

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

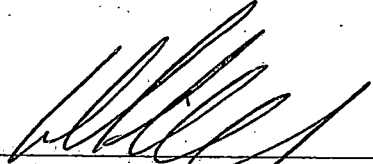
In the Matter of the Accusation Against:)	
)	File No. 05-2007-181416
JOHN T. NASSE, JR., M.D.)	
)	
Physician's and Surgeon's)	
Certificate No. C 29053)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California as its Decision in the above entitled matter.

This Decision shall become effective at **5:00 p.m.** on May 25, 2010.

IT IS SO ORDERED May 18, 2010.



Linda K. Whitney
Executive Director

1 EDMUND G. BROWN JR.,
Attorney General of the State of California
2 KLINT JAMES McKAY, State Bar No. 120881
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 576-1327
5 Facsimile: (213) 897-9395
6 Attorneys for Complainant

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

10
11 In the Matter of the Accusation Against:

Case No. 05-2007-181416

12 JOHN T. NASSE, JR.
308 West Aliso St.
13 Ojai, California 93023

STIPULATED SURRENDER
OF CERTIFICATE AND ORDER

14 Physician's & Surgeon's Certificate No. C 29053,
15 Respondent.

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18 In the interest of a prompt and speedy resolution of this matter, consistent with the
19 public interest and the responsibility of the Medical Board of California of the Department
20 of Consumer Affairs (Board), the parties hereby agree to the following Stipulated Surrender
21 of Certificate and Order (Stipulation) which will be submitted to the Board for approval
22 and adoption as the final disposition of the Accusation in this matter.

23 **PARTIES**

24 1. Linda K. Whitney (Complainant) is the ~~Interim~~ Executive Director of
25 the Medical Board of California. Her predecessor in interest, Barbara Johnston, brought
26 this action solely in her official capacity and was represented in this matter, as is Ms.
27 Whitney, by Edmund G. Brown Jr., Attorney General of the State of California, by Klint
28 James McKay, Deputy Attorney General.

1 2. John T. Nasse, Jr. (Respondent) is represented in this proceeding by
2 attorney Richard Regnier, whose address is 116 La Patera Drive, Camarillo, California
3 93010.

4 3. On or about May 26, 1967, the Board issued Physician's and
5 Surgeon's Certificate number C 29053 to John T. Nasse, Jr. (Respondent). This Certificate
6 was in full force and effect at all times relevant to the charges brought herein and will
7 expire on May 31, 2011, unless renewed.

8 **JURISDICTION**

9 4. Accusation Number LA 2007 502338 was filed before the Board on
10 January 28, 2010 (attached hereto as **Exhibit A**). Respondent has not served a Notice of
11 Defense to said Accusation, and now wishes to surrender his Certificate above referenced.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, discussed with counsel, and fully
14 understands the charges and allegations which underlie this Stipulated Surrender of
15 Certificare and Order. Respondent also has carefully read, discussed with counsel, and
16 fully understands the effect of this document and the ones which precede it.

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

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

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1 **CULPABILITY**

2 8. Respondent understands and agrees that the charges and allegations in
3 Accusation Number LA 2007502338, if proven at a hearing, constitute cause for imposing
4 discipline upon his Physician's and Surgeon's Certificate Number C 29053.

5 9. For the purpose of resolving this matter without the expense and
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
7 present a factual basis for further discipline based on the allegations set forth in the Accusation,
8 and that Respondent hereby gives up his right to contest those charges.

9 10. Respondent agrees that his Physician's and Surgeon's Certificate
10 Number C 29053 is subject to discipline and he agrees to be bound by the Board's imposition
11 of discipline as set forth in the Disciplinary Order below.

12 **CONTINGENCY**

13 11. This Stipulation shall be subject to approval by the Board.
14 Respondent understands and agrees that counsel for Complainant and the staff of the Board
15 may communicate directly regarding the Accusation, this document, and any other facts and
16 circumstances related thereto without notice to or participation by Respondent or his
17 counsel. By signing this Stipulation, Respondent understands and agrees that he may not
18 withdraw his agreement or seek to rescind this Stipulated Surrender of Certificate and
19 Order prior to the time the Board considers and acts upon it. If the Board fails to adopt this
20 Stipulation as its Decision and Order, this document, in its entirety, shall be of no force or
21 effect except for this paragraph. It shall also be inadmissible in any legal action between
22 the parties, and the Board shall not be disqualified from further action by having considered
23 the is matter.

