

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

In the Matter of the Accusation)
Against:)
)
)
Nicholas P.W. Reeves, M.D.)
)
Physician's and Surgeon's)
Certificate No. A 121127)
)
Respondent)
_____)

Case No. 800-2015-013868

DECISION

The attached Stipulated Settlement and Disciplinary 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 March 30, 2018.

IT IS SO ORDERED: March 2, 2018.

MEDICAL BOARD OF CALIFORNIA



**Kristina D. Lawson, J.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 GREG W. CHAMBERS
Deputy Attorney General
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7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 800-2015-013868

11 **NICHOLAS P.W. REEVES, M.D.**
12 **Kaiser Permanente CDRP**
13 **800 Sereno Dr.**
Vallejo, CA 94589

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 **Physician's and Surgeon's Certificate No. A**
15 **121127,**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Greg W. Chambers,
24 Deputy Attorney General.

25 2. Respondent Nicholas P.W. Reeves, M.D. (Respondent) is represented in this
26 proceeding by attorney Thomas E. Still, whose address is: 12901 Saratoga Avenue, Saratoga, CA
27 95070.

1 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
2 illness or condition.

3 Within fifteen (15) calendar days of receiving any lawfully prescribed medications,
4 Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and
5 telephone number; medication name, strength, and quantity; and issuing pharmacy name, address,
6 and telephone number.

7 If Respondent has a confirmed positive biological fluid test for any substance (whether or
8 not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall
9 receive a notification from the Board or its designee to immediately cease the practice of
10 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
11 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
12 revoke probation shall be filed by the Board within thirty (30) days of the notification to cease
13 practice. If the Respondent requests a hearing on the accusation and/or petition to revoke
14 probation, the Board shall provide the Respondent with a hearing within thirty (30) days of the
15 request, unless the Respondent stipulates to a later hearing. If the case is heard by an
16 Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board within
17 fifteen (15) days of submission of the matter. Within fifteen (15) days of receipt by the Board of
18 the Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless
19 good cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
20 decision within fifteen (15) days of submission of the case, unless good cause can be shown for
21 the delay. Good cause includes, but is not limited to, non-adoption of the proposed decision,
22 requests for reconsideration, remands and other interlocutory orders issued by the Board. The
23 cessation of practice shall not apply to the reduction of the probationary time period.

24 If the Board does not file an accusation or petition to revoke probation within thirty (30)
25 days of the issuance of the notification to cease practice or does not provide Respondent with a
26 hearing within thirty (30) days of a such a request, the notification of cease practice shall be
27 dissolved.

28 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the

1 use of products or beverages containing alcohol.

2 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall
3 receive a notification from the Board or its designee to immediately cease the practice of
4 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
5 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
6 revoke probation shall be filed by the Board within thirty (30) days of the notification to cease
7 practice. If the Respondent requests a hearing on the accusation and/or petition to revoke
8 probation, the Board shall provide the Respondent with a hearing within thirty (30) days of the
9 request, unless the Respondent stipulates to a later hearing. the case is heard by an
10 Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board within
11 fifteen (15) days of submission of the matter. Within fifteen (15) days of receipt by the Board of
12 the Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless
13 good cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
14 decision within fifteen (15) days of submission of the case, unless good cause can be shown for
15 the delay. Good cause includes, but is not limited to, non-adoption of the proposed decision,
16 requests for reconsideration, remands and other interlocutory orders issued by the Board. The
17 cessation of practice shall not apply to the reduction of the probationary time period.

18 If the Board does not file an accusation or petition to revoke probation within thirty (30)
19 days of the issuance of the notification to cease practice or does not provide Respondent with a
20 hearing within thirty (30) days of such a request, the notification of cease practice shall be
21 dissolved.

22 3. PSYCHOTHERAPY. Within sixty (60) calendar days of the effective date of this
23 Decision, Respondent shall submit to the Board or its designee for prior approval the name and
24 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
25 has a doctoral degree in psychology and at least five years of postgraduate experience in the
26 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
27 undergo and continue psychotherapy treatment, including any modifications to the frequency of
28 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

1 The psychotherapist shall consider any information provided by the Board or its designee
2 and any other information the psychotherapist deems relevant and shall furnish a written
3 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
4 psychotherapist with any information and documents that the psychotherapist may deem
5 pertinent.

