

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

In the Matter of the Accusation)
Against:)
)
BUFORD GIBSON, M.D.)
Certificate #C-29561)
)
)
Respondent.)
_____)

File No: 18-95-58115

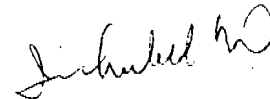
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order 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 March 17, 1997.

DATED February 14, 1997.

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 CARLOS RAMIREZ,
Deputy Attorney General, State Bar No. 89831
3 California Department of Justice
300 South Spring Street
4 Los Angeles, California 90013
Telephone: (212) 897-6924
5 Attorneys for Complainant

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

11	In the Matter of the Accusation)	Case No. 18-95-58115
	Against:)	
12)	OAH No. L-9609040
	BUFORD GIBSON, M.D.)	
13	Kamila Comprehensive Health Center)	STIPULATED SETTLEMENT
	2222 W. Manchester Ave. Suite D)	AND
14	Inglewood, CA 90305)	DISCIPLINARY ORDER
)	
15	Physician's and Surgeon's No.)	
	C-29561,)	
16)	
	Respondent.)	

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

21 1. An Accusation in case number 18-95-58115 was filed
22 with the Division of Medical Quality, of the Medical Board of
23 California Department of Consumer Affairs (the "Division") on
24 July 9, 1996, and is currently pending against Buford Gibson,
25 M.D. (the "respondent").

1 2. The Accusation, together with all statutorily
2 required documents, was duly served on the respondent on or about
3 July 9, 1996, and respondent filed a timely Notice of Defense
4 contesting the Accusation. A copy of Accusation No. 18-95-58115
5 is attached as Exhibit "A" and hereby incorporated by reference
6 as if fully set forth.

7 3. The Complainant, Ron Joseph, is the Executive
8 Director of the Medical Board of California and brought this
9 action solely in his official capacity. The Complainant is
10 represented by the Attorney General of California, Daniel E.
11 Lungren, by and through Deputy Attorney General Carlos Ramirez.

12 4. The respondent is represented in this matter by
13 Robert H. Gans, Esq., whose address is Law Office of Robert H.
14 Gans, 433 N. Camden Drive, Suite 600, Beverly Hills, CA. 90210.

15 5. The respondent and his attorney have fully
16 discussed the charges contained in Accusation Number 18-95-58115,
17 and the respondent has been fully advised regarding his legal
18 rights and the effects of this stipulation.

19 6. At all times relevant herein, respondent has been
20 licensed by the Medical Board of California under Physician's and
21 Surgeon's No. C-29561.

22 7. Respondent understands the nature of the charges
23 alleged in the Accusation and that, if proven at hearing, the
24 charges and allegations would constitute cause for imposing
25 discipline upon his Physician's and Surgeon's. Respondent is
26 fully aware of his right to a hearing on the charges contained in
27 the Accusation, his right to confront and cross-examine witnesses

1 against him, his right to the use of subpoenas to compel the
2 attendance of witnesses and the production of documents in both
3 defense and mitigation of the charges, his right to
4 reconsideration, appeal and any and all other rights accorded by
5 the California Administrative Procedure Act and other applicable
6 laws. Respondent knowingly, voluntarily and irrevocably waives
7 and give up each of these rights.

8 8. Respondent admits the truth of each and every
9 allegation of the Accusation No. 18-95-58115, and agrees that
10 respondent has thereby subjected his Physician's and Surgeon's to
11 disciplinary action. Respondent agrees to be bound by the
12 Division's Disciplinary Order as set forth below.

13 9. The admissions made by respondent herein are for
14 the purpose of this proceeding and any other proceedings in which
15 the Division of Medical Quality, Medical Board of California, or
16 other professional licensing agency is involved, and shall not be
17 admissible in any other criminal or civil proceedings.

18 10. Based on the foregoing admissions and stipulated
19 matters, the parties agree that the Division shall, without
20 further notice or formal proceeding, issue and enter the
21 following order:

22 **DISCIPLINARY ORDER**

23 **IT IS HEREBY ORDERED** that Physician's and Surgeon's
24 number C-29561 issued to Buford Gibson, M.D. is revoked.
25 However, the revocation is stayed and respondent is placed on
26 probation for 5 years on the following terms and conditions.
27 Within 15 days after the effective date of this decision the

1 respondent shall provide the Division, or its designee, proof of
2 service that respondent has served a true copy of this decision
3 on the Chief of Staff or the Chief Executive Officer at every
4 hospital where privileges or membership are extended to
5 respondent or where respondent is employed to practice medicine
6 and on the Chief Executive Officer at every insurance carrier
7 where malpractice insurance coverage is extended to respondent.

