DISCIPLINARY GUIDELINES

Section 2123.10(b) of the Medical Practice Act mandates, among other things, that the Division of Medical Quality "shall promulgate recommended uniform disciplinary measures for particular situations." In addition, the Division has become aware that most physicians licensed in California have never read the Medical Practice Act, are not fully aware of activities for which disciplinary action may be taken against their licenses, nor appreciate the extent of the discipline which might be rendered.

Suggested guidelines for disciplinary action were sent out to almost one thousand persons and organizations, asking for their opinions and discussion of the proposed guidelines. Medical societies, hospitals, legal organizations, governmental agencies, physicians on probation to the Division, Medical Quality Review Committee members, medical schools, and other potentially interested persons and organizations were contacted. Written replies and suggestions were considered and oral testimony solicited in a public forum. The guidelines were then amended and finally adopted in March, 1977, for the use of Medical Quality Review Committees, Administrative Law Judges, as well as to inform the medical community.

The Division recognizes that these penalties and conditions of probation are merely guidelines and individual cases will often necessitate variations in taking into account particular circumstances.

SECTION 2361(b): GROSS NEGLIGENCE
Maximum: Revocation.
Minimum: Stayed revocation with five years' probation.

Conditions of Probation:
1. The respondent must successfully pass an examination geared toward the specific violation before he is permitted to resume practice on probation. The examination must be passed within three years from the effective date of the decision.
2. Within the first 24 months of probation, the respondent must successfully complete a continuing education program approved in advance by the Division of Medical Quality or its designee, bearing a meaningful relationship to the violation.
3. Respondent must practice in a supervised, structured environment under the direct supervision of another licensed. Said environment must be approved by the Division or its designee.
4. It is in the opinion of the trier of fact, after consideration of the record, and deemed to be appropriate, the respondent must submit to psychiatric evaluation and if recommended, treatment by a psychiatrist approved by the Division.

SECTION 2361(c): REPEATED SIMILAR NEGLECTFUL ACTS.
This should be treated in the same manner as gross negligence with the following additional condition of probation included in the maximum penalty.
As a condition precedent to the staying of a revocation, the respondent must successfully pass parts 2 and 3 of either the FLEX or CLEX examination plus an oral examination within three years of the effective date of the decision.

SECTION 2361(d): INCOMPETENCE.
This violation should be treated the same as Section 2361(c).

SECTION 2361(e): ACTS INVOLVING MORA L TURPITUDE, DISHONESTY, OR CORRUPTION.
Maximum: Revocation.
Minimum: Stayed revocation with five years' probation.

Conditions of Probation:
1. Participation in designated program bearing some relationship to the offense.
2. Respondent must maintain a copy of each prescription (or evidence of other treatment or diagnostic orders) signed by him and make them available to a designee of the Division of Medical Quality.
3. Appropriate restrictions on prescribing privileges for controlled substances.
4. Certain cases, e.g., excessive use of diagnostic or treatment facilities, may warrant a supervised, structured environment.

SECTION 2361(f): WILLFUL FAILURE TO COMPLY WITH REQUIREMENTS OF MEDICAL LAWS AND REGULATIONS.
Maximum: Revocation.
Minimum: Stayed revocation with three years' probation.

Conditions of Probation:
1. Restriction.
2. Contribution of professional services on a regular basis to a community or charitable facility or agency.

SECTION 2363: SUSPENSION OR REVOCATION BY ANOTHER STATE.
Maximum: Revocation.
Minimum: The minimum penalty should correspond to the same or a similar California violation.

SECTION 2373: PRACTICE DURING THE TERM OF SUSPENSION.
Maximum: Revocation.
Minimum: Stayed one year suspension with five years' probation.

Conditions of Probation:
1. Respondent must complete a continuing education course approved by the Division of Medical Quality, e.g., pharmacology, materia medica.
2. The type of program, whether education or service oriented, should be appropriate to the needs of the particular situation. The condition of probation should require approval of the program by the Division.

