

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

In the Matter of the Accusation)	
Against:)	
)	
)	
Judith Saperstein Braun, M.D.)	Case No. 10-2010-207022
)	
Physician's and Surgeon's)	
Certificate No. G26720)	
)	
Respondent)	
_____)	

DECISION

The attached Stipulation 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 February 14, 2013.

IT IS SO ORDERED: January 15, 2013.

MEDICAL BOARD OF CALIFORNIA



Barbara Yaroslavsky, Chair
Panel A

1 KAMALA D. HARRIS.
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 SAMUEL K. HAMMOND
Deputy Attorney General
4 State Bar No. 141135
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 10-2010-207022

12 **JUDITH SAPERSTEIN BRAUN, M.D.**
13 **7946 Ivanhoe Avenue #210**
14 **La Jolla, CA 92037**

OAH No. 2012040061

15 **Physician's and Surgeon's**
16 **Certificate No. G26720**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
22 California (Board). She is represented in this matter by Kamala D. Harris, Attorney General of
23 the State of California, by Samuel K. Hammond, Deputy Attorney General.

24 2. Respondent Judith Saperstein Braun, M.D. (Respondent) is represented in this
25 proceeding by attorney Robert W. Frank, Esq., Neil, Dymont, Frank, McFall & Trexler APLC,
26 1010 Second Avenue, Suite 2500, San Diego, CA 92101-4959.

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1 207022, and has thereby subjected her Physician's and Surgeon's Certificate No. G26720 to
2 disciplinary action. Respondent further agrees to the Board's imposition of discipline as set forth
3 in the Disciplinary Order below.

4 9. Respondent agrees that if she ever petitions for an early termination or modification
5 of probation, or if an accusation and/or petition to revoke probation is filed against her before the
6 Medical Board of California, all of the charges and allegations contained in Accusation No. 10-
7 2010-207022, shall be deemed true and correct, and fully admitted by for the purposes of any
8 such proceeding before the Board or any other licensing agency in California.

9 CONTINGENCY

10 10. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
11 submitted to the Board for its consideration in the above-entitled matter and, further, that the
12 Board shall have a reasonable period of time in which to consider and act on this Stipulated
13 Settlement and Disciplinary Order after receiving it.

14 11. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null
15 and void and not binding upon the parties unless approved and adopted by the Board, except for
16 this paragraph, which shall remain in full force and effect. Respondent fully understands and
17 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
18 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
19 the Attorney General's office. Communications pursuant to this paragraph shall not disqualify
20 the Board, any member thereof, and/or any other person from future participation in this or any
21 other matter affecting or involving Respondent. In the event that the Board, in its discretion, does
22 not approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of
23 this paragraph, it shall not become effective, shall not be of evidentiary value whatsoever, and
24 shall not be relied upon or introduced in any disciplinary action by either party hereto.
25 Respondent further agrees that should the Board reject this Stipulated Settlement and Disciplinary
26 Order for any reason, Respondent will assert no claim that the Board, or any member thereof, was
27 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
28 Disciplinary Order or of any matter or matters related hereto.

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ADDITIONAL PROVISIONS

12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.

13. The parties agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures of the parties, may be used in lieu of original documents and signatures and, further, that facsimile copies shall have the same force and effect as originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G26720 issued to Respondent Judith Saperstein Braun, M.D., is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years from the effective date of this Decision and Disciplinary Order on the following terms and conditions.

1. ACTUAL SUSPENSION As part of probation, Respondent is suspended from the practice of medicine for 30 days beginning the sixteenth (16th) day after the effective date of the decision.

2. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping equivalent to the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the Program with any information that the Program may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's

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1 expense and shall be in addition to the Continuing Medical Education (CME) requirements for
2 renewal of licensure.