8 1. **EDUCATION COURSES**

9 Within 90 days from the effective date of this
10 decision, and on an annual basis thereafter, respondent shall
11 submit to the Division or its designee for its prior approval an
12 educational program or course to be designated by the Division,
13 which shall not be less than 40 hours per year, for each year of
14 probation. This program shall be in addition to the Continuing
15 Medical Education requirements for re-licensure. Following the
16 completion of each course, the Division or its designee may
17 administer an examination to test respondent's knowledge of the
18 course. Respondent shall provide proof of attendance for 65
19 hours of continuing medical education of which 40 hours were in
20 satisfaction of this condition and were approved in advance by
21 the Division or its designee.

22 2. **ETHICS COURSE**

23 Within 60 days of the effective date of this decision,
24 respondent shall enroll in a course in Ethics approved in
25 advance by the Division or its designee, and shall successfully
26 complete the course during the first year of probation.

27

1 3. **MONITORING**

2 Within 30 days of the effective date of this decision,
3 respondent shall submit to the Division or its designee for its
4 approval a plan of practice in which respondent's billing
5 practices shall be monitored by another physician in respondent's
6 field of practice, who shall provide periodic reports to the
7 Division or its designee.

8 If the monitor resigns or is no longer available,
9 respondent shall, within 15 days, move to have a new monitor
10 appointed, through nomination by respondent and approval by the
11 Division or its designee.

12 4. **OBEY ALL LAWS**

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

17 5. **QUARTERLY REPORTS**

18 Respondent shall submit quarterly declarations under
19 penalty of perjury on forms provided by the Division, stating
20 whether there has been compliance with all the conditions of
21 probation.

22 6. **PROBATION SURVEILLANCE PROGRAM COMPLIANCE**

23 Respondent shall comply with the Division's probation
24 surveillance program. Respondent shall, at all times, keep the
25 Division informed of his or her addresses of business and
26 residence which shall both serve as addresses of record. Changes
27 of such addresses shall be immediately communicated in writing to

1 the Division. Under no circumstances shall a post office box
2 serve as an address of record.

3 Respondent shall also immediately inform the Division,
4 in writing, of any travel to any areas outside the jurisdiction
5 of California which lasts, or is contemplated to last; more than
6 thirty (30) days.

7 **7. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS
8 DESIGNATED PHYSICIAN(S)**

9 Respondent shall appear in person for interviews with
10 the Division, its designee or its designated physician(s) upon
11 request at various intervals and with reasonable notice.

12 **8. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR
13 IN-STATE NON-PRACTICE**

14 In the event respondent should leave California to
15 reside or to practice outside the State or for any reason should
16 respondent stop practicing medicine in California, respondent
17 shall notify the Division or its designee in writing within ten
18 days of the dates of departure and return or the dates of non-
19 practice within California. Non-practice is defined as any
20 period of time exceeding thirty days in which respondent is not
21 engaging in any activities defined in Sections 2051 and 2052 of
22 the Business and Professions Code. All time spent in an
23 intensive training program approved by the Division or its
24 designee shall be considered as time spent in the practice of
25 medicine. Periods of temporary or permanent residence or
26 practice outside California or of non-practice within California,
27 as defined in this condition, will not apply to the reduction of
the probationary period.

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9. COMPLETION OF PROBATION

Upon successful completion of probation, respondent's certificate shall be fully restored.

10. VIOLATION OF PROBATION

If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

11. COST RECOVERY

The respondent is hereby ordered to reimburse the Division the amount of \$1608.00 for its investigative and prosecution costs. This amount shall be paid in twenty four consecutive monthly payments consisting of \$67.00 each. The first payment is due within thirty days from the effective date of the decision in this case. Failure to reimburse the Division's cost of its investigation and prosecution shall constitute a violation of the probation order, unless the Division agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse the Division for its investigative and prosecution costs.

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12. LICENSE SURRENDER

Following the effective date of this decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily tender his certificate to the Board. The Division reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent will no longer be subject to terms and conditions of probation.

13. COSTS OF PROBATION

Respondent shall pay the costs associated with probation monitoring each and every year of probation, which are currently set at \$2304.00, but may be adjusted on an annual basis. Such costs shall be payable to the Division of Medical Quality and delivered to the designated probation surveillance monitor at the beginning of each calendar year. The unexcused failure to pay costs within 30 days of the due date shall constitute a violation of probation.

