

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

<b>In the Matter of the Accusation</b>	)	
<b>Against:</b>	)	
	)	
	)	
<b>LAWRENCE LYNCH MCREYNOLDS, M.D.)</b>	)	<b>Case No. 12-2010-208929</b>
	)	
<b>Physician's and Surgeon's</b>	)	
<b>Certificate No. C-36331</b>	)	
	)	
<b>Respondent</b>	)	
_____	)	


**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 December 31, 2013

IT IS SO ORDERED December 3, 2013 .

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Kimberly Kirchmeyer**  
**Interim Executive Director**

1 AMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 VIVIEN H. HARA  
Deputy Attorney General  
4 State Bar No. 84589  
455 Golden Gate Avenue, Suite 11000  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 12-2010-208929

13 **LAWRENCE LYNCH MCREYNOLDS,**  
14 **M.D.**

15 **7137 County Road 5**  
16 **Ridgway, CO 81432-9 734**  
17 **Physician and Surgeon's Certificate No. C**  
18 **36331**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

Respondent.

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

PARTIES

24 1. Linda K. Whitney (Complainant) was, at the time of the filing of Accusation No. 12-  
25 2010-208929, the Executive Officer of the Medical Board of California. She brought this action  
26 solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney  
27 General of the State of California, by Vivien H. Hara, Deputy Attorney General.  
28

1           2.     Lawrence Lynch McReynolds, M.D. (Respondent) is represented in this proceeding  
2 by attorney Joseph S. Picchi, whose address is:

3                                 Joseph S. Picchi, Esq.  
4                                 Galloway, Luccese, Everson & Picchi, P.C.  
5                                 1676 North California Blvd., Suite 500  
6                                 Walnut Creek, CA 94596-4183

7           3.     On or about February 7, 1975, the Medical Board of California issued Physician and  
8 Surgeon's Certificate No. C 36331 to Lawrence Lynch McReynolds, M.D. (Respondent). Unless  
9 renewed, this Certificate will expire on September 30, 2014.

10   JURISDICTION

11           3.     Accusation No. 12-2010-208929 was filed before the Medical Board of California  
12 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
13 Accusation and all other statutorily required documents were properly served on Respondent on  
14 June 21, 2012. Respondent timely filed his Notice of Defense contesting the Accusation. A copy  
15 of Accusation No. 12-2010-208929 is attached as Exhibit A and incorporated by reference.

16   ADVISEMENT AND WAIVERS

17           4.     Respondent has carefully read, fully discussed with counsel, and understands the  
18 charges and allegations in Accusation No. 12-2010-208929. Respondent also has carefully read,  
19 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License  
20 and Order.

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

28           6.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
every right set forth above.

1 CULPABILITY

2 7. Respondent understands that the charges and allegations in Accusation No. 12-2010-  
3 208929, if proven at a hearing, constitute cause for imposing discipline upon his Physician and  
4 Surgeon's Certificate.

5 8. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceeding and because Respondent intends to retire from the practice of medicine,  
7 Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges  
8 in the Accusation and that those charges constitute cause for discipline. Therefore, Respondent  
9 hereby gives up his right to contest that cause for discipline exists based on those charges.

10 9. Respondent understands that by signing this stipulation he enables the Board to issue  
11 an order accepting the surrender of his Physician and Surgeon's Certificate without further  
12 process. For the purpose of allowing Respondent to wind down his practice and properly notify  
13 and refer his patients to other practitioners, the parties have agreed that the effective date of this  
14 Decision shall be no sooner than December 31, 2013.

15 RESERVATION

16 10. Any admissions made by Respondent herein are only for the purposes of this  
17 proceeding, or any other proceedings in which the Medical Board of California or other  
18 professional licensing agency is involved, and shall not be admissible in any other criminal or  
19 civil proceeding.

20 CONTINGENCY

21 11. This stipulation shall be subject to approval by the Medical Board of California.  
22 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
23 Board of California may communicate directly with the Board regarding this stipulation and  
24 surrender, without notice to or participation by Respondent or his counsel. By signing the  
25 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
26 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
27 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary  
28 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal

1 action between the parties, and the Board shall not be disqualified from further action by having  
2 considered this matter.