6 Respondent shall have the treating psychotherapist submit quarterly status reports to the
7 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
8 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
9 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
10 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
11 period of probation shall be extended until the Board determines that Respondent is mentally fit
12 to resume the practice of medicine without restrictions.

13 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

14 4. MEDICAL EVALUATION AND TREATMENT. Within thirty (30) calendar days
15 of the effective date of this Decision, and on a periodic basis thereafter as may be required by the
16 Board or its designee, Respondent shall undergo a medical evaluation by a Board-appointed
17 physician who shall consider any information provided by the Board or designee and any other
18 information the evaluating physician deems relevant and shall furnish a medical report to the
19 Board or its designee. Respondent shall provide the evaluating physician with any information
20 and documentation that the evaluating physician may deem pertinent.

21 Following the evaluation, Respondent shall comply with all restrictions or conditions
22 recommended by the evaluating physician within fifteen (15) calendar days after being notified
23 by the Board or its designee. If Respondent is required by the Board or its designee to undergo
24 medical treatment, Respondent shall within thirty (30) calendar days of the requirement notice,
25 submit to the Board or its designee for prior approval the name and qualifications of a California
26 licensed treating physician of Respondent's choice. Upon approval of the treating physician,
27 Respondent shall within fifteen (15) calendar days undertake medical treatment and shall
28 continue such treatment until further notice from the Board or its designee.

1 The treating physician shall consider any information provided by the Board or its designee
2 or any other information the treating physician may deem pertinent prior to commencement of
3 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
4 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
5 Respondent shall provide the Board or its designee with any and all medical records pertaining to
6 treatment that the Board or its designee deems necessary.

7 If, prior to the completion of probation, Respondent is found to be physically incapable of
8 resuming the practice of medicine without restrictions, the Board shall retain continuing
9 jurisdiction over Respondent's license and the period of probation shall be extended until the
10 Board determines that Respondent is physically capable of resuming the practice of medicine
11 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

12 5. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
13 days of the effective date of this Decision, Respondent shall provide to the Board the names,
14 physical addresses, mailing addresses, and telephone numbers of any and all employers and
15 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
16 worksite monitor, and Respondent's employers and supervisors to communicate regarding
17 Respondent's work status, performance, and monitoring.

18 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
19 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
20 privileges.

21 6. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
22 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
23 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
24 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
25 make daily contact with the Board or its designee to determine whether biological fluid testing is
26 required. Respondent shall be tested on the date of the notification as directed by the Board or its
27 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
28 any time, including weekends and holidays. Except when testing on a specific date as ordered by

1 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
2 basis. The cost of biological fluid testing shall be borne by the Respondent.

3 Throughout the duration of the probationary term, up to four (4) years, Respondent shall be
4 subject to thirty-six (36) to one hundred and four (104) random tests per year. Only if there have
5 been no positive biological fluid tests in the previous four (4) consecutive years of probation, may
6 testing be reduced to one (1) time per month. Nothing precludes the Board from increasing for
7 any reason the number of random tests to the usual first-year level of frequency, fifty-two (52) to
8 one hundred and four (104) random tests.

9 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
10 approved in advance by the Board or its designee, that will conduct random, unannounced,
11 observed, biological fluid testing and meets all of the following standards:

12 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
13 Association or have completed the training required to serve as a collector for the United
14 States Department of Transportation.

15 (b) Its specimen collectors conform to the current United States Department of
16 Transportation Specimen Collection Guidelines.

17 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
18 by the United States Department of Transportation without regard to the type of test
19 administered.

20 (d) Its specimen collectors observe the collection of testing specimens.

21 (e) Its laboratories are certified and accredited by the United States Department of Health
22 and Human Services.

