

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

In the Matter of the Accusation)
Against:)
RICHARD G. FARMER, M.D.)
Certificate #C-25688)
Respondent.)

File No: 12-92-21245

DECISION AND ORDER

The attached Stipulation for Surrender of License is hereby accepted by the Division of Medical Quality of 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 on January 16, 1997.

DATED December 17, 1996.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA



Ira Lubell, M.D.
Chair, Panel A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 VIVIEN H. HERSH
Supervising Deputy Attorney General
3 SHARON BLAU HARTLEY SB No. 154193
Deputy Attorney General
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7 Attorneys for Complainant

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

12 **In the Matter of the Accusation**) **Case No. 12-92-21245**
Against:)
13) **OAH No. N9508092**
RICHARD G. FARMER, M.D.)
14 **University of Tennessee**)
College of Medical-Psychiatry) **STIPULATION FOR SURRENDER**
15 **Department**) **OF LICENSE**
66 N. Pauline, Suite 633)
16 **Memphis, TN 38105**)
17 **Physician & Surgeon License No. C25688**)
18 **Respondent.**)
19 _____)

20 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
21 the above-entitled proceedings, that the following matters are true:

- 22 1. Complainant, RON JOSEPH, is the Executive Director of the Medical
23 Board of California, Department of Consumer Affairs ("Board") and is represented by
24 Daniel E. Lungren, Attorney General of the State of California by Sharon Blau Hartley, Deputy
25 Attorney General.
- 26 2. RICHARD G. FARMER ("respondent") is represented in this matter by
27 attorney Robert W. Lamson, Esq. whose address is 915 San Ramon Valley Boulevard, Suite 260,

1 P.O. Box 810, Danville, CA 94526-0810. The respondent has counseled with his attorney
2 concerning the effect of this stipulation which respondent has carefully read and fully
3 understands.

4 3. Respondent has received and read the Accusation which is presently on file
5 and pending in Case Number 12-92-21245 before the Division of Medical quality of the Medical
6 Board of California, Department of Consumer Affairs (hereinafter the "Division"), a copy of
7 which is attached as Exhibit A and incorporated herein by reference.

8 4. Respondent understands the nature of the charges alleged in the Accusation
9 and that, if proven at hearing, such charges and allegations would constitute cause for imposing
10 discipline upon respondent's license issued by the Board.

11 5. Respondent and his counsel are aware of each of respondent's rights,
12 including the right to a hearing on the charges and allegations, the right to confront and cross-
13 examine witnesses who would testify against respondent, the right to testify and present evidence
14 on his own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses
15 and the production of documents, the right to contest the charges and allegations, and other rights
16 which are accorded respondent pursuant to the California Administrative Procedure Act (Gov.
17 Code, § 11500 et seq.) and other applicable laws, including the right to seek reconsideration,
18 review by the superior court, and appellate review.

19 6. For the purpose of resolving Accusation No. 12-92-21245 without the
20 expense and uncertainty of further proceedings, respondent agrees that, if, at a hearing, the
21 Board proved the truthfulness of the factual allegations in the Accusation, he admits that cause
22 for discipline would exist. Respondent hereby agrees to surrender his Physician's and Surgeon's
23 Certificate for the Division's formal acceptance.

24 7. Respondent understands that by signing this stipulation he is enabling the
25 Division of Medical quality to issue its order accepting the surrender of his license without
26 further process. He understands and agrees that Board staff and counsel for complainant may
27 communicate directly with the Division regarding this stipulation, without notice to or

1 participating by respondent or his counsel. In the event that this stipulation is rejected for any
2 reason by the Division, it will be of no force or effect for either party. The Division will not be
3 disqualified from further action in this matter by virtue of its consideration of this stipulation.

4 8. Upon acceptance of the stipulation by the Division, respondent understands
5 that he will no longer be permitted to practice as a Physician & Surgeon in California, and also
6 agrees to surrender and cause to be delivered to the Division both his license and wallet
7 certificate before the effective date of the decision.