3 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
4 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
5 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

8 **ORDER**

9 IT IS HEREBY ORDERED that Physician and Surgeon's Certificate No. C 36331, issued  
10 to Respondent Lawrence Lynch McReynolds, M.D., is surrendered and accepted by the Medical  
11 Board of California.

12 1. Respondent shall lose all rights and privileges as a Physician and Surgeon in  
13 California as of the effective date of the Board's Decision and Order. The effective date of this  
14 order shall be no earlier than December 31, 2013.

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

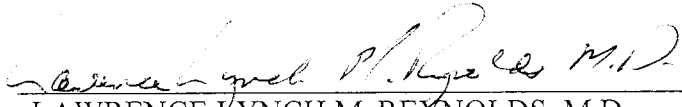
17 3. If Respondent ever files an application for licensure or a petition for reinstatement in  
18 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
19 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
20 effect at the time the petition is filed, and all of the charges and allegations contained in  
21 Accusation No. 12-2010-208929 shall be deemed to be true, correct and admitted by Respondent  
22 when the Board determines whether to grant or deny the petition.

23 **ACCEPTANCE**

24 I have carefully read the above Stipulated Surrender of License and Order and have fully  
25 discussed it with my attorney, Joseph S. Picchi. I understand the stipulation and the effect it will  
26 have on my Physician and Surgeon's Certificate. I enter into this Stipulated Surrender of License

27 ///

1 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and  
2 Order of the Medical Board of California.

3  
4 DATED: 11/13/2013   
5 LAWRENCE LYNCH McREYNOLDS, M.D.  
6 Respondent

7 I have read and fully discussed with Respondent Lawrence Lynch McReynolds, M.D. the  
8 terms and conditions and other matters contained in this Stipulated Surrender of License and  
9 Order. I approve its form and content.

10 DATED: 11/14/13   
11 JOSEPH S. PICCHI  
12 Attorney for Respondent

13 ENDORSEMENT

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

16 Dated: 11/27/2013

17 Respectfully submitted,  
18 KAMALA D. HARRIS  
19 Attorney General of California  
20 JOSE R. GUERRERO  
21 Supervising Deputy Attorney General



22 VIVIEN H. HARA  
23 Deputy Attorney General  
24 *Attorneys for Complainant*

25 SF2012204495  
26 Stipulation.rtf

**Exhibit A**

**Accusation No. 12-2010-208929**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 SUSAN K. MEADOWS  
Deputy Attorney General  
4 State Bar No. 115092  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5552  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO June 21, 2012  
BY: [Signature] ANALYST

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

12 In the Matter of the Accusation Against:

Case No. 12-2010-208929

13 **LAWRENCE LYNCH McREYNOLDS,**  
14 **M.D.**  
15 **7137 County Road 5**  
16 **Ridgway, CO 81432-9734**

**ACCUSATION**

17 **Physician's and Surgeon's Certificate No.**  
18 **C36331**

Respondent.

19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about February 7, 1975, the Medical Board of California issued Physician's and  
24 Surgeon's Certificate Number C36331 to Lawrence Lynch McReynolds, M.D. (Respondent). The  
25 certificate is current with an expiration date of September 30, 2012, unless renewed.

26 //

27 //

28 //



JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board)<sup>1</sup>, 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 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the board deems proper.

5. Section 2234 of the Code states:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

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

(b) Gross negligence.

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

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

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the

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<sup>1</sup> Cal. Bus. & Prof. Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical practice Act (Cal. Bus. & Prof. Code, sections 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 applicable standard of care, each departure constitutes a separate and distinct breach of the  
2 standard of care.

3 (d) Incompetence.

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

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

7 6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain  
8 adequate and accurate records relating to the provision of services to their patients constitutes  
9 unprofessional conduct."

10 7. Adderall is a trade name for a drug that consists of equivalent amounts of mixed salts  
11 of amphetamine in combination: amphetamine aspartate, amphetamine sulfate,  
12 dextroamphetamine saccharate, and dextroamphetamine sulfate. It is a dangerous drug as defined  
13 in section 4022 of the Code and a Schedule II controlled substance as defined by Health and  
14 Safety Code section 11055(d), and a Schedule II controlled substance as defined by Code of  
15 Federal Regulations, Title 21, Section 1308.12(d). The combination of amphetamine and  
16 dextroamphetamine are used as an oral preparation to treat attention-deficit hyperactivity disorder  
17 (ADHD) or narcolepsy.