3 A medical record keeping course taken after the acts that gave rise to the charges in the
4 Accusation, but prior to the effective date of the Decision may in the sole discretion of the Board
5 or its designee, be accepted towards the fulfillment of this condition if the course would have
6 been approved by the Board or its designee had the course been taken after the effective date of
7 the Decision.

8 Respondent shall submit a certification of successful completion to the Board or its
9 designee not later than 15 calendar days after successfully completing the course, or not later than
10 15 calendar days after the effective date of the Decision, whichever is later.

11 3. PRESCRIBING PRACTICES COURSE Within 60 calendar days of the effective
12 date of this Decision, Respondent shall enroll in a course in prescribing practices equivalent to the
13 Prescribing Practices Course offered by the Physician Assessment and Clinical Education
14 Program, University of California, San Diego School of Medicine (Program), approved in
15 advance by the Board or its designee. Respondent shall provide the Program with any
16 information that the Program may deem pertinent. Respondent shall participate in and
17 successfully complete the classroom component of the course not later than six (6) months after
18 initial enrollment. Respondent shall successfully complete any other component of the course
19 within one (1) year of enrollment. The prescribing practice course shall be at Respondent's
20 expense and shall be in addition to the Continuing Medical Education (CME) requirements for
21 renewal of licensure.

22 A prescribing practices course taken after the acts that gave rise to the charges in the
23 Accusation, but prior to the effective date of the Decision may in the sole discretion of the Board
24 or its designee, be accepted towards the fulfillment of this condition if the course would have
25 been approved by the Board or its designee had the course been taken after the effective date of
26 the Decision. Respondent shall submit a certification of successful completion to the Board or its
27 designee not later than 15 calendar days after successfully completing the course, or not later than
28 15 calendar days after the effective date of the Decision, whichever is later.

1 4. PROFESSIONALISM PROGRAM (ETHICS COURSE) Within 60 calendar days of
2 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
3 meets the requirement of Title 16, California Code of Regulations (CCR) section 1358.
4 Respondent shall participate in and successfully complete the program. Respondent shall provide
5 any information and documents the program may deem pertinent. Respondent shall successfully
6 complete the classroom component of the course not later than six (6) months after initial
7 enrollment, and the longitudinal component of the program not later than the time specified by
8 the program, but no later than one (1) year after attending the classroom component. The
9 professionalism program shall be at Respondent's expense and shall be in addition to the
10 Continuing Medical Education (CME) requirements for renewal of licensure.

11 A professionalism program taken after the acts that gave rise to the charges in the
12 Accusation, but prior to the effective date of the Decision may in the sole discretion of the Board
13 or its designee, be accepted towards the fulfillment of this condition if the program would have
14 been approved by the Board or its designee had the course been taken after the effective date of
15 the Decision.

16 Respondent shall submit a certification of successful completion to the Board or its
17 designee not later than 15 calendar days after successfully completing the program or not later
18 than 15 calendar days after the effective date of the Decision, whichever is later

19 5. EDUCATION COURSE Within 60 calendar days of the effective date of this
20 Decision and on an annual basis, Respondent shall submit to the Board or its designee for its prior
21 approval, an education program(s) or course(s) which shall not be less than 40 hours per year, for
22 each year of probation. The educational program(s) or course(s) shall be aimed at correcting any
23 areas of deficient practice or knowledge and shall be Category 1 certified. The educational
24 program(s) or course(s) shall be at Respondent's expense and shall be in addition to the
25 Continuing Medical Education (CME) requirements for renewal of licensure. Following the
26 completion of each course, the Board or its designee may administer an examination to test
27 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65
28 hours of CME of which 40 hours were in satisfaction of this condition.

1 6. NOTIFICATION Prior to engaging in the practice of medicine, the Respondent
2 shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief
3 Executive Officer at every hospital where privileges or membership are extended to Respondent,
4 at any other facility where Respondent engages in the practice of medicine, including all
5 physician and locum tenens registries or other similar agencies, and to the Chief Executive
6 Officer at every insurance carrier which extends malpractice insurance coverage to Respondent.
7 Respondent shall submit proof of compliance to the Board or its designee within 15 calendar
8 days.

