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# EDITOR'S SPOTLIGHT

Emmalee Ross
Designer & Editor in Chief

n this edition of Medical Board News, we're focusing on changes to the law that were approved by the Legislature and Governor in 2021. Summaries of the new laws can be found on *page nine*, discussing how they affect the Medical Board of California (Board), its licensees, or healthcare consumers.

One important piece of legislation, which the Board has been referencing and discussing with its licensees and the public over the last few months, is *Senate Bill (SB) 806*. The Board's Public Information Manager, Carlos Villatoro, breaks down SB 806, preparing licensees for what lies ahead beginning Jan. 1, 2022, on *page six*.

As mentioned over the last few newsletter editions, Assembly Bill (AB) 2789 makes e-prescriptions mandatory starting on January 1, 2022. Learn about AB 2789 regulations and exemptions on *page 15*.

Wishing you all happy holidays and a wonderful new year!

### MEDICAL BOARD OF CALIFORNIA

# **NEWS**

A Publication of the Medical Board of California

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The Board's headquarters is located at: 2005 Evergreen Street, Suite 1200 Sacramento, CA 95815

The Medical Board of California News is typically published four times per year by the Medical Board of California

All editions are made available on the Board's website at:

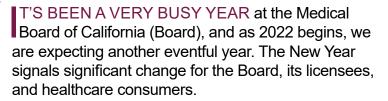
www.mbc.ca.gov

Newsletter submissions are welcome, but all submissions become property of the Board and are subject to editing.

### The Board's Mission

The mission of the Medical Board of California is to protect healthcare consumers through the proper licensing and regulation of physicians and surgeons and certain allied healthcare professionals; 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.

# Fourth Quarter 2021 PRESIDENT'S MESSAGE



Change is good when it allows for improvement of our work to advance our mission – to protect California consumers and ensure all Californians have access to safe, high-quality health care – and it is change that drives this edition of the President's Message.

As your Board President, I am committed to our ongoing efforts to improve the work of the Board.



One of the ways we plan do this is by seeking commonsense changes in the law that will provide the Board additional tools and authority to protect consumers.

During our November 18-19, 2021, regular Board meeting, the Board approved a new legislative platform that it will seek to advance this year. You can read about some of those proposals on the Board's *website*.

In the prior newsletter edition, I noted a few of the changes taking effect January 1, 2022, as a result of the implementation of Senate Bill (SB) 806, that will enhance the Board's mission of consumer protection. Signed into law October 7, 2021, SB 806 extends the Board for two years, while affecting both the Board's licensing and enforcement programs.

The program changes include increases in licensing fees, mandating email addresses be provided to the Board, and changes to the postgraduate training requirements for licensure. These changes are detailed in the article, "Sunset Bill Brings Significant Changes to MBC" on *page six*. Please take the time to familiarize yourself with SB 806.

I am looking forward to the New Year, and excited for new opportunities to advance our mission and to connect with our healthcare consumers, stakeholders, and licensees – stay tuned as we'll provide more information on how to become more involved with the Board.

In closing, I would like to thank my colleague Dr. Howard Krauss, whose term on the Board came to an end in 2021. Dr. Krauss brought wit, wisdom, and a deep commitment to the Board's mission to his many years of service on the Board. We will miss you, Dr. Krauss, and wish you all the best; it was truly a pleasure working alongside you to protect California consumers.

I want to wish you and your families a happy and healthy New Year.

Kristing D. Lawson



# SUNSET BILL BRINGS SIGNIFICANT CHANGES TO THE MEDICAL BOARD OF CALIFORNIA

SB 806 includes licensing fee increases, changes to licensing requirements, and new laws intended to enhance the Board's mission of consumer protection.

# By Carlos Villatoro Public Information Manager

Changes to the Medical Board of California (Board) are under way with the signing of **Senate Bill (SB) 806**, the Board's sunset bill, that licensees and California's healthcare consumers should be aware of. The changes included in SB 806 take effect January 1, 2022. The key law changes are discussed below.

### **ADMINISTRATION**

Under SB 806, all application, initial licensing, and renewal fees will increase. Additionally, the bill requires all applicants and licensees to have an email address and provide it to the Board no later than July 1, 2022. Under SB 806, the Board's next sunset date is extended to January 1, 2024.

### **ENFORCEMENT**

SB 806 provides several enforcement program changes designed to strengthen consumer protection in California.

SB 806 restores the Board's authority to recover prosecution and investigation costs associated with disciplining physicians. The law also clarifies malpractice settlement reporting requirements and requires licensees – or their insurer/legal counsel – to provide the Board a copy of

any such settlement agreements greater than \$30,000.

Under SB 806, the Department of Consumer Affairs' director will, by March 1, 2022, appoint an enforcement monitor to review the Board's enforcement efforts and make recommendations for improvements. The enforcement monitor will issue two reports to the Legislature in 2023, documenting their findings and recommendations.

The law related to licensed midwife complaint review is being clarified, stating that all quality-of-care complaints involving a licensed midwife shall be reviewed by a medical consultant who possesses the pertinent education, training, and expertise in midwifery.

The Board is authorized to use confidential letters of advice to resolve minor violations of the Medical Practice Act not related to patient care. To implement this change, the Board must first go through the formal rulemaking process.

### LICENSING

SB 806 overhauls postgraduate training requirements for medical school graduates seeking licensure in California.



# SB 806 OVERHAULS POSTGRADUATE TRAINING REQUIREMENTS FOR MEDICAL SCHOOL GRADUATES SEEKING LICENSURE IN CALIFORNIA.

Beginning January 1, 2022, the Board will require credit for 12 months of approved postgraduate training for graduates of medical schools located in the United States or Canada, and 24 months of postgraduate training for graduates of international medical schools.

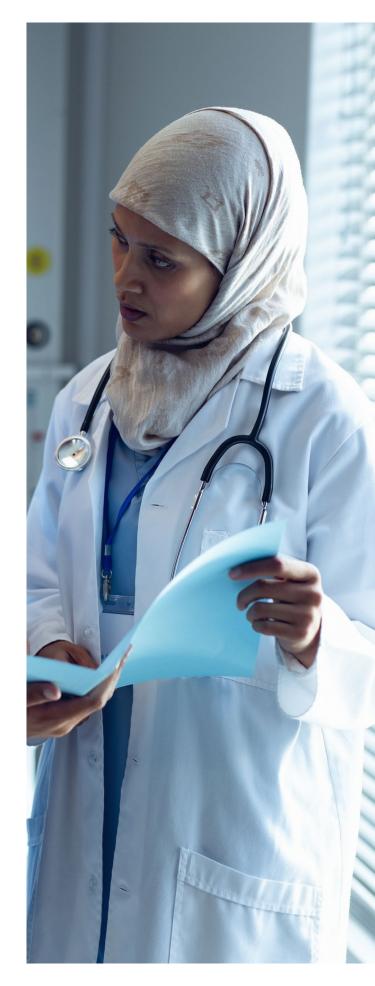
The law also requires the physicians to demonstrate receiving credit for 36 months of postgraduate training, including 24 consecutive months in the same program, when renewing their license for the first time. In addition, the bill grants the Board the authority to issue a license to applicants who demonstrate substantial compliance with these requirements.

SB 806 clarifies that Postgraduate Training License (PTL) holders may sign any forms that a physician may sign and specifies that PTLs may be issued up to 15 months for US/Canadian graduates or 27 months for international graduates.

According to SB 806, the Board is no longer required to send a certified mail notification to those whose licenses may expire and permits the elimination of paper-based application forms for licensure. Penalty and delinquent fees will be due to the Board 30 days following license expiration under the bill, rather than after 90 days.

The law clarifies circumstances whereby a special permit may be canceled, and the criteria to be recognized as an academic medical center to sponsor special faculty permit applications.

For more information about these changes, visit the *Board's SB 806 webpage*.



# CONSUMER CORNER: PENDING LEGISLATION TO SERVE AND PROTECT CONSUMERS

By Emmalee Ross
Public Information Officer



As a healthcare consumer, you may not realize legislation impacting the Medical Board of California (Board) affects consumers as well.

The Board often takes positions on bills introduced in the Legislature impacting the Board and its jurisdiction. During our quarterly Board meetings, the Board's Chief of Legislation presents the bill analysis along with staff recommendation to the Board members, who are given the opportunity to take a position on the bills and request amendments.

Here are two pending bills that the Board supports which are expected to help consumers:

### **ASSEMBLY BILL 1278**

If signed into law, Assembly Bill (AB) 1278 will increase awareness of the Open Payments database – a

database which discloses payments made from drug and device manufacturers to physicians. The bill requires physicians and surgeons to post an Open Payments database notice in each practicing location, along with providing written notification at a patient's initial visit, and annually thereafter. The Board supports AB 1278 as it brings increased awareness of the database to further empower consumers to make informed medical choices.

### **SENATE BILL 528**

If passed, Senate Bill (SB) 528 will require the California Department of Social Services to create an electronic portal for healthcare providers to access the health and education summaries of foster youth. The bill requires training for foster care public health nurses on how to use the portal and

securely share information. This bill is expected to help support consistent, informed care for foster youth.

In addition to providing more stability for a vulnerable population, SB 528 also advances the Board's mission of consumer protection – facilitating access to medical records during investigations involving possible violations of the Medical Practice Act related to care provided to foster youth.

AB 1278 and SB 528 are twoyear bills that may be approved by the Legislature in 2022. Information about bills signed into law in 2021 is available in this issue on *page nine*.

