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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *February 28, 2019*
BY *K. Voong* ANALYST

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

In the Matter of the Accusation Against:

Thomas Bates Huffaker Jr., M.D.
1375 Sutter St., Ste. 304
San Francisco, CA 94109

Physician's and Surgeon's Certificate
No. G 41747,

Respondent.

Case No. 800-2017-038470
ACCUSATION

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 April 7, 1980, the Medical Board issued Physician's and Surgeon's Certificate Number G 41747 to Thomas Bates Huffaker Jr., M.D. (Respondent). The Physician's and Surgeon's Certificate is delinquent, having expired on July 31, 2017.

1 **JURISDICTION**

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

4 4. Section 2227 of the Code states:

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

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

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

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

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

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

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

24 5. Section 2234 of the Code, states:

25 “The board shall take action against any licensee who is charged with unprofessional
26 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
27 limited to, the following:
28

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

3 “ . . . ”

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

5 “ . . . ”

6 6. Section 2236 of the Code states:

7 “(a) The conviction of any offense substantially related to the qualifications, functions, or
8 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
9 chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive
10 evidence only of the fact that the conviction occurred.

11 “(b) The district attorney, city attorney, or other prosecuting agency shall notify the
12 Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor
13 immediately upon obtaining information that the defendant is a licensee. The notice shall identify
14 the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall
15 also notify the clerk of the court in which the action is pending that the defendant is a licensee,
16 and the clerk shall record prominently in the file that the defendant holds a license as a physician
17 and surgeon.

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

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

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime)**

3 7. Respondent Thomas Bates Huffaker Jr., M.D. is subject to disciplinary action for
4 unprofessional conduct under sections 2234 and/or 2236 in that on July 31, 2017 in Marin County
5 Superior Court, Respondent was convicted of a violation of section 23153(b) of the California
6 Vehicle Code (Driving Under the Influence Causing Bodily Injury), a misdemeanor. The
7 circumstances are as follows:

8 8. On or about January 16, 2017 at approximately 6:04 p.m., San Rafael Police Officer
9 T. C. responded to a two vehicle injury collision. A witness at the scene said that the Respondent
10 was driving his vehicle 40 to 50 miles per hour around a turn and crossed over the double yellow
11 lines and collided head on with another vehicle causing significant front end damage on both
12 vehicles. The witness further told the officer that the Respondent may be under the influence of
13 alcohol. The driver of the other vehicle suffered neck and back pain and requested transport to
14 the hospital.

15 9. Officer T. C. made contact with Respondent who was still in the driver's seat and
16 noticed that Respondent was slurring his words and was very disoriented. Respondent denied that
17 he had been drinking. Officer T.C. asked Respondent to get out of the car and as he was asking
18 Respondent questions about the accident, Officer T.C. began to smell the strong odor of an
19 alcoholic beverage. Respondent admitted to consuming a Coors Light 12-ounce beer but claimed
20 he could not feel the effects of the alcohol. Respondent had difficulty answering very simple
21 questions.

22 10. Respondent was given a series of Field Sobriety Tests and he performed poorly on the
23 tests. Respondent provided a breath sample in a Preliminary Alcohol Screening Device test with
24 readings of .124% and .126%. Respondent was subsequently placed under arrest for a violation
25 of section 23153(a) and 23153(b) of the Vehicle Code and elected to have a blood test taken
26 which had results of .131%.

27 11. Respondent pled guilty on July 31, 2017 to a misdemeanor violation of section
28 23153(b) of the Vehicle Code in Marin County Superior Court Case Number CR200056A.

1 Respondent was sentenced to three years supervised probation, 30 hours of volunteer work,
2 completion of a first offender drinking driver program, two Alcoholic Anonymous meetings per
3 week for three months, one-year driver's license suspension, and was ordered to pay restitution
4 and standard fines and fees.

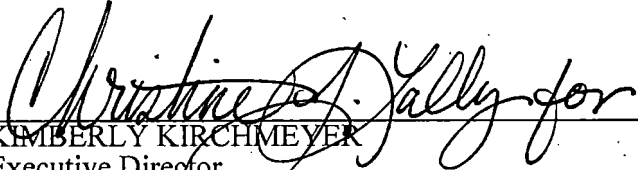
5 12. Respondent's conduct and criminal conviction, as outlined in Paragraphs 7 through
6 11, constitute unprofessional conduct and the conviction of a crime substantially related to the
7 qualifications, functions or duties of a physician and surgeon, and cause for discipline pursuant to
8 Business and Professions Code section 2234 and/or 2236.

9 PRAYER

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

- 12 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 41747,
13 issued to Thomas Bates Huffaker Jr., M.D.;
- 14 2. Revoking, suspending or denying approval of Thomas Bates Huffaker Jr., M.D.'s
15 authority to supervise physician assistants and advanced practice nurses;
- 16 3. Ordering Thomas Bates Huffaker Jr., M.D., if placed on probation, to pay the Board
17 the costs of probation monitoring; and
- 18 4. Taking such other and further action as deemed necessary and proper.

19
20 DATED: February 28, 2019

21 
22 KIMBERLY KIRCHMEYER
23 Executive Director
24 Medical Board of California
25 Department of Consumer Affairs
26 State of California
27 Complainant

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