

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)
)
)
JEFFREY I. SCHWARTZ, M.D.) Case No. 03-2012-226345
)
Physician's and Surgeon's)
Certificate No. G 72839)
)
 Respondent.)
_____)

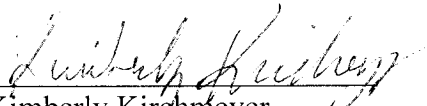
DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 8, 2013.

IT IS SO ORDERED August 1, 2013.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Interim Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 LYNNE K. DOMBROWSKI
Deputy Attorney General
4 State Bar No. 128080
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **JEFFREY I. SCHWARTZ, M.D.**

12 21201 Victory Blvd., Suite 200
13 Room 3
14 Canoga Park, CA 91303

15 Physician's and Surgeon's Certificate
16 No. G 72839

17 Respondent.

Case No. 03-2012-226345

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

[Business & Professions Code section 822]

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Interim Executive Director of the Medical
22 Board of California. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Lynne K.
24 Dombrowski, Deputy Attorney General.

25 2. Jeffrey I. Schwartz, M.D. (Respondent) is represented in this proceeding by attorney
26 Steven L. Simas, Esq., whose address is Simas & Associates, Ltd., North Pointe Business Centre,
27 3835 North Freeway Blvd., Suite 228, Sacramento, CA 95834.

1 3. On or about October 29, 1991, the Medical Board of California issued Physician's and
2 Surgeon's Certificate No. G 72839 to Jeffrey I. Schwartz, M.D. (Respondent). Said Physician's
3 and Surgeon's Certificate will expire on May 31, 2015, unless renewed.

4 JURISDICTION

5 4. Accusation No. 03-2012-226345 was filed before the Medical Board of California
6 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
7 Accusation and all other statutorily required documents were properly served on Respondent on
8 July 2, 2013. Respondent timely filed his Notice of Defense contesting the Investigation. A copy
9 of Accusation No. 03-2012-226345 is attached as Exhibit A and incorporated by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 03-2012-226345. Respondent also has carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
14 and Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
19 the attendance of witnesses and the production of documents; the right to reconsideration and
20 court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 03-2012-226345, agrees that cause exists for discipline and hereby surrenders his Physician's
27 and Surgeon's Certificate No. G 72839 for the Board's formal acceptance.

1 9. Respondent understands that by signing this stipulation he enables the Board to issue
2 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
3 process.

4 CONTINGENCY

5 10. This stipulation shall be subject to approval by the Medical Board of California.
6 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
7 Board of California may communicate directly with the Board regarding this stipulation and
8 surrender, without notice to or participation by Respondent or his counsel. By signing the
9 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
10 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
11 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Order shall be of
12 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
13 the parties, and the Board shall not be disqualified from further action by having considered this
14 matter.

15 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
16 License and Order, including facsimile signatures thereto, shall have the same force and effect as
17 the originals.

18 12. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Board may, without further notice or formal proceeding, issue and enter the following Order:

20 ORDER

21 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 72839, issued
22 to Respondent Jeffrey I. Schwartz, M.D., is surrendered and accepted by the Medical Board of
23 California.

24 1. Respondent shall lose all rights and privileges as a physician and surgeon in
25 California as of the effective date of the Board's Decision and Order.

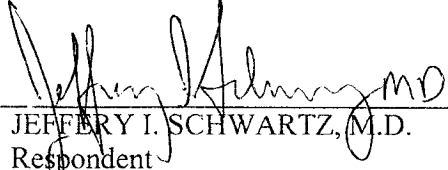
26 2. On or before the effective date of the Decision and Order, Respondent shall cause to
27 be delivered to the Board his pocket license and, if one was issued, his wall certificate.

1 3. If Respondent ever files an application for licensure or a petition for reinstatement in
2 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
3 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
4 effect at the time the petition is filed, and all of the charges and allegations contained in
5 Accusation No. 03-2012-226345 shall be deemed to be true, correct and admitted by Respondent
6 when the Board determines whether to grant or deny the petition.

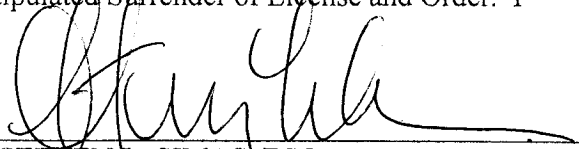
7 4. If Respondent should ever apply or reapply for a new license or certification, or
8 petition for reinstatement of a license, by any other health care licensing agency in the State of
9 California, all of the charges and allegations contained in Accusation No. 03-2012-226345 shall
10 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
11 Issues or any other proceeding seeking to deny or restrict licensure.

12
13 ACCEPTANCE

14 I have carefully read the above Stipulated Surrender of License and Order and have fully
15 discussed it with my attorney, Steven L. Simas, Esq.. I understand the stipulation and the effect it
16 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
17 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
18 Decision and Order of the Medical Board of California.

19
20 DATED: July 11, 2013 
21 JEFFERY I. SCHWARTZ, M.D.
22 Respondent

23 I have read and fully discussed with Respondent Jeffery I. Schwartz, M.D. the terms and
24 conditions and other matters contained in this Stipulated Surrender of License and Order. I
25 approve its form and content.