23 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
24 of receipt and all specimens collected shall be handled pursuant to chain of custody
25 procedures. The laboratory shall process and analyze the specimens and provide legally
26 defensible test results to the Board within seven (7) business days of receipt of the
27 specimen. The Board will be notified of non-negative results within one (1) business day
28 and will be notified of negative test results within seven (7) business days.

1 (g) Its testing locations possess all the materials, equipment, and technical expertise.
2 necessary in order to test Respondent on any day of the week.

3 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
4 for the detection of alcohol and illegal and controlled substances.

5 (i) It maintains testing sites located throughout California.

6 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
7 computer database that allows the Respondent to check in daily for testing.

8 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
9 access to drug test results and compliance reporting information that is available 24 hours a
10 day.

11 (l) It employs or contracts with toxicologists that are licensed physicians and have
12 knowledge of substance abuse disorders and the appropriate medical training to interpret
13 and evaluate laboratory biological fluid test results, medical histories, and any other
14 information relevant to biomedical information.

15 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
16 while practicing, even if the Respondent holds a valid prescription for the substance.

17 Prior to changing testing locations for any reason, including during vacation or other travel,
18 alternative testing locations must be approved by the Board and meet the requirements above.

19 The contract shall require that the laboratory directly notify the Board or its designee of
20 non-negative results within one (1) business day and negative test results within seven (7)
21 business days of the results becoming available. Respondent shall maintain this laboratory or
22 service contract during the period of probation.

23 A certified copy of any laboratory test result may be received in evidence in any
24 proceedings between the Board and Respondent.

25 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
26 administered to himself or herself a prohibited substance, the Board shall order Respondent to
27 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
28 medicine or providing medical services. The Board shall immediately notify all of Respondent's

1 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
2 provide medical services while the cease-practice order is in effect.

3 A biological fluid test will not be considered negative if a positive result is obtained while
4 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
5 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

6 After the issuance of a cease-practice order, the Board shall determine whether the positive
7 biological fluid test is in fact evidence of prohibited substance use by consulting with the
8 specimen collector and the laboratory, communicating with the licensee, his or her treating
9 physician(s), other health care provider, or group facilitator, as applicable.

10 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
11 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

12 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
13 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
14 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
15 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

16 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
17 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
18 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
19 any other terms or conditions the Board determines are necessary for public protection or to
20 enhance Respondent's rehabilitation.

21 7. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
22 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
23 prior approval, the name of a substance abuse support group which he or she shall attend for the
24 duration of probation. Respondent shall attend substance abuse support group meetings at least
25 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
26 abuse support group meeting costs.

27 The facilitator of the substance abuse support group meeting shall have a minimum of three
28 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed

1 or certified by the state or nationally certified organizations. The facilitator shall not have a
2 current or former financial, personal, or business relationship with Respondent within the last five
3 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
4 the same facilitator does not constitute a prohibited current or former financial, personal, or
5 business relationship.

6 The facilitator shall provide a signed document to the Board or its designee showing
7 Respondent's name, the group name, the date and location of the meeting, Respondent's
8 attendance, and Respondent's level of participation and progress. The facilitator shall report any
9 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
10 or its designee, within twenty-four (24) hours of the unexcused absence.

11 8. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
12 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
13 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
14 licensed physician and surgeon, other licensed health care professional if no physician and
15 surgeon is available, or, as approved by the Board or its designee, a person in a position of
16 authority who is capable of monitoring the Respondent at work.

17 The worksite monitor shall not have a current or former financial, personal, or familial
18 relationship with Respondent, or any other relationship that could reasonably be expected to
19 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
20 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
21 monitor, this requirement may be waived by the Board or its designee, however, under no
22 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

23 The worksite monitor shall have an active unrestricted license with no disciplinary action
24 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
25 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
26 by the Board or its designee.

27 Respondent shall pay all worksite monitoring costs.

28 The worksite monitor shall have face-to-face contact with Respondent in the work

1 environment on as frequent a basis as determined by the Board or its designee, but not less than
2 once per week; interview other staff in the office regarding Respondent's behavior, if requested
3 by the Board or its designee; and review Respondent's work attendance.

