

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 CAROLYNE EVANS  
Deputy Attorney General  
4 State Bar No. 289206  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3448  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*  
7

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

12 In the Matter of the Accusation Against:

Case No. 800-2017-032686

13 **BILLY JOHN LOCKHART, M.D.**

14 **401 Parnassus Ave. Box RTP-0984**  
15 **San Francisco, CA 94143**

**DEFAULT DECISION**  
**AND ORDER**

16 **Physician's and Surgeon's Certificate No. A**  
17 **144446**

[Gov. Code §11520]

18 Respondent

19 **FINDINGS OF FACT**

20 1. On or about November 14, 2018, Complainant Kimberly Kirchmeyer, in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs, filed Accusation No. 800-2017-032686 against Billy John Lockhart, M.D. (Respondent)  
23 before the Medical Board of California (Board.)

24 2. On or about August 12, 2016, the Board issued Physician's and Surgeon's Certificate  
25 No. A 144446 to Respondent. The Physician's and Surgeon's Certificate expired on May 31,  
26 2018, and has not been renewed. (Exhibit Package, Exhibit 1<sup>1</sup>: License Certification.)  
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28 <sup>1</sup> The evidence in support of this Default Decision and Order is separately contained in the  
"Exhibit Package."

1           3.     On or about November 14, 2018, an employee of the Board, served by Certified Mail  
2 a copy of the Accusation No. 800-2017-032686, Statement to Respondent, Notice of Defense,  
3 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to  
4 Respondent's address of record with the Board, which was and is 401 Parnassus Ave. Box RTP-  
5 0984, San Francisco, CA 94143. (Exhibit Package, Exhibit 2: Accusation, the related documents,  
6 and Declaration of Service.) The Statement to Respondent advised Respondent that he was  
7 required to complete, sign, and return a Notice of Defense within fifteen days if he desired a  
8 hearing on the charges.

9           4.     Respondent did not respond to the Accusation by returning the requisite Notice of  
10 Defense. On November 30, 2018, an employee of the Attorney General's Office sent Respondent  
11 a courtesy Notice of Default. (Exhibit Package, Exhibit 3: Courtesy Notice of Default, proof of  
12 service.) The courtesy Notice of Default was served on Respondent at his address of record. The  
13 courtesy Notice of Default advised Respondent of the Accusation and provided Respondent with  
14 an opportunity to request relief from default. Respondent has not filed a Notice of Defense to  
15 date. As a result, Respondent has waived his right to a hearing on the merits to contest the  
16 allegations contained in the Accusation.

17           5.     The allegations of the Accusation are true as follows:

18           Beginning on a date unknown, but continuing through on or about May 9, 2017, in San  
19 Francisco County, Respondent knowingly possessed over 600 images of child pornography. The  
20 images showed minors engaged in sexually explicit conduct. Many of the images contained pre-  
21 pubescent minors who had not attained the age of 12 years and some images depicted sexual  
22 abuse or exploitation of an infant or toddler. Also, some of the images portrayed masochistic or  
23 sadistic or violent conduct. While at work as a resident at the University of California San  
24 Francisco (UCSF) in the Psychiatry Department, Respondent uploaded and traded child  
25 pornography online, at times using the UCSF Wi-Fi.

26           6.     On November 30 2017, in the case of *United States of America v. Billy John*  
27 *Lockhart*, United States District Court, Northern District of California case number 17-CR-604,  
28

1 Respondent was charged with a felony violation of 18 U.S.C. sections 2252 (a)(4)(B), and (b)(2):  
2 Possession of Child Pornography. (Exhibit Package, Exhibit 4: Criminal Indictment.)

3 7. On July 18, 2018, in the case of *United States of America v. Billy John Lockhart*,  
4 United States District Court, Northern District of California case number 17-CR-604 following a  
5 plea of guilty, Respondent was convicted of one count of possession of child pornography in  
6 violation of 18 U.S.C. sections 2252(a)(4)(B), (b)(2). (Exhibit Package, Exhibit 5: Criminal  
7 Minutes filed July 18, 2018 and Exhibit 6: Plea Agreement.)

8 8. Respondent failed to report the bringing of an indictment or information and  
9 conviction to the Board in writing within 30 days of the date of the bringing of the indictment or  
10 information or of the conviction. (Exhibit Package, Exhibit 7: Declaration of Board Staff  
11 Services Manager Valerie Moore.)

#### 12 STATUTORY AUTHORITY

13 9. Business and Professions Code (hereinafter "the Code") section 118 states, in  
14 pertinent part:

15 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
16 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
17 order of a court of law, or its surrender without the written consent of the board, shall not, during  
18 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
19 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
20 provided by law or to enter an order suspending or revoking the license or otherwise taking  
21 disciplinary action against the license on any such ground."

