

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

In the Matter of the Accusation)
Against:)
)
)
DIRK DE BRITO, M.D.)
)
Physician's and Surgeon's)
Certificate No. A66604)
)
Respondent)
_____)

Case No. 800-2015-018088

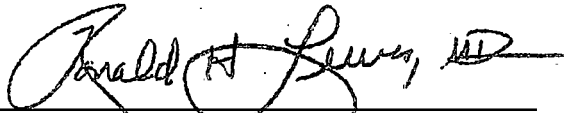
DECISION

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 January 25, 2019.

IT IS SO ORDERED: December 27, 2018.

MEDICAL BOARD OF CALIFORNIA



**Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 CINDY M. LOPEZ
Deputy Attorney General
4 State Bar No. 119988
California Department of Justice
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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 **DIRK DE BRITO, M.D.**
13 **281 E Colorado Blvd Ste 247**
PASADENA, CA 91102-7001
14 **Physician's and Surgeon's Certificate No. A**
66604
15
16 Respondent.

Case No. 800-2015-018088

OAH No. 2018020187

17 **STIPULATED SETTLEMENT AND**
18 **DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
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 Cindy M. Lopez,
24 Deputy Attorney General.

25 2. Respondent Dirk De Brito, M.D. (Respondent) is represented in this proceeding by
26 attorney Peter R. Osinoff, Esq., whose address is: 355 South Grand Avenue, Suite 1750
27 Los Angeles, California 90071.
28

1 3. On or about October 2, 1998, the Board issued Physician's and Surgeon's Certificate
2 No. A 66604 to Dirk De Brito, M.D. (Respondent). The Physician's and Surgeon's Certificate
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-
4 2015-018088, and will expire on October 13, 2018, unless renewed.

5 JURISDICTION

6 4. Accusation No. 800-2015-018088 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on December 28, 2017. Respondent timely filed his Notice of
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2015-018088 is attached as exhibit A and incorporated
11 herein by reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2015-018088. Respondent has also carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 7. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent understands and agrees that the charges and allegations in Accusation
27 No. 800-2015-018088, if proven at a hearing, constitute cause for imposing discipline upon his
28 Physician's and Surgeon's Certificate.

1 10. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
4 those charges.

5 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
6 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
7 Disciplinary Order below.

8 12. Respondent agrees that if he ever petitions for early termination or modification of
9 probation, or if the Board ever petitions for revocation of probation, all of the charges and
10 allegations contained in Accusation No. 800-2015-018088 shall be deemed true, correct and fully
11 admitted by respondent for purposes of that proceeding or any other licensing proceeding
12 involving respondent in the State of California.

13 CONTINGENCY

14 13. This stipulation shall be subject to approval by the Medical Board of California.
15 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
16 Board of California may communicate directly with the Board regarding this stipulation and
17 settlement, without notice to or participation by Respondent or his counsel. By signing the
18 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
20 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
22 action between the parties, and the Board shall not be disqualified from further action by having
23 considered this matter.

24 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
25 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
26 signatures thereto, shall have the same force and effect as the originals.

1 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

2 A professionalism program taken after the acts that gave rise to the charges in the
3 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
4 or its designee, be accepted towards the fulfillment of this condition if the program would have
5 been approved by the Board or its designee had the program been taken after the effective date of
6 this Decision.

7 Respondent shall submit a certification of successful completion to the Board or its
8 designee not later than 15 calendar days after successfully completing the program or not later
9 than 15 calendar days after the effective date of the Decision, whichever is later.

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

17 The psychotherapist shall consider any information provided by the Board or its designee
18 and any other information the psychotherapist deems relevant and shall furnish a written
19 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
20 psychotherapist with any information and documents that the psychotherapist may deem
21 pertinent.

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

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

2 4. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
3 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
4 monitor, the name and qualifications of one or more licensed physicians and surgeons whose
5 licenses are valid and in good standing, and who are preferably American Board of Medical
6 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
7 relationship with Respondent, or other relationship that could reasonably be expected to
8 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
9 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
10 to serve as Respondent's monitor. Respondent shall pay all monitoring costs. The monitor shall
11 be in place for the first year of probation.

12 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
13 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
14 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
15 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
16 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
17 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
18 signed statement for approval by the Board or its designee.

19 Within 60 calendar days of the effective date of this Decision, and continuing throughout
20 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
21 make all records available for immediate inspection and copying on the premises by the monitor
22 at all times during business hours and shall retain the records for the entire term of probation.