*Probationary order should either identify the type of examination (oral or clinical) or provide that the type of examination be at the option of the Division or its designee.

*The type of program, whether education or service oriented, should be appropriate to the needs of the particular situation. The condition of probation should require approval of the program by the Division.
Allen, William Leroy, M.D.,
Santa Monica (A-12720)
2411, 2390 of the B & P Code
Self-administration of drugs and issuing
false prescriptions.
Revoked, stayed, 10 years probation with
terms and conditions.
February 1, 1977

Carey, Wesley S., M.D., Hayward
(A-206-362)
2391.5, 2399.5 of the B & P Code
Violation of statutes regulating controlled
substances and prescribing drugs
without a good faith prior examination.
Revoked, stayed, 5 years probation with
terms and conditions.
March 21, 1977

Chizen, John Harold, M.D., Santa
Monica (C-5424)
2391(a), (d), (e), 2383, 490 of B & P Code
Gross immoralitv and commission of act
involving moral turpitude.
Revoked, stayed, 10 years probation with
terms and conditions.
March 7, 1977

Dicke vn, Edd Ralph, M.D., Los Angeles
(A-15913)
2390, 2391.5 of the B & P Code
Violation of statutes regulating controlled
substances, self-administration of
drugs.
Revoked, stayed, 7 years probation with
terms and conditions.
March 7, 1977

Dickman, David J., M.D., San Carlos
(C-21860)
2391.5, 2372 of the B & P Code
Self-administration of drugs.
Revoked, stayed, 2 years probation with
terms and conditions.
February 16, 1977

Fugman, Stanley David, M.D., Long
Beach (D-1751)
2393 of the B & P Code
Conviction of crime substantially related
to the qualification, functions and
duties of a physician, involving
moral turpitude.
Suspended 60 days, suspension stayed, 2
years probation with terms and condi­
tions.
March 21, 1977

Gibbons, John Leo, M.D., San Jose
(D-1709)
2384, 2383, 4350, 2361.5, 4320, 2361(e)
of the B & P Code
Self-administration of drugs, issuing false
prescriptions, violation of statutes
regulating controlled substances.
Revoked, stayed, 10 years probation with
terms and conditions.
March 28, 1977

Hatfield, Hugh, M.D., Atlanta, Ga.
(D-1738)
Voluntary surrender of license. Cannot
renew without Board's approval;
cannot reapply for three years.
March 22, 1977

Huard, George S., M.D., Marina del Rey
(D-1347)
2391.5 of the B & P Code
Violation of statutes regulating controlled
substances, violation of probation.
Revoked, stayed, 90 day suspension, 10
years probation with terms and condi­
tions.
March 21, 1977

Jenkins, John Richard, Jr., M.D.
(G 1713) Denver, Colorado
2361(b), 2361(e), 2372 of the B & P Code
Gross negligence, failure to maintain his
duty post as anesthesiologist with
regard to a patient while said patient
was under anesthesia.
Revoked.
February 16, 1977

Johnson, James Carl, M.D., Tujunga
(A-49005)
2391.5, 2399.5 of the B & P Code
Violation of statutes regulating controlled
substances, prescribing drugs with­
out good faith prior examination or
medical indication.
Suspended 180 days, stayed, 5 years
probation with terms and conditions.
February 10, 1977

Quakenbush, James A., M.D., Los Gatos
(C-26372)
2391.5, 2399.5 of the B & P Code
Excessive prescribing or administering of
drugs, prescribing drugs for a habitue
or addict, prescribing drugs without
a good faith prior examination.
Suspended 30 days, stayed, 5 years
probation with terms and conditions.
March 21, 1977

Reiner, Edwin, M.D., San Diego
(A-12145)
2392 of the B & P Code
Aiding and abetting an unlicensed person
in the practice of a system of treating
the sick and afflicted.
Suspended 90 days, stayed, provided no
further disciplinary within 1 year.
February 16, 1977

