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

11 In the Matter of the Accusation Against:

Case No. 800-2023-095059

12 **Paul Joseph Erickson, M.D.**  
13 **Santa Barbara Cottage Hospital**  
**400 West Pueblo Street**  
14 **Santa Barbara, CA 93105**

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

15 **Physician's and Surgeon's Certificate**  
**No. G 86595,**

16 Respondent.

17 **PARTIES**

18 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as  
19 the Executive Director of the Medical Board of California, Department of Consumer Affairs  
20 (Board).

21 2. On or about August 2, 2002, the Board issued Physician's and Surgeon's Certificate  
22 Number G 86595 to Paul Joseph Erickson, M.D. (Respondent). The Physician's and Surgeon's  
23 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on August 31, 2026, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority, of the following  
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
28

1 indicated.

2 4. Section 2004 of the Code states:

3 The board shall have the responsibility for the following:

4 (a) The enforcement of the disciplinary and criminal provisions of the Medical  
5 Practice Act.

6 (b) The administration and hearing of disciplinary actions.