24 **OTHER MATTERS**

25 12. The parties understand and agree that facsimile copies of this
26 Stipulated Surrender of Certificate and Disciplinary Order, including facsimile signatures
27 thereto, shall have the same force and effect as the originals.

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1 13. In consideration of the foregoing admissions and stipulations, the
2 parties agree that the Board may, without further notice or formal proceeding, issue and
3 enter the following Order:

4 **ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate
6 Number C 29053 issued to John T. Nasse, Jr. is surrendered and accepted by the Board.

7 14. The surrender of Respondent's Physician's and Surgeon's Certificate
8 Number C 29053 and the acceptance of the surrendered Certificate by the Board shall
9 constitute the imposition of discipline against Respondent. This Stipulation constitutes a
10 record of the discipline and shall become a part of Respondent's Certificate history with the
11 Board.

12 15. Respondent shall lose all rights and privileges as a physician and
13 ~~surgeon in California as of the effective date of the Board's Decision and Order.~~

14 16. Respondent shall cause both his wall and pocket license certificate to
15 be delivered to the Board on or before the effective date of the Decision and Order.

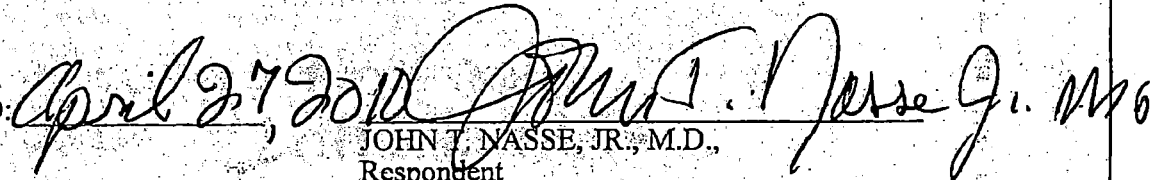
16 17. Respondent fully understands and agrees that if he ever files an
17 application for licensure or a petition for reinstatement in the State of California, the Board
18 shall treat it as a petition for reinstatement. Respondent must comply with all the laws,
19 regulations and procedures for reinstatement of a revoked Certificate in effect at the time
20 the petition is filed, and all of the charges and allegations contained in Accusation in this
21 case shall be deemed to be true, correct, and admitted by Respondent when the Board
22 determines whether to grant or deny the petition.

23 18. Should Respondent ever apply or reapply for a new Certificate or
24 certification, or petition for reinstatement of a Certificate, by any other health care licensing
25 agency in the State of California, all of the charges and allegations contained in Accusation
26 in this matter shall be deemed to be true, correct, and admitted by Respondent for the
27 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict
28 licensure.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of Certificate and Order and have fully discussed it with my attorney, Richard Regnier. I understand the Stipulation and the effect it will have on my Physician's and Surgeon's Certificate Number C 29053. I enter into this Stipulated Surrender of Certificate and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California, Department of Consumer Affairs.

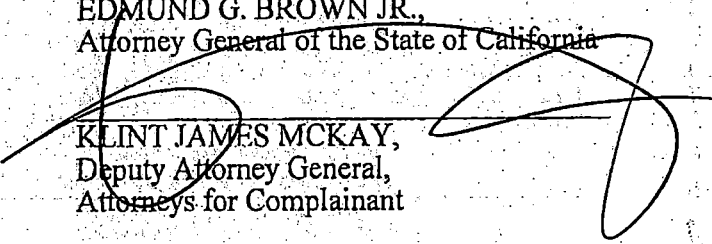
DATED: April 27, 2010,  JOHN T. NASSE, JR., M.D.,
Respondent

I have read and fully discussed the terms, conditions and all other matters contained in this Stipulated Surrender of Certificate and Order with Respondent John T. Nasse, Jr., M.D. I approve its form and content.

DATED: April 27, 2010  RICHARD REGNIER,
Attorney for Respondent

ENDORSEMENT

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

DATED: 05 May 2010
EDMUND G. BROWN JR.,
Attorney General of the State of California

KLINT JAMES MCKAY,
Deputy Attorney General,
Attorneys for Complainant

KJM/adm-04/20/2010
Stipulation to Surrender.wpd

EXHIBIT A

Accusation Number
05-2007-181416

1 EDMUND G. BROWN JR.,
Attorney General of the State of California
2 KLINT JAMES McKAY, State Bar No. 120881
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 576-1327
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO, JANUARY 28, 2010
BY: JYELCHAK ANALYST

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

11 In the Matter of the Accusation Against:

Case No. 05-2007-181416

12 JOHN T. NASSE, JR, M.D..

13 308 West Aliso St.
Ojai, California 93023

ACCUSATION

14 Physician's & Surgeon's Certificate No. C 29053,

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19
20 1. Barbara Johnston (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California ("Board").