4 The worksite monitor shall verbally report any suspected substance abuse to the Board and
5 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
6 substance abuse does not occur during the Board's normal business hours, the verbal report shall
7 be made to the Board or its designee within one (1) hour of the next business day. A written
8 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
9 any other information deemed important by the worksite monitor shall be submitted to the Board
10 or its designee within forty-eight (48) hours of the occurrence.

11 The worksite monitor shall complete and submit a written report monthly or as directed by
12 the Board or its designee which shall include the following: (1) Respondent's name and
13 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
14 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
15 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
16 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
17 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
18 lead to suspected substance abuse by Respondent. Respondent shall complete any required
19 consent forms and execute agreements with the approved worksite monitor and the Board, or its
20 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

21 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
22 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
23 approval, the name and qualifications of a replacement monitor who will be assuming that
24 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
25 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
26 monitor, Respondent shall receive a notification from the Board or its designee to cease the
27 practice of medicine within three (3) calendar days after being so notified. Respondent shall
28 cease the practice of medicine until a replacement monitor is approved and assumes monitoring

1 responsibility.

2 9. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
3 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
4 probation.

5 A. If Respondent commits a major violation of probation as defined by section
6 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
7 one or more of the following actions:

8 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
9 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
10 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
11 order issued by the Board or its designee shall state that Respondent must test negative for at least
12 a month of continuous biological fluid testing before being allowed to resume practice. For
13 purposes of determining the length of time a Respondent must test negative while undergoing
14 continuous biological fluid testing following issuance of a cease-practice order, a month is
15 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
16 notified in writing by the Board or its designee that he or she may do so.

17 (2) Increase the frequency of biological fluid testing.

18 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
19 other action as determined by the Board or its designee.

20 B. If Respondent commits a minor violation of probation as defined by section
21 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
22 one or more of the following actions:

23 (1) Issue a cease-practice order;

24 (2) Order practice limitations;

25 (3) Order or increase supervision of Respondent;

26 (4) Order increased documentation;

27 (5) Issue a citation and fine, or a warning letter;

28 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in

1 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
2 Regulations, at Respondent's expense;

3 (7) Take any other action as determined by the Board or its designee.

4 C. Nothing in this Decision shall be considered a limitation on the Board's authority
5 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
6 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
7 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
8 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
9 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
10 is final, and the period of probation shall be extended until the matter is final.

11 10. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
12 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
13 Chief Executive Officer at every hospital where privileges or membership are extended to
14 Respondent, at any other facility where Respondent engages in the practice of medicine,
15 including all physician and locum tenens registries or other similar agencies, and to the Chief
16 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
17 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
18 calendar days.

19 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

20 11. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
21 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
22 advanced practice nurses.

23 12. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
24 governing the practice of medicine in California and remain in full compliance with any court
25 ordered criminal probation, payments, and other orders.

26 13. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
27 under penalty of perjury on forms provided by the Board, stating whether there has been
28 compliance with all the conditions of probation.

1 Respondent shall submit quarterly declarations not later than ten (10) calendar days after
2 the end of the preceding quarter.

3 14. GENERAL PROBATION REQUIREMENTS.

4 Compliance with Probation Unit

5 Respondent shall comply with the Board's probation unit.

6 Address Changes

7 Respondent shall, at all times, keep the Board informed of Respondent's business and
8 residence addresses, email address (if available), and telephone number. Changes of such
9 addresses shall be immediately communicated in writing to the Board or its designee. Under no
10 circumstances shall a post office box serve as an address of record, except as allowed by Business
11 and Professions Code section 2021(b).

12 Place of Practice

13 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
14 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
15 facility.

16 License Renewal

17 Respondent shall maintain a current and renewed California physician's and surgeon's
18 license.

19 Travel or Residence Outside California

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

23 In the event Respondent should leave the State of California to reside or to practice,
24 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the
25 dates of departure and return.

26 15. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
27 available in person upon request for interviews either at Respondent's place of business or at the
28 probation unit office, with or without prior notice throughout the term of probation.