22 10. Section 2234 of the Code, states in pertinent part:

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

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

28 ...

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

2           ...

3           11. Section 2227 of the Code states:

4           “(a) A licensee whose matter has been heard by an administrative law judge of the Medical  
5 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default  
6 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary  
7 action with the board, may, in accordance with the provisions of this chapter:

8           “(1) Have his or her license revoked upon order of the board.

9           “(2) Have his or her right to practice suspended for a period not to exceed one year upon  
10 order of the board.

11           “(3) Be placed on probation and be required to pay the costs of probation monitoring upon  
12 order of the board.

13           “(4) Be publicly reprimanded by the board. The public reprimand may include a  
14 requirement that the licensee complete relevant educational courses approved by the board.

15           “(5) Have any other action taken in relation to discipline as part of an order of probation, as  
16 the board or an administrative law judge may deem proper.

17           “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
18 review or advisory conferences, professional competency examinations, continuing education  
19 activities, and cost reimbursement associated therewith that are agreed to with the board and  
20 successfully completed by the licensee, or other matters made confidential or privileged by  
21 existing law, is deemed public, and shall be made available to the public by the board pursuant to  
22 Section 803.1.”

23           12. Section 2236 of the Code states:

24           “(a) The conviction of any offense substantially related to the qualifications, functions, or  
25 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
26 chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction  
27 occurred.

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1           “(b) The district attorney, city attorney, or other prosecuting agency shall notify the  
2 Division of Medical Quality<sup>2</sup> of the pendency of an action against a licensee charging a felony or  
3 misdemeanor immediately upon obtaining information that the defendant is a licensee. The  
4 notice shall identify the licensee and describe the crimes charged and the facts alleged. The  
5 prosecuting agency shall also notify the clerk of the court in which the action is pending that the  
6 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds  
7 a license as a physician and surgeon.

8           “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours  
9 after the conviction, transmit a certified copy of the record of conviction to the board. The  
10 division may inquire into the circumstances surrounding the commission of a crime in order to fix  
11 the degree of discipline or to determine if the conviction is of an offense substantially related to  
12 the qualifications, functions, or duties of a physician and surgeon.

13           “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to  
14 be a conviction within the meaning of this section and Section 2236.1. The record of conviction  
15 shall be conclusive evidence of the fact that the conviction occurred.”

16           13. Section 802.1 of the Code states:

17           “(a) (1) A physician and surgeon . . . shall report either of the following to the entity that  
18 issued his or her license:

19           (A) The bringing of an indictment or information charging a felony against the licensee.

20           (B) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no  
21 contest of any felony or misdemeanor.

22           (2) The report required by this subdivision shall be made in writing within 30 days of the  
23 date of the bringing of the indictment or information or of the conviction.

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26           <sup>2</sup> Business and Professions Code section 2002, effective January 1, 2008, provides that,  
27 unless otherwise expressly provided, the term “board” as used in the State Medical Practice Act  
28 (Bus. & Prof. Code, § 2000 et seq.) means the “Medical Board of California,” and references to  
the “Division of Medical Quality” and “Division of Licensing” in the Act or any other provision  
of law shall be deemed to refer to the Board.

1 (b) Failure to make a report required by this section shall be a public offense punishable by  
2 a fine not to exceed five thousand dollars (\$5,000).”

3 14. The Board will take action without further hearing. Based on Respondent’s express  
4 admissions by way of default and the evidence in Exhibits 1 through 5, the Board finds that the  
5 allegations in the Accusation are true. Pursuant to its authority under Government Code section  
6 11520, the Board finds Respondent is in default.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Billy John Lockhart, M.D. has  
9 subjected his Physician's and Surgeon's Certificate No. A 144446 to discipline.

10 2. The Board has jurisdiction to adjudicate this case by default.

11 3. The Medical Board of California is authorized to revoke Respondent's Physician's and  
12 Surgeon's Certificate based upon the following violations alleged in the Accusation: Respondent  
13 was convicted of a crime substantially related to the qualifications, functions, or duties of a  
14 physician and surgeon and engaged in unprofessional conduct, and Respondent failed to report  
15 the bringing of an indictment or information and conviction to the Board in writing within 30  
16 days of the date of the bringing of the indictment or information or of the conviction.

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**ORDER**

**IT IS SO ORDERED** that Physician's and Surgeon's Certificate No. A 144446, heretofore issued to Respondent Billy John Lockhart, M.D., is revoked.

