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9	BEFORE THE MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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12		
13	In the Matter of the Accusation Against:	Case No. 800-2019-061117
14	· · · · · · · · · · · · · · · · · · ·	ACCUSATION
15	230 LINGER LN SUN CITY CENTER, FL 33573-6270	
16	Physician's and Surgeon's Certificate No. A 43340,	
17	Respondent.	
18	Respondent.	
19		
20	<u>PARTIES</u>	
21	1. William Prasifka (Complainant) brings this Accusation solely in his official capacity	
22	as the Executive Director of the Medical Board of California, Department of Consumer Affairs	
23	(Board).	
24	2. On or about December 15, 1986, the Medical Board issued Physician's and Surgeon's	
25	Certificate No. A 43340 to Joy Helene Siegrist, M.D. (Respondent). Physician's and Surgeon's	
26	Certificate No. A 43340 was in full force and effect at all times relevant to the charges brought	
27	herein and will expire on April 30, 2022, unless renewed.	
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(JOY HELENE SIEGRIST, M.D.) ACCUSATION NO. 800-2019-061117

## **JURISDICTION**

- 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 (Code) unless otherwise indicated.
  - 4. Section 2227 of the Code states, in pertinent part:
  - (a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:
    - (1) Have his or her license revoked upon order of the board.
  - (2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.
  - (3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.
  - (4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.
  - (5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

### 5. Section 822 of the Code states:

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

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

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

6. Section 2234 of the Code, states, in pertinent 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. Unprofessional conduct under section 2234 of the code is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.
  - 8. Section 2236 of the Code states, in pertinent part:
  - (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 [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
  - (c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours after the conviction, transmit a certified copy of the record of conviction to the board. The division may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline or to determine if the conviction is of an offense substantially related to the qualifications, functions, or duties of a physician and surgeon.
  - (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.
  - 9. California Code of Regulations, title 16, section 1360, states:

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

## FIRST CAUSE FOR ACTION

(Mental Illness Affecting Ability to Practice Medicine Safely)

- 10. Respondent's Physician's and Surgeon's Certificate No. A 43340 subject to a cause for action under section 822 of the Code in that Respondent has a mental illness affecting her ability to safely practice medicine. The circumstances are as follows:
- 11. On or about October 26, 2020, at the Board's request, Respondent submitted to a mental evaluation with the Board's expert evaluator, M.K., M.D. This evaluation included a review of investigation materials and a 90-minute videoconference interview.
- 12. On or about October 26, 2020, M.K., M.D., submitted a report to the Board with his findings. M.K., M.D., opined that Respondent had bipolar disorder with a history of mania and narcissistic personality disorder, amongst other conditions. M.K., M.D., concluded that Respondent has a mental illness or condition which affects her ability to safely practice medicine.

# SECOND CAUSE FOR DISCIPLINE

(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a Physician and Surgeon)

- 13. Respondent has subjected her Physician's and Surgeon's Certificate No. A 43340 to disciplinary action under sections 2227 and 2236 of the Code, in that Respondent has been convicted of crimes substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly alleged hereafter:
- 14. On or about October 9, 2019, Respondent was driving erratically eastbound on Interstate 64 in Chesapeake, Virginia. A police officer observed Respondent speeding up to 105 miles per hour. This police officer effectuated a traffic stop by using his emergency equipment to signal Respondent to pull over. When this police officer approached Respondent's driver's side and asked her to roll down the window, Respondent sped off. The police officer followed, observing Respondent driving erratically at a rate of speed reaching 115 miles per hour. The police officer eventually stopped pursuing Respondent's car.
- 15. Arrest warrants were subsequently issued charging Respondent with felony eluding and misdemeanor reckless driving for incidents that occurred on or about October 7, 2019 and October 9, 2019.

16. On or about October 15, 2019, after being taken into custody, Respondent was		
ordered to submit to a competency evaluation. Respondent received treatment at the Eastern		
State Hospital from on or about October 17, 2019 to November 8, 2019. When Respondent was		
initially admitted, she claimed that hit men were trying to kill her. Treatment providers at the		
hospital diagnosed Respondent with bipolar I disorder, with a recent manic episode. They opined		
that she was competent to stand trial.		

- 17. On or about February 4, 2020, in *The Commonwealth of Virginia v. Joy Helene Siegrist*, Case Nos. 20-197-00 and 20-197-01, Respondent was indicted for fleeing and eluding a police officer and reckless driving for the incidents that occurred on or about October 7, 2019 and October 9, 2019.
- 18. On or about August 31, 2020, Respondent was found guilty after a bench trial for the following: (1) felony eluding on October 7, 2019; (2) felony eluding on October 9, 2019; and (3) two counts of misdemeanor reckless driving on October 9, 2019. Her sentencing was scheduled for April 9, 2021.

# THIRD CAUSE FOR DISCIPLINE (Unprofessional Conduct)

19. Respondent has further subjected her Physician's and Surgeon's Certificate No.

A 43340 to disciplinary action under sections 2227 and 2234, as defined by section 2236, in that Respondent committed unprofessional conduct, as more particularly alleged in paragraphs 14 through 18, above, which are hereby re-alleged and incorporated by reference herein.

### **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 No. A 43340, issued to Respondent Joy Helene Siegrist, M.D.;
- Revoking, suspending or denying approval of Respondent Joy Helene Siegrist,
   M.D.'s authority to supervise physician assistants and advanced practice nurses;

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