

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

In the Matter of the Accusation Against:)	
)	
)	
GEORGE LAWRENCE WILKINSON, M.D.)	Case No. 800-2018-041332
)	
Physician's and Surgeon's)	
Certificate No. G 21294)	
)	
Respondent)	
_____)	

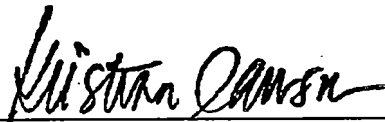
DECISION AND ORDER

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 May 3, 2019.

IT IS SO ORDERED: April 4, 2019.

MEDICAL BOARD OF CALIFORNIA



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

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 JOSHUA M. TEMPLET
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Attorneys for Complainant

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:

13 **GEORGE LAWRENCE WILKINSON,**
14 **M.D.**
15 **702 Marshall St., Ste. 410**
Redwood City, CA 94063-1825

16 **Physician's and Surgeon's Certificate**
17 **No. G 21294**

18 Respondent.

Case No. 800-2018-041332

OAH No. 2018090963

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19
20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
25 of California (Board). She brought this action solely in her official capacity and is represented in
26 this matter by Xavier Becerra, Attorney General of the State of California, via Joshua M.
27 Templet, Deputy Attorney General.

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1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in the
3 Accusation, if proven at a hearing, constitute cause for imposing discipline upon his Physician's
4 and Surgeon's Certificate.

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

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

12 CONTINGENCY

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

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

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 21294 issued
3 to Respondent George Lawrence Wilkinson, M.D. is revoked. However, the revocation is stayed
4 and Respondent is placed on probation for three (3) years, with the following terms and
5 conditions:

6 1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain
7 completely from the personal use or possession of controlled substances as defined in the
8 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
9 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
10 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
11 illness or condition.

12 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
13 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
14 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
15 telephone number.

16 2. **ALCOHOL - ABSTAIN FROM USE.** Respondent shall abstain completely from the
17 use of products or beverages containing alcohol.

18 3. **PROFESSIONALISM PROGRAM (ETHICS COURSE).** Within 60 calendar days of
19 the effective date of this Decision, Respondent shall enroll in a professionalism program that
20 meets the requirements of title 16, California Code of Regulations (CCR) section 1358.1.
21 Respondent shall participate in and successfully complete that program. Respondent shall provide
22 any information and documents that the program may deem pertinent. Respondent shall
23 successfully complete the classroom component of the program not later than six (6) months after
24 Respondent's initial enrollment, and the longitudinal component of the program not later than the
25 time specified by the program, but no later than one (1) year after attending the classroom
26 component. The professionalism program shall be at Respondent's expense and shall be in
27 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

28 A professionalism program taken after the acts that gave rise to the charges in the

1 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
2 or its designee, be accepted towards the fulfillment of this condition if the program would have
3 been approved by the Board or its designee had the program been taken after the effective date of
4 this Decision.

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

8 4. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
9 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
10 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
11 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
12 consider any information provided by the Board or designee and any other information the
13 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
14 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not be
15 accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
16 psychiatric evaluations and psychological testing.

17 Respondent shall comply with all restrictions or conditions recommended by the evaluating
18 psychiatrist within 15 calendar days after being notified by the Board or its designee.

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

26 The psychotherapist shall consider any information provided by the Board or its designee
27 and any other information the psychotherapist deems relevant and shall furnish a written
28 evaluation report to the Board or its designee. Respondent shall cooperate in providing the

1 psychotherapist with any information and documents that the psychotherapist may deem
2 pertinent.

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

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

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

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

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

1 The cost of biological fluid testing shall be borne by the Respondent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
24 administered to himself or herself a prohibited substance, the Board shall order Respondent to
25 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
26 medicine or providing medical services. The Board shall immediately notify all of Respondent's
27 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
28 provide medical services while the cease-practice order is in effect.

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

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

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

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

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

19 8. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
20 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
21 probation.