23 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
24 date of this Decision, Respondent shall receive a notification from the Board or its designee to
25 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
26 shall cease the practice of medicine until a monitor is approved to provide monitoring
27 responsibility.

28 The monitor(s) shall submit a quarterly written report to the Board or its designee which

1 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
2 are within the standards of practice of medicine, and whether Respondent is practicing medicine
3 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure
4 that the monitor submits the quarterly written reports to the Board or its designee within 10
5 calendar days after the end of the preceding quarter.

6 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
7 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
8 name and qualifications of a replacement monitor who will be assuming that responsibility within
9 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
10 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
11 notification from the Board or its designee to cease the practice of medicine within three (3)
12 calendar days after being so notified. Respondent shall cease the practice of medicine until a
13 replacement monitor is approved and assumes monitoring responsibility.

14 In lieu of a monitor, Respondent may participate in a professional enhancement program
15 approved in advance by the Board or its designee that includes, at minimum, quarterly chart
16 review, semi-annual practice assessment, and semi-annual review of professional growth and
17 education. Respondent shall participate in the professional enhancement program at Respondent's
18 expense during the term of probation.

19 5. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
20 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
21 Chief Executive Officer at every hospital where privileges or membership are extended to
22 Respondent, at any other facility where Respondent engages in the practice of medicine,
23 including all physician and locum tenens registries or other similar agencies, and to the Chief
24 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
25 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
26 calendar days.

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

28 6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules

1 governing the practice of medicine in California and remain in full compliance with any court
2 ordered criminal probation, payments, and other orders.

3 7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
4 under penalty of perjury on forms provided by the Board, stating whether there has been
5 compliance with all the conditions of probation.

6 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
7 of the preceding quarter.

8 8. GENERAL PROBATION REQUIREMENTS.

9 Compliance with Probation Unit

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

11 Address Changes

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

17 Place of Practice

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

21 License Renewal

22 Respondent shall maintain a current and renewed California physician's and surgeon's
23 license.

24 Travel or Residence Outside California

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

28 In the event Respondent should leave the State of California to reside or to practice,

1 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
2 departure and return.

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

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

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

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

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

27 Periods of non-practice for a Respondent residing outside of California will relieve
28 Respondent of the responsibility to comply with the probationary terms and conditions with the

1 exception of this condition and the following terms and conditions of probation: Obey All Laws;
2 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
3 Controlled Substances; and Biological Fluid Testing.

4 11. COMPLETION OF PROBATION. Respondent shall comply with all financial
5 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
6 completion of probation. Upon successful completion of probation, Respondent's certificate shall
7 be fully restored.

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

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

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

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year.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Peter R. Osinoff, Esq.. 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: 11/8/18 
DIRK DE BRITO, M.D.
Respondent

I have read and fully discussed with Respondent Dirk De Brito, 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: 11/12/18 
PETER R. OSINOFF, ESQ.
Attorney for Respondent

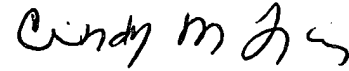
ENDORSEMENT

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

Dated: 11.12.18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General



CINDY M. LOPEZ
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2015-018088

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *Nov 28 20 17*
BY *[Signature]* ANALYST

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

In the Matter of the Accusation Against:

Case No. 800-2015-018088

Dirk De Brito, M.D.
281 East Colorado Blvd. #247
Pasadena, CA 91102

ACCUSATION

Physician's and Surgeon's Certificate
No. A 66604,

Respondent.

Complainant alleges:

PARTIES

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

2. On or about October 2, 1998, the Medical Board issued Physician's and Surgeon's Certificate Number A 66604 to Dirk De Brito, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2018, unless renewed.

JURISDICTION

1
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 unless otherwise indicated.

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

8 5. Section 2234 of the Code states:

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

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

14 “(b) Gross negligence.

15 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
16 omissions. An initial negligent act or omission followed by a separate and distinct departure from
17 the applicable standard of care shall constitute repeated negligent acts.

18 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
19 for that negligent diagnosis of the patient shall constitute a single negligent act.

20 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
21 constitutes the negligent act described in paragraph (1), including, but not limited to, a
22 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
23 applicable standard of care, each departure constitutes a separate and distinct breach of the
24 standard of care.

25 “(d) Incompetence.

26 “(e) The commission of any act involving dishonesty or corruption which is substantially
27 related to the qualifications, functions, or duties of a physician and surgeon.

28 “(f) Any action or conduct which would have warranted the denial of a certificate.