9 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

10 7. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, Respondent
11 is prohibited from supervising physician assistants.

12 8. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all
13 rules governing the practice of medicine in California, and remain in full compliance with any
14 court ordered criminal probation, payments and other orders.

15 9. QUARTERLY DECLARATIONS Respondent shall submit quarterly
16 declarations under penalty of perjury on forms provided by the Board, stating whether there has
17 been compliance with all the conditions of probation. Respondent shall submit quarterly
18 declarations not later than 10 calendar days after the end of the preceding quarter.

19 10. PROBATION UNIT COMPLIANCE Respondent shall comply with the Board's
20 probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business
21 and residence addresses. Changes of such addresses shall be immediately communicated in
22 writing to the Board or its designee. Under no circumstances shall a post office box serve as an
23 address of record, except as allowed by Business and Professions Code section 2021(b).

24 Respondent shall not engage in the practice of medicine in Respondent's place of residence.
25 Respondent shall maintain a current and renewed California physician's and surgeon's license.

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1 Respondent shall immediately inform the Board, or its designee, in writing, of travel to any areas
2 outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar
3 days.

4 11. INTERVIEW WITH THE BOARD, OR ITS DESIGNEE Respondent shall be
5 available in person for interviews either at Respondent's place of business or at the probation unit
6 office, with the Board or its designee, upon request at various intervals, and either with or without
7 prior notice throughout the term of probation.

8 12. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should
9 leave the State of California to reside or to practice, Respondent shall notify the Board or its
10 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is
11 defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in
12 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

13 All time spent in an intensive training program outside the State of California which has
14 been approved by the Board or its designee shall be considered as time spent in the practice of
15 medicine within the State. A Board-ordered suspension of practice shall not be considered as a
16 period of non-practice. Periods of temporary or permanent residence or practice outside
17 California will not apply to the reduction of the probationary term. Periods of temporary or
18 permanent residence or practice outside California will relieve Respondent of the responsibility to
19 comply with the probationary terms and conditions with the exception of this condition and the
20 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and
21 Cost Recovery.

22 Respondent's license shall be automatically cancelled if Respondent's periods of
23 temporary or permanent residence or practice outside California total two years. However,
24 Respondent's license shall not be cancelled as long as Respondent is residing and practicing
25 medicine in another state of the United States and is on active probation with the medical
26 licensing authority of that state, in which case the two year period shall begin on the date
27 probation is completed or terminated in that state.

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1 13. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

2 In the event Respondent resides in the State of California and for any reason Respondent
3 stops practicing medicine in California, Respondent shall notify the Board or its designee in
4 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any
5 period of non-practice within California, as defined in this condition, will not apply to the
6 reduction of the probationary term and does not relieve Respondent of the responsibility to
7 comply with the terms and conditions of probation. Non-practice is defined as any period of time
8 exceeding 30 calendar days in which Respondent is not engaging in any activities defined in
9 sections 2051 and 2052 of the Business and Professions Code.

10 All time spent in an intensive training program which has been approved by the Board or its
11 designee shall be considered time spent in the practice of medicine. For purposes of this
12 condition, non-practice due to a Board-ordered suspension or in compliance with any other
13 condition of probation, shall not be considered a period of non-practice.

14 Respondent's license shall be automatically cancelled if Respondent resides in California
15 and for a total of two years, fails to engage in California in any of the activities described in
16 Business and Professions Code sections 2051 and 2052.

17 14. COMPLETION OF PROBATION Respondent shall comply with all financial
18 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior
19 to the completion of probation. Upon successful completion of probation, Respondent's
20 certificate shall be fully restored.

