusation and Petition to Revoke Probation, Loaiza is accused of violating Probation Condition (8) of the Disciplinary Order which stated, "Respondent shall obey all federal, state, and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders."

Loaiza subjected his medical license to further disciplinary action for gross negligence and repeated negligent acts (Business and Professions Code section 2234(b)(c)), in the care and treatment of several patients at the California State Prison, Corcoran. Specifically, Loaiza is accused of: failing to recognize the possibility of myocardial infarction or dissection of the aorta; failing to order a follow-up blood pressure reading to evaluate the effectiveness of the medication he prescribed to a patient and to assess the reason for the high blood pressure; failing to timely review an EKG; and failing to include documentation of an assessment, diagnosis or plan after a patient presented in the emergency room with chest pain and a mildly low blood oxygen saturation level.

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**MEDICAL BOARD OF CALIFORNIA**

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May 15, 2007

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

**SACRAMENTO**—Facing an Accusation of unprofessional conduct by the Medical Board of California, and a criminal probation violation hearing, Chatsworth physician Laurie Fenete Magbanua has surrendered her medical license. The stipulated surrender of her license was accepted by the board on May 7, 2007 and became effective on May 14, 2007. 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 28, 2006, in the case entitled *The People of the State of California v. Laurie Fenete Magbanua*, Los Angeles Superior Court Case No. BA286919, Magbanua was found guilty of violating one felony count of Penal Code section 550(a)(1) (presenting false/fraudulent claim for payment), and one felony count of Penal Code section 550(a)(5) (submitting false insurance claim). As a result, Magbanua was placed on formal probation for five years under the following terms and conditions: serve 365 days in the Los Angeles County Jail, which time may be served in the Los Angeles County Probation Department by an electronic monitoring program; pay restitution in the amount of \$45,000 to the Department of Insurance and \$4,983 to Safeway Insurance; obey all laws and orders of the court; and submit to a search at any time. In addition, as part of the plea disposition, Magbanua's medical license was suspended effective March 28, 2006, for the duration of her five-year probation.

An investigation by the California Department of Insurance Fraud Division revealed that Magbanua had been practicing medicine after being sentenced to probation from May 2006 to February 2007, in direct violation of her criminal probation. On April 9, 2007, Magbanua appeared with her counsel before the Honorable C.H. Rehm of the Superior Court of Los Angeles, to address her violation of her criminal probation. Appearing on behalf of the Medical Board of California was Deputy Attorney General Esther P. Kim, who argued that the court should restrict her from practicing medicine. Faced with these charges and an Accusation filed by the Medical Board of California, Magbanua surrendered her medical license.

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**MEDICAL BOARD OF CALIFORNIA**

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May 8, 2007

## **Suspension of Simi Valley Midwife's License Upheld**

**SACRAMENTO**—On May 7, 2007, in response to a Petition for Interim Suspension filed by Deputy Attorney General Cindy Lopez on behalf of the Medical Board of California, Administrative Law Judge Vincent Nafarrete upheld a full interim suspension order previously imposed on Simi Valley midwife Marcia Kay McCulley on March 1, 2007 by Administrative Law Judge Timothy S. Thomas. At that time, McCulley was ordered to immediately cease and suspend her practice as a midwife and was ordered not to provide patient care pending the noticed hearing. 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 February 2007, a licensed midwife and board expert reviewed six patient case files and concluded that McCulley's care and treatment violated the standards of care and is a danger to the public. Her conclusion was based on findings that, among other things, McCulley: failed to clearly chart her course of treatment of patients; failed to obtain informed consent for administration of procedures, including catheterization, episiotomy, and IV fluids; failed to discuss with patients a plan of care and possible transfer to a hospital; performed an episiotomy underwater in the birth tub in the absence of fetal distress; failed to listen to fetal heart tones after every contraction in the second stage of labor; after a delivery, failed to perform proper resuscitation efforts upon the newborn; failed to properly chart and recognize a patient's acute blood loss as indicative of hemorrhagic shock; performed a vaginal examination prior to the onset of active labor, failed to transport the same patient to the hospital in a timely manner after requested by the patient and to consult with a physician during her prolonged second stage of labor lasting more than six hours, and administered Darvocet to the patient without a physician's order; failed to transfer a patient with a suspected retained placenta to the hospital; and failed to recognize that a patient was not fully dilated or that her baby was in a position making dilation and delivery more difficult. Under McCulley's care and treatment, two patients suffered extreme blood loss and one infant died.