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520, subdivision (c), for good cause shown. However, such showing must be made in writing by way of a motion to vacate the Default Decision and directed to the Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven (7) days after service of the Decision on Respondent.

This Decision shall become effective on January 30, 2019, at 5:00p.m.

It is so ORDERED December 31, 2018



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FOR THE MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
KIMBERLY KIRCHMEYER  
EXECUTIVE DIRECTOR

SF2018201662

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 CAROLYNE EVANS  
Deputy Attorney General  
4 State Bar No. 289206  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3448  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO *NOVEMBER 14 2018*  
BY *[Signature]* ANALYST

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

12 In the Matter of the Accusation Against:

Case No. 800-2017-032686

13 **Billy John Lockhart, M.D.**  
14 **401 Parnassus Ave. Box RTP-0984**  
**San Francisco, CA 94143**

**A C C U S A T I O N**

15 **Physician's and Surgeon's Certificate**  
16 **No. A 144446,**

17 Respondent.

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20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about August 12, 2016, the Medical Board issued Physician's and Surgeon's  
26 Certificate Number A 144446 to Billy John Lockhart, M.D. (Respondent). The Physician's and  
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1 Surgeon's Certificate is in delinquent status as it expired on May 31, 2018, and has not been  
2 renewed.

3 **JURISDICTION**

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

6 4. Section 2234 of the Code, states in pertinent part:

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

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

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

14 5. Section 2227 of the Code states:

15 "(a) A licensee whose matter has been heard by an administrative law judge of the Medical  
16 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default  
17 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary  
18 action with the board, may, in accordance with the provisions of this chapter:

19 "(1) Have his or her license revoked upon order of the board.

20 "(2) Have his or her right to practice suspended for a period not to exceed one year upon  
21 order of the board.

22 "(3) Be placed on probation and be required to pay the costs of probation monitoring upon  
23 order of the board.

24 "(4) Be publicly reprimanded by the board. The public reprimand may include a  
25 requirement that the licensee complete relevant educational courses approved by the board.

26 "(5) Have any other action taken in relation to discipline as part of an order of probation, as  
27 the board or an administrative law judge may deem proper.

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1           “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
2 review or advisory conferences, professional competency examinations, continuing education  
3 activities, and cost reimbursement associated therewith that are agreed to with the board and  
4 successfully completed by the licensee, or other matters made confidential or privileged by  
5 existing law, is deemed public, and shall be made available to the public by the board pursuant to  
6 Section 803.1.”

7           6.     Section 2236 of the Code states:

8           “(a) The conviction of any offense substantially related to the qualifications, functions, or  
9 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this  
10 chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction  
11 occurred.

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15 notice shall identify the licensee and describe the crimes charged and the facts alleged. The  
16 prosecuting agency shall also notify the clerk of the court in which the action is pending that the  
17 defendant is a licensee, and the clerk shall record prominently in the file that the defendant holds  
18 a license as a physician and surgeon.

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

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26           <sup>1</sup> Business and Professions Code section 2002, effective January 1, 2008, provides that,  
27 unless otherwise expressly provided, the term “board” as used in the State Medical Practice Act  
28 (Bus. & Prof. Code, § 2000 et seq.) means the “Medical Board of California,” and references to  
the “Division of Medical Quality” and “Division of Licensing” in the Act or any other provision  
of law shall be deemed to refer to the Board.



1 Respondent was charged with violation of 18 U.S.C. sections 2252 (a)(4)(B), and (b)(2):  
2 Possession of Child Pornography.

3 11. On July 18, 2018, in the case of *United States of America v. Billy John Lockhart*,  
4 United States District Court, Northern District of California case number 17-CR-604 following a  
5 plea of guilty, Respondent was convicted of one count of possession of child pornography in  
6 violation of 18 U.S.C. sections 2252(a)(4)(B), (b)(2).

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Failure to Report Indictment/Information and Conviction)


9 12. Respondent is subject to further disciplinary action under Business and Professions  
10 Code section 802.1 in that he failed to report the bringing of an indictment or information and  
11 conviction to the Board in writing within 30 days of the date of the bringing of the indictment or  
12 information or of the conviction.

13 **PRAYER**

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

- 16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 144446,  
17 issued to Respondent;
- 18 2. Revoking, suspending or denying approval of Respondent's authority to supervise  
19 physician assistants and advanced practice nurses;
- 20 3. Ordering Respondent, if placed on probation, to pay the Board the costs of probation  
21 monitoring; and
- 22 4. Taking such other and further action as deemed necessary and proper.

23  
24 DATED:  
25 November 14, 2018

  
26 KIMBERLY KIRCHMEYER  
27 Executive Director  
28 Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*