Robinson, Courtland, M.D., El Monte
(G-628)
235, 2392, 2399.5 of the B & P Code
Aiding and abetting an unlicensed person
in the practice of a system of treating
the sick and afflicted.
Suspended 30 days, stayed, 3 years
probation with terms and conditions.
February 16, 1977

Schroeder, Simon, M.D., Sherman Oaks
(A-02413)
2361(b), 2361(e) of the B & P Code
Gross negligence and incompetence, fail­
ure to recognize the necessity of ad­
mnistering a narcotic antagonist and
providing emergency care prior to
discharging a patient.
Revoked, stayed, provided an examina­
tion is passed, 5 years probation with
terms and conditions.
January 26, 1977

Slocum, Wesley G., M.D., Riverside
(C-02373)
2393 of the B & P Code
Conviction of a crime involving moral
turpitude, presenting a false and
fraudulent claim form.
Revoked, stayed, 5 years probation with
terms and conditions.
March 7, 1977

Stallone, Victor, Jr., M.D., Albany
(A-10570)
2391.5, 2372, 4390 of the B & P Code
Self-administration of drugs, violation of
statutes regulating controlled sub­
stances.
Revoked, stayed, 10 years probation with
terms and conditions.
January 14, 1977

Sunseri, James, M.D., San Jose
(A-07057)
2399.5, 2372, 2391.5, 2384 of B & P Code
Prescribing drugs without good faith
prior examination, violation of stat­
tutes regulating controlled substances.
Revoked, stayed, 10 years probation with
terms and conditions.
February 18, 1977

Taylor, Lawrence H., M.D., Covina
(A-28172)
2361(a), 2392 of B & P Code
Aiding and abetting an unlicensed person
in the practice of a system of treating
the sick and afflicted.
Six months suspension, stayed, probation
for 2 years with terms and condi­
tions.
March 21, 1977

DISCIPLINARY ACTION
INFORMATION
For additional information about mat­
ters that are public record such as accu­
sations, decisions, disciplinary actions,
and stipulations, contact the BOARD OF
MEDICAL QUALITY ASSURANCE,
1430 Howe Avenue, Sacramento, CA
95825.

MEETING DATES
Meeting dates for the Board and its Divisions have been scheduled as follows. These are public meetings and physicians, as well as consumers, are invited.

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 9</td>
<td>7 PM</td>
<td>107 S. Broadway, L.A., Room 1012</td>
</tr>
<tr>
<td>10</td>
<td>9 AM</td>
<td>107 S. Broadway, L.A., Rooms 1012, 1070 &amp; Auditorium</td>
</tr>
<tr>
<td>16</td>
<td>9 AM</td>
<td>Town &amp; Country Hotel, San Diego</td>
</tr>
</tbody>
</table>

Board and/or Division
Div. Med. Quality
All Divisions
Board
Div. Med. Quality
All Divisions
Board
DISCIPLINARY GUIDELINES

SECTION 2383: CONVICTION OF APPLICANT IN AN EXAMINATION.

Same as Section 2387.

SECTION 2390: UNLAWFUL SELF-USE, PRESCRIBING OR ADMINISTERING OF CONTROLLED SUBSTANCES AND ALCOHOL.

Maximum: Revocation.
Minimum: Stayed revocation with five years' probation.

Conditions of Probation:
1. Abuse of drugs—same as Section 2384.
   A. Successful completion of a continuing education program, related to the physician's specialty, approved by the Division when appropriate.
   B. Abstention from use of alcohol.
   C. Successful completion of a continuing education program, related to the physician's specialty, approved by the Division when appropriate.
   D. Successful completion of oral examination, where indicated, as prescribed by the Division of Medical Quality.

SECTION 2391: UNLAWFUL PRESCRIPTION, SALE OR FURNISHING OF NARCOTICS TO AN ADDICT.