26 DATED: July 23, 2013 
27 STEVEN L. SIMAS, ESQ.
28 Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 7/29/2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



LYNNE K. DOMBROWSKI
Deputy Attorney General
Attorneys for Complainant

SF2012402890

Exhibit A

Accusation No. 03-2012-226345

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 LYNNE K. DOMBROWSKI
Deputy Attorney General
4 State Bar No. 128080
455 Golden Gate Avenue, Suite 11000
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 21 2013
BY: J. H. [Signature] ANALYST

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 03-2012-226345

12 **JEFFREY I. SCHWARTZ, M.D.**

A C C U S A T I O N

13 21201 Victory Blvd.,
Suite 200, Room 3
14 Canoga Park, CA 91303

15 Physician's and Surgeon's Certificate
No. G 72839

16 Respondent.
17

18
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
22 capacity as the Interim Executive Officer of the Medical Board of California, Department of
23 Consumer Affairs.

24 2. On or about October 29, 1991, the Medical Board of California issued Physician's and
25 Surgeon's Certificate Number G 72839 to Jeffrey I. Schwartz, M.D. (Respondent). The
26 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
27 charges brought herein and will expire on May 31, 2015, unless renewed. Respondent's specialty
28 practice is in psychiatry but he is not board-certified.

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

5. Code section 822 states:

"If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

"(a) Revoking the licentiate's certificate or license.

"(b) Suspending the licentiate's right to practice.

"(c) Placing the licentiate on probation.

"(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

"The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated."

1 CAUSE FOR DISCIPLINE

2 (Section 822: Impairment to Practice)

3 6. Respondent is subject to disciplinary action under section 822 in that Respondent is
4 unable to practice his profession safely because he is impaired due to mental illness and/or
5 physical illness affecting competency, as described more fully herein below.

6 7. On or about September 7, 2012, Respondent reported to the Medical Board, pursuant
7 to Section 802.1 of the Code, that he had been arrested on August 29, 2012 and that an
8 information was filed against him in San Francisco Superior Court Case No. 12022343. The
9 criminal information charged felony violations of Penal Code section 273(a) child endangerment
10 and Penal Code section 148(1)(1) resisting an officer, and of Health and Safety Code section
11 11170 prescribing for self-use.

12 8. On or about September 3, 2012, Respondent signed a durable power of attorney,
13 naming his sister as his agent for purposes of: (1) real estate transactions; (2) tangible personal
14 property transactions; (3) stock and bond, commodity, option and other security transactions; (4)
15 banking and other financial institution transactions; (5) business operating transactions; (6)
16 insurance and annuity transaction; (7) estate, trust, and other beneficiary transactions; (8) living
17 trust transactions; (9) legal actions; (10) personal and family care; (11) pet care; (12) government
18 benefits; (13) retirement plan transactions; and (14) tax matters. Respondent's sister also took
19 temporary custody of Respondent's two children.

20 9. At or about the same time, Respondent posted a notice on the Internet website for his
21 medical practice that, due to personal issues, Respondent closed his practice as of September 2,
22 2012.

23 10. On or about September 10, 2012 in San Francisco, Respondent was involved in an
24 approximately six-hour stand-off with authorities who attempted to talk him down from an ocean
25 cliff. Respondent had been reported by his family as missing since September 7, 2012.
26 Respondent was seriously injured after a fall or jump from the cliff and was admitted to the
27 hospital under a Health and Safety Code section 5150 hold.
28

1 11. The Medical Board's investigator attempted to interview Respondent in person to
2 obtain information about his status and condition. On or about January 21, 2013, Respondent's
3 attorneys advised the Medical Board that Respondent was "currently suffering from some serious
4 medical issues" and was unable to submit to an interview.

5 12. In February 2013, after the Medical Board's investigator requested a telephone
6 interview with Respondent, Respondent's attorney represented that Respondent was unable to
7 submit to an interview because he was experiencing a number of health difficulties, including
8 extreme anxiety, such that Respondent's health did not permit him "to be interviewed in a
9 meaningful way." Respondent's attorney again informed the Medical Board that Respondent was
10 not currently practicing medicine.

11 13. On May 12, 2013, Respondent signed a voluntary agreement to submit to a mental
12 examination to determine whether his ability to practice medicine safely is impaired due to a
13 mental or physical illness affecting his competency.

14 14. On or about June 13, 2013, Respondent, through his attorneys, informed the Medical
15 Board that he prefers to surrender his license rather than submit to a mental examination.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Medical Board of California issue a decision:

19 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 72839,
20 issued to Jeffrey I. Schwartz, M.D.;

21 2. Revoking, suspending or denying approval of Jeffrey I. Schwartz, M.D.'s authority to
22 supervise physician assistants, pursuant to section 3527 of the Code;

23 3. Ordering Jeffrey I. Schwartz, M.D., if placed on probation, to pay the Medical Board
24 of California the costs of probation monitoring; and/or

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4. Taking such other and further action as deemed necessary and proper.

July 2, 2013

DATED: _____



KIMBERLY KIRCHMEYER
Interim Executive Officer
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2013404888