22 2. On or about May 26, 1967, the Board issued Physician's and Surgeon's
23 Certificate number C 29053 to John T. Nasse, Jr. (Respondent). This license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on May
25 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the
28 following laws. All section references are to the Business and Professions Code unless

1 otherwise indicated.

2
3 **STATUTORY PROVISIONS**

4 4. Section 2227 of the Code states:

5 “(a) A licensee whose matter has been heard by an administrative law
6 judge of the Medical Quality Hearing Panel as designated in Section 11371 of the
7 Government Code, or whose default has been entered, and who is found guilty, or
8 who has entered into a stipulation for disciplinary action with the division¹, may, in
9 accordance with the provisions of this chapter:

10 (1) “Have his or her license revoked upon order of the division.

11 (2) “Have his or her right to practice suspended for a period not
12 to exceed one year upon order of the division.

13 (3) “Be placed on probation and be required to pay the costs of
14 probation monitoring upon order of the division.

15 (4) “Be publicly reprimanded by the division.

16 (5) “Have any other action taken in relation to discipline as part
17 of an order of probation, as the division or an administrative law judge may deem
18 proper.

19 (b) “Any matter heard pursuant to subdivision (a), except for warning
20 letters, medical review or advisory conferences, professional competency
21 examinations, continuing education activities, and cost reimbursement associated
22 therewith that are agreed to with the division and successfully completed by the
23 licensee, or other matters made confidential or privileged by existing law, is deemed
24 public, and shall be made available to the public by the board pursuant to Section

25
26 1. California Business and Professions Code section 2002, as amended and effective
27 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in
28 the State Medical Practice Act (Cal. Bus. & Prof. Code, §§2000, *et seq.*) means the "Medical
Board of California," and references to the "Division of Medical Quality" and "Division of
Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 803.1.”

2 5. Section 2228 of the Code states:

3 “The authority of the board or a division of the board or the California Board
4 of Podiatric Medicine to discipline a licensee by placing him or her on probation
5 includes, but is not limited to, the following:

6 (a) “Requiring the licensee to obtain additional professional training and
7 to pass an examination upon the completion of the training. The examination may
8 be written or oral, or both, and may be a practical or clinical examination, or both, at
9 the option of the board or division or the administrative law judge.

10 (b) “Requiring the licensee to submit to a complete diagnostic
11 examination by one or more physicians and surgeons appointed by the division. If
12 an examination is ordered, the board or division shall receive and consider any other
13 report of a complete diagnostic examination given by one or more physicians and
14 surgeons of the licensee's choice.

15 (c) “Restricting or limiting the extent, scope, or type of practice of the
16 licensee, including requiring notice to applicable patients that the licensee is unable
17 to perform the indicated treatment, where appropriate.

18 (d) “Providing the option of alternative community service in cases other
19 than violations relating to quality of care, as defined by the Division of Medical
20 Quality.”

21 6. Section 2234 of the Code states:

22 “The Division of Medical Quality shall take action against any licensee who
23 is charged with unprofessional conduct. In addition to other provisions of this
24 article, unprofessional conduct includes, but is not limited to, the following:

25 (a) Violating or attempting to violate, directly or indirectly, assisting in
26 or abetting the violation of, or conspiring to violate any provision of this chapter
27 [Chapter 5, the Medical Practice Act].

28 (b) Gross negligence.

1 (c) "Repeated negligent acts. To be repeated, there must be two or more
2 negligent acts or omissions. An initial negligent act or omission followed by a
3 separate and distinct departure from the applicable standard of care shall constitute
4 repeated negligent acts.

5 (1) "An initial negligent diagnosis followed by an act or
6 omission medically appropriate for that negligent diagnosis of the patient
7 shall constitute a single negligent act.

8 (2) "When the standard of care requires a change in the diagnosis, act, or
9 omission that constitutes the negligent act described in paragraph (1), including, but
10 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
11 licensee's conduct departs from the applicable standard of care, each departure
12 constitutes a separate and distinct breach of the standard of care.

13 (d) "Incompetence.

14 (e) "The commission of any act involving dishonesty or corruption
15 which is substantially related to the qualifications, functions, or duties of a
16 physician and surgeon.

17 (f) "Any action or conduct which would have warranted the denial of a
18 certificate."

