

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

In the Matter of the Accusation)
Against:)

STEPHEN M. RAFFLE, M.D.)

Case No. 03-2009-198781

Physician's and Surgeon's)
Certificate No. G 16478)

Respondent)
_____)

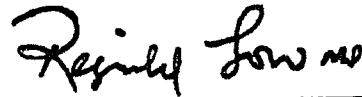
DECISION

The attached Stipulated Settlement and Disciplinary 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 November 30, 2012.

IT IS SO ORDERED: November 2, 2012.

MEDICAL BOARD OF CALIFORNIA



Reginald Low, M.D., Chair
Panel B

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA L. CASTRO
Supervising Deputy Attorney General
3 MICHEL W. VALENTINE
Deputy Attorney General
4 State Bar No. 153078
300 South Spring Street, Suite 5000
5 Los Angeles, CA 90013
Telephone: (213) 897-1034
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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:

Case No. 03-2009-198781

11
12 **STEPHEN M. RAFFLE, M.D.**
13 35 WOLFE GRADE
KENTFIELD, CA 94904-1011

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14
15 PHYSICIAN'S AND SURGEON'S CERTIFICATE NO. G16478

16 Respondent.
17

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 1. Linda K. Whitney is the Executive Director of the Medical Board of California. She
21 brought this disciplinary action solely in her official capacity and is represented by Kamala D.
22 Harris, Attorney General of the State of California, by Michel W. Valentine, Deputy Attorney
23 General.

24 2. Stephen M. Raffle, M.D., is represented in this matter by Ronald P. Goldman, Esq.,
25 Merchant Bank Building, 55 Main Street, Tiburon, CA 94920.

26 3. On May 19, 1969, the Medical Board of California issued Physician's and Surgeon's
27 Certificate Number G16478 to Stephen M. Raffle, M.D. (Respondent.) Said certificate is
28 renewed and current with an expiration date of May 31, 2014.

1 B. MEDICAL RECORD KEEPING COURSE: Within 60 days of the effective
2 date of this decision, Respondent shall enroll in a course in medical record keeping equivalent to
3 the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education
4 Program, University of California, San Diego School of Medicine (Program), approved in
5 advance by the Board or its designee. Respondent shall provide the program with any
6 information and documents that the Program may deem pertinent. Respondent shall participate in
7 and complete the classroom component of the course not later than six (6) months after
8 Respondent's initial enrollment. Respondent shall successfully complete any other component of
9 the course within nine (9) months of enrollment. The medical record keeping course shall be at
10 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)
11 requirements for renewal of licensure.

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

17 Respondent shall submit a certification of successful completion to the Board or its
18 designee not later than 15 days after successfully completing the course, or not later than 15 days
19 after the effective date of this decision, whichever is later.

20 C. PROFESSIONALISM PROGRAM (ETHICS COURSE)

21 Within 60 calendar days of the effective date of the decision, Respondent shall enroll in a
22 professionalism program, that meets the requirements of Title 16, California Code of Regulations
23 (CCR) section 1358. Respondent shall participate in and successfully complete that program.
24 Respondent shall provide any information and documents that the program may deem pertinent.
25 Respondent shall successfully complete the classroom component of the program not later than
26 nine (9) months after Respondent's initial enrollment, and the longitudinal component of the
27 program not later than the time specified by the program, but no later than nine (9) months after
28 attending the classroom component. The professionalism program shall be at Respondent's own

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

3 A professionalism program 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 fulfillment of this condition if the program would have been
6 approved by the Board or its designee had the program been taken after the effective date of the
7 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 program or not later
10 than 15 calendar days after the effective date of the Decision, whichever is later.

11 D. PROFESSIONAL BOUNDARIES PROGRAM

12 Within 60 calendar days from the effective date of this Decision, Respondent shall enroll in
13 a professional boundaries program equivalent to the Professional Boundaries Program offered by
14 the Physician Assessment and Clinical Education Program at the University of California, San
15 Diego School of Medicine ("Program"). Respondent, at the Program's discretion, shall undergo
16 and complete the Program's assessment of respondent's competency, mental health and/or
17 neuropsychological performance, and at minimum, a 24 hour program of interactive education
18 and training in the area of boundaries, which takes into account data obtained from the
19 assessment and from the Decision(s), Accusation(s) and any other information that the Board or
20 its designee deems relevant. The Program shall evaluate respondent at the end of the training and
21 the Program shall provide any data from the assessment and training as well as the results of the
22 evaluation to the Board or its designee.

23 Failure to complete the entire Program not later than nine (9) months after Respondent's
24 initial enrollment shall constitute a violation of this condition unless the Board or its designee
25 agrees in writing to a later time for completion. Based on Respondent's performance in and
26 evaluations from the assessment, education, and training, the Program shall advise the Board or
27 its designee of its recommendation(s) for additional education, training, psychotherapy and other
28 measures necessary to ensure that respondent can practice medicine safely. Respondent shall

1 comply with Program recommendations. At the completion of the Program, Respondent shall
2 submit to a final evaluation. The Program shall provide the results of the evaluation to the Board
3 or its designee. The professional boundaries program shall be at Respondent's expense and shall
4 be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

5 The Program has the authority to determine whether or not Respondent successfully
6 completed the Program.

7 A professional boundaries course taken after the acts that gave rise to the charges in the
8 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
9 or its designee, be accepted towards the fulfillment of this condition if the course would have
10 been approved by the Board or its designee had the course been taken after the effective date of
11 this Decision.