In violation of the March 1, 2007 order to cease and suspend her practice as a midwife, McCulley was arrested on March 14, 2007 by board investigators for allegedly practicing medicine without a license.

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**MEDICAL BOARD OF CALIFORNIA**

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May 1, 2007

**Medical Board of California Elects New Board President**

**SACRAMENTO**—The Medical Board of California has elected Richard Fantozzi, M.D., of San Diego and Murrieta, as its 2007 - 2008 president. The Medical Board is the state agency responsible for licensing and regulating over 122,000 physicians in California. The board has 21 members; 12 are physicians and nine are public members. It has a staff of 265 employees, and a budget of \$51 million that is supported by physician licensing fees.

Dr. Fantozzi was appointed to the board by Governor Gray Davis in 2001 and reappointed by Governor Arnold Schwarzenegger in 2005. He served as vice president in the past year, and president of the board's Division of Licensing for the past two years. He has been licensed to practice medicine in California since 1976.

"I am pleased that this board embraces its role as an advisor to the administration, the legislature, consumer advocacy groups, and physician groups on matters related to health policy and consumer protection," said Dr. Fantozzi.

Dr. Fantozzi has been a particularly active member of the board, with a special interest in access-to-care issues. He has chaired the board's Midwifery, International Medical Schools, Diversion, and Special Programs committees. He was appointed to the Health Professions and Education Foundation (HPEF), under the Office of Statewide Health Planning and Development, by the Medical Board, and chairs its program development. HPEF offers scholarships and loan repayment programs to students and graduates pursuing a health professions career.

He also is on the Governor's Diabetes Workshop Initiative to develop a California chronic care model for the management of chronic diabetes. In addition, he has served on the Governor's roundtable for physicians' workforce needs. This group evaluates the distribution needs of patients-to-physicians in California, and identifies disparities.

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**MEDICAL BOARD OF CALIFORNIA**

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May 1, 2007

**Suspension of Riverside Physician Upheld**

**SACRAMENTO**—On April 26, 2007, Administrative Law Judge James Ahler upheld a full interim suspension order previously imposed on Riverside physician Douglas M. Agee, M.D. on March 30, 2007 by Administrative Law Judge Roy W. Hewitt. The order was based on a finding that, among other things, permitting Agee 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."

Deputy Attorney General Harinder K. Kapur filed the Petition for Interim Suspension Order on behalf of the Medical Board due to Agee's failure of an employer-mandated clinical assessment program at the University of San Diego, School of Medicine. Agee was employed at the time by the California Department of Corrections and Rehabilitation. Agee was subjected to various methods of evaluation including two days of testing and one day of clinical observation. Agee's overall performance resulted in his failing the Quality Improvement in Correction Medicine physician assessment.

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**MEDICAL BOARD OF CALIFORNIA**

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April 13, 2007

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

**SACRAMENTO**—The Medical Board of California has revoked the license of Oakland physician Demetrius DeVaughn Hines, M.D., effective April 12, 2007. 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 filed an Accusation against Hines on December 19, 2006, accusing him of unprofessional conduct for violating Business and Professions Code sections 2234(b)(c)(d), and 2266 (gross negligence, repeated negligent acts, incompetence, and failure to keep and maintain adequate medical records) in his care and treatment of one patient.

Hines is accused of failing to identify a patient as having an acute heart attack even though the patient had an abnormal EKG and abnormal enzymes. This and Hines' failure to act immediately; initiate medications such as aspirin, anticoagulants, and antianginal therapy; and order a cardiology consultation in a timely manner, constitute extreme departures from the standard of care and gross negligence.

Hines failed to file a Notice of Defense within 15 days after service upon him of the Accusation, thereby waiving his right to a hearing, and his medical license was revoked by default.