22 A. If Respondent commits a major violation of probation as defined by section
23 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
24 one or more of the following actions:

25 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
26 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
27 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice order
28 issued by the Board or its designee shall state that Respondent must test negative for at least a

1 month of continuous biological fluid testing before being allowed to resume practice. For
2 purposes of determining the length of time a Respondent must test negative while undergoing
3 continuous biological fluid testing following issuance of a cease-practice order, a month is
4 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
5 notified in writing by the Board or its designee that he or she may do so.

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

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

9 B. If Respondent commits a minor violation of probation as defined by section
10 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
11 one or more of the following actions:

12 (1) Issue a cease-practice order;

13 (2) Order practice limitations;

14 (3) Order or increase supervision of Respondent;

15 (4) Order increased documentation;

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

17 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
18 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
19 Regulations, at Respondent's expense;

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

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

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

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

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

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

16 12. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
17 under penalty of perjury on forms provided by the Board, stating whether there has been
18 compliance with all the conditions of probation.

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

21 13. GENERAL PROBATION REQUIREMENTS.

22 Compliance with Probation Unit

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

24 Address Changes

25 Respondent shall, at all times, keep the Board informed of Respondent's business and
26 residence addresses, email address (if available), and telephone number. Changes of such
27 addresses shall be immediately communicated in writing to the Board or its designee. Under no
28 circumstances shall a post office box serve as an address of record, except as allowed by Business

1 and Professions Code section 2021(b).

2 Place of Practice

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

6 License Renewal

7 Respondent shall maintain a current and renewed California physician's and surgeon's
8 license.

9 Travel or Residence Outside California

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

13 In the event Respondent should leave the State of California to reside or to practice,
14 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
15 departure and return.

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

19 15. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
20 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
21 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
22 defined as any period of time Respondent is not practicing medicine as defined in Business and
23 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
24 patient care, clinical activity or teaching, or other activity as approved by the Board. If
25 Respondent resides in California and is considered to be in non-practice, Respondent shall
26 comply with all terms and conditions of probation. All time spent in an intensive training program
27 which has been approved by the Board or its designee shall not be considered non-practice and
28 does not relieve Respondent from complying with all the terms and conditions of probation.

1 Practicing medicine in another state of the United States or Federal jurisdiction while on
2 probation with the medical licensing authority of that state or jurisdiction shall not be considered
3 non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-
4 practice.

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

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

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

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

17 16. COMPLETION OF PROBATION. Respondent shall comply with all financial
18 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
19 completion of probation. Upon successful completion of probation, Respondent's certificate shall
20 be fully restored.

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

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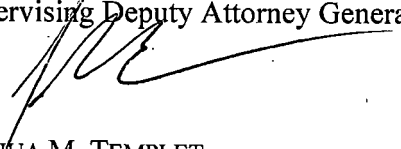
ENDORSEMENT

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

Dated: 1/25/2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General



JOSHUA M. TEMPLET
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-041332

1 XAVIER BECERRA
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2 MARY CAIN-SIMON
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *August 23 20 18*
BY *K. Voong* 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. 800-2018-041332

George Lawrence Wilkinson, M.D.
702 Marshall St., Ste. 410
Redwood City, CA 94063-1825

A C C U S A T I O N

Physician's and Surgeon's Certificate
No. G 21294,

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 September 1, 1971, the Board issued Physician's and Surgeon's Certificate Number G 21294 to George Lawrence Wilkinson, M.D. (Respondent). The certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2020, unless renewed.

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JURISDICTION

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

4. Section 2004 of the Code provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 of the Code authorizes the Board to take action against a licensee who has been found guilty under the Medical Practice Act by revoking his or her license, suspending the license for a period not to exceed one year, placing the license on probation and requiring payment of costs of probation monitoring, or taking such other action as the Board deems proper.

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

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

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

...

7. Section 2236 of the Code states:

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

...

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

8. Section 2239 of the Code states:

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

1 (b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
2 deemed to be a conviction within the meaning of this section. The [Board] may
3 order discipline of the licensee in accordance with Section 2227 or the Division of
4 Licensing may order the denial of the license when the time for appeal has elapsed
5 or the judgment of conviction has been affirmed on appeal or when an order
6 granting probation is made suspending imposition of sentence, irrespective of a
7 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
8 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
9 setting aside the verdict of guilty, or dismissing the accusation, complaint,
10 information, or indictment.