The Board encourages the public to learn about *current and pending legislation*, participate in *Board Meetings*, and comment on bills.



# AB 107 (Salas) – Licensure: Veterans and Military Spouses

Starting July 1, 2023, requires boards to issue a temporary license, for up to a 12-month period, within 30 days of receiving documentation that applicant meets certain requirements. Requires DCA and various licensing boards to publish certain information pertaining to licensing options for military spouses on the homepage of their website. Requires DCA to publish annually specified information related to applications for licensure from military, veteran, and spouse licensure.

# AB 133 (Committee on Health) – Health

Renames the Office of Statewide Health Planning and Development as the Department of Health Care Access and Information (DHCAI).

Requires the Board (among other licensing

boards) to request certain workforce data from licensees and registrants on at least a biennial basis. Requires the quarterly reporting of this data, starting July 1, 2022, to DHCAI.

# AB 356 (Chen) – Fluoroscopy: Temporary Permit

Authorizes the California Department of Public Health to issue to a qualified physician and surgeon or doctor of podiatric medicine a temporary fluoroscopy permit, as specified.

# AB 359 (Cooper) Physicians and Surgeons: Licensure: Examination

Clarifies the licensure pathways for outof-state physicians seeking to practice in California. Authorizes a physician to obtain continuing medical education (CME) credit for certain management and medical school



educational methodology related courses, as specified. Limits the amount of allowable credit hours from those courses to no more than 30 percent of the total required hours (15 out of 50 hours).

# AB 361 (Rivas, Robert) – Open Meetings: State and Local Agencies: Teleconferences

This bill allows state bodies, including the Board, to continue to hold remote meetings, that would otherwise have to be conducted in person, until January 31, 2022.

# AB 407 (Salas) – Optometry: Assistants and Scope of Practice

Updates the scope of practice for optometrists and changes to the scope of practice (and required training/supervision) of ophthalmologist/optometric assistants related to the performance of preliminary subjective refraction procedures.

# AB 439 (Bauer-Kahan) – Certificates of Death: Gender Identity

Authorizes a death certificate to indicate the decedent's gender identity may be record as female, male, or nonbinary.

# AB 450 (Gonzalez, Lorena) – Paramedic Disciplinary Review Board

Creates the Paramedic Disciplinary Review Board to act on appeals regarding the Emergency Medical Services Authority's denial of licensure to a paramedic or discipline against a paramedic license on and after January 1, 2023.

# AB 468 (Friedman) – Emotional Support Animals

Requires healthcare practitioners, who provide documentation relating to an individual's need for an emotional support dog, to complete a clinical evaluation of the individual, among other requirements. A violation of these requirements may subject the practitioner to discipline by their licensing board.

Places certain written notice requirements upon a person or business that sells or

provides a dog for use as an emotional support dog, as defined.

### AB 527 (Wood) - Controlled Substances

Exempts from Schedule III specific compounds, mixtures, or preparations that contain a nonnarcotic controlled substance in combination with a derivative of barbituric acid or any salt thereof that are listed in the federal Table of Exempted Prescription Products and have been exempted pursuant to federal law or regulation. Allows the University of California access to identifiable data stored in the Controlled Substance Utilization Review and Evaluation System for research purposes.

### AB 556 (Maienschein) – Misuse of Sperm, Ova, or Embryos: Damages

Authorizes a private cause of action for damages against a person for the unlawful use of sperm, ova, or embryos, as specified.

# AB 615 (Rodriguez) – Higher Education Employer-Employee Relations Act: Procedures Relating to Employee Termination or Discipline

Requires specified higher education employers to provide a procedure for medical and dental interns and residents, persons in accredited resident physician subspecialty programs, and other postgraduate medical and dental trainees in unaccredited programs to challenge a termination of employment or a disciplinary action, as specified. This procedure shall not apply to academic or clinical matters related to medical judgment or competency.

### AB 789 (Low) – Health Care Services

Generally requires an adult patient receiving primary care services in a facility, clinic, unlicensed clinic, center, office, or other setting, to be offered a screening test for hepatitis B and hepatitis C to the extent these services are covered under the patient's health insurance, as specified.

# AB 1064 (Fong) – Pharmacy Practice: Vaccines: Independent Initiation

Authorizes pharmacists, as specified, to independently initiate and administer any vaccine authorized by the Federal Food and Drug Administration for persons three years of age or older.

# AB 1113 (Medina) – Public Postsecondary Education: Exemption From Tuition and Fees: Qualifying Survivors of Persons Providing Medical or Emergency Services Deceased During COVID-19 State of Emergency

Establishes a tuition and fee waiver at campuses of the California Community Colleges (CCC), the California State University (CSU), and the University of California (UC) for spouses and dependents of doctors, nurses, and first responders who died from COVID-19 during the California COVID-19 pandemic state of emergency and were either employed or contracted to provide medical services during the COVID-19 pandemic.

# AB 1273 (Rodriguez) – Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer: Earn and Learn Training

Effective January 1, 2024, DCA boards will be unable to approve accrediting entities that prohibit "earn and learn" programs, as defined, for training those licensed/certified by that board.

# AB 1291 (Frazier) – State Bodies: Open Meetings

Requires a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who uses translating technology to address the state body.

# AB 1477 (Cervantes) – Maternal Mental Health

Updates the current requirement for licensed healthcare practitioners who provide prenatal or postpartum care to offer to screen or appropriately screen a mother for maternal mental health conditions. Specifies this requirement also applies to those who provide interpregnancy care. Defines a maternal mental health condition as a mental health condition that occurs during pregnancy, the postpartum period, or interpregnancy, and includes, but is not limited to postpartum depression.

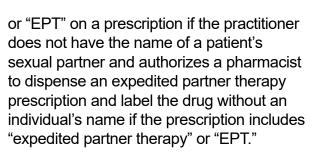
# SB 65 (Skinner) – Maternal Care and Services

**Enacts the Midwifery Workforce Training** Act, which would require DHCAI (upon appropriation of the Legislature) to develop contracts with training programs to increase the number of students receiving quality education and training as a certified nursemidwife or a licensed midwife, as specified. The bill requires DHCAI to contract only with programs that include, or intend to include, a component of training designed for medically underserved multicultural communities, lower socioeconomic neighborhoods, or rural communities, and that are organized to prepare program graduates for service in those neighborhoods and communities.

# SB 306 (Pan) – Sexually Transmitted Disease: Testing

The Pharmacy Law requires a pharmacist to dispense a prescription in a container that, among other things, is correctly labeled with the name of the patient or patients.

Existing regulation requires a pharmacist to ensure that a patient receives written notice of their right to consult with a pharmacist when the patient or the patient's agent is not present. This bill names this practice "expedited partner therapy" and requires a healthcare provider to include that phrase



# SB 310 (Rubio) – Unused Medications: Cancer Medication Recycling

Establishes, until January 1, 2027, an unused cancer medication recycling program. Up to 50 eligible physicians may participate in the program and, to do so, must register with a surplus medication collection and distribution intermediary that administers the program.

### SB 380 (Eggman) - End of Life

Allows an individual to qualify for aid-in-dying medication by making two oral requests a minimum of 48 hours apart and eliminates the requirement that an individual who is prescribed and ingests aid-in-dying medication make a final attestation. Requires that the date of all oral and written requests be documented in an individual's medical record and requires that upon a transfer of care, that record be provided to the qualified individual. Extends the sunset of the "End of Life Option Act" until January 1, 2031.

# SB 607 (Min) – Business and Professions

Effective July 1, 2022, all DCA boards are required to expedite licensure and waive licensure application and the initial licensure fees for those who meet both of the following requirements:

- Provides satisfactory evidence that the applicant is married to, or in a domestic partnership or other legal union with, an active-duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active-duty military orders;
- Holds a current license in another state, district, or territory of the United States in the profession or vocation for

which the applicant seeks a license from the board.

# SB 742 (Pan) – Vaccination Sites: Unlawful Activities: Obstructing, Intimidating, or Harassing

Makes it unlawful to knowingly approach within 30 feet of a person who is within 100 feet of the entrance/exit of a vaccination site, and is attempting to enter/exit that site for the purpose of obstructing, injuring, harassing, intimidating or interfering with that person. Vaccination site may include a hospital, physician's office, clinic, or any retail space or pop-up location made available for vaccination services.

### SB 806 (Roth) – Healing Arts

SB 806 is the sunset bill for the Board, Osteopathic Medical Board, Podiatric Medical Board of California, and the Physician Assistant Board. For the Board, it does the following:

### **ADMINISTRATION**

- Increases various application, initial licensure, and renewal fees.
- States the Legislature's intent to review physician initial licensure and renewal fees in 2022 to determine whether to further increase fees, modify board processes, or both.
- Requires all applicants and licensees to have an email address and provide it to the Board no later than July 1, 2022.
- Extends the Board's sunset to January 1, 2024.

### **ENFORCEMENT**

- Restores authority to recover prosecution and investigation costs from disciplined physicians.
- Clarifies reporting requirements and requires licensees (or their insurer/ legal counsel) to provide a copy of a malpractice settlement agreement over \$30,000 to the Board.
- Requires the Department of Consumer Affairs (DCA) Director to appoint an enforcement monitor who will issue two reports to the Legislature in 2023.



# Connect With

# THE MEDICAL BOARD

- 1 LINKS TO OUR WEBSITE
  - 1. Update your address of record or email address
  - 2. Update your physician survey
  - 3. Contact us: webmaster@mbc.ca.gov
- 2 NEED A SPEAKER?