21 15. VIOLATION OF PROBATION Failure to fully comply with any term or
22 condition of probation is a violation of probation. If Respondent violates probation in any
23 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke
24 probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to
25 Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation,
26 the Board shall have continuing jurisdiction until the matter is final, and the period of probation
27 shall be extended until the matter is final.

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1 16. LICENSE SURRENDER Following the effective date of this Decision, if
2 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
3 the terms and conditions of probation, Respondent may request the voluntary surrender of
4 Respondent's license. The Board reserves the right to evaluate Respondent's request and to
5 exercise its discretion whether or not to grant the request, or to take any other action deemed
6 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
7 Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the
8 Board or its designee and Respondent shall no longer practice medicine. Respondent will no
9 longer be subject to the terms and conditions of probation and the surrender of Respondent's
10 license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the
11 application shall be treated as a petition for reinstatement of a revoked certificate.

12 17. PROBATION MONITORING COSTS Respondent shall pay the costs associated
13 with probation monitoring each and every year of probation, as designated by the Board which
14 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
15 California and delivered to the Board or its designee no later than January 31 of each calendar
16 year.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert W. Frank, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G26720. I enter into this Stipulated Settlement and Disciplinary 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, State of California.

DATED:

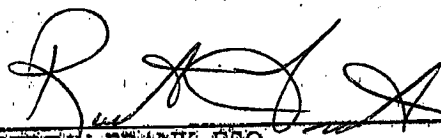
11/21/2012


JUDITH SAPERSTEIN BRAUN, M.D.
Respondent

I have read and fully discussed with respondent Judith Saperstein Braun, M.D., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

11-21-12


ROBERT W. FRANK, ESQ.
Attorney for Respondent

ENDORSEMENT

1
2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Medical Board of California, Department of Consumer
4 Affairs, State of California.

5
6 DATED: 11/21/12

Respectfully Submitted,

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8 KAMALA D. HARRIS.
Attorney General of California
9 THOMAS S. LAZAR
Supervising Deputy Attorney General



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11 SAMUEL K. HAMMOND
Deputy Attorney General
12 *Attorneys for Complainant*

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14 SKH: cs
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Exhibit A

Accusation No. 10-2010-207022

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 SAMUEL K. HAMMOND
Deputy Attorney General
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO December 13, 2011
BY: J. JELCHAK ANALYST

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

12 In the Matter of the Accusation Against:
13 **JUDITH SAPERSTEIN BRAUN, M.D.**
14 **7946 Ivanhoe Avenue, #210**
La Jolla, CA 92037
15 **Physician's and Surgeon's Certificate No.**
16 **G26720**
17 Respondent.

Case No. 10-2010-207022

A C C U S A T I O N

18 Complainant alleges:

19 **PARTIES**

20 1. Linda K. Whitney (hereinafter "Complainant") brings this Accusation solely in
21 her official capacity as the Executive Director of the Medical Board of California, Department of
22 Consumer Affairs.

23 2. On or about April 30, 1974, the Medical Board of California issued Physician's
24 and Surgeon's Certificate Number G26720 to Judith Saperstein Braun, M.D. (hereinafter
25 "Respondent"). The Physician's and Surgeon's Certificate was in full force and effect at all times
26 relevant to the charges brought herein and will expire on April 30, 2012, unless renewed.

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JURISDICTION

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

5 4. Section 2227 of the Code provides that a licensee who is found guilty under the
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
7 one year, placed on probation and required to pay the costs of probation monitoring, be publicly
8 reprimanded, or have such other action taken in relation to discipline as the Board deems proper.

9 5. Section 2234 of the Code states:

10 “The Division of Medical Quality shall take action against any licensee who is
11 charged with unprofessional conduct.¹ In addition to other provisions of this article,
12 unprofessional conduct² includes, but is not limited to, the following:

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

16 “(b) Gross negligence.

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

20 “(1) An initial negligent diagnosis followed by an act or omission medically
21 appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

22
23 ¹ California Business and Professions Code section 2002, as amended and effective
24 January 1, 2008, provides that, unless otherwise expressly provided, the term “board” as used in
25 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.