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CONTINGENCY

1
2 This stipulation shall be subject to the approval of
3 the Division. Respondent understands and agrees that Board staff
4 and counsel for complainant may communicate directly with the
5 Division regarding this stipulation and settlement, without
6 notice to or participation by respondent or his counsel. If the
7 Division fails to adopt this stipulation as its Order, the
8 stipulation shall be of no force or effect, it shall be
9 inadmissible in any legal action between the parties, and the
10 Division shall not be disqualified from further action in this
11 matter by virtue of its consideration of this stipulation.

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ACCEPTANCE

I have read the above Stipulated Settlement and Disciplinary Order. I have fully discussed the terms and conditions and other matters contained therein with my attorney, Robert H. Gans. I understand the effect this Stipulated Settlement and Disciplinary Order will have on my Physician's and Surgeon's, and agree to be bound thereby. I enter this stipulation freely, knowingly, intelligently and voluntarily.


DATED: 11/1/96.



BUFORD GIBSON, M.D.
Respondent

I have read the above Stipulated Settlement and Disciplinary Order and approve of it as to form and content. I have fully discussed the terms and conditions and other matters therein with respondent Buford Gibson, M.D.

DATED: 11/1/96.



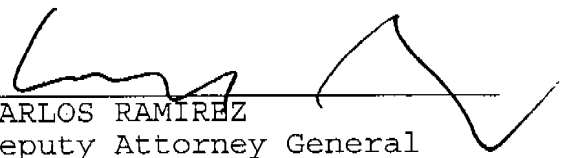
Robert H. Gans
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for the consideration of the Division of Medical Quality, Medical Board of California Department of Consumer Affairs.

DATED: 12/27/96.

DANIEL E. LUNGREN, Attorney General
of the State of California


CARLOS RAMIREZ
Deputy Attorney General

Attorneys for Complainant

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EXHIBIT A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 CARLOS RAMIREZ,
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 5212
4 Los Angeles, California 90013-1204
Telephone: (213) 897-6924
5

6 Attorneys for Complainant
7

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

12 In the Matter of the Accusation) NO. 18-95-58115
Against:)
13)
14 **BUFORD GIBSON, JR., M.D.**)
Kamila Comprehensive Health Center) **A C C U S A T I O N**
2222 W. Manchester Avenue, Ste D)
15 Inglewood, CA 90305)
16 Physician's & Surgeon's)
Certificate No. C-29561)
17)
18 Respondent.)
19

20 The Complainant alleges:

21 PARTIES

22 1. Complainant, RON JOSEPH, is the Executive Director
23 of the Medical Board of California (hereinafter the "Board") and
24 brings this accusation solely in his official capacity.

25 2. On or about October 16, 1967, Physician's and
26 Surgeon's Certificate Number C-29561 was issued by the Board to
27 Buford Gibson, Jr., M.D., (hereinafter "respondent"), and at all times

1 relevant to the charges brought herein this license has been in
2 full force and effect.

3 JURISDICTION

4 3. Pursuant to Business and Professions Code sections
5 2004, 2220, 2227 and 2234,^v the Division of Medical Quality
6 (hereinafter "the Division") is authorized to take disciplinary
7 action against any licensed physician and surgeon who is found
8 guilty of violating any of the provisions of the Medical Practice
9 Act.

10 4. Section 2227 provides that when a licensee is
11 found guilty of violating any of the provisions of the Medical
12 Practice Act, the Division may revoke his or her license, suspend
13 the licensee's right to practice for a period not to exceed one
14 year, place the licensee on probation, order that the licensee be
15 publicly reprimanded, or take any other appropriate disciplinary
16 action.

17 5. Section 2234 provides that unprofessional conduct
18 includes, but is not limited to, the following:

19 "

. . .

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(e) The commission of any act involving

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dishonesty or corruption which is substantially related to

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the qualifications, functions, or duties of a physician and

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surgeon."

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1. All statutory references are to the Business and Professions Code, unless otherwise indicated.

1 6. Section 2236 provides, in pertinent part:

2 "(a) The conviction of any offense substantially
3 related to the qualifications, functions, or duties of a
4 physician and surgeon constitutes unprofessional conduct
5 within the meaning of this chapter. The record of
6 conviction shall be conclusive evidence only of the fact
7 that the conviction occurred.

8 (b) The district attorney, city attorney, or other
9 prosecuting agency shall notify the Division of Medical Quality
10 of the pendency of an action against a licensee charging a felony
11 or misdemeanor immediately upon obtaining information that the
12 defendant is a licensee. The notice shall identify the licensee
13 and described the crimes charged and the facts alleged. The
14 prosecuting agency shall also notify the clerk of the court in
15 which the action is pending that the defendant is a licensee, and
16 the clerk shall record prominently in the file that the defendant
17 holds a license as a physician and surgeon.