If you would like a speaker from the Medical Board of California, please contact Public Affairs Manager Carlos Villatoro at: Carlos.Villatoro@mbc.ca.gov

3 SUBSCRIBER ALERTS

The Medical Board of California uses a subscriber service to notify individuals about items relating to the activities of the Medical Board via email. To subscribe or unsubscribe, please visit: www.mbc.ca.gov/Subscribers

(4) NEWSLETTER SURVEY

Please take a moment to share your thoughts about the Board's newsletter. Do you have a particular section that you like, or an idea on how to improve our publication?

Take the Survey

- Clarifies that medical consultants reviewing midwifery quality-of-care complaints have the pertinent education, training, and expertise in midwifery.
- Authorizes a confidential letter of advice to be issued to a licensee for minor violations of the medical practice act not related to patient care.
- Requires a rulemaking to implement this option.
- Allows a licensee to stipulate to surrender their license for a 10-year period, per Business and Professions Code section 2273.

### **LICENSING**

- Requires the Board to grant a physician and surgeon license to individuals who have 12/24 months credit postgraduate training (PGT) depending upon location of their medical school.
  - Requires those physicians at their first renewal to show evidence of 36 months PGT credit.
  - Grants authority for the Board to issue a license to applicants who demonstrate substantial compliance with these requirements.
- Allows the elimination of paper-based licensure application forms.
- Eliminates the requirement to send a certified mail notification to those whose licenses may expire.
- Changes from 90 days to 30 days, following license expiration, when penalty and delinquency fees are owed to the Board
- Clarifies the circumstances whereby a special permit (per BPC 2111, 2112, and 2113) may be canceled.
- Clarifies the criteria to be recognized as an academic medical center to sponsor special faculty permit applicants.
- Clarifies that postgraduate training license (PTL) holders can sign any forms that a physician may sign.
- PTLs may be issued up to 15 months for US/Canadian graduates or 27 months for international graduates.

For additional information, please see the article on *page six* of this issue.

# MEEDS YOU!

If you live in CA and have a full-time active practice in CA, apply to be an expert reviewer for the Board.

### **HISTORY**

The Medical Board of California (Board) established its Expert Reviewer Program in July 1994, as an impartial and professional means to support its investigation and enforcement functions. Expert Reviewers assist the Board by providing reviews and opinions on Board cases, and conducting medical and psychiatric evaluations.

### REQUIREMENTS

Actively practicing physicians from all other specialties not listed here are welcome to apply and participate in the program. Physicians must be board certified, have been practicing their specialty for a minimum of three years after board certification, have no current complaints, no prior discipline, and must be willing and available to testify in court.

### **MIDWIVES**

The Board also needs midwife expert reviewers throughout the state of California. Licensed midwives must have an active midwifery practice for the past two years, have no current complaints, no prior discipline, and must be willing and available to testify in court.

### CONTACT

For more information regarding compensation and how to apply, please visit our *website* or e-mail the Board's expert program at *MBCMedicalExpertProgram@mbc.ca.gov*.



- Addiction Medicine with added certification in Family or Internal or Psychiatry
- Clinical Genetics
- Colon/Rectal Surgery
- Dermatology
- Family Medicine
- Gastroenterology
- Hematology
- Neurological Surgery
- Neurology
- Obstetrics and Gynecology (with added expertise in Gynecologic Oncology)
- Orthopaedic Surgery
- Pathology (preferably from: Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, and Ventura Counties)
- Pain Medicine
- · Pediatric Gastroenterology
- Pediatric Surgery
- · Pediatric Cardiac Surgery
- Pediatric Critical Care
- Pediatric Pulmonology
- Plastic Surgery
- Psychiatry (Forensic and Addiction)
- Radiation Oncology
- Surgery (General and Endocrine Surgery)
- Thoracic and Cardiac Surgery
- Urology (General and Gender Reassignment)
- Vascular Surgery
- Midwife Reviewer

Beginning January 1, 2022, most prescriptions issued by a licensed healthcare prescriber will need to be done electronically pursuant to *Assembly Bill (AB)* 2789, including prescriptions issued by out-of-state practitioners to be filled in a California pharmacy.

The law requires most prescriptions in California to be issued as an electronic data transmission prescription (e-prescription), however, it provides certain exemptions including, if an e-prescription is temporarily unavailable because of technological or electrical failure, or if the prescription is dispensed by a pharmacy located outside California.

The law does not, however, provide an exemption for those who write a low volume of prescriptions.



JANUARY 2022



The exemptions to these requirements are included within **Business and Professions Code section 688**.

Please note: the Board does not have authority to waive these requirements.

Under AB 2789, a healthcare practitioner who does not issue a controlled substance prescription via e-prescription shall document the reason as soon as practicable, and within 72 hours of any technological or electrical failure.

The law does not require a pharmacist to reject a prescription that is not issued electronically, and they are permitted to dispense medications through an otherwise valid format (written, oral, fax).

Healthcare practitioners who fail to meet the requirements of AB 2789,

will be referred to the appropriate state professional licensing board solely for administration sanctions, as determined by the appropriate licensing board.

The Board recommends that all licensed prescribers have paper prescription forms available that meet the requirements of *Health and Safety Code section 11162.1*, should a technological or electrical failure prevent a prescription from being issued electronically.

While the Board cannot provide recommendations on software or technology for an electronic prescribing system, you can find additional information about the requirements on the Board's AB 2789 Resources Page and AB 2789 podcast, and the Board of Pharmacy's E-Prescription FAQ.





As reported in the *Medical Board of California News, Volume 158, Third Quarter 2021, pages 22-23* in May 2021, Magellan Diagnostics, Inc. recalled its LeadCare II, LeadCare Plus, and LeadCare Ultra Blood Lead Test Kits due to a significant risk of falsely low results, which may lead to health risks especially in special populations, such as young children and those who may be pregnant or lactating.

On August 31, 2021, Magellan began customer notification of an expansion of the Class I recall of its LeadCare® Blood Lead Test Kits. The recall now includes the majority of all test kits distributed

since October 27, 2020 (FDA update about expanded Class I recall, September 28, 2021).

CDC issued an *updated Health Alert Network (HAN) notification* on November 5, 2021, with additional retesting and screening recommendations for clinicians. CDC also released *recommendations on blood lead testing with potential test kit shortages*.

Recall information, including fact sheets for healthcare providers and patients, is available on the California Department of Public Health, Childhood Lead Poisoning Prevention Branch Magellan Recall webpage.

# UC SAN DIEGO HOSTS A FREE WEBINAR FOR HEALTHCARE PROVIDERS

# CLINICAL ASSESSMENT OF THE OLDER PATIENT FOR DRIVING FITNESS

A course to manage older impaired drivers and reduce liability by improving adherence with mandated reporting requirements in California.

# **TOPICS ADDRESSED**

- Medical conditions that can impact safe driving.
- Clinical screens of patients when impairments are identified.
- Resources for drivers and their families.
- California DMV reporting requirements for physicians.

# UPCOMING TRAININGS HOSTED ON ZOOM

Wednesday, January 12 12:15pm - 1:15pm PT

# REGISTER

Thursday, January 27 12:15pm - 1:15pm PT

REGISTER



# PRESENTED BY LINDA HILL, MD, MPH

Professor, UC San Diego School of Medicine Director, Preventative Medicine Residency Program

# EMAIL TREDS@UCSD.EDU TO REQUEST THIS PROGRAM FOR YOUR HEALTHCARE ORGANIZATION.

Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.





UC San Diego

# PHYSICIAN PRESCRIBED BUPRENORPHINE FOR PAIN MANAGEMENT AND OPIOID USE DISORDER

By the California Department of Public Health

Buprenorphine is a highly safe and effective treatment for pain management and opioid use disorder (OUD) and is FDA-approved for both conditions. Reducing craving, withdrawal, and overdose risk, buprenorphine has low potential for misuse and diversion, and increases retention in care.

Buprenorphine for pain has proven to be an effective and safe alternative for patients dependent on long-term opioid agonists. For OUD, buprenorphine can be prescribed by any provider with an X number (X-waiver), in-person or via telehealth, to new and existing patients with OUD.

As of April 28, 2021, providers may now request an X-waiver to treat up to 30 patients with buprenorphine without completing training or certifying they can provide counseling or other ancillary services. To prescribe buprenorphine to more than 30 patients, however, training and meeting certain conditions are required. Note: Prescribing buprenorphine for pain does not require an X-waiver.

Support and Resources: *The Center for Innovation in Academic Detailing on Opioids* of the San Francisco
Department of Public Health, in collaboration with the California

Department of Public Health recorded a webinar in June 2021 to support providers inheriting patients on opioids. The presentation, *A Webinar for Providers: What Do I Do With Inherited Patients on Opioids?* focuses on sharing information and clinical tools about inheriting patients on opioid therapy, ensuring continuity of care, and utilizing buprenorphine.

The National Clinician Consultation Center offers free guidance and support to providers treating patients with OUD through these telephone services:

- 1. California Substance Use Line: (844) 326-2626. Clinically supported advice on substance use management for healthcare providers, staffed 24/7 in collaboration with addiction experts at the University of California, San Francisco Clinicians Consultation Center and California Poison Control.
- 2. **Substance Use Warmline**: (855) 300-3595. Confidential clinician-to-clinician telephone consultation from addiction medicine-certified physicians, clinical pharmacists, and nurses with special expertise in pharmacotherapy options for opioid use, available Monday through Friday, between 6 a.m. and 5 p.m. PST. Voicemail is available 24/7.