26 ² Unprofessional conduct has been defined as conduct which breaches the rules or ethical
27 code of the medical profession, or conduct which is unbecoming a member in good standing of
28 the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v.*
Board of Medical Examiners (1978) 81 Cal.App.3d 654.)

1 “(2) When the standard of care requires a change in the diagnosis, act, or omission
2 that constitutes the negligent act described in paragraph (1), including, but not limited to, a
3 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs
4 from the applicable standard of care, each departure constitutes a separate and distinct
5 breach of the standard of care.

6 “... ”

7 “(e) The commission of any act involving dishonesty or corruption which is
8 substantially related to the qualifications, functions, or duties of a physician and surgeon.

9 “(f) Any action or conduct which would have warranted the denial of a certificate.”

10 “... ”

11 6. Section 2238 of the Code states:

12 “A violation of any federal statute or federal regulation or any of the statutes or
13 regulations of this state regulating dangerous drugs or controlled substances constitutes
14 unprofessional conduct.”

15 7. Section 2261 of the Code states:

16 “Knowingly making or signing any certificate or other document directly or
17 indirectly related to the practice of medicine or podiatry which falsely represents the existence or
18 nonexistence of a state of facts, constitutes unprofessional conduct.”

19 8. Section 2262 of the Code states, in pertinent part:

20 “Altering or modifying the medical record of any person, with fraudulent intent, or
21 creating any false medical record, with fraudulent intent, constitutes unprofessional conduct.”

22 9. Section 2242 of the Code states:

23 “(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section
24 4022 without an appropriate prior examination and a medical indication, constitutes
25 unprofessional conduct.

26 “(b) No licensee shall be found to have committed unprofessional conduct within the
27 meaning of this section if, at the time the drugs were prescribed, dispensed, or furnished,
28 any of the following applies:

1 A. In or about 2003, patient L.L. then a 34-year old female and a physician, started
2 seeing Respondent for anxiety, and was prescribed 10 mg. Prozac.³ Patient L.L. was seen
3 by Respondent on numerous occasions in 2004, 2005, 2006, and 2007. During this time
4 period, Respondent failed to obtain and/or document an adequate history of patient L.L.'s
5 present illness, failed to obtain and/or document a psychiatric history, a medical history or a
6 mental status examination, and failed to generate and/or document a diagnostic impression
7 or treatment plan.⁴

8 B. In or about 2008, Respondent continued to see patient L.L. on a regular basis.
9 On or about January 9, 2008, Respondent prescribed Clonazepam⁵ 0.25 mg. for patient L.L.
10 but wrote the prescription in the name of the patient's husband, S.M. On or about
11 December 10, 2008, Respondent prescribed Klonopin,⁶ 0.25 mg. for patient L.L. but again
12 wrote the prescription in the name of S.M.⁷

13 C. During 2008, Respondent continued to prescribe controlled substances and
14 dangerous drugs for patient L.L. without obtaining and/or documenting an adequate history
15 of patient L.L.'s present illness, without obtaining and/or documenting a psychiatric history,
16 a medical history and a mental status examination, and without generating and/or
17 documenting a diagnostic impression and a treatment plan.

18 ³ Prozac is a brand name for fluoxetine, and a dangerous drug pursuant to Business and
19 Professions Code section 4022.

20 ⁴ Reference to Respondent's acts or omissions related to patient L.L., that are outside the
21 applicable statute of limitations (Bus. & Prof. Code, section 2230.5) are provided for
22 informational purposes only, and are not alleged as grounds for discipline.

23 ⁵ Clonazepam is a Schedule IV controlled substance pursuant to Health and Safety Code
24 section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code
25 section 4022. It is an anti-anxiety medication in the benzodiazepine family.

26 ⁶ Klonopin is a brand name for clonazepam a Schedule IV controlled substance pursuant
27 to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to
28 Business and Professions Code section 4022.