18 FIRST CAUSE FOR DISCIPLINE

19 (Patient CF<sup>2</sup>)

20 (Repeated Negligent Acts)

21 8. Respondent is subject to disciplinary action under section 2234(c) of the Code  
22 (repeated negligent acts) as follows.

23 9. Respondent's documentation of his care and treatment for patient CF indicates that he  
24 began to treat CF from on or about August of 1997 until the time of CF's death on June 6, 2010.  
25 CF was referred to Respondent for Attention Deficit Disorder (ADD). The initial note dated in  
26

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27 <sup>2</sup> Initials are use to protect the patient's privacy. The name of the patient will be  
28 disclosed to Respondent pursuant to any request for discovery.

1 August of 1997 begins with "Telephone Consultation."<sup>3</sup> Respondent notes for this initial  
2 consultation show that that CF gave a history of being "accident prone, impulsive, never badly  
3 hurt, lots of stitches, class clown, hard time staying seated...taking turns...still has low frustration  
4 tolerance." Respondent noted that CF had yearly physical examinations from "Company doc,"  
5 "drinks almost not at all, no drugs," and "exercise[s] once/wk." Respondent further noted CF's  
6 weight and height. Prior to seeing Respondent, CF had been taking Prozac 20 mg daily.  
7 Respondent tapered and discontinued Prozac and started CF on Wellbutrin.

8 10. On or about September 10, 1997, Respondent noted in his record for CF, "Irritable  
9 Bowel Syndrome" and "Migraine" and on that date began prescribing Adderall at 20 mg #100.  
10 On that same date, the medical record indicates that Effexor (dosage unknown) was begun.

11 11. On or about February 3, 1998, Respondent noted in his chart that he had increased  
12 CF's dose of Adderall to 20 mg #300 (2 month supply at 100 mg daily). In a note dated  
13 November 8, 1998, Respondent indicated that he had increased the Adderall to 30 mg #300 (a 2  
14 month supply at 150 mg daily). A chart note dated December 27, 1998, indicates that CF was  
15 prescribed Effexor XR 75 mg daily. On or about March 16, 2003, Strattera 25 mg was added to  
16 CF's daily dosage of Adderall.

17 12. From 1998 through 2010, Respondent prescribed to CF Adderall 30 mg, in amounts  
18 ranging from #250 to #300 every 2 months, which equals approximately 4 to 5 pills daily or 120  
19 mg to 150 mg of Adderall daily.

20 13. Respondent's medical record does not indicate if and when any medications  
21 prescribed for CF were discontinued.

22 14. Respondent's medical record for CF contains no notes regarding CF's medical  
23 history, substance abuse history (other than "drinks almost not at all, no drugs", or family medical  
24 or psychiatric history. There is no collateral medical information, such as medical examinations,  
25 laboratory tests, urine drug screens, or electrocardiograms. Other than two chart entries in 2006  
26 noting CF's blood pressure, and one chart entry in 2006 noting his heart rate, (both blood

27 <sup>3</sup> During the entire period of time that Respondent treated CF, CF resided in Carlsbad,  
28 New Mexico and Respondent practiced medicine in either Colorado or California.

1 pressure and heart rate were reported to Respondent as having been taken and performed by CF's  
2 partner, a nurse) there is no follow-up of medical monitoring noted as being performed by  
3 Respondent or a primary physician.

4 15. On or about June 6, 2010, CF abruptly ended a telephone call with his father, stating  
5 he had a bad stomach ache. When CF did not arrive for work the next day, and could not be  
6 reached by telephone, his supervisor went to CF's home and found him deceased. The autopsy  
7 report stated the cause of death was cardiovascular disease. The autopsy revealed that CF had an  
8 enlarged heart, and a large cardiac wall scar indicative of a prior myocardial infarction.