The Medical Board of California (Board) has its very own podcast where we chat all things from new and changing legislation, to one-on-one interviews with Board management and Board members.

You can check out the *episodes* we currently have published on our website, and sign up for the *Subscriber Alerts* "News" topic to be updated when a new podcast episode is released.

# COVID-19 WAIVER UPDATES

The Department of Consumer Affairs has extended certain waivers affecting the Medical Board of California (Board) and its licensees enacted to support the response of the State of California to the COVID-19 pandemic.

Please continue to visit the Board's *COVID-19 Updates* page to review waivers that may affect your license or application, and whether they have been extended or expired.

Questions regarding COVID-19 waivers can be sent to **webmaster@mbc.ca.gov**.

# GET PAID AS **A MEDICAL** CONSULTANT

The Medical Board of California's (Board) Central Complaint Unit is accepting applications for the Medical Consultant Program.

Medical Consultants review complaints to determine whether a formal investigation by Board investigative staff is needed, or if the complaint can be resolved by a preliminary review of the medical records and a physician narrative statement.

Participating physicians are reimbursed \$75 per hour for record review and report preparation.

If you are interested, please contact Therese Kelly at (916) 263-2434. The application and eligibility requirements are available on our website.

While all specialties are welcome to apply, the Board is in need of physicians with the specialties below:

- Cardiac Surgery
- Colon and Rectal Surgery
- Dermatology
- Gynecology
- Interventional Cardiology
- Interventional Radiology
- Neonatal/Perinatal
- Neurological Surgery
- Pain Medicine
- Plastic Surgery
- **Thoracic Surgery**
- Vascular Surgery





# Explanation of Disciplinary Language and Actions

"Effective date of decision" — Example: "March 14, 2020" at the bottom of the summary means the date the disciplinary decision goes into operation.

"Gross negligence" — An extreme deviation or departure from the standard of care. "Incompetence" — Lack of knowledge or skills in discharging professional obligations. "Judicial review pending" — The disciplinary decision is being challenged through the court system, i.e., Superior Court, Court of Appeal, or State Supreme Court. The discipline is currently in effect.

"Probationary License" — A conditional license issued to an applicant with probationary terms and conditions. This is done when cause exists to deny the license application, but limitations can be put in place to protect the public.

"Public Letter of Reprimand" — A lesser form of discipline that can be negotiated after or in lieu of the filing of formal charges. The reprimand may include educational and clinical training requirements.

"Revoked" — The right to practice is ended due to disciplinary action. The license is invalidated, voided, annulled, or rescinded.

"Revoked, stayed, 5 years' probation with terms and conditions, including 60 days suspension" — "Stayed" means the revocation is postponed. Professional practice may continue so long as the licensee complies with specified probationary terms and conditions which, in this example, includes 60 days of actual suspension from practice. Violation of any term of probation may result in the revocation that was postponed.

"Stipulated Decision or Settlement" — A form of plea bargaining. The case is formally negotiated and settled prior to hearing.

"Surrender" — To resolve a disciplinary action, the licensee has given up his or her license — subject to acceptance by the Board.

"Suspension from practice" — The licensee is prohibited from practicing for a specific period of time.

# ABRAHAMS, PEZ, M.D. (A 71500), WEST HILLS, CA

Reinstated, revoked, stayed, and placed on five years' probation, with terms and conditions including, but not limited to, shall not practice medicine until successfully completing a clinical competence assessment program; completing an education course; submitting to a psychiatric evaluation: attending psychotherapy: completing an ethics course; completing a professional boundaries program; required to have a third party chaperone present while consulting. examining or treating female patients; obtaining a practice and billing monitor; prohibited from engaging in the solo practice of medicine; and submitting proof of notification of Decision. June 2. 2021. View the decision and the order on the Board's website.

# AHMED, KHALID BASHIR, M.D. (A 33354), PICO RIVERA, CA

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for inappropriately prescribed controlled substances to a worker's compensation patient in 2016 and 2017, and failing to maintain adequate and accurate records. Physician must complete a prescribing practices course. June 10, 2021. View the decision and the order on the Board's website.

### AMIN, SHIVANGI, M.D. (A 158400), LOS ANGELES, CA

No admissions but charged by Maryland with excessively prescribing controlled substances in the care and treatment of multiple patients; prescribing without an appropriate prior examination or indication; and failure to maintain adequate and accurate records in the care and treatment of multiple patients. Revoked, stayed, placed on five years' probation. Terms and conditions include, but are not limited to, maintaining a record of all controlled substances ordered, prescribed, dispensed, administered, or possessed and any recommendations or approvals to possess or cultivate marijuana; completing an education course, a prescribing

practices course, a medical record keeping course, and an ethics course; and obtaining a practice monitor. May 10, 2021. *View the decision and the order on the Board's website.* 

### ANZAI, ALAN KATSUI, M.D. (G 77199), SACRAMENTO, CA

No admissions but charged with failure to appropriately manage the pain management treatments of three patients, failure to conduct periodic evaluations of the pain management treatments, and failure to maintain adequate and accurate medical records. Physician must complete a clinical competence assessment course. Public Reprimand. July 2, 2021. View the decision and the order on the Board's website.

# ASHLOCK, BRITTANY MARGARET, M.D. (A 139748), WALNUT CREEK, CA

No admissions but charged with having a condition affecting her ability to practice medicine safely; using drugs and/or alcohol in a manner as to be dangerous or injurious to herself, another person, or to the public; and practiced under the influence of alcohol, Revoked, staved. placed on five years' probation with terms and conditions including, but not limited to, a 30 days actual suspension from the practice of medicine beginning the 16th day after the effective date of this Decision; abstaining from the use of controlled substances; abstaining from the use of alcohol; completing an ethics course; prohibited from engaging in the solo practice of medicine; notification to patients of probation status; submitting to a psychiatric and/or substance abuse evaluation; submitting to biological fluid testing; attending substance abuse support group meetings; obtaining a worksite monitor. June 18, 2021. View the decision and the order on the Board's website.

# ATTIA, FADIA RAFLA, M.D. (45954), CORONA, CA

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for inappropriately self-prescribed controlled substances, self-prescribed controlled

substances without an appropriate prior medical examination, and failed to maintain adequate and accurate medical records. Physician is required to complete a medical record keeping course and a prescribing practices course. June 9, 2021. View the decision and the order on the Board's website.

# BANERJEE, SANJOY, M.D. (A 90939), CORONA, CA

No admissions but charged with gross negligence, repeated negligent acts, incompetence, and failed to maintain adequate and accurate records in the care and treatment of two patients. Physician must complete an education course, prescribing practices course, and a medical record keeping course. Public Reprimand. June 18, 2021. View the decision and the order on the Board's website.

### BARAI, SHARMISTHA, M.D. (A 135050), KISSIMMEE, FL

Convicted of conspiracy to commit forced labor and two counts of violation of the Medical Practice Act. Surrender of License. June 30, 2021. View the decision and the order on the Board's website.

# BATAL, OBAIDA, M.D. (A 140060), ENCINO, CA

No admissions but charged with repeated negligent acts; dishonest or corrupt acts; unprofessional conduct; and failed to maintain adequate and accurate medical records in the care and treatment of multiple patients. Revoked, stayed, placed on five years' probation with terms and conditions including, but not limited to, completing a medical record keeping course, and an ethics course; completing a clinical competence assessment program; obtaining a practice monitor; submitting proof of notification of Decision and Fourth Amended Accusation to required parties; and prohibited from supervising physician assistants and advanced practice nurses. June 4, 2021. View the decision and the order on the Board's website.

# BENJAMIN, DAVID STEPHEN, M.D. (G 75256), LOMA LINDA, CA

No admissions but was charged with failing to comply with terms of his Board-ordered probation by failing to submit to biological fluid testing. Revoked, stayed, one-year additional probation added with all terms and conditions of the current probation including, but not limited to, 60 days' actual suspension from the practice of medicine, abstaining from the use of controlled substances and alcohol, completing an ethics course, attending psychotherapy, prohibited from engaging in the solo practice of medicine, completing a clinical diagnostic evaluation, notification of employer, submitting to biological fluid testing, attending substance abuse support group meetings, obtaining a worksite monitor. July 2, 2021. View the decision and the order on the Board's website.

# BENTLEY, BERNARD WESLEY (G 52706), FT LAUDERDALE, FL

Convicted of grand larceny. Revoked. June 6, 2021. *View the decision and the order on the Board's website.* 

# BETZ, EDWARD DANIEL (G 34138), SHERMAN OAKS, CA

No admissions but physician has a condition affecting his ability to practice medicine safely. Surrender of License. June 15, 2021.

View the decision and the order on the Board's website.

### BRETT, PETER BARMON (G 59321), SAIPAN, MP

No admissions but physician was charged with gross negligence, sexual relations and/or sexual misconduct and/or sexual exploitation of a patient; prescribing without appropriate medical examination or indication, failure to maintain adequate and accurate medical records, and failure to report settlement agreement. Surrender of License. June 15, 2021. View the decision and the order on the Board's website.

### BUDHRAM, HAROLD S. (G 31973), SHASTA LAKE, CA

Unable to satisfy the terms and conditions of Board-ordered probation. Surrender of License. July 28, 2021. View the decision and the order on the Board's website.

