

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

In the Matter of the Accusation)
Against:)
)
)
Justin Simon, M.D.)
)
Physician's and Surgeon's)
Certificate No. A 15207)
)
Respondent)
_____)

Case No. 800-2017-039063

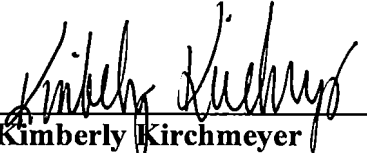
DECISION

The attached Stipulated Surrender of License and 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 July 30, 2019.

IT IS SO ORDERED July 23, 2019.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
5 Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
6 *Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 800-2017-039063

11 **JUSTIN SIMON, M.D.**
12 3001 Dana Street
13 Berkeley, CA 94705

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Physician's and Surgeon's Certificate No. A 15207
15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

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

24 2. Justin Simon, M.D. (Respondent) is represented in this proceeding by Joseph S.
25 Picchi of Galloway Lucchese Everson & Picchi, 2300 Contra Costa Blvd. Suite 350, Pleasant
26 Hill, CA 94523.

1 Respondent hereby gives up his right to contest that cause for discipline exists based on those
2 charges.

3 10. Respondent understands that by signing this stipulation he enables the Board to issue
4 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
5 process.

6 CONTINGENCY

7 11. This stipulation shall be subject to approval by the Board. Respondent understands
8 and agrees that counsel for Complainant and the staff of the Board may communicate directly
9 with the Board regarding this stipulation and surrender, without notice to or participation by
10 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
11 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
12 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
13 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
14 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
15 be disqualified from further action by having considered this matter.

16 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
17 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
18 thereto, shall have the same force and effect as the originals.

19 13. In consideration of the foregoing admissions and stipulations, the parties agree that
20 the Board may, without further notice or formal proceeding, issue and enter the following Order:

21 ORDER

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 15207, issued
23 to Respondent Justin Simon, M.D., is surrendered and accepted by the Board.

24 1. Respondent shall lose all rights and privileges as a physician and surgeon in
25 California as of the effective date of the Board's Decision and Order.

26 2. Respondent shall cause to be delivered to the Board his pocket license and, if one was
27 issued, his wall certificate on or before the effective date of the Decision and Order.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

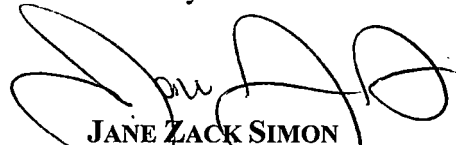
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 7/29/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California



JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

SF2019201122
21473600.docx

Exhibit A

Accusation No. 800-2017-039063

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3521
5 Facsimile: (415) 703-5480
E-mail: Janezack.simon@doj.ca.gov
6 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 20 2019
BY Jane Zack Simon ANALYST

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. 800-2017-039063

13 **JUSTIN SIMON, M.D.**
14 3001 Dana Street
Berkeley, CA 94705

A C C U S A T I O N

15 Physician's and Surgeon's Certificate
16 No. A 15207,

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

23 2. On June 22, 1953, the Medical Board issued Physician's and Surgeon's Certificate
24 Number A 15207 to Justin Simon, M.D. (Respondent). The Physician's and Surgeon's Certificate
25 is delinquent, having expired on March 31, 2019.

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 generalized anxiety disorder, and later, Attention Deficit Hyperactivity Disorder. Respondent
2 failed to document a basis for either diagnosis, or that he conducted an adequate evaluation of the
3 patient to support the prescriptions issued. Respondent's cursory medical record was difficult to
4 review due to illegibility and his use of unconventional abbreviations. The record did not
5 document an adequate patient evaluation and assessment, that informed consent was provided to
6 Patient #2, or the basis for Respondent's diagnosis. Respondent also failed to coordinate care
7 with other providers, or to take steps to determine whether Patient #2 was receiving prescriptions
8 from other sources. In fact, other physicians were prescribing benzodiazepines and opioids at the
9 same time.

10 9. Respondent treated Patient #3 from 2015 -2018. Respondent initially diagnosed the
11 patient with Attention Deficit Hyperactivity Disorder based on a full clinical assessment, and
12 appropriately treated the patient with stimulants. Subsequently, Respondent increased the dosage
13 of stimulant to a level above the FDA approved dose, without a documented rationale or
14 indication. Respondent also prescribed a benzodiazepine and sleep medication without noting a
15 basis for a diagnosis to support the prescribing, and without apparent consideration of discussion
16 with the patient of the risk of the combined use of the prescribed medications. Respondent's
17 cursory medical record was difficult to review due to illegibility and his use of unconventional
18 abbreviations. The record did not document an adequate patient evaluation and assessment of an
19 anxiety or sleep disorder, that informed consent was provided to Patient #3 for prescribing
20 multiple medications, or the rationale for prescribing in excess of recommended dosages.

21 10. Respondent subject to disciplinary action for unprofessional conduct under section
22 2234, and/or 2234(b) and/or 2234(c) in that Respondent was grossly negligent and/or committed
23 repeated acts of negligence in his care and treatment of Patient #1, Patient #2 and Patient #3.

24 11. Respondent is subject to disciplinary action for unprofessional conduct under section
25 2266 of the code in that he failed to maintain adequate and accurate medical records for Patient
26 #1, Patient #2 and Patient #3.


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.15207, issued to Justin Simon, M.D.;
2. Revoking, suspending or denying approval of Justin Simon, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Justin Simon, 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: June 20, 2019


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

SF2019201122
21473171.docx