12 If Respondent fails to complete the Program within the designated time period, Respondent
13 shall cease the practice of medicine within three (3) calendar days after being notified by the
14 Board or its designee that respondent failed to complete the Program.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. 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.

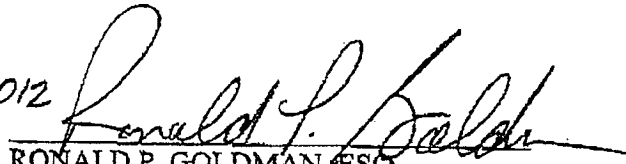
DATED:

September 20, 2012


STEPHEN M. RAFFLE, M.D.
Respondent

I have read and fully discussed with Respondent Stephen M. Raffle, 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: *Sept 20, 2012*


RONALD P. GOLDMAN, ESQ.
Attorneys for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated:

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



MICHEL W. VALENTINE
Deputy Attorney General
Attorneys for Complainant

9-21 RRB

ACCUSATION

(03-2009-198781)

1 KAMALA D. HARRIS
2 Attorney General of California
3 E. A. JONES III
4 Supervising Deputy Attorney General
5 State Bar No. 71375
6 300 So. Spring Street, Suite 1702
7 Los Angeles, CA 90013
8 Telephone: (213) 897-2543
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10 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 14 20 11
BY Kamala D. Harris

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

In the Matter of the Accusation Against:

Case No. 03-2009-198781

STEPHEN MERRITT RAFFLE, M.D.
35 Wolfe Grade
Kentfield, CA 94904-1011
Physician's and Surgeon's Certificate
G 16478

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

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

2. On or about May 19, 1969, the Medical Board of California issued Physician's and Surgeon's Certificate Number G 16478 to Stephen Merritt Raffle, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2012, unless renewed.

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 2227 of the Code provides that a licensee who is found guilty under the

1 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
2 one year, placed on probation and required to pay the costs of probation monitoring, or such other
3 action taken in relation to discipline as the Board deems proper.

4 5. Section 2234 of the Code states:

5 "The Division of Medical Quality^[1] shall take action against any licensee who is
6 charged with unprofessional conduct. In addition to other provisions of this article,
7 unprofessional conduct includes, but is not limited to, the following:

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

11 "(b) Gross negligence.

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

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

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

22 "(d) Incompetence.

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

25 "(f) Any action or conduct which would have warranted the denial of a certificate."
26

27 ¹ References to the Division of Medical Quality are deemed to refer to the Medical Board
28 of California pursuant to Business and Professions Code section 2002.

1 therapy sessions, Respondent advised patient D.H. to convert the property to condominiums
2 for sale. Respondent advised patient D.H. that he should obtain a loan for that purpose and
3 advised him of a loan company. Respondent also recommended legal counsel to patient
4 D.H. Respondent followed Respondent's advice. When patient D.H. ran out of funds
5 before the completion of the project, Respondent advised him to obtain a further loan from
6 the same loan company. On or about January 8, 2008, after patient D.H. had run out of
7 funds and could not obtain a further loan, Respondent recommended that patient D.H. sign
8 over the property to Respondent who would then rent one of the condominium units to
9 patient D.H. Patient D.H. declined the offer and discontinued therapy with Respondent.
10 All of these interactions took place during therapy sessions at Respondent's office or
11 residence.

12 B. From in or around July 2004, patient D.H. saw Respondent approximately
13 every one to two weeks, including 78 therapy sessions for which patient D.H. paid and/or
14 was billed for therapy on the following dates: July 3, 14, 20, August 2, 9, September 13,
15 October 2, 4, 12, 13, 19, 25, November 2, 8, 15, December 4, 20, 2004; January 11, 18,
16 February 1, 7, March 1, 8, 14, 21, April 2, 11, 18, May 2, 17, 23, October 17, 25, 2005;
17 May 30, June 6, 13, 20, 27, July 11, 25, August 1, 29, October 30, November 2, 13, 28,
18 December 5, 2006; January 9, 16, 23, 30, February 13, 27, March 6, 13, 20, 26, April 10,
19 17, 24, August 7, 14, 21, September 4, 11, 25, October 2, 9, 16, 23, 30, November 6, 12, 20,
20 27, December 4, 2007; and January 8, 2008.²

21 C. From in or around July 2004, through January 2008, Respondent did not create
22 nor maintain therapy records regarding patient D.H. According to Respondent, patient
23 D.H. requested that Respondent not take notes in order that they not be used against patient
24 D.H. at some later date. There is no evidence that Respondent investigated these requests
25 or demands of the patient for their relationship and motivational underpinnings rather than
26 simply acquiesce in the patient's desires to control this aspect of the medical practice.