### **BUTLER, DAVID T (A 45891), AUSTIN, TX**

Based on discipline by Texas for unprofessional conduct. Surrender of License. June 30, 2021. View the decision and the order on the Board's website.

### CATON, ROBERT EDWARD, M.D. (G 48633), MODESTO, CA

Convicted of a misdemeanor, one count of false and fraudulent claim, Revoked, staved, placed on five years' probation with terms and conditions including, but are not limited to, providing 150 hours of medical or non-medical community service; completing an ethics course; obtaining a billing monitor; prohibited from treating worker's compensation patients; submitting proof of notification of Decision and Accusation to required parties and; prohibited from supervising physician assistants and advanced practice nurses. May 24, 2021. View the decision and the order on the Board's website.

# CHEUNG, EDDIE CHUEN-LEUNG (C 40226), OAKLAND, CA

No admissions but charged with dishonesty, unprofessional conduct, and making false statements.Revoked. May 31, 3021. View the decision and the order on the Board's website.

### CHIBAS, MARISEL ROSA, M.D. (A 85381), EL CENTRO, CA

No admissions but charged with gross negligence, repeated negligent acts, incompetence, and failed to maintain adequate and accurate medical records in the care and treatment of one patient. Revoked, stayed, placed on three years' probation with terms and conditions including, but not limited to, completing an education course, and completing a clinical competence assessment program. May 14. 2021. View the decision and the order on the Board's website.

### **CISEK, PAUL LAWRENCE (G 73470),** SANTA BARBARA, CA

No admissions but physician has a condition affecting his ability to practice medicine safely, has been convicted of substantially related crimes, and the repeated unsafe use of alcohol. Surrender of License. June 15, 2021. View the decision and the order on the

Board's website.

# COIT, ALAN SAMUEL, M.D. (G 34181), RANCHO MIRAGE, CA

Physician is prohibited from performing circumcisions or other surgical procedures. Violation of the order shall constitute a unprofessional conduct. License Restriction. July 2. 2021. View the decision and the order on the Board's website.

### CRUM, JERRY DEAN (G 87585), HERMISTON, OR

Disciplined by Oregon for unprofessional conduct. Revoked. May 26, 2021. View the decision and the order on the Board's website.

# DAO, ANGELINE THI, M.D. (A 37199), **HUNTINGTON BEACH, CA**

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for failing to document informed consent; and failing to maintain adequate and accurate medical records in the care and treatment of one patient. June 17, 2021. View the decision and the order on the Board's website.

### **DELRIO, GERALD R., M.D. (G 32797),** PITTSBURG, CA

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for deviating from the standard of care in the approach and technique of central venous catheter insertion and failure to document procedures performed in the care and treatment of a patient. July 29, 2021. View the decision and the order on the Board's website.

# DENLEY, ERIC CARNEY, M.D. (A 121927), PALMDALE, CA

No admissions but charged with gross negligence, repeated negligent acts, and failed to keep adequate and accurate records in the care and treatment of one patient. Physician must complete a prescribing practices course and a medical record keeping course. Public Reprimand. June 2, 2021. View the decision and the order on the Board's website.

# DICKENS, JAMES PETER, M.D. (A 55172), SACRAMENTO, CA

No admissions but charged with gross negligence, overprescribing, repeated negligent acts in the care and treatment of four patients, and failure to appropriately supervise a physician assistant. Physician must complete an education course, prescribing practices course, and a medical record keeping course. Public Reprimand. June 18, 2021. View the decision and the order on the Board's website.

# DOCASAR, HAYDEE BEATRIZ (C 170417), LAS VEGAS, NV

Unable to satisfy the terms and conditions of Board-ordered probation. Surrender of License. July 20, 2021. *View the decision and the order on the Board's website.* 

### DUEL, EBRAHIM, M.D. (A 33882), SANTA ANA, CA

No admissions but charged with gross negligence, repeated negligent acts, failed to obtain informed consent for an elective reproductive sterilization procedure, and failed to maintain adequate and accurate medical records in the care and treatment of one patient. Revoked, stayed, placed on one years' probation with terms and conditions including, but not limited to, completing an education course, a medical record keeping course, an ethics course, and prohibited from performing surgery as the primary surgeon. July 2, 2021.

View the decision and the order on the Board's website.

# DUONG, HAI TU, M.D. (A 103786), MERCED, CA

No admissions but charged with gross negligence, repeated negligent acts in the care and treatment of one patient, and unprofessional conduct. Revoked, stayed, placed on thirty-five months' probation with terms and conditions including, but not limited to, completing an ethics course, and completing a professional boundaries course. July 2, 2021. View the decision and the order on the Board's website.

# FISHER, CHRISTOPHER J., M.D. (A 78021), HENDERSON, NV

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for being disciplined by Nevada for failing to remove a guide wire during surgery, that caused a patient to suffer a right pneumothorax in a subsequent thoracoscopic removal of the wire. June 17, 2021. View the decision and the order on the Board's website.

# GALARNYK, IHOR ANTON MICHAEL (G 62655), RANCHO MIRAGE, CA

No admissions but was charged with gross negligence, incompetence, inadequate record keeping, and prescribing without indication in the care and treatment of three patients. Surrender of License. June 30, 2021. *View the decision and the order on the Board's website.* 

# GALLAGER, SARAH NICOLE FITCH, M.D. (A 114165), SOUTH SAN FRANCISCO, CA

No admissions but was charged with one count of driving with a blood alcohol content of 0.08% or more, with an enhancement of driving with a blood alcohol content greater than 0.15% or higher; and using drugs and/ or alcohol in a manner as to be dangerous or injurious to herself, another person, or to the public. Revoked, stayed, placed on four years' probation with terms and conditions including, but not limited to, abstaining from the use of controlled substances; abstaining from the use of alcohol; completing an ethics course;

attending psychotherapy; submitting to a medical evaluation and obtaining medical treatment; notification of employer; submitting to biological fluid testing; and obtaining a workplace monitor. June 16, 2021. View the decision and the order on the Board's website.

# GARRISON, RIC SCOTT, M.D. (G 50780), PALMDALE, CA

No admissions but charged with gross negligence, repeated negligent acts, and failed to maintain adequate and accurate medical records in the care and treatment of two patients. Revoked, stayed, placed on three years' probation with terms and conditions including, but not limited to, maintaining a record of all controlled substances ordered, prescribed, dispensed, administered, or possessed and any recommendations or approvals to possess or cultivate marijuana; completing an education course, prescribing practices course, and a medical record keeping course; obtaining a practice monitor. June 4, 2021. *View the decision and the order on the Board's website.* 

# GERBATSCH-BORNEMISZA, ILDIKO C, M.D. (A 63645), SAN DIEGO, CA

No admissions but charged with gross negligence, repeated negligent acts, incompetence, excessively prescribed controlled substances, and failed to maintain adequate and accurate medical records in the care and treatment of multiple patients; prescribed without an appropriate prior examination or indication; and unprofessional conduct. Reinstated, revoked, stayed placed on five years' probation with terms and conditions including, but not limited to, surrendering of DEA permit; prohibited from practicing medical until documentary proof is submitted to the Board or its designee that she has surrendered her DEA permit to the DEA for cancellation; prohibited from ordering, prescribing, dispensing, administering, furnishing, or possessing any controlled substances except for those drugs listed in Schedules IV and V. and from issuing an oral or written recommendation or approval to possess or cultivate marijuana; maintaining a record of all controlled substances ordered, prescribed, dispensed, administered, or possessed and any recommendations or approvals to possess or cultivate marijuana;

completing an education course, a prescribing practices course, a medical record keeping course, and an ethics course; obtaining a practice monitor; and prohibited from practicing, performing, or treating any patients in the area of pain management, which shall be defined as utilizing pharmacological approaches to prevent, reduce, or eliminate pain of a recurrent or chronic nature. June 4, 2021. *View the decision and the order on the Board's website.* 

# GINDI, VIVIAN MAGDI, M.D. (A 95838), LOS ANGELES, CA

No admissions but charged with failure to maintain adequate and accurate medical records. Physician must complete an education course and a medical record keeping course. Public Reprimand. June 4, 2021. View the decision and the order on the Board's website.

# GLICK, DAVID GEORGE, M.D. (G 53604), BEVERLY HILLS, CA

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for failing to report his arrest. June 4, 2021. *View the decision and the order on the Board's website.* 

### GOOD, DANIEL JOHN (A 64629), LEXINGTON, KY

Disciplined by Kentucky for unprofessional conduct. Revoked. July 29, 2021. *View the decision and the order on the Board's website.* 

# GOODWIN, JEREMY LR, M.D. (G 76323), MOUNT SHASTA, CA

Reinstated, revoked, stayed, placed on three years' probation with terms and conditions including, but not limited to, completing an education course, prescribing practices course, medical record keeping course, and a clinical competence assessment program; practice monitor; prohibited from engaging in the solo practice of medicine; prohibited from using medical assistants or other unlicensed persons to refill infusion pumps with prescription pain medication; submitting proof of notification of Decision and Accusation to required parties; and prohibited from supervising physician assistants. June 25, 2021. *View the decision and the order on the Board's website.* 

### GROSS, ALAN MARK (G 47080), OXNARD, CA

Unable to satisfy the terms and conditions of his Board-ordered probation. Surrender of License. July 20, 2021. *View the decision and the order on the Board's website.* 

### HADDAD, NAZIH MICHEL, M.D. (A 31234), NEWPORT BEACH, CA

No admissions but charged with repeated negligent acts in the care and treatment of one patient. Physician must complete a medical record keeping course and an education course. Public Reprimand. June 9, 2021. *View the decision and the order on the Board's website.* 

# HIEMSTRA, ROBERT CHARLES (G 27113), SALT LAKE CITY, UT

Disciplined by Utah for unprofessional conduct. Revoked. July 23, 2021. *View the decision and the order on the Board's website.* 

# HOLT, CHRIS, M.D. (A 96213), SAN DIEGO, CA

No admissions but charged with having a condition affecting his ability to practice safely; self-prescribed drugs or using drugs in a manner as to be dangerous or injurious to himself, another person, or to the public; violated statutes regulating dangerous drugs or controlled substances; gross negligence; repeated negligent acts; and unprofessional conduct. Revoked, stayed, placed on five years' probation. Terms and conditions include, but are not limited to, notification to patients of probation status; abstaining from the use of controlled substances; abstaining from the use of alcohol; completing an education course; completing an ethics course; submitting to a psychiatric evaluation; attending psychotherapy; submitting to a medical evaluation and obtaining medical treatment; prohibited from self-prescribing any controlled substances and any drugs requiring a prescription; notification of employer; submitting to biological fluid testing; attending substance abuse support group meetings; prohibited from engaging in the practice of medicine in Dr. Holt's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility; and paying costs associated with probation monitoring. July 29, 2021. View the decision and the order on the Board's website.