18 (c) The clerk of the court in which a licensee is
19 convicted of a crime shall, within 48 hours after the conviction,
20 transmit a certified copy of the record of conviction to the
21 board. The division may inquire into the circumstances
22 surrounding the commission of a crime in order to fix the degree
23 of discipline or to determine if the conviction is of an offense
24 substantially related to the qualifications, functions, or duties
25 of a physician and surgeon.

26 (d) A plea or verdict of guilty or a conviction after
27 a plea of nolo contendere is deemed to be a conviction within the

1 meaning of this section and Section 2236.1. The record of
2 conviction shall be conclusive evidence of the fact that the
3 conviction occurred.

4 7. Section 490 provides that the Board may suspend or
5 revoke a license on the ground that the licensee has been
6 convicted of a crime which is substantially related to the
7 qualifications, functions, or duties of the business or
8 profession for which the license was issued.

9 8. Section 810 subdivision (a) provides as follows:

10 "(a) It shall constitute unprofessional conduct
11 and grounds for disciplinary action, including suspension or
12 revocation of a license or certificate, for a health care
13 professional to do any of the following in connection with
14 his professional activities:

15 (1) Knowingly present or cause to be presented
16 any false or fraudulent claim for the payment of a loss
17 under a contract of insurance.

18 (2) Knowingly prepare, make or subscribe any
19 writing, with intent to present or use the same, or to allow
20 it to be presented or used in support of any such claim."

21 9. Penal Code Section 487 in pertinent part provides
22 that grand theft is theft committed when the money, labor, or
23 real or personal property taken is of a value exceeding \$400.00

24 10. Section 125.3 provides, in pertinent part, that
25 the Board "any request the administrative law judge to direct a
26 licentiate found to have committed a violation or violations of

27

1 the licensing act to pay a sum not to exceed the reasonable costs
2 of the investigation and enforcement of the case."

3 CAUSES FOR DISCIPLINARY ACTION

4 I

5 Conviction of a Crime

6 11. Respondent is subject to disciplinary action for
7 engaging in unprofessional conduct in violation of sections 2236
8 and 490 of the Code by virtue of having been convicted of Penal
9 Code Section 487.1, grand theft, a crime which is substantially
10 related to the qualifications, functions, or duties of a
11 physician and surgeon. The circumstances are as follows:

12 A. On or about May 18, 1991 and continuing
13 through January 31, 1992, respondent conspired with two
14 other individuals to commit a grand theft from the Medi-Cal
15 program by submitting false claims in violation of Penal
16 Code Sections 182(a)(1) and (a)(4), and Penal Code section
17 487, and Welfare and Institutions Code Section 14107.

18 B. On or about August 26, 1994 a second amended
19 complaint was filed charging respondent with one count of
20 conspiracy to commit grand theft, a violation of Penal Code
21 section 182 subdivisions (a)(1) and (a)(4); one count of
22 grand theft, in violation of Penal Code Section 487.1; one
23 count of conspiracy to practice psychology without a
24 license, in violation of Penal Code Section 182, subdivision
25 (a)(1); five counts of presenting for payment, a false claim
26 for services under the medi-cal program, in violation of
27 Section 14107 of the Welfare and Institutions case; and four

1 counts of failure to file a tax return within the time
2 required by law, with intent to avoid taxation, in violation
3 of Revenue and Taxation Code Section 25961.

4 C. On or about August 31, 1994, respondent was
5 convicted of grand theft in violation of Penal Code Section
6 487.1 and of failure to file a tax return, in violation of
7 Revenue and Taxation Code Section 25961 in case number
8 YA019804-01 of the Superior Court for the County of Los
9 Angeles (People v. Buford Gibson, et al.). Respondent was
10 placed on probation for five years.

11 II

12 Insurance Fraud

13 12. Respondent is subject to disciplinary action for
14 engaging in unprofessional conduct in violation of section 810
15 subdivision (a) and section 2234 subdivision (e) of the Code by
16 presenting false and fraudulent claims for payment under an
17 insurance contract. The circumstances are set forth in paragraph
18 11, which is incorporated here by reference.

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PRAYER

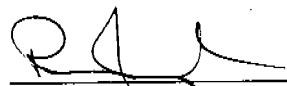
WHEREFORE, complainant requests that a hearing be held in this matter and that following such hearing, the Division of Medical Quality issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate No. C-29561, heretofore issued to respondent;

2. Directing respondent to pay to the Division the costs of the investigation and enforcement of this case, pursuant to section 125.3; and

3. Taking such other action as the Division deems necessary and proper.

DATED: July 9, 1996



RON JOSEPH
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

A:\Gibson.acc
5/28/96

RECEIVED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
JUL 11 1996