⁷ In her summary of care statement submitted to the Board's investigator in about May
2011, respondent indicated that she wrote the prescriptions in S.M.'s name because patient L.L.
"was extremely concerned about pharmacy records showing she had been prescribed such
medications because she was certain at the time that she was going to be named in a malpractice
suit and that somebody would incorrectly and unjustly try and link the medication use to the
perceived surgical mistake."

1 D. In or about 2009, Respondent continued to see patient L.L. on a regular basis.
2 On or about June 10, 2009, July 15, 2009, and August 19, 2009, Respondent prescribed
3 Citalopram⁸ 20 mg. for patient L.L. but wrote the prescription in the name of S.M.
4 Respondent also prescribed the following medications for patient L.L. in the name of the
5 patient's mother, A.L.: On or about December 2, 2009, she prescribed Ambien,⁹ 10 mg., on
6 or about December 4, 2009, Citalopram 20 mg. and Clonazepam, 0.25 mg., and on or about
7 December 29, 2009, she prescribed Citalopram 20 mg.

8 E. During 2009, Respondent continued to prescribe controlled substances and
9 dangerous drugs for patient L.L. without obtaining and/or documenting an adequate history
10 of patient L.L.'s present illness, without obtaining and/or documenting a psychiatric history,
11 medical history and a mental status examination, and without generating and/or
12 documenting a diagnostic impression and a treatment plan.

13 F. In or about 2010, Respondent continued to see patient L.L. on a regular basis,
14 and she continued to prescribe Citalopram, 20 mg. and Clonazepam, 0.5 mg for patient L.L.
15 Respondent also continued to prescribe Citalopram and Clonazepam for patient L.L. in
16 A.L.'s name.

17 G. During 2010, Respondent continued to prescribe controlled substances and
18 dangerous drugs for patient L.L. without obtaining and/or documenting an adequate history
19 of patient L.L.'s present illness, without obtaining and/or documenting a psychiatric history,
20 medical history and a mental status examination, and without generating and/or
21 documenting a diagnostic impression and a treatment plan.

22 H. On or about March 30, 2011, Respondent terminated her physician-patient
23 relationship with patient L.L.
24

25 ⁸ Citalopram which is also known by the brand name Celexa, is a dangerous drug pursuant
26 to Business and Professions Code section 4022. It is an antidepressant.

27 ⁹ Ambien. is a brand name for zolpidem tartrate, a Schedule IV controlled substance
28 pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug
pursuant to Business and Professions Code section 4022.

1 12. Respondent committed gross negligence in her care and treatment of patient
2 L.L., which included, but was not limited to, the following:

3 A. On or about January 9, 2008, Respondent prescribed Clonazepam 0.25 mg. for
4 patient L.L. but wrote the prescription in the name of the patient's husband, S.M.

5 B. On or about December 10, 2008, Respondent prescribed Clonazepam 0.25 mg.
6 for patient L.L. but wrote the prescription in the name of the patient's husband, S.M.

7 C. On or about June 10, 2009, Respondent prescribed Citalopram, 20 mg. for
8 patient L.L. but wrote the prescription in the name of the patient's husband, S.M.

9 D. On or about July 15, 2009, Respondent prescribed Citalopram, 20 mg. for
10 patient L.L. but wrote the prescription in the name of the patient's husband, S.M.

11 E. On or about August 19, 2009, Respondent prescribed Citalopram, 20 mg. for
12 patient L.L. but wrote the prescription in the name of the patient's husband, S.M.

13 F. In or about December, 2009, Respondent prescribed Zolpidem, 10 mg.,
14 Citalopram 20 mg., and Clonazepam, 0.25 mg., for patient L.L. but wrote the prescription in the
15 name of the patient's mother, A.L.

16 G. In or about January, 2010, Respondent prescribed Citalopram, 20 mg., for
17 patient L.L. but wrote the prescription in the name of the patient's mother, A.L.