1 “(g) The practice of medicine from this state into another state or country without meeting
2 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
3 apply to this subdivision. This subdivision shall become operative upon the implementation of the
4 proposed registration program described in Section 2052.5.

5 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
6 participate in an interview by the board. This subdivision shall only apply to a certificate holder
7 who is the subject of an investigation by the board.”

8 6. Section 820 of the Code states:

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

16 7. Section 822 of the Code states:

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

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

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

22 "(c) Placing the licentiate on probation.

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

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

1 8. Section 2236 of the Code provides that conviction of any offense substantially
2 related to the qualifications, functions or duties of a physician constitute unprofessional conduct.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Crime)**

5 9. Respondent Dirk De Brito, M.D. is subject to disciplinary action under section 2236
6 in that he was convicted of crimes substantially related to the practice of medicine. The
7 circumstances are as follows:

8 A. On October 14, 2015, Respondent was involved in an altercation with a woman
9 named victim A., who worked for him as a nanny. Respondent got a call from his son's school
10 saying his son went to school with a dirty diaper, so Respondent called victim A. told her to come
11 home, and said he was firing her.

12 B. Prior to walking into the house, victim A. had a feeling something bad was going to
13 happen so she turned on the recorder from her cell phone. When she arrived at the house,
14 Respondent began yelling at her, grabbed her by the neck and put her in a headlock. The victim
15 could not breathe, and pleaded with him to let her go. He then pushed her to the floor, and
16 punched her in the face a few times. Respondent yelled at her to "grab her f----- shit". While in
17 the bedroom he pushed the victim onto the bed and while she was trying to reach for the phone,
18 he unplugged the phone line and slapped the victim in the face.

19 C. Respondent was threatening victim A., telling her he was going to kill her, that he
20 would "dig a f----- hole in the back and put you in it." Fearing for her life, victim A. got her
21 property from her room and left the house. She ran to a neighbor who refused to help victim A.
22 Respondent was yelling at victim A. outside to come back to his house. When she did, he took a
23 hose and soaked her with water.

24 D. Respondent was placed under arrest for a variety of crimes. The Los Angeles County
25 District Attorney, filed charges against Respondent in the case of *The People of the State of*
26 *California v. Dirk De Brito*, Los Angeles Superior Court Case No. GA097514. He was charged
27 with making criminal threats, assault, and interference with a wireless communication device. On
28 May 2, 2017, he pled nolo contendere to making criminal threats and was sentenced to three years

1 of summary probation with a variety of conditions, including attending a 52-week anger
2 management course.

3 E. On the evening of January 12, 2016, while out on bail, Respondent was arrested for
4 assault with a deadly weapon. The facts leading up to the arrest are as follows: A woman named
5 victim B., the victim in this case, was an employee of Respondent's and worked in his office for a
6 few months. On January 12, 2016, she went to Respondent's office to return a company car and
7 get her final paycheck. She had arranged to meet with a woman who was Respondent's human
8 resources director. (H.R.D.)

9 F. Victim B. arrived with a friend, V. around 10:30 at night. The H.R.D. had victim B.
10 sign paperwork prior to getting her paycheck. When victim B. signed the paperwork, the H.R.D.
11 gave her an envelope. As victim B. and V. were walking away, Respondent drove up quickly in
12 his car, wearing a bullet proof vest and yelled, "yeah bitch, you don't want your real check?
13 That's a fake check." Victim B. opened the envelope and saw a blank piece of paper. Victim B.
14 was angry so she reached over and grabbed the paper she had just given to the H.R.D.
15 Respondent grabbed victim B.'s face and neck and threw her down to the asphalt, and then
16 stepped on her forearm. He walked back to his car but B. tried to stop him. Respondent reached
17 into his waistband and pulled out a black handgun, and pointed the muzzle towards the ground,
18 and shoved victim B.

19 G. When police officers interviewed Respondent, he denied having a bullet-proof vest.
20 The Respondent also denied having a gun. When officers asked him to sign a consent to search
21 form he refused but eventually he admitted he did have a bullet proof vest, which was found in
22 his office. Officers obtained a search warrant for the Respondent's office and found a Smith and
23 Wesson .38 caliber gun; a 9mm Glock magazine; and, 14 unexpended 9mm hollow point rounds.

24 H. A review of surveillance video confirms that Respondent was wearing a bullet-proof
25 vest. He is also seen going into his office, carrying an unknown object, possibly a gun.