19 7. Section 2266 of the Code states:

20 "The failure of a physician and surgeon to maintain adequate and accurate
21 records relating to the provision of services to their patients constitutes unprofessional
22 conduct"

23 **FIRST CAUSE FOR DISCIPLINE**
24 **(Gross Negligence as to Patient Lori C.²)**

25 8. Respondent is subject to disciplinary action for gross negligence under
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2. All patient names (other than the fictitious "E. C.") are abbreviated to protect their privacy.

1 Business and Professions Code section 2234(b), based on his treatment of Lori C. The
2 facts and circumstances are as follows:

3 A. Respondent began to treat Lori C. in or about January 23, 2002. Ms. C. had
4 then been suffering from multiple sclerosis for four years, had a hip replacement, and
5 suffered from back disc disease. From the inception of his treatment of Ms. C., Respondent
6 prescribed Vicodin and Xanax.

7 B. Ms. C. saw Respondent eight times in 2002, five times in 2003, five times in
8 2004, four times in 2005, nine times in 2006, five times in 2007, and five times in 2008.

9 C. On or about January 13, 2005, Respondent began prescribing hydrocodone,
10 specifically Bitartrate\APAP (hydrocodone with acetaminophen). Respondent thereafter
11 prescribed this drug 48 times in 30 months in 100 tablet increments. These far exceed
12 appropriate dosage levels.

13 D. Hydrocodone is used for pain management. However, Respondent did not
14 consult with Ms. C.'s pain management physician regarding his prescriptions to ensure that
15 Ms. C. did not receive duplicate prescriptions, nor did he refer Ms. C. to her pain
16 management physician or neurologist to simply allow them to provide Ms. C. with the
17 appropriate analgesic medication.

18 9. Respondent's prescribing of hydrocodone in excessive amounts, failure to
19 consult with Ms. C.'s pain management physician to ensure that she did not abuse
20 hydrocodone, or refer her to her pain management physician constituted acts of gross
21 negligence and an extreme departure from the standard of care within the meaning of Code
22 section 2234(b).

23 **SECOND CAUSE OF DISCIPLINE**
24 **(Repeated Acts of Negligence as to Lori C.)**

25 10. The actions set forth above constitute repeated acts of negligence under
26 Section 2234(c) of the Code.

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1 **THIRD CAUSE OF DISCIPLINE**
2 (Repeated Acts of Negligence as to James J.)

3 11. Respondent is subject to disciplinary action for repeated acts of negligence
4 under Business and Professions Code section 2234(b), based on his treatment of James J.
5 The facts and circumstances are as follows:

6 A. Respondent prescribed Doxepin, which is used for depression and anxiety,
7 on July, 29, 2006 (in 45 mg. doses), and on August 10, 2006 and October 24, 2006 (in 100
8 mg. doses).

9 B. Respondent did not obtain tricyclic blood levels to establish the effective
10 levels of the medications, and did not perform a drug screen to determine what other drugs
11 the patient was taking.

12 C. James J. died of a drug overdose on December 15, 2006 due to a
13 combination of Soma (prescribed by Respondent), benzodiazepines (also prescribed by
14 Respondent), and tricyclic antidepressants (yet again prescribed by Respondent).

15 12. Respondent's failure to obtain tricyclic blood levels to establish the effective
16 levels of the medications, and perform a drug screen to determine what other drugs the
17 patient was taking constituted repeated acts of negligence under Section 2234(c) of the
18 Code.

19 **FOURTH CAUSE FOR DISCIPLINE**
20 (Gross Negligence as to Ellen Coats)

21 13. Respondent is subject to disciplinary action for gross negligence under
22 Business and Professions Code section 2234(b), based on his treatment of "Ellen Coats,"
23 who was not an actual patient, but a pseudonym used by a Medical Board of California
24 investigator. The facts and circumstances are as follows.

25 A. On or about October 18, 2007, a Medical Board investigator had an initial
26 appointment with Respondent as "[REDACTED]" Respondent failed to conduct a
27 comprehensive initial examination and evaluation.

28 B. Notwithstanding the fact that Respondent had not established any medical

1 justification for prescribing drugs to purported patient E C he prescribed Diazepam
2 for the investigator.

3 C. Respondent's failure to conduct an appropriate examination and evaluation
4 and nonetheless prescribing Diazepam constitutes gross negligence and an extreme
5 departure from the standard of care within the meaning of Code section 2234(b).

6 **FIFTH CAUSE OF DISCIPLINE**
7 (Repeated Acts of Negligence as to Ellen Coates)

8 14. Respondent is subject to disciplinary action for repeated acts of negligence
9 under Business and Professions Code section 2234(c), based on his treatment of "Ellen
10 Coates." The facts and circumstances are that after failing to conduct an examination and
11 evaluation but yet prescribing Diazepam as set forth above, Respondent failed to either
12 establish a monitoring regimen or set a follow-up appointment within 30 days.