# HONG, HOYLOND, M.D. (A 96764), MILLBRAE, CA

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for failing to maintain adequate and accurate medical records in the care and treatment of three patients. June 3, 2021. *View the decision and the order on the Board's website.* 

### HOURIGAN, TRACY JEAN (A 70991), NEWPORT BEACH, CA

Unable to satisfy the terms and conditions of her Board-ordered probation. Surrender of License. May 11, 2021. *View the decision and the order on the Board's website.* 

### ISMAIL, RYAN MAGDY (A 153219), BERKLEY, CA

Violated the terms and conditions of his Board-ordered probation. Surrender of License. June 11, 2021. *View the decision and the order on the Board's website.* 

# JAHNKE, WILLIAM ROBERT II (G 34870), SHOREVIEW, MN

Unable to satisfy the terms and conditions of Board-ordered probation. Surrender of License. May 18, 2021. *View the decision and the order on the Board's website.* 

# JOHN, SAJI T., M.D. (A 52030), FRESNO, CA

No admissions but charged with gross negligence, repeated negligent acts in the care and treatment of one patient, and failed to participate in interview with the board about her care and treatment of patient. Physician must complete an education course. Public Reprimand. June 18,2021. View the decision and the order on the Board's website.

# JUTLA, RAJINDER K (C 151510), SEATTLE, WA

Disciplined by Oregon for excessive and unwarranted prescribing of narcotic medications. Revoked. June 25, 2021. *View the decision and the order on the Board's website.* 

# KANDASWAMY SANKARAPANDIAN, SHUNMUGA PRIYA, M.D. (A 105400), SACRAMENTO, CA

Public Letter of Reprimand issued for failure to develop a complete pain treatment plan when prescribing controlled substances and failure to complete periodic reviews and update the treatment plan in the care of one patient. June 10, 2021. View the decision and the order on the Board's website.

### KENNEDY, RON, M.D. (C 36809), SANTA ROSA, CA

No admissions but was charged with gross negligence, repeated negligent acts, inappropriate rationale for medical exemptions, failure to obtain prior medical records to document a medical indication for permanent vaccine exemptions, and failed to maintain adequate and accurate medical records. Revoked, stayed, placed on five years' probation. Terms and conditions include, but are not limited to, completing a clinical competency assessment program, completing an ethics course, and obtaining a practice monitor. May 7, 2021. View the decision and the order on the Board's website.

# KENNEDY, RON, M.D. (C 36809), SANTA ROSA, CA

Unable to satisfy the terms and conditions of his Board-ordered probation. Surrender of License. July 13, 2021. *View the decision and the order on the Board's website.* 

# KHATTAB, MAHMOUD (A 97693), ELK GROVE, CA

No admissions but was charged with incompetence, gross negligence, repeated negligent acts, falsification of medical records, aiding and abetting the unlicensed practice of medicine, dishonest or fraudulent acts, advertising violations, violation of liposuction and practice setting statutes, and unprofessional conduct. Surrender of License. June 17, 2021. View the decision and the order on the Board's website.

# KIRBY, JOHN F. JR. (G 15922), FRESNO, CA No admissions but was charged with gross negligence, repeated negligent acts, and failed to

maintain adequate and accurate medical records in the care and treatment of multiple patients; and excessively prescribed controlled substances to two patients. Revoked, stayed, placed on thirty-five months' probation. Terms and conditions include, but are not limited to, completing a prescribing practices course, a medical record keeping course, and an ethics course; and prohibited from engaging in the practice of medicine in Dr. Kirby's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility. July 14, 2021. *View the decision and the order on the Board's website.* 

### KLINK, ARLENE MARIE, M.D. (G 85095), SAN DIEGO, CA

Disciplined by Michigan for failing to timely provide proof of continuing education requirements. Public Reprimand. July 7, 2021. View the decision and the order on the Board's website.

# KRICKL, STEPHEN PATRICK, (G 62551), WINDSOR, CA

Revoked, stayed, placed on five years' probation. Terms and conditions include, but are not limited to, completion of a clinical competence assessment program; clinical diagnostic evaluations and reports; notice to employer or supervisor; biological fluid testing; substance abuse support group meetings; worksite monitor for substance-abusing licensee; violation of probation condition for substance abusing licensee; controlled substances – abstain from use; alcohol – abstain from use; completion of an ethics course; monitoring practice; and solo practice prohibition. July 2, 2021. View the decision and the order on the Board's website.

# KWIATKOWSKI, TERRANCE J., M.D. (A 69086), HENDERSON, NV

Public Letter of Reprimand issued based on discipline imposed by Nevada for failing to timely seek consultation regarding a patient's medical condition of a parotid gland infection and failing to maintain complete medical records. July 14, 2021. View the decision and the order on the Board's website.

# LEE, BRYAN KEITH, M.D. (A 105716), STOCKTON, CA

No admissions but was charged with gross negligence, repeated negligent acts, and failed to maintain adequate and accurate medical records in the care and treatment of one patient, and unprofessional conduct. Revoked, stayed, placed on five years' probation. Terms and conditions include, but are not limited to, notification to patients of probation status; completing a medical record keeping course and an ethics course; completing a professional boundaries program; obtaining a practice monitor; prohibited from engaging in the solo practice of medicine; and required to have a third-party chaperone present while consulting, monitoring, or treating female patients. July 30, 2021. View the decision and the order on the Board's website.

# LEVITAN, KRISTIN MAURA, M.D. (G 61477), MORGAN HILL, CA

No admissions but was charged with gross negligence, repeated negligent acts, excessively prescribed controlled substances, and incompetence in the care and treatment of multiple patients. Revoked, stayed, placed on three years' probation. Terms and conditions include, but are not limited to, completing an education course, a prescribing practices course, and a medical record keeping course; and obtaining a practice monitor. July 2, 2021. View the decision and the order on the Board's website.

# LEVITAN, RUSS L., M.D. (G 58508), SAN LUIS OBISPO, CA

No admissions but charged with failure to keep adequate records regarding the documentation in support of controlled substances provided to three patients. Physician must complete a medical record keeping course. Public Reprimand. July 23 ,2021. View the decision and the order on the Board's website.

# LEVY, MICHAEL LEE, M.D. (G 62556) SAN DIEGO, CA

No admissions but charged with gross negligence in the care and treatment of one patient. Physician must complete an education course and a medical record keeping course. Public Reprimand. July 14, 2021.

View the decision and the order on the Board's website.

# MANSON, KRISTIN, M.D. (C 173038), LA MESA, CA

Physician participated in a substance abuse recovery program and has been treated for recurrence of a diagnosed addictive disorder. Acceptance of this stipulated settlement is not an admission of guilt. Probationary license issued, placed on five years' probation. Terms and conditions include, but are not limited to, notification of employer; submitting to biological fluid testing; attending substance abuse support group meetings; obtaining a worksite monitor; abstaining from the use of controlled substances; abstaining from the use of alcohol; attending psychotherapy; prohibited from engaging in the solo practice of medicine. June 11, 2021. View the decision and the order on the Board's website.

# MARCH, CHARLES MICHAEL, M.D. (G 16060), GLENDALE, CA

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for failure to properly document procedures performed on several patients and failure to fully inform the patients of options when the particular donors were not available. May 18, 2021. *View the decision and the order on the Board's website.* 

# MCINTYRE, WILLIAM DENNISON JR. M.D, (G 29828), PASADENA, CA

No admissions but charged with gross negligence in the care and treatment of one patient. Physician must complete an education course, prescribing practices course, medical record keeping course, and an ethics course. Public Reprimand. May 7 ,2021. *View the decision and the order on the Board's website.* 

# METZGER, ALLAN LAWRENCE (G 22607), BEVERLY HILLS, CA

Unable to satisfy the terms and conditions of her Board-ordered probation. Surrender of License. June 8, 2021. *View the decision and the order on the Board's website.* 

### MISHRA, SUBHASH, M.D. (C 51768), SONOMA, CA

No admissions but was charged with gross negligence, repeated negligent acts, and failed to maintain adequate and accurate medical records in the care and treatment of multiple patients: prescribed without an appropriate prior medical examination or indication; and incompetence in the care and treatment of one patient. Revoked, stayed, placed on three years' probation. Terms and conditions include, but are not limited to, prohibited from ordering, prescribing, dispensing, administering, furnishing, or possessing any Schedule II or Schedule III controlled substances until successfully completing a course in Prescribing Practices, and prohibited from issuing an oral or written recommendation or approval to possess or cultivate marijuana; maintaining a record of all controlled substances ordered, prescribed, dispensed, administered, or possessed and any recommendations or approvals to possess or cultivate marijuana: completing an education course, a prescribing practices course, and a medical record keeping course; obtaining a practice monitor; prohibited from engaging in the solo practice of medicine. May 14, 2021. View the decision and the order on the Board's website.