18 H. In or about February, 2010, Respondent prescribed Citalopram 20 mg., for
19 patient L.L. but wrote the prescription in the name of her mother, patient A.L.

20 I. In or about March, 2010, Respondent prescribed Clonazepam, 0.5 mg., and
21 Citalopram, 20 mg., for patient L.L. but wrote the prescription in the name of the patient's
22 mother, A.L.

23 J. In or about April, 2010, Respondent prescribed Citalopram 20 mg., for patient
24 L.L. but wrote the prescription in the name of the patient's mother, A.L.

25 K. In or about May, 2010, Respondent prescribed Citalopram, 20 mg., for patient
26 L.L. but wrote the prescription in the name of the patient's mother, A.L.

27 L. In or about July, 2010, Respondent prescribed Citalopram, 20 mg., for patient
28 L.L. but wrote the prescription in the name of the patient's mother, A.L.

1 M. In or about August, 2010, Respondent prescribed Citolopram, 20 mg., for
2 patient L.L. but wrote the prescription in the name of the patient's mother, A.L.

3 N. During 2008 and 2009, Respondent wrote prescriptions for controlled
4 substances and dangerous drugs to S.M. without appropriate prior medical examination and
5 without medical indication, as required by section 2242, subdivision (a) of the Code.

6 O. During 2009 and 2010, Respondent wrote prescriptions for controlled
7 substances and dangerous drugs to A.L. without appropriate prior medical examination and
8 without medical indication, as required by section 2242, subdivision (a) of the Code.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Repeated Negligent Acts)

11 13. Respondent is further subject to disciplinary action under sections 2227 and
12 2234, as defined by section 2234, subdivision (c), of the Code, in that she committed repeated
13 negligent acts in her care and treatment of patient L.L., as more particularly alleged hereinafter.

14 A. Paragraphs 11 (A) through 11 (H) above, are hereby incorporated by reference
15 and re-alleged as if fully set forth herein.

16 B. Paragraphs 12 (A) through 12 (O) above, are hereby incorporated by reference
17 and re-alleged as if fully set forth herein.

18 C. During 2008, Respondent prescribed controlled substances and dangerous drugs
19 for patient L.L. without obtaining and/or documenting an adequate history of patient L.L.'s
20 present illness, without obtaining and/or documenting a psychiatric history, a medical
21 history and a mental status examination, and without generating and/or documenting a
22 diagnostic impression and a treatment plan.

23 D. During 2009, Respondent prescribed controlled substances and dangerous drugs
24 for patient L.L. without obtaining and/or documenting an adequate history of patient L.L.'s
25 present illness, without obtaining and/or documenting a psychiatric history, medical history
26 and a mental status examination, and without generating and/or documenting a diagnostic
27 impression and a treatment plan.
28

1 E. During 2010. Respondent prescribed controlled substances and dangerous drugs
2 for patient L.L. without obtaining and/or documenting an adequate history of patient L.L.'s
3 present illness. without obtaining and/or documenting a psychiatric history, medical history
4 and a mental status examination. and without generating and/or documenting a diagnostic
5 impression and a treatment plan.

6 **THIRD CAUSE FOR DISCIPLINE**

7 (Acts or Dishonesty or Corruption)

8 14. Respondent is further subject to disciplinary action under sections 2227 and
9 2234, as defined by section 2234, subdivision (e) of the Code. in that Respondent committed act
10 or acts of dishonesty or corruption by writing prescriptions for controlled substances and
11 dangerous drugs for patient L.L. in the names of the patient's mother and husband, as more
12 particularly alleged in Paragraphs 11, 12 and 13, above, which are hereby incorporated by
13 reference and realleged as if fully set forth herein.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 (Violation of Drug Statutes)