26 I. The Los Angeles County District Attorney filed charges against defendant in the case
27 of *The People of the State of California v. Dirk De Brito*, Los Angeles Superior Court Case No.
28 GA097514. He was charged with assault, possession of a concealed firearm, and exhibiting a

1 firearm. On May 2, 2017, he pled nolo contendere to assault, and was sentenced to three years of
2 summary probation with a variety of conditions, including attending a 52-week anger
3 management course.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Mental Impairment)**

6 10. Respondent Dirk De Brito, M.D. is subject to disciplinary action under sections 820
7 and 822 in that he suffers from a mental condition that impairs his ability to practice medicine
8 safely. The circumstances are as follows:

9 A. A Board-appointed psychiatrist performed a mental evaluation of Respondent.

10 Overall, according to the evaluator, based on the current neuropsychological evaluation results,
11 Respondent is not competent to practice medicine because he suffers from bipolar disorder.

12 B. The evaluator administered the MMPI, and interviewed the Respondent. Respondent
13 gave the evaluator his personal history and background which included incidents beginning in
14 medical school. In 1993 while at Columbia Medical School, Respondent was told by the dean to
15 get counseling, although Respondent told the evaluator he did not know the reason. Then while
16 doing his internship at Huntington Hospital, the chairman told Respondent he was too sharp with
17 the staff. He held several emergency positions at Kaiser and was told many times to "tone it
18 down with the nurses." He started a psychiatric residency at UCLA but after two years he was
19 told to go elsewhere.

20 C. Respondent has a long history of psychiatric treatment. He has been evaluated and
21 treated for attention deficit disorder and "reactivity." He denies suffering from bipolar disorder,
22 however, the evaluator disagrees and believes he does suffer from this disorder. In 2016,
23 Respondent was treated with lithium, but the records do not indicate why. Lithium was stopped
24 in March 2017.

25 D. The evaluator reviewed the police reports regarding the two assaults with
26 Respondent's ex-employee and nanny. He believes that this behavior is a result of a mental
27 condition, specifically, bipolar disorder. The evaluator opined that Respondent's mental illness
28 impacts his ability to engage safely in the practice of medicine, that his condition is deteriorating,

1 that his ability to practice medicine endangers the public and that he requires ongoing psychiatric
2 treatment. He believes Respondent is becoming increasingly violent and agitated.

3 THIRD CAUSE FOR DISCIPLINE

4 (Gross Negligence)

5 11. Respondent Dirk De Brito, M.D. is subject to disciplinary action under section 2234,
6 subdivision (b) in that he was grossly negligent and unprofessional with patient C. The
7 circumstances are as follows:

8 A. In approximately November 2011, patient C. started seeing Respondent for a variety
9 of conditions, including medication management for anxiety and depression. The patient did not
10 present with any complaints of sexual dysfunction.

11 B. C. was Respondent's patient until May 2012. She had a variety of complaints,
12 including that during their sessions, Respondent would make and receive phone calls.
13 Respondent "demanded" that she engage in sexual activity, and when she objected to his
14 suggestion explaining that it violated her moral and religious beliefs, he belittled her for her
15 narrow mindedness. He also suggested that she go online to meet sexual partners, which only
16 increased her anxiety. At one appointment Respondent suggested he could "service" her.

17 C. During one session, when C. told Respondent that her 30-year-old daughter was a
18 virgin; he responded by yelling "that's a crisis," and got on the phone to call someone claiming
19 they needed to do an intervention for one of his patients.

20 Allegations of Gross Negligence:

21 D. Suggesting that a patient engage in sexual activity, while knowing it was against her
22 religious beliefs, and then belittling her is an extreme departure from the standard of care.

23 E. This patient presented with no complaints of sexual dysfunction, so when Respondent
24 suggested she contact online websites for sexual partners, and offered to "service" her, it was an
25 extreme departure from the standard of care.

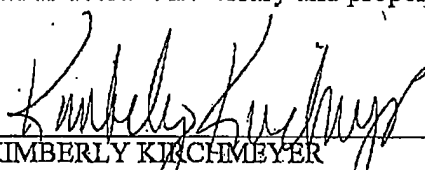
26 F. Respondent's response to the patient's disclosure about her daughter, and his
27 subsequent disclosure to a colleague violated the patient's confidential history. This conduct was
28 demeaning, disrespectful, and unprofessional and an extreme departure from the standard of care.

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 66604, issued to Dirk De Brito, M.D.;
2. Revoking, suspending or denying approval of Dirk De Brito, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Dirk De Brito, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: December 28, 2017


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

LA2017605402