### MONTANO, CARLOS X (A 41718), COSTA MESA, CA

Convicted of two felony counts of insurance fraud. Revoked. June 21, 2021. *View the decision and the order on the Board's website.* 

# MORROW, LENTON JOBY, M.D., (A 97241), SACRAMENTO, CA

Reinstated, revoked, stayed placed on three years' probation. Terms and conditions include, but are not limited to, shall not practice medicine until successfully completing a clinical competence assessment program; prohibited from ordering, prescribing, dispensing, administering, furnishing, or possessing any controlled substances and from issuing an oral or written recommendation or approval to possess or cultivate marijuana; completing an ethics course; submitting to a psychiatric evaluation; attending psychotherapy; obtaining

a practice monitor; prohibited from engaging in the solo practice of medicine; required to have a third party chaperone present while consulting, examining or treating female patient. July 9, 2021. View the decision and the order on the Board's website.

# MOSTAFIZI, KIOUMARS, M.D. (A 121954), TUCSON, AZ

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for being disciplined by Arizona for inappropriate prescribing. June 17, 2021. *View the decision and the order on the Board's website.* 

## MEYER, BENJAMIN HANNA (G 88684), UKIAH, CA

Unable to satisfy the terms and conditions of his Board-ordered probation. Surrender of License. May 24, 2021. *View the decision and the order on the Board's website.* 

# MURPHY, MONICA JEANNEMARIAN (A 49186), BAKERSFIELD, CA

No admissions but was charged with gross negligence, repeated negligent acts, and failed to maintain adequate and accurate medical records for two patients. Revoked. June 11, 2021. View the decision and the order on the Board's website.

### NAGHSHINEH, NIMA, M.D. (A 141766), LOS ANGELES, CA

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for failing to diagnose and appropriately treat rhabdomyolysis; and for facilitating the patient's discharge rather than a transfer to a higher level of care. July 22, 2021. *View the decision and the order on the Board's website.* 

# NEMAZEE, MAHMOUD, M.D. (C 50799), SANTA MONICA, CA

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for twice asking a patient for her phone number and asking her out to coffee while she was under his care, which compromised the physician-patient relationship. Due to the timing and perceived context of his actions, this represents an extreme

departure from the standard of care. Physician is required to complete a professional boundaries program. June 10, 2021. *View the decision and the order on the Board's website.* 

# NGUYEN, JAMES (A 84676), SAN JOSE, CA

No admissions but charged with unprofessional conduct for engaging in unethical behavior and dishonesty. Revoked. July 26, 2021. *View the decision and the order on the Board's website.* 

### NOURI, FOUAD MOHAMMAD M (A 64212), LOS ANGELES, CA

Violated the terms and conditions of his Boardordered probation. Revoked. June 5, 2021. View the decision and the order on the Board's website.

### OLSSON, ROGER BRYAN (G 89405), MUKILTEO, WA

Based on discipline imposed by Washington for inappropriate treatment of eight patients with testosterone and for failure to maintain adequate and accurate medical records. Surrender of License. July 16, 2021. *View the decision and the order on the Board's website.* 

# OUTLAW, EDWARD MICHAEL (C 152719), STOCKTON, CA

Disciplined by Nevada for failing to comply with an order to appear before the Nevada Board; failing to timely notify the Nevada Board of a change of permanent address; engaging in disreputable conduct in that he was found in contempt of a Nevada court order and had a warrant out for his arrest in Nevada that he failed to resolve for several years; failed to properly destroy patient medical records; abandoned controlled substances. including dangerous drugs, in a storage unit; failed to comply with a Nevada Board order regarding an investigation and failed to cooperate with the investigation; engaged in disreputable conduct in that he violated numerous board orders and abandoned patient medical records and controlled substances and dangerous drugs; and failed to maintain proper medical records. Revoked. June 25, 2021. View the decision and the order on the Board's website.

# PHADNIS, KALPANA AMARENDRA, M.D. (A 120572), SACRAMENTO, CA

No admissions but was charged with gross negligence, repeated negligent acts, and failed to maintain adequate and accurate medical records in the care and treatment of one patient. Revoked, stayed, placed on three years' probation. Terms and conditions include, but are not limited to, prohibited from ordering, prescribing, dispensing, administering, furnishing, or possessing any controlled substances, except for those drugs listed in Schedule(s) III-V and prohibited from issuing an oral or written recommendation or approval to possess or cultivate marijuana; maintaining a record of all controlled substances ordered, prescribed, dispensed, administered, or possessed and any recommendations or approvals to possess or cultivate marijuana; completing an education course, a prescribing practices course, and a medical record keeping course; obtaining a practice monitor. May 26, 2021. View the decision and the order on the Board's website.

# PHAIR, RICHARD GORDON (G 78581), REDONDO BEACH, CA

No admissions but charged with unprofessional conduct for failing to submit to ordered 820 examinations. Revoked. June 8, 2021. *View the decision and the order on the Board's website.* 

# PRASAD, BAIDYANATH (A 25552), UPLAND, CA

No admissions but charged with gross negligence, repeated negligent acts, and incompetence for prescribing medications for two people without a medical evaluation, for failing to maintain adequate and accurate medical records. Surrender of License. May 28, 2021. *View the decision and the order on the Board's website.* 

# PREKUPEC, MATTHEW PETER, M.D. (A 172924), LAS VEGAS, NV

No admissions but charged with unprofessional conduct for excessive use of controlled substances and alcohol. Physician must complete an education course. Public Reprimand. May 27, 2021. View the decision and the order on the Board's website.

# RAMBHATLA, KAMALAKAR, M.D. (A 32691), EL MONTE, CA

No admissions but was charged with gross negligence in the care and treatment of one patient, repeated negligent acts, and failed to keep adequate and accurate records in the care and treatment of two patients. Public Reprimand. July 16, 2021. *View the decision and the order on the Board's website.* 

# RANDHAWA, PRITPAL SINGH, M.D. (A 83324), PLACERVILLE, CA

No admissions but was charged with gross negligence in the care and treatment of one patient. Physician must complete an education course and a medical record keeping course. Public Reprimand. June 16, 2021. *View the decision and the order on the Board's website.* 

# RICHKER, JEFFREY OWEN, M.D. (A 53058), ARVADA, CO

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for discipline imposed by Colorado for failing to adequately supervise a physician assistant that administered substandard treatment to a patient. May 18, 2021. *View the decision and the order on the Board's website.* 

# RIFENBARK, NEIL PETREE (A 124061), LOS ANGELES, CA

Based on discipline imposed by North Carolina for substance abuse disorder and diverting narcotics from his patients. Surrender of License. July 16, 2021. *View the decision and the order on the Board's website.* 

# ROLLINS, CURTIS EDWARD (G 77431), HUGHSON, CA

Physician has a condition affecting his ability to practice medicine safely. Revoked. July 16, 2021. *View the decision and the order on the Board's website.* 

### ROSLER, HANS JORG W., M.D. (C 55312), LAS VEGAS, NV

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for being disciplined in Nevada for failing to maintain documentation of supervising a physician assistant. May 4, 2021. View the decision and the order on the Board's website.

# RUDOLPH, MICHAEL ALAN (G 48974), HUNTINGTON BEACH, CA

No admissions but charged with unprofessional conduct for self-administering controlled substances and for testing positive for amphetamines and methamphetamines. Surrender of License. May 14, 2021. *View the decision and the order on the Board's website.* 

# SAGAYAN, ELENA V., M.D. (A 92311), LIVERMORE, CA

No admissions but was charged with unprofessional conduct in the care and treatment of one patient. Physician must complete an education course. Public Reprimand. June 25, 2021. View the decision and the order on the Board's website.

# SANGDAHL, CHRISTOPHER WYKE, M.D. (G 60317), UPLAND, CA

No admissions but was charged with gross negligence in the care and treatment of one patient. Physician must complete a prescribing practices course and a medical record keeping course. Public Reprimand. June 25, 2021. *View the decision and the order on the Board's website.* 

# SCHULLER, JOERG, M.D. (A 60661), ATWATER, CA

No admissions but was charged with gross negligence, repeated negligent acts, and failed to maintain adequate and accurate records in the care and treatment of three patients. Physician shall not prescribe schedule I and II controlled substances; must complete an education course, a prescribing practices course, and a medical record keeping course. Public Reprimand. July 23, 2021. View the decision and the order on the Board's website.