8 9. Respondent fully understands and agrees that if he ever files an application
9 for relicensure or reinstatement in the State of California, the Division shall treat it as a petition
10 for reinstatement. The respondent must comply with all the laws, regulations and procedures for
11 reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges
12 and allegations contained in Accusation No. 12-92-21245 will be included and deemed admissible
13 and relevant when the Division determines whether to grant or deny the petition. All materials in
14 the investigative reports, including but not limited to all medical records of Kim Loconte, the
15 Medical Board's expert reports, that resulted in the filing of Accusation No. 12-92-21245 and
16 those documents produced by both parties in discovery, including but not limited to the
17 deposition transcripts and interrogatory responses from Loconte v. Farmer, M.D., Alameda
18 County Superior Case No. H-138487-7, shall be preserved, admissible in evidence, and
19 considered at any reinstatement proceeding before the Board. When respondent petitions for
20 reinstatement he agrees to waive laches, statute of limitations and all other time-based defenses.
21 Respondent shall not be eligible to file an application for reinstatement for at least three (3) years
22 from the effective date of this decision.


23
24 **ACCEPTANCE**


25 I, RICHARD G. FARMER, have carefully read the above stipulation and enter
26 into it freely and voluntarily with the advice of counsel, and with full knowledge of its force and
27 effect, do hereby surrender my Physician's and Surgeon's Certificate No. C25688, to the

1 Division of Medical Quality, Medical Board of California for its formal acceptance. By signing
2 this stipulation to surrender my license, I recognize that upon its formal acceptance by the
3 Division, I will lose all rights and privileges to practice as a physician and surgeon in the State of
4 California and I also will cause to be delivered to the Division both my license and wallet
5 certificate before the effective date of the decision.

6
7 DATED: 10/21/96 
8 RICHARD G. FARMER
9 Respondent

10 I concur in the stipulation.

11
12 DATED: 10/22/96 
13 ROBERT LAMSON, ESQ.
14 Attorney for Respondent

15 DATED: 11/5/96
16 DANIEL E. LUNGREN, Attorney General
17 of the State of California
18 
19 SHARON BLAU HARTLEY
20 Deputy Attorney General
21 Attorneys for Complainant
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5 Attorneys for Complainant

7 BEFORE THE
8 DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
9 STATE OF CALIFORNIA

10
11 In the Matter of the Accusation) No. 12-92-21245
Against:)
12) ACCUSATION
13)
14 RICHARD G. FARMER, M.D.)
University of Tennessee)
15 College of Medical-Psychiatry)
Department)
16 66 N. Pauline, Suite 633)
Memphis, TN 38105)
17 Physician & Surgeon License)
No. C25688)
18 Respondent.)
19)

20 DIXON ARNETT, complainant herein, charges and alleges
21 as follows:

22 PARTIES

23 1. He is the Executive Director of the Medical Board
24 of California, State of California (hereinafter "the Board") and
25 makes these charges and allegations solely in his official
26 capacity.

27 //

1 a physician's and surgeon's certificate who is guilty of
2 unprofessional conduct.

3 7. Section 2234 provides in part, as follows:

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

9 (a) Violating or attempting to violate,
10 directly, or assisting in or abetting the
11 violation of, or conspiring to violate, any
12 provision of this chapter.

13 (b) Gross negligence.

14 (c) Repeated negligent acts.

15 (d) Incompetence."

16 DRUGS

17 8. Imipramine Hydrochloride, an anti-depressant, is a
18 dangerous drug as defined in section 4211 and is involved in this
19 proceeding.

20 COST RECOVERY

21 9. Section 125.3 provides, in pertinent part, that in
22 any order issued in resolution of a disciplinary proceeding
23 before any board within California Department of Consumer
24 Affairs, the Board may request the administrative law judge to
25 direct a licentiate found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed
27 reasonable costs of the investigation and enforcement of the
case. The costs shall include the amount of investigative and
enforcement costs up to the date of the hearing, including, but
not limited to, charges imposed by the Attorney General.

1 FIRST CAUSE FOR DISCIPLINARY ACTION

2 10. At all times mentioned hereinafter, respondent
3 practiced as a psychiatrist in California.

4 11. Respondent is subject to disciplinary action in
5 that respondent has committed violations of Business and
6 Professions Code sections 2234 (b) and/or (c) and/or (d), in
7 connection with the care and treatment of patient K.L.^{2/}, as
8 more particularly alleged herein below:

9 (A) On or about January 13, 1986, respondent began to
10 treat K.L., a 27 year old female who had a history of
11 panic and depression;

12 (B) Two years earlier, K.L. had been hospitalized at
13 Kaiser for a major depressive episode and the medical
14 records reflect suicidal ideation;

15 (C) At the initial half-hour visit, respondent
16 prescribed for K.L. a potentially lethal dose of 150 mg
17 of imipramine per day in the form of 100 tablets of 50
18 mg with 3 refills;

19 (D) Respondent never obtained the patient's records
20 from her hospitalization at Kaiser;

21 (E) Respondent told K.L. to call him with her progress
22 but did not schedule any follow-up appointments;

23 (F) The next entry in respondent's notes are of a
24 phone call on April 15, 1986 wherein K.L. said she was
25 "doing well";

26
27 2. Names have been abbreviated to protect privacy.
Respondent will be given the full name of the patient involved
herein pursuant to a discovery request.