1 16. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
2 its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting
3 more than thirty (30) calendar days and within fifteen (15) calendar days of Respondent's return
4 to practice. Non-practice is defined as any period of time Respondent is not practicing medicine
5 as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours
6 in a calendar month in direct patient care, clinical activity or teaching, or other activity as
7 approved by the Board. If Respondent resides in California and is considered to be in non-
8 practice, Respondent shall comply with all terms and conditions of probation. All time spent in
9 an intensive training program which has been approved by the Board or its designee shall not be
10 considered non-practice and does not relieve Respondent from complying with all the terms and
11 conditions of probation. Practicing medicine in another state of the United States or Federal
12 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction
13 shall not be considered non-practice. A Board-ordered suspension of practice shall not be
14 considered as a period of non-practice.

15 In the event Respondent's period of non-practice while on probation exceeds eighteen (18)
16 calendar months, Respondent shall successfully complete the Federation of State Medical Boards'
17 Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment
18 program that meets the criteria of Condition 18 of the current version of the Board's "Manual of
19 Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of
20 medicine.

21 Respondent's period of non-practice while on probation shall not exceed two (2) years.

22 Periods of non-practice will not apply to the reduction of the probationary term.

23 Periods of non-practice for a Respondent residing outside of California will relieve
24 Respondent of the responsibility to comply with the probationary terms and conditions with the
25 exception of this condition and the following terms and conditions of probation: Obey All Laws;
26 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
27 Controlled Substances; and Biological Fluid Testing.

28 17. COMPLETION OF PROBATION. Respondent shall comply with all financial

1 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar
2 days prior to the completion of probation. Upon successful completion of probation,
3 Respondent's certificate shall be fully restored.

4 18. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
5 of probation is a violation of probation. If Respondent violates probation in any respect, the
6 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
7 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
8 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
9 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
10 the matter is final.

11 19. LICENSE SURRENDER. Following the effective date of this Decision, if
12 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
13 the terms and conditions of probation, Respondent may request to surrender his or her license.
14 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
15 determining whether or not to grant the request, or to take any other action deemed appropriate
16 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
17 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
18 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
19 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
20 application shall be treated as a petition for reinstatement of a revoked certificate.

21 20. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
22 with probation monitoring each and every year of probation, as designated by the Board, which
23 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
24 California and delivered to the Board or its designee no later than January 31 of each calendar
25 year.

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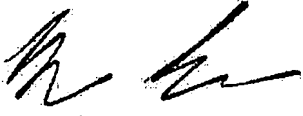
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Thomas Still. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: February 6, 2018 
NICHOLAS P.W. REEVES, M.D.
Respondent

I have read and fully discussed with Respondent Nicholas P.W. Reeves, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2-7-18 
THOMAS STILL
Attorney for Respondent

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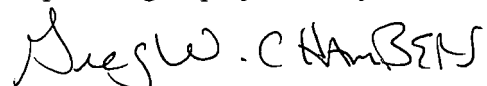
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 2/9/2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General



GREG W. CHAMBERS
Deputy Attorney General
Attorneys for Complainant

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Stipulation.rtf

Exhibit A

Accusation No. 800-2015-013868

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2 JANE ZACK SIMON
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 **Nicholas P.W. Reeves, M.D.**
12 **Kaiser Permanente CDRP**
13 **800 Sereno Dr.**
Vallejo, CA 94589
14 **Physician's and Surgeon's Certificate**
15 **No. A 121127,**
16 Respondent.

Case No. 800-2015-013868
ACCUSATION

17 Complainant alleges:

18 **PARTIES**

- 19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs (Board).
22 2. On or about April 27, 2012, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 121127 to Nicholas P.W. Reeves, M.D. (Respondent). The Physician's and
24 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
25 herein and will expire on April 30, 2018, unless renewed.

26 **JURISDICTION**

- 27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2220 of the Code states:

2 "Except as otherwise provided by law, the board may take action against all persons guilty
3 of violating this chapter. The division shall enforce and administer this article as to physician and
4 surgeon certificate holders, including those who hold certificates that do not permit them to
5 practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate
6 holders, and the board shall have all the powers granted in this chapter for these purposes
7 including, but not limited to... ."