11 9. California Code of Regulations, title 16, section 1360, states:

12 For the purposes of denial, suspension or revocation of a license, certificate or
13 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
14 or act shall be considered to be substantially related to the qualifications, functions
15 or duties of a person holding a license, certificate or permit under the Medical
16 Practice Act if to a substantial degree it evidences present or potential unfitness of a
17 person holding a license, certificate or permit to perform the functions authorized by
18 the license, certificate or permit in a manner consistent with the public health, safety
19 or welfare. Such crimes or acts shall include but not be limited to the following:
20 Violating or attempting to violate, directly or indirectly, or assisting in or abetting
21 the violation of, or conspiring to violate any provision of the Medical Practice Act.

22 CAUSE FOR DISCIPLINE

23 **(Unprofessional Conduct: Dangerous Use of Alcohol and DUI Conviction)**

24 10. On Sunday night, September 25, 2016, at approximately 9:06 p.m., Redwood City
25 police officers were dispatched to investigate a report that an individual had driven a vehicle into
26 a telephone pole and then had driven away. The officers arrived at the reported intersection and
27 observed a telephone pole with a pool of radiator fluid at its base. They followed a trail of the
28 radiator fluid for approximately 1,000 feet to Respondent's home, where they found Respondent
lying on the ground near his damaged car.

11 Respondent admitted drinking several alcoholic beverages that night, before driving
12 his car into the telephone pole and then driving home.

13 Respondent displayed objective signs of intoxication and his performance during a
14 series of field sobriety tests was consistent with alcohol impairment. Preliminary alcohol
15 screening tests showed Respondent's blood alcohol content (BAC) to have been 0.292% and
16 0.278%. The officers arrested Respondent for driving under the influence of alcohol. Further

1 alcohol breath screening tests showed Respondent's BAC to have been 0.26% at 11:34 p.m. and
2 0.26% at 11:37 p.m.

3 13. On December 13, 2016, the San Mateo District Attorney's Office filed a
4 Misdemeanor Complaint in San Mateo County Superior Court, in Case No. 16SM014412,
5 charging Respondent with violating Vehicle Code sections 23152(a) (driving while under the
6 influence of alcohol), 23152(b) (driving with a blood alcohol content of 0.08 percent or more),
7 and 20002(a) (hit and run driving resulting in property damage). The Complaint also included a
8 special allegation that Respondent's BAC was 0.15 percent or greater, within the meaning of
9 Vehicle Code section 23578.

10 14. On February 2, 2018, Respondent pleaded no contest to violating Vehicle Code
11 section 23152(b) (driving with a blood alcohol content of 0.08 percent or more) and admitted the
12 special allegation that his BAC had been 0.15 percent or greater, within the meaning of Vehicle
13 Code section 23578. As part of Respondent's plea bargain, the District Attorney's office
14 dismissed the charges that he had violated Vehicle Code sections 23152(a) (driving while under
15 the influence of alcohol) and 20002(a) (hit and run driving resulting in property damage).

16 15. The court sentenced Respondent to four days of jail and three years of court
17 probation, to be served through February 2, 2021. The court also ordered Respondent to pay a
18 fine and to complete the First Offender DUI Program.

19 16. Respondent drove his car while under the influence of an excessive amount of alcohol
20 in a manner dangerous to himself and others, in violation of Code section 2239 (dangerous use of
21 alcohol) and section 2234 (unprofessional conduct).

22 17. Respondent's February 2, 2018 criminal conviction for driving with a blood alcohol
23 content greater than 0.08% and his admission to the special allegation confirming his BAC to
24 have been 0.15% or greater are substantially related to the qualifications, functions and duties of a
25 physician and surgeon. As such, his conviction constitutes a violation of Code section 2236
26 (criminal conviction) and section 2234 (unprofessional conduct).

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