27 ² Respondent did not bill patient D.H. for the January 8, 2008, session.
28

1 According to Respondent, patient D.H. had a drug abuse problem. Respondent's records
2 for this period do not include any formal diagnosis of Substance Abuse. There is no Mental
3 Status examination or any discussion of possible mental defects due to drug abuse in
4 Respondent's records for patient D.H. During the course of therapy, patient D.H. became
5 dependent on Respondent. There is no documentation during this period that Respondent
6 explored, modulated or limited the father transference reaction that patient D.H. had with
7 Respondent. There is little to be found in Respondent's records during this period that
8 reflects that psychoanalytic psychotherapy was provided to patient D.H. There are no
9 notations regarding a psychoanalytic process or notations of significant therapeutic
10 progress.

11 D. Between in or around July 2004 and January 8, 2008, Respondent was grossly
12 negligent when he failed to discontinue therapy with patient D.H. in the absence of
13 demonstrated psychoanalytic process or results.

14 E. Between in or around July 2004 and January 8, 2008, Respondent was grossly
15 negligent when he engaged in multiple boundary violations by discussing his own business
16 and real estate knowledge and experience and in referring patient D.H. to lawyers and
17 lenders.

18 F. Between in or around July 2004 and January 8, 2008, Respondent was grossly
19 negligent when he failed to undertake a psychotherapeutic process of resolving or
20 modulating patient D.H.'s dependent father transference and when he furthered the
21 susceptible patient's idealization and submissiveness by discussing his own business
22 knowledge and experience.

23 SECOND CAUSE FOR DISCIPLINE

24 (Repeated Negligent Acts)

25 10. Respondent is subject to disciplinary action under section 2234, subdivision (c), of
26 the Code in that Respondent engaged in acts of repeated negligence. The circumstances are as
27 follows:

28 A. The facts and circumstances alleged in paragraph 9 above are incorporated here

1 as if fully set forth.

2 B. From in or around July 2004 through January 8, 2008, Respondent was
3 negligent when he failed to investigate the requests or demands of patient D.H. that
4 Respondent forego note taking, by examining their relationship and motivational
5 underpinnings rather than simply acquiescing in the patient's desires to control this aspect
6 of the medical practice.

7 C. Between in or around July 2004 and January 8, 2008, Respondent was
8 negligent when he failed to discontinue therapy with patient D.H. in the absence of
9 demonstrated psychoanalytic process or results.

10 D. Between in or around July 2004 and January 8, 2008, Respondent was
11 negligent when he engaged in multiple boundary violations by discussing his own business
12 and real estate knowledge and experience and in referring patient D.H. to lawyers and
13 lenders.

14 E. Between in or around July 2004 and January 8, 2008, Respondent was
15 negligent when he failed to undertake a psychotherapeutic process of resolving or
16 modulating patient D.H.'s dependent father transference and when he furthered the
17 susceptible patient's idealization and submissiveness by discussing his own business
18 knowledge and experience.

19 THIRD CAUSE FOR DISCIPLINE

20 (Failure to Maintain Adequate Records)

21 11. Respondent is subject to disciplinary action under section 2266 of the Code in that
22 Respondent failed to maintain adequate and accurate records of the medical services he provided
23 to a patient. The circumstances are as follows:

24 A. The facts and circumstances alleged in paragraph 9 above are incorporated here
25 as if fully set forth.

26 FOURTH CAUSE FOR DISCIPLINE

27 (Excessive Treatment)

28 12. Respondent is subject to disciplinary action under section 2266 of the Code in that

1 Respondent engaged in repeated acts of clearly excessive treatment as determined by the standard
2 of the community of licensees. The circumstances are as follows:

3 A. The facts and circumstances alleged in paragraph 9 above are incorporated here
4 as if fully set forth.

5 B. Between in or around July 2004 and January 8, 2008, Respondent failed to
6 discontinue therapy with patient D.H. in the absence of demonstrated psychoanalytic
7 process or results, thereby engaging in repeated acts of clearly excessive treatment.

8 FIFTH CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

10 13. Respondent is subject to disciplinary action under section 2234 of the Code in that
11 Respondent engaged in unprofessional conduct in the care and treatment of a patient. The
12 circumstances are as follows:

13 A. The facts and circumstances alleged in paragraphs 9 through 12 above are
14 incorporated here as if fully set forth.

15 B. Respondent engaged in unprofessional conduct when he engaged in multiple
16 boundary violations by discussing his own business and real estate knowledge and
17 experience and in referring patient D.H. to lawyers and lenders.

18 PRAYER

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

21 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 16478,
22 issued to Stephen Merritt Raffle, M.D.;

23 2. Revoking, suspending or denying approval of Stephen Merritt Raffle, M.D.'s
24 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

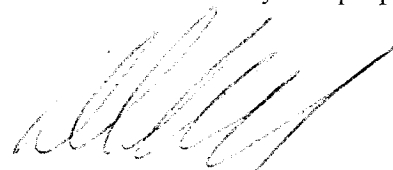
25 3. Ordering Stephen Merritt Raffle, M.D., if placed on probation, to pay the Medical
26 Board of California the costs of probation monitoring; and

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



DATED: July 14, 2011

LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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