8 5. Section 2227 of the Code authorizes the Board to discipline a licensee and obtain
9 probation costs.

10 6. Section 2228 of the Code authorizes the Board to discipline a licensee by placing
11 them on probation.

12 7. Section 2234 of the Code, states:

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

16 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
17 violation of, or conspiring to violate any provision of this chapter:

18 8. Section 2239 of the Code states in pertinent part:

19 "(a) The use or prescribing for or administering to himself or herself, of any controlled
20 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
21 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
22 any other person or to the public, or to the extent that such use impairs the ability of the licensee
23 to practice medicine safely or more than one misdemeanor or any felony involving the use,
24 consumption, or self-administration of any of the substances referred to in this section, or any
25 combination thereof, constitutes unprofessional conduct. The record of the conviction is
26 conclusive evidence of such unprofessional conduct."

27 9. Section 820 of the Code states:
28

1 "Whenever it appears that any person holding a license, certificate or permit under this
2 division or under any initiative act referred to in this division may be unable to practice his or her
3 profession safely because the licentiate's ability to practice is impaired due to mental illness, or
4 physical illness affecting competency, the licensing agency may order the licentiate to be
5 examined by one or more physicians and surgeons or psychologists designated by the agency.
6 The report of the examiners shall be made available to the licentiate and may be received as direct
7 evidence in proceedings conducted pursuant to Section 822."

8 10. Code section 822 states:

9 "If a licensing agency determines that its licentiate's ability to practice his or her
10 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
11 competency, the licensing agency may take action by any one of the following methods:

12 "(a) Revoking the licentiate's certificate or license.

13 "(b) Suspending the licentiate's right to practice.

14 "(c) Placing the licentiate on probation.

15 "(d) Taking such other action in relation to the licentiate as the licensing agency in its
16 discretion deems proper.

17 "The licensing section shall not reinstate a revoked or suspended certificate or license until
18 it has received competent evidence of the absence or control of the condition which caused its
19 action and until it is satisfied that with due regard for the public health and safety the person's
20 right to practice his or her profession may be safely reinstated."

21 **PERTINENT DRUGS**

22 11. **Ketamine**, or ketamine hydrochloride, is a non-barbiturate, rapid-acting injectable
23 anesthetic. It is a dangerous drug as defined in section 4022 and a Schedule III controlled
24 substance as defined by section 11056 of the Health and Safety Code.

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FIRST CAUSE FOR DISCIPLINE
(Unprofessional Conduct: self-administration of a controlled substance)

12. Respondent Nicholas P.W. Reeves, M.D. is subject to disciplinary action under sections 2234(a) and 2239 of the Code in that Respondent self-medicated with Ketamine. The circumstances are as follows:

13. On or about the weekend of November 11, 2014, while at an off-site seminar for a University of California San Francisco ("UCSF") Substance Abuse Fellowship, Respondent was noted to have questionable behavior.

14. Respondent ultimately admitted to self-administering unprescribed Ketamine during his fellowship training.

SECOND CAUSE FOR BOARD ACTION
(Impairment)

15. Paragraphs 12 through 14 are incorporated herein by reference as if fully set forth.

16. On or about May 26, 2017, the Board evaluator, W.G.W., M.D., conducted an examination of Respondent, and concluded that Respondent's history of chemical dependency and depression requires monitoring, treatment, and oversight.

17. Respondent is subject to Board action under sections 820 and 822 of the Code.

PRAYER

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

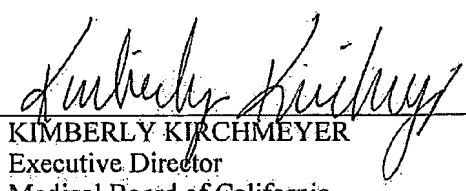
1. Revoking or suspending Physician's and Surgeon's Certificate Number A 121127, issued to Nicholas P.W. Reeves, M.D.;
2. Revoking, suspending or denying approval of Nicholas P.W. Reeves, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Nicholas P.W. Reeves, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: December 6, 2017



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

SF2017402320
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