### SEAMAN, ELIZABETH BYERRUM (G 32266), EAST LANSING, MI

Unable to satisfy the terms and conditions of her Board-ordered probation. Surrender of License. July 30, 2021. *View the decision and the order on the Board's website.* 

### SEYAL, ARIF MOHAMMAD M.D. (A 34990), SACRAMENTO, CA

No admissions but was charged with dishonest or corrupt acts. Revoked, stayed, placed on five years' probation. Terms and conditions include, but are not limited to, suspended from the practice of medicine for 60 days, beginning on the sixteenth (16th) day after the effective date of this decision; providing 360 hours of medical or non-medical community service; completing an ethics course; submitting to a psychiatric evaluation; prohibited from engaging in the solo practice of medicine. May 14, 2021. *View the decision and the order on the Board's website.* 

### SHAH, ANUP JANAK (A 135157), PORTLAND. OR

Violated the terms and conditions of his Boardordered probation. Surrender of License. May 14, 2021. View the decision and the order on the Board's website.

# SHIPP, DANA MAXWELL, M.D. (A 65056), SAN DIEGO, CA

No admissions but was charged with gross negligence in the care and treatment of one patient. Physician must complete an education course. Public Reprimand. June 25, 2021. View the decision and the order on the Board's website.

### SIDDIQUI, MOHAMMED NASIRUDDIN (C 51828), JACKSON, CA

No admissions but charged with sexual abuse, gross negligence, repeated negligent acts, and aiding and abetting in the unlicensed practice of medicine. Surrender of License. May 28, 2021. View the decision and the order on the Board's website.

# SLATER, MONTE DEAN, M.D. (G 66435), WARNER ROBINS, GA

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for being disciplined in Georgia for aiding and abetting the practice of medicine without a license. May 24, 2021. *View the decision and the order on the Board's website.* 

# STILLIONS, DUANE MERLE (C 171895), WASHINGTON, DC

Based on action taken by the Maryland Medical Board due to allegations of diverting controlled substances from patients on multiple occasions. Surrender of License. July 9, 2021. *View the decision and the order on the Board's website.* 

### SUNKARA, USHA KIRAN, M.D. (A 86102), SONOMA, CA

Convicted of a misdemeanor, one count of driving with a blood alcohol content of .08% or more and admitted to using drugs and/or alcohol in a manner as to be dangerous or injurious to herself, another person, or to the public. Revoked, stayed, placed on five years' probation. Terms and conditions include, but are not limited to, abstaining from the use of controlled substances; abstaining from the use of alcohol; completing an ethics course; completing a clinical diagnostic evaluation; attending psychotherapy; notification of employer; submitting to biological fluid testing; attending substance abuse support group meetings; obtaining a worksite monitor for substance abusing licensee; notification to patients of probation status; violation of probation condition for substance abusing licensee. June 16, 2021. View the decision and the order on the Board's website.

# SYMONETT, ELMER REYMOND, M.D. (A 50238), COLTON, CA

No admissions but was charged with gross negligence, repeated negligent acts, and failed to maintain adequate and accurate medical records in the care and treatment of multiple patients. Revoked, stayed, placed on five years' probation. Terms and conditions include, but are not limited to, completing American Medical Association (AMA) 20-hour educational courses in 'Diabetes Care: Research, Treatment and Support Continuing Medical Education (CME)'; completing an education course, a medical record keeping course, and an ethics course; obtaining a practice monitor. May 20, 2021. View the decision and the order on the Board's website.

# TAKEUCHI, SEAN YUTAKA, M.D. (A 78590), BEACHWOOD, OH

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for being disciplined by Michigan issued a fine against his license for failing to diagnose a renal cell carcinoma of the kidney from a CT scan. July 30, 2021. View the decision and the order on the Board's website.

# TANG, LINDA JANE, M.D., (A 80493), SAN FRANCISCO, CA

No admissions but was charged with

unprofessional conduct; gross negligence and repeated negligent acts in the care and treatment of multiple patients; and failed to maintain adequate and accurate medical records in the care and treatment of three patients. Revoked, stayed, placed on thirty-five months' probation. Terms and conditions include, but are not limited to, completing an education course, a medical record keeping course, and an ethics course; provide proof of satisfactory completion of interventional radiology privileging process at two hospitals; obtaining a practice monitor; prohibited from engaging in the solo practice of medicine until Dr. Tang has been notified by the Board or its designee that she has successfully completed the privileging process to practice Interventional Radiology at two separate hospitals. July 8, 2021. View the decision and the order on the Board's website.

# TAVASSOLI, JAVAD KENNETH, M.D. (A 109114), DEL MAR, CA

No admissions but was charged with repeated negligent acts and failure to maintain adequate and accurate medical records in the care and treatment of one patient. Physician must complete a medical record keeping course and an education course. Public Reprimand. July 29, 2021. View the decision and the order on the Board's website.

# THAM, ALLEN, M.D. (A 110804), FULLERTON, CA

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for departing from the standard of care with one patient by failing to seek timely follow-up appointments including examination and x-rays to assess fracture alignments; and concluding that the patient had a huge remodeling potential and that follow-up timely examinations were not necessary to assess neurological status, status of the skin and quality of the cast, as well as position of the fracture. July 14, 2021. *View the decision and the order on the Board's website.* 

### UPPAL, SURINDER KUMAR (A 35254), CHARLOTTE, NC

Unable to satisfy the terms and conditions of his Board-ordered probation. Surrender of License. July 28, 2021. *View the decision and the order on the Board's website.* 

# VAN AMBURG, JANA MARIE, M.D. (A 77111), BEND, OR

Disciplined by Oregon for unprofessional or dishonorable conduct. Physician must complete an ethics course. Public Reprimand. July 23, 2021. *View the decision and the order on the Board's website.* 

### WALKER, BRIAN (C 162346), WALLA WALLA, WA

Unable to satisfy the terms and conditions of his Board-ordered probation. Surrender of Probationary License. July 14, 2021. *View the decision and the order on the Board's website.* 

# WHEATLEY, GRAYSON H., M.D. (C 145079), NASHVILLE, TN

Public Letter of Reprimand issued pursuant to Business and Professions Code section 2233 for being disciplined by Arizona for failing to maintain adequate records, making false statements, fraudulent billing practices, and inappropriately prescribing through a telemedicine encounter without a first-time examination of the patient. June 25, 2021. View the decision and the order on the Board's website.

### WINKLE, RICHARD J. (G 8441), CYPRESS, CA

No admissions but charged with gross negligence, repeated negligent acts, and failure to maintain adequate and accurate records in the care and treatment of four patients. Surrender of License. June 2, 2021. *View the decision and the order on the Board's website.* 

### WININGHAM, DONNA ELAINE (C 40332), TEMPLETON, CA

Violated the terms and conditions of her Board-ordered probation. Revoked. July 30, 2021. *View the decision and the order on the Board's website.* 

### WYNNE, WALTER L., M.D. (A43607), SANTA MONICA, CA

No admissions but was charged with gross negligence, repeated negligent acts, and failed to maintain adequate and accurate medical records in the care and treatment of multiple patients. Revoked, stayed, placed on four years' probation. Terms and conditions include, but are not limited to, completing a medical record keeping course and an ethics course. July 14, 2021. *View the decision and the order on the Board's website.* 

### ZHU, XIAOLING (A 98460), DANVILLE, CA

No admissions but was charged with having a condition affecting his ability to practice medicine safely. Surrender of License. July 22, 2021. *View the decision and the order on the Board's website.* 

### POSTGRADUATE TRAINING LICENSE

### NAQVI, MERIAM, M.D. (PTL 5786), MORENO VALLEY, CA

Post graduate training license issued on a probationary basis for the duration of training to meet requirements for a physician and surgeon's license. Terms and conditions including, but not limited to, completing an ethics course; psychotherapy; and medical evaluation and treatment. June 29, 2021. *View the decision and the order on the Board's website.* 



Department of Consumer Affairs Medical Board of California 2005 Evergreen Street, Suite 1200 Sacramento, CA 95815-5401

# MBC BOARD AND COMMITTEE MEETINGS

February 10-11, 2022 May 19-20, 2022

Please visit the Board's **2022 Board and Committee Meetings webpage** for updates.

Until further notice, the Board Members will conduct all public meetings pursuant to the provisions of the Governor's *Executive Order N-29-20* and in compliance with the Bagley Keene Open Meeting Act, via online meeting applications or telephone conferences.

### **Contact Us:**

MEDICAL BOARD OF CALIFORNIA	
For questions or assistance with the following:  Consumer Complaints and Information Applications  Health Facility Discipline Reports  Fictitious Name Permits  License Renewals  BreEZe Assistance	(800) 633-2322 or (916) 263-2382
For questions or assistance with the following:	(016) 262 2645
Continuing Education	(916) 263-2645
Expert Reviewer Program	(818) 551-2129
Publications/Outreach	(916) 263-2466
Affiliated Healing Arts Professions	
Midwives - all inquiries	(916) 263-2393
Physician Assistants	(916) 561-8780
Department of Consumer Affairs	
Healing Arts Board and Bureau Complaints	(800) 952-5210

# **Officers**

Kristina D. Lawson, J.D., President Randy W. Hawkins, M.D., Vice President Laurie Rose Lubiano, J.D., Secretary

# **Members**

Ryan Brooks
Alejandra Campoverdi
Dev GnanaDev, M.D.
James M. Healzer, M.D.
Asif Mahmood, M.D.
David Ryu
Richard E. Thorp, M.D.
Eserick "TJ" Watkins
Felix C. Yip, M.D.

Business and Professions Code § 2021(b) and (c) require physicians to inform the Medical Board in writing of any name or address change. Visit our *website* to learn more.

Medical Board of California, Executive Director — Bill Prasifka

Medical Board of California News — Fourth Quarter 2021 Edition

Contact us by email: webmaster@mbc.ca.gov