

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

In the Matter of the Application of:                     )  
   )  
   )  
   )  
**JEREMY JOSEPH DEFRANCO**                                     )  
   )  
   )  
   )  
   )  
   )  
Applicant.   )  
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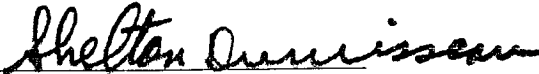
**DECISION AND ORDER**

The attached Stipulation for a Probationary License is hereby accepted and 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 17, 2012**, although the probation will not commence until the applicant completes any remaining requirements for licensure and the license is issued.

**ORDERED: February 13, 2012**

MEDICAL BOARD OF CALIFORNIA

By:   
Shelton Duruisseau, Ph.D., Chair  
Panel A

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

In the Matter of the Application of:	)	Case No. 20-2011-219697
	)	
JEREMY JOSEPH DEFRANCO	)	STIPULATION FOR A
	)	PROBATIONARY LICENSE
For a Physician's and Surgeon's	)	
License	)	
_____	)	

- 1) Jeremy Joseph Defranco, applicant for a physician's and surgeon's license (hereinafter "applicant"), and Curtis J. Worden, Chief of Licensing of the Medical Board of California, hereby stipulate as follows:
- 2) Applicant has satisfactorily met all of the requirements for medical licensure in California.
- 3) In January 2011, applicant submitted an application for physician and surgeon's licensure in the state of California. In response to Application Questions # 18 and # 19 relative to substance addiction, diagnosis and treatment, applicant responded in the affirmative. Applicant has sustained a documented period of recovery and rehabilitation for his condition.
- 4) Section 480 (a) of the Business and Professions Code states that the board may deny a license on the grounds that the applicant has one of the following: 480(a)(3)(A) done any act that if done by a licentiate of the business and profession in question, would be grounds for suspension or revocation of license. Section 2234 of the Business and Professions Code states that the Board may take action for unprofessional conduct. The above support a conclusion that grounds exist for denial pursuant to Sections 480(a)(3)(A) and 2234 of the Business and Professions Code.
- 5) Under Section 2221 of the Business and Professions Code, the Medical Board of California (Board) may deny a license to an applicant because of unprofessional conduct. Alternatively, the Board has the discretionary authority to issue a probationary license with terms and conditions.
- 6) Applicant acknowledges he has a right to request a Statement of Issues and a hearing upon denial of license for cause. Applicant waives notice of hearing and judicial review in favor of this Stipulation for a Probationary License, which is subject to approval by the Board. If not approved, this Stipulation is null and void and may not be used for any purpose.

7) This Stipulation for a Probationary License shall be subject to approval by the Medical Board of California. Applicant understands and agrees that counsel for the staff of the Medical Board of California may communicate directly with the Board regarding this proposed Stipulation, without notice to or participation by applicant or his counsel. By signing the Stipulation, applicant understands and agrees that he may not withdraw his agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this Stipulation, the offer of a Stipulation for a Probationary License shall be of no force or effect; except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

The staff recommends to the Board that a Probationary License be issued as follows:

#### ORDER

IT IS ORDERED THAT JEREMY JOSEPH DEFRANCO, applicant, be issued a physician's and surgeon's license on a probationary basis, subject to the following terms and conditions:

- 1) Applicant is placed on probation for a period of thirty-five (35) months. Probation shall begin on the date the applicant is issued a probationary license.
- 2) Within sixty (60) days of the effective date of this Decision, applicant shall submit to the Board or its designee for prior approval the name and qualifications of a board-certified psychiatrist or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional mental disorders. Upon approval, applicant shall undergo and continue psychotherapy treatment, including any modifications to the frequency of psychotherapy and the need for medication management that may be required by the therapist, until the Board or its designee deems that no further psychotherapy and medication management is necessary.

The psychotherapist shall consider any information provided by the Board or its designee and any other information the psychotherapist deems relevant and shall furnish a written evaluation report to the Board or its designee. Applicant shall cooperate in providing the psychotherapist any information and documents that the psychotherapist may deem pertinent. Applicant shall have the treating psychotherapist submit quarterly status reports to the Board or its designee. The Board or its designee may require respondent to undergo psychiatric evaluations by a Board-appointed board certified psychiatrist.

The Board or its designee shall require a psychiatric evaluation by a Board-selected board certified psychiatrist prior to termination of probation. If, prior to completion of probation, applicant is found to be mentally unfit to resume the practice of medicine without

restrictions, the Board shall retain continuing jurisdiction over applicant's license and the period of probation shall be extended until the Board determines that applicant is mentally fit to resume the practice of medicine without restrictions. Applicant shall pay the cost of all psychotherapy and psychiatric evaluations.

3) Prior to engaging in the practice of medicine applicant shall provide a true copy of the Stipulation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to applicant, at any other facility where applicant engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to applicant. Applicant shall submit proof of compliance to the Board or its designee within fifteen (15) calendar days.

4) During probation, applicant is prohibited from supervising physician assistants.

5) Applicant shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.

6) Applicant shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation. Applicant shall submit quarterly declarations not later than ten (10) calendar days after the end of the preceding quarter.

7) Applicant shall comply with the Board's probation unit. Applicant shall, at all times, keep the Board informed of his business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code Section 2021(b).

Applicant shall not engage in the practice of medicine in his place of residence. Applicant shall maintain a current and renewed California physician's and surgeon's probationary license.

Applicant shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

8) Applicant shall be available in person for interviews either at his place of business or at the probation unit office, with the Board or its designee upon request at various intervals and either with or without prior notice throughout the term of probation.

9) In the event applicant should leave the State of California to reside or to practice, applicant shall notify the Board or its designee in writing thirty (30) calendar days prior to the dates of departure and return. Non-practice is defined as any period of time

exceeding thirty (30) calendar days in which applicant is not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

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

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

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

11) The Medical Board of California reserves the right to evaluate the applicant's probationary history at or near the end of the probationary period and to exercise its discretion whether to grant a clear license without conditions, or to take any other action deemed appropriate and reasonable under the circumstances.

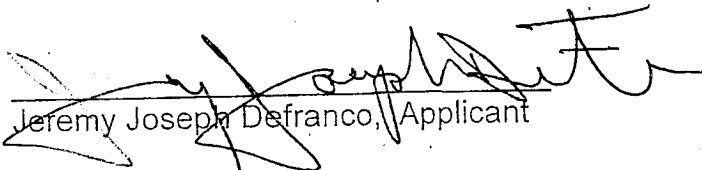
12) Failure to fully comply with any term or condition of probation is a violation of probation. If applicant violates probation in any respect, the Board, after giving applicant notice and the opportunity to be heard, may revoke probation and terminate the probationary license. If an Accusation or Petition to Revoke Probation is filed against applicant during probation, the Board or its designee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13) Applicant shall pay all costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis.

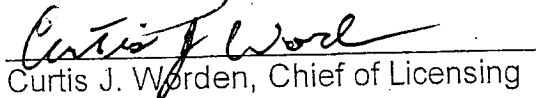
Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within thirty (30) calendar days of the due date is a violation of probation.

14) Applicant shall comply with all financial obligations not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, applicant shall be issued a full and unrestricted license and applicant shall have fulfilled all terms and conditions of probation.

Applicant agrees to comply with the terms and conditions of the above Order.

  
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Jeremy Joseph Defranco, Applicant

12/01/2011  
Date

  
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Curtis J. Worden, Chief of Licensing

12-9-2011  
Date