1 (G) On August 25, 1986, respondent saw K.L., noted
2 that her panic symptoms had returned, and increased her
3 dosage of imipramine by 50 mg;

4 (H) Respondent saw K.L. again on August 29, 1986 and
5 noted that she was worrying about her panic symptoms
6 returning;

7 (I) Respondent did not talk to K.L. again until
8 December 17, 1986, when she called to say she was doing
9 well on the 200 mg of imipramine;

10 (J) When K.L. called on April 29, 1987, respondent
11 noted in his records that she was "asymptomatic" but
12 also that he wanted to see her;

13 (K) The next contact was on December 7, 1987 when K.L
14 called to say she was doing fine;

15 (M) On January 8, 1998, respondent's notes reflect a
16 phone call from K.L. wherein she said her depression
17 had been worse since Christmas and she was having
18 "memories of being in the hospital and out of
19 control";

20 (N) Without seeing her, respondent increased her
21 imipramine dosage to 250 mg and told K.L. to call in 10
22 days or come in as needed;

23 (O) Respondent's notes for January 11, 1988 indicate
24 that K.L. called him on Sunday and said her depression
25 was worsening and that she wanted an appointment;

26 (P) Respondent suggested hospitalization but when K.L.
27 told him she did not want to be hospitalized, he set up

1 an appointment for Tuesday, January 12, 1988 at 2:30
2 p.m.;

3 (Q) On January 11, 1988, K.L.'s mother in law believed
4 that K.L. was suicidal and needed to speak to the
5 doctor;

6 (R) K.L.'s mother called respondent and told him her
7 observations about K.L.;

8 (S) K.L.'s mother in law was also present when K.L.
9 spoke to respondent and heard K.L. tell him that
10 she needed to see him and "[W]ell, if that's the way it
11 has to be, that's the way it has to be";

12 (T) After this phone call, K.L. told her mother in law
13 that respondent said he could not see her until the
14 following day;

15 (U) K.L. woke her husband up at 3:15 a.m. on January
16 12, 1988 to say, "Oh, my god, help. I have just taken
17 my medication;"

18 (V) On January 16, 1988, K.L. died of complications of
19 imipramine overdose;

20 (W) Throughout the two and a half years that
21 respondent was prescribing imipramine to K.L., he
22 only saw her three times;

23 (X) Respondent never ordered any blood counts or serum
24 chemistries and never ordered that the serum level of
25 imipramine and its chief metabolite, desipramine, be
26 taken;

27 //

1 (Y) In light of K.L.'s pattern of calling very
2 infrequently, her three calls in four days,
3 and his having not seen her for 17 months, respondent
4 should have scheduled an appointment for sooner than 48
5 hours.

6 12. Respondent's conduct as set forth in paragraph
7 11(A) through 11(Y) herein constitutes gross negligence and/or
8 incompetence pursuant to sections 2234(b) and/or (d).

9 SECOND CAUSE FOR DISCIPLINARY ACTION

10 13. The allegations of paragraph 11(A) through 11(Y)
11 are incorporated herein by reference.

12 14. Respondent's conduct, as described in paragraph
13 11(A) through 11(Y) constitutes repeated negligent acts pursuant
14 to section 2234(c).

15 WHEREFORE, complainant requests that a hearing be
16 held and that thereafter the Board issue an order:

17 1. Revoking or suspending respondent's physician and
18 surgeon's certificate number C25688;

19 2. Prohibiting respondent from supervision of
20 physician's assistants;

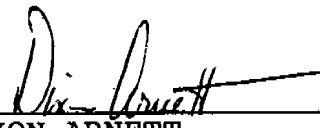
21 3. Directing respondent to pay to the Board a
22 reasonable sum for its investigative and enforcement costs of
23 this action; and

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4. Taking such other and further action as is deemed just and proper.

DATED: July 13, 1995



DIXON ARNETT
Executive Director
Medical Board of California
State of California

Complainant

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD