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**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
**SACRAMENTO** MAY 17 **2017**  
BY: [Signature] **ANALYST**

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

11 In the Matter of the Accusation Against:  
12 LYNN SUSAN LERMAN, M.D.  
13 173 S. Las Palmas Ave.  
14 Los Angeles, CA 90004  
15 Physician's and Surgeon's Certificate  
No. G51546,  
16 Respondent.

Case No. 800-2014-005931  
**A C C U S A T I O N**

18 Complainant alleges:

19 **PARTIES**

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

23 2. On October 31, 1983, the Board issued Physician's and Surgeon's Certificate number  
24 G51546 to Lynn Susan Lerman, M.D. (Respondent). That license was in full force and effect at  
25 all times relevant to the charges brought herein and will expire on June 30, 2019, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5 4. Section 2227 of the Code provides that a licensee who is found guilty under the  
6 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
7 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
8 action taken in relation to discipline as the Board deems proper.

9 5. Section 2234 of the Code, states:

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

13 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
14 violation of, or conspiring to violate any provision of this chapter.

15 "(b) Gross negligence.

16 "...."

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

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Gross Negligence)**

22 7. Respondent Lynn Susan Lerman, M.D. is subject to disciplinary action under Code  
23 section 2234, subdivision (b), in that she committed gross negligence in her care and treatment of  
24 Patient M.M.<sup>1</sup> The circumstances are as follows:

25 8. Respondent specializes in psychiatry, but is not Board certified.

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27 \_\_\_\_\_  
28 <sup>1</sup> Initials are used to protect patient privacy.

1           9.     During the relevant time period, Respondent provided outpatient psychiatric services  
2 in a private practice setting.

3           10.    Respondent treated Patient M.M. between 2009 and 2012.

4           11.    Initially, Respondent treated Patient M.M. on a daily and sometimes twice daily basis.

5           12.    After receiving a complaint from Patient M.M. about the care and treatment she  
6 received from Respondent, the Board requested from Respondent the complete medical records of  
7 Patient M.M. from 2009 through 2012. In response, Respondent produced a total of eighteen (18)  
8 pages of notes covering those four years.

9           13.    The applicable standard of care in the medical community is to keep timely, accurate  
10 and legible medical records. The records must include essential elements of medical decision-  
11 making, including diagnostic impression, a treatment plan, and a discussion of the informed  
12 consent process for that treatment plan.

13          14.    The applicable standard of care further requires that when medications are prescribed,  
14 information about treatment response and any side effects must be noted. Further, when  
15 controlled substances are prescribed, a record must be kept regarding amounts prescribed and  
16 refills authorized.

17          15.    Respondent committed an extreme departure from the applicable standard of care  
18 when she failed to adequately document her care and treatment of Patient M.M. For numerous  
19 sessions, Respondent made no chart entries whatsoever. Respondent's entries for many sessions  
20 in 2012 consist of one or two words, or are blank. Aside from at the initial intake, which  
21 indicated that Patient M.M. was taking Celexa, Ambien, Xanax, Valium, Klonopin and Ativan,  
22 there is no further mention of Patient M.M.'s medications in Respondent's records, including who  
23 was prescribing Patient M.M. these medications. Respondent failed to produce and/or maintain a  
24 systematic, consistent and thorough medical record for Patient M.M.

25          16.    Respondent's acts and/or omission as set forth in paragraphs 8 through 15, inclusive  
26 above, whether proven individually, jointly, or in any combination therefore, constitute gross  
27 negligence pursuant to section 2234, subdivision (b), of the Code. As such, cause for  
28 discipline exists.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Inadequate Record Keeping)**

3 17. Respondent Lynn Susan Lerman, M.D. is subject to disciplinary action under Code  
4 section 2234, subdivision (a), and 2266 in that she failed to maintain adequate records concerning  
5 her care and treatment of Patient M.M. The circumstances are as follows:

6 18. Paragraphs 8 through 15 are incorporated by reference and re-alleged as if fully set  
7 forth herein.

8 19. Respondent's acts and/or omission as set forth in paragraphs 8 through 15, inclusive  
9 above, whether proven individually, jointly, or in any combination therefore, constitute  
10 inadequate record keeping in violation of Code section 2234, subdivision (a), and 2266 and cause  
11 for discipline exists.

12 **PRAYER**

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


15 1. Revoking or suspending Physician's and Surgeon's Certificate Number G51546,  
16 issued to Lynn Susan Lerman, M.D.;

17 2. Revoking, suspending or denying approval of her authority to supervise physician  
18 assistants, pursuant to section 3527 of the Code, and advanced practice nurses;

19 3. If placed on probation, ordering her to pay the Board the costs of probation  
20 monitoring; and

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

22  
23 DATED: May 17, 2017

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

*Complainant*

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