9 16. Respondent's acts and/or omissions as set forth above, from 2005 until CF's death in  
10 2010, constitute repeated negligent acts as follows:

11 (a) Respondent's follow-up treatment of CF constitutes a simple departure from the  
12 standard of care in that Respondent failed to evaluate and/or document in his medical record  
13 pertinent information such as, current clinical symptoms relative to the diagnosis of ADD and/or  
14 other psychiatric symptoms such as anxiety, depression, and/or rage, and/or the effectiveness of  
15 the medication (or lack thereof); and/or the side effects of the medications prescribed, if any;  
16 and/or;

17 (b) Respondent's failure to document and/or consider the possibility of abuse of and/or  
18 addiction to the Adderall he prescribed and/or his failure to document and/or consider the  
19 possibility of obtaining a urine toxicology screen constitutes a simple departure from the standard  
20 or practice; and/or,

21 (c) Respondent's failure to document and/or perform any medical evaluations,  
22 specifically cardiac functioning in an adult patient with a family history of cardiac disease while  
23 prescribing high doses of a stimulant medication, constitutes a simple departure from the standard  
24 of practice; and/or;

25 (d) Respondent's failure to document a clinical justification for prescribing Adderall at  
26 doses more than double the recommended daily dose for a patient who had a history of cardiac  
27 disease constitutes a simple departure from the standard of practice; and/or;

28

1 (e) Respondent's care and treatment of patient CF from 2005 until 2012 was inadequate  
2 for a patient who was being prescribed high doses of Adderall due to the fact that Respondent  
3 conducted the treatment primarily via telephone. It cannot be verified by reviewing Respondent's  
4 chart notes that Respondent ever saw this patient in face-to-face sessions. As set forth in  
5 paragraph 9 through and including paragraph 15, Respondent's almost exclusive use of  
6 communication with this patient via telephone was insufficient to provide the same information to  
7 the physician as if the examination had been performed face-to-face. Respondent's failure to  
8 conduct his treatment of CF via telephone in a manner similar to face-to-face treatment is a  
9 simple departure from the standard of practice; and/or,

10 (f) The standard of practice requires that the physician maintain complete, clear, readable  
11 records which focus on the patient's current clinical presentation, response to treatment, any  
12 current monitoring that was performed, conclusions regarding the results of monitoring, and  
13 modification of the treatment plan as indicated. Respondent's notes regarding patient CF are  
14 mostly only one line or a half of a line in length. Respondent's medical record for CF consists of  
15 only 3-1/2 pages of handwritten notes representing approximately 69 separate entries over a  
16 period of 14 years. The chart entries primarily note prescription refills and life events, and  
17 occasionally CF's weight. Very few chart notes address clinical symptoms or indications for  
18 medications, blood pressure and heart rate readings. No chart entries note medication effects,  
19 side-effects (except Prozac lowering CF's libido) or rationale for medication changes.

20 Respondent's record keeping for CF constitutes a simple departure from the standard of practice.

21 17. Respondent's acts and/or omissions as set forth above, whether proven jointly or in  
22 any combination thereof, constitute repeated negligent acts under section 2234(c) of the Code.

23 SECOND CAUSE FOR DISCIPLINE

24 (Failure to Maintain Adequate Records)

25 18. The allegations of the First Cause for Discipline are incorporated herein as if fully set  
26 forth.

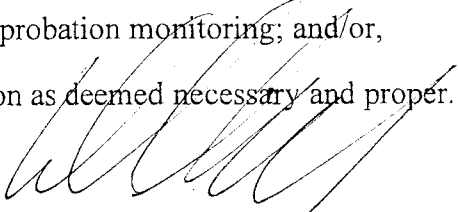
1 19. Respondent's acts and/or omissions as set forth in the First Cause of Discipline  
2 constitute a failure to maintain adequate records. Therefore, cause for discipline exists under  
3 section 2266 of the Code (failure to maintain adequate records).

4 PRAYER

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

- 7 1. Revoking or suspending Physician's and Surgeon's Certificate Number C36331,  
8 issued to Lawrence Lynch McReynolds, M.D.; and/or,  
9 2. Revoking, suspending or denying approval of Lawrence Lynch McReynolds, M.D.'s  
10 authority to supervise physician assistants pursuant to section 3527 of the Code; and/or,  
11 3. Ordering Lawrence Lynch McReynolds, M.D., to pay the Medical Board of  
12 California, if placed on probation, the costs of probation monitoring; and/or,  
13 4. Taking such other and further action as deemed necessary and proper.

14 DATED: June 21, 2012

  
15 LINDA K. WHITNEY  
16 Executive Director  
17 Medical Board of California  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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