16 15. Respondent is further subject to disciplinary action under sections 2227 and
17 2234, as defined by section 2238 and section 2242, subdivision (a), of the Code, in that
18 Respondent wrote prescriptions for controlled substances and dangerous drugs for S.M. and A.L.
19 without appropriate prior medical examination and without medical indication particularly in
20 paragraphs 11, 12, 13 and 14, above, which are hereby incorporated by reference and realleged as
21 if fully set forth herein.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 (False Representations)

24 16. Respondent is further subject to disciplinary action under sections 2227 and
25 2234, as defined by section 2261, of the Code, in that Respondent signed documents that falsely
26 represented the existence or non-existence of a state of facts, in that Respondent wrote
27 prescriptions for controlled substances and dangerous drugs for patient L.L. in the names the
28

1 patient's mother and husband, as more particularly alleged in paragraphs 11, 12, 13, 14 and 15,
2 above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 (Creation of False Medical Records With Fraudulent Intent)

5 17. Respondent is further subject to disciplinary action under sections 2227 and
6 2234, as defined by section 2262, of the Code, in that Respondent created false medical records
7 with fraudulent intent in that, in that Respondent wrote prescriptions for controlled substances
8 and dangerous drugs for patient L.L in the names of the patient's mother and husband, as more
9 particularly alleged in paragraphs 11, 12, 13, 14 and 15, above, which are hereby incorporated by
10 reference and re-alleged as if fully set forth herein.

11 **SEVENTH CAUSE FOR DISCIPLINE**

12 (Prescribing Dangerous Drugs Without Appropriate Examination and Medical Indication)

13 18. Respondent is further subject to disciplinary action under sections 2227 and
14 2234, as defined by section 2242, of the Code, in that Respondent prescribed dangerous drugs to
15 S.M. and A.L. without an appropriate prior examination and medical indication, as more
16 particularly alleged in paragraphs 11, 12, 13, 14 and 15, above, which are hereby incorporated by
17 reference and re-alleged as if fully set forth herein.

18 **EIGHTH CAUSE FOR DISCIPLINE**

19 (Failure to Maintain Adequate and Accurate Medical Records)

20 19. Respondent is further subject to disciplinary action under sections 2227 and
21 2234, as defined by section 2266, of the Code, in that Respondent failed to maintain adequate and
22 accurate records regarding her care and treatment of patient L.L., as more particularly alleged
23 hereinafter in Paragraphs 11, 12, 13, 14 and 15, above, which are hereby incorporated by
24 reference and realleged as if fully set forth herein.

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1 NINTH CAUSE FOR DISCIPLINE

2 (General Unprofessional Conduct)

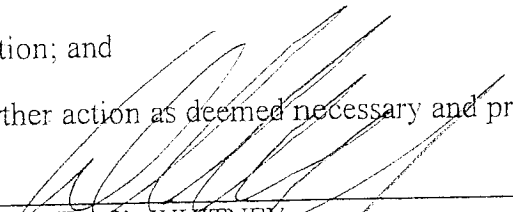
3 20. Respondent has further subjected his license to disciplinary action under
4 section 2234, of the Code in that Respondent engaged in conduct which breached the rules or
5 ethical code of the medical profession or which was unbecoming a member in good standing of
6 the medical profession as more particular alleged paragraphs 11 through 19, above, which are
7 incorporated herein by reference as if realleged as though fully set forth.

8 PRAYER

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

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate Number
12 G26720, heretofore issued to Respondent Judith Saperstein Braun, M.D.;
- 13 2. Revoking, suspending or denying approval of Respondent Judith Saperstein
14 Braun, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;
- 15 3. Ordering Respondent Judith Saperstein Braun, M.D., to pay the Board the costs
16 of probation monitoring, if placed on probation; and
- 17 4. Taking such other and further action as deemed necessary and proper.

18 DATED: December 13, 2011


19 LINDA K. WHITNEY
20 Executive Director
21 Medical Board of California
22 Department of Consumer Affairs
23 State of California
24 Complainant