Maximum: Revocation.
Minimum: Stayed revocation with five years' probation for furnishing.

Conditions of Probation:
1. Same as Section 2394.
2. Successful completion of a continuing education program, approved by the Division of Medical Quality, dealing with narcotics abuse.

SECTION 2391.5: VIOLATION OF ANY FEDERAL OR STATE STATUTE OR REGULATION REGULATING NARCOTICS, DANGEROUS DRUGS OR CONTROLLED SUBSTANCES.

Same as Section 2384.

SECTION 2392: EMPLOYMENT OR AIDING AND ABETTING OF A SUSPENDED OR UNLICENSED PRACTITIONER.

Maximum: Revocation.
Minimum: Stayed revocation with two years' probation. Contribution of professional service on a regular basis to a community or charitable facility or agency.

SECTION 2393: IMPROPER USE OF A FICTITIOUS NAME.

Maximum: Six months' suspension.
Minimum: 30 days' suspension, stayed, with one year on probation.

The usual conditions of probation set forth below would appear sufficient.

SECTION 2396, 2396.6 AND 2397: MISUSE OF SUFFIXES M.D. AND D.O.

Maximum: Same as Section 2393.
Minimum: Same as Section 2393.

SECTION 2399: EMPLOYMENT OF CAPERS OR STEARERS.

Maximum: Revocation.
Minimum: Stayed revocation with three years' probation.

Conditions of Probation:
1. Successful completion of a continuing education program, approved by the Division of Medical Quality, dealing with the prescribing practices for which the licensee is disciplined.
2. Restriction of federal drug permit to prohibit prescribing or administering controlled substances within the classification(s) of those drugs involved in the violation.

SECTION 2411: MAKING OR SIGNING FALSE CERTIFICATES OR DOCUMENTS.

Maximum: Revocation.
Minimum: Stayed revocation with three years' probation.

Conditions of Probation:
1. Contribution of professional services on a regular basis to a community or charitable facility or agency when the respondent has profited financially by fraud or misrepresentation.
2. Restriction if condition 1 above applies.
CONTINUING EDUCATION

By now all licensed physicians in California should have received a copy of the Division of Licensing's Emergency Regulations regarding continuing education for relicensure. The Division held a public hearing in conjunction with their May 13, 1977 Board meeting in Fresno during which additional written and oral testimony were considered. Because of the input that we have received there will be some changes made in the regulations you have received. These changes will be detailed in the next Action Memo together with instructions on how to report continuing education completed. Additionally, there will be information detailing the procedure by which the Division will approve continuing education courses which have not received Category I credit by the California Medical Association, American Medical Association or American Academy of Family Practice.

THE USE OF HCG IN WEIGHT REDUCTION

The Journal of the American Medical Association dated November 29, 1976, cites a research report regarding HCG in the management of obesity. This report describes a study of 200 obese individuals. All were given 500 calorie per day diets. Half were given HCG injections, the other half a placebo. There was no statistically significant difference between those receiving HCG versus placebo during the study.

The 1973 AMA Drug Evaluation handbook states: "Use of this agent as an aid to weight reduction is unjustified because of lack of evidence of effectiveness and safety."

RESPONSIBILITY FOR NOTIFICATION OF CHANGE OF ADDRESS

This is to remind all licentiates of the Board of Medical Quality Assurance that it is the licentiate's responsibility to file his or her proper mailing address with the Board and to report immediately any change of address, giving both the old and new addresses. (Title 16, Section 1304, of the Government Code)

INFECTIOUS DISEASE REPORTING REQUIREMENTS

The January 28, 1977 issue of the Department of Health's weekly California Morbidity reminds the physicians of reporting requirements in infectious diseases. Physician negligence in proper reporting may subject persons other than their patients to harm if such persons are exposed to and contract an infectious disease. Reprints of this timely article may be requested of the Department of Health, 2151 Berkeley Way, Berkeley, CA 94704.