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**MEDICAL BOARD OF CALIFORNIA**

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April 12, 2007

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

**SACRAMENTO**—The Medical Board of California has obtained a "no practice" order against William Hamilton Ayres, M.D. of San Mateo, effective April 11, 2007. Judge Kathleen McKenna of the Superior Court of the County of San Mateo signed the "no practice" order in response to a request by Deputy Attorney General Lawrence Mercer, on behalf of the Medical Board. Dr. Ayres advised the court that he did not object to entry of the order. The board's request was filed pursuant to Penal Code section 23 which permits a licensing agency, in the interest of protecting the public, to make an appearance before the court in a criminal action against its licensee and to recommend that the licensee be prohibited from practicing medicine as a condition of release on bail or 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 April 6, 2007 Ayres was arrested by the San Mateo Police Department and charged with 14 felony counts of lewd and lascivious acts with a child under the age of 14.

The Medical Board is continuing to pursue further action on this matter.

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**MEDICAL BOARD OF CALIFORNIA**

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March 19, 2007

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

**SACRAMENTO**—The Medical Board of California has revoked the medical license of Robert Clayton Bright, Jr., M.D. of Pasadena. The decision became effective on March 16, 2007. 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."

Bright was accused of, and subsequently admitted to, violating Business and Professions Code sections 726 (sexual misconduct) and 2234, subdivision (b) (gross negligence), in his care and treatment of two of his male patients in 2003. At the time of the sexual abuse, Bright was employed as a psychiatrist by the Department of Mental Health of the County of Los Angeles, and was working at the Men's Central Jail. The Los Angeles County Sheriff's Department conducted an operation which one of the patients, acting in an undercover capacity, was electronically recorded as Bright engaged in sexual misconduct during the provision of medical treatment.

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**MEDICAL BOARD OF CALIFORNIA**

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February 22, 2007

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

**SACRAMENTO**—Facing an Accusation by the Medical Board of California alleging unprofessional conduct, Lafayette physician Joel Alan Gross, M.D. has surrendered his license to practice medicine. The stipulated surrender of his license was ordered on February 14, 2007 and became effective on February 21, 2007. 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 Gross of forging prescriptions to obtain controlled drugs for his own use in violation of Health and Safety Code section 11173(a) and Business and Professions Code section 2238.

In June 2006, the medical director of the emergency department at Sutter Delta Medical Center received a call from a local pharmacy to verify a Hydrocodone prescription for Gross by a physician who had not worked at the medical center for approximately 10 months. When questioned, Gross admitted to the medical director that he had been forging prescriptions for himself. A review by a Medical Board investigator of Gross' patient prescription profile at a local pharmacy revealed that Gross had forged extensive prescriptions for the controlled substances Ambien and Hydrocodone dating back to November 2004.

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**MEDICAL BOARD OF CALIFORNIA**

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January 16, 2007

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

**SACRAMENTO**—Facing charges of incompetence filed by the Medical Board of California, Chino Hills physician Merlin Lee Neff, Jr., M.D., surrendered his license to practice medicine. The stipulated surrender of his medical license was adopted on January 5, 2007 and became effective on January 12, 2007. 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 3, 2003, the board filed an Accusation against Neff 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). The board subsequently adopted a Stipulated Settlement and Disciplinary Order on March 1, 2005 that placed Neff's license on five 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 be assigned to him.

Neff completed his participation in PACE on March 10, 2006. After evaluating his performance, PACE staff concluded that Neff did not possess sufficient knowledge to practice medicine safely and, as a result denied him a certificate of completion. On July 6, 2006, the board filed a new charge against Neff, alleging he was incompetent to practice medicine safely as demonstrated by his conduct during the PACE Assessment and Clinical Education program and by his failure to successfully complete the PACE program.

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**MEDICAL BOARD OF CALIFORNIA**

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January 3, 2007

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

**SACRAMENTO**—Facing an Accusation of wrongdoing by the Medical Board of California, Fresno physician Leonard J. Lovalvo, M.D. has surrendered his license to practice medicine. The stipulated surrender of his medical license was adopted on December 26, 2006 and became effective on January 2, 2007. 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 Lovalvo of unprofessional conduct for violating Business and Professions Code sections 2234(b) (gross negligence) and 726 (sexual misconduct) with one patient he treated for eight years. While treating the patient in his private proctology practice, Lovalvo engaged in an act of sexual misconduct while the patient was lying on the examination table, thereby subjecting his medical license to discipline.

Lovalvo had previously been disciplined by the board for sexual misconduct. Pursuant to a Stipulated Settlement and Disciplinary Order in August 1991, the board placed Lovalvo on 90 days' suspension and 10 years' probation.

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