13 15. This failure, taken together with his failure to conduct the examination or
14 evaluation, constitute repeated acts of negligence under Section 2234(c) of the Code.

15 **SIXTH CAUSE FOR DISCIPLINE**
16 (Gross Negligence as to Patient Katherine T.³)

17 16. Respondent is subject to disciplinary action for gross negligence under
18 Business and Professions Code section 2234(b), based on his treatment of Katherine T.
19 The facts and circumstances are as follows:

20 A. Respondent began treating Katherine T. on or about May 14, 2007. Ms. T.
21 had then been suffering from depression and alcohol abuse for a year; she had been in and
22 out of alcohol rehabilitation. Ms. T.'s medical records also reflect an admission to Ojai
23 Valley Community Hospital on July 4, 2007 for seizures, with a blood alcohol level of .217
24 on admission, with diagnostic impressions of breakthrough seizures, drug use
25 noncompliance and use of Dilantin (an antiepileptic drug), mood disorder, alcoholism,
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3. All patient names (other than the fictitious "E C") are abbreviated to protect
their privacy.

1 hyperthyroidism, and psychosocial situational stress.

2 B. Initially, Respondent prescribed Dilantin, Librium (an antianxiety drug,
3 which should not be used with alcohol), Ativan (chemically known as chlordiazepoxide,
4 another antianxiety medication which also should not be used with alcohol) and Lexapro
5 (an antidepressant).

6 C. During the one year that Respondent treated Katherine T., he prescribed a
7 drug in the benzodiazepine class (antianxiety medications) 19 times. This far exceeds
8 appropriate dosage levels. Respondent also prescribed chlordiazepoxide 6 times and
9 phenobarbitol once. Ms. T. also had previously been prescribed chloral hydrate.

10 17. The prescription of benzodiazepines to a patient who has a history of alcohol
11 abuse and chloral hydrate usage risks a potentially lethal outcome and constitutes gross
12 negligence and an extreme departure from the applicable medical standard of care.

13 **SEVENTH CAUSE OF DISCIPLINE**
14 (Repeated Acts of Negligence as to Katherine T.)

15 18. Respondent is subject to disciplinary action for repeated acts of negligence
16 under Business and Professions Code section 2234(b), based on his treatment of Katherine
17 T. The facts and circumstances are as follows:

18 A. At no time during Respondent's treatment of Ms. T. did he refer her to a
19 neurologist for assessment of her seizures, or even consult with her previous psychiatrist to
20 determine her psychiatric history.

21 19. This failure, taken together with his prescription of benzodiazepines and
22 other drugs as set forth above, constitute repeated acts of negligence under section 2234(c)
23 of the Code.

24 **EIGHTH CAUSE FOR DISCIPLINE**
25 (Failure to Maintain Adequate and Accurate Records as to Patient Dallas W.⁴)

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28 4. All patient names (other than the fictitious "B C") are abbreviated to protect
their privacy.

1 20. Respondent is subject to disciplinary action under section 2266 of the Code
2 for failure to maintain adequate and accurate records of the treatment of Dallas W. The
3 facts and circumstances are as follows.

4 A Respondent first saw Mr. W. on or about February 15, 2007. The medical
5 history Respondent took that day was insufficient with regard to the onset of Mr. W.'s
6 uncontrolled anxiety, panic attacks and muscle cramps. Respondent wrote a one-sentence
7 family history and no documentation whatsoever of previous treatment for anxiety disorder.

8 B. The failure to document Mr. W.'s treatment and illness history, including
9 but not limited to any relevant family background, prevented effective medical assessment
10 of Mr. W.'s condition by any later medical treater.

11 21. Such conduct violates Code section 2266, and subjects Respondent to
12 discipline accordingly.

13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters
15 herein alleged, and that following the hearing, the Board issue a decision:


16 1. Revoking or suspending Physician & Surgeon's Certificate number C
17 29053, issued to James T. Nasse, Jr., M.D.;

18 2. Revoking, suspending or denying approval of his authority to supervise
19 physician assistants, pursuant to Section 3527 of the Code;

20 3. If placed on probation, ordering him to pay the costs of probation
21 monitoring; and

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

23 DATED: January 28, 2010.

24 
25 BARBARA JOHNSTON,
26 Executive Director,
27 Medical Board of California,
28 Department of Consumer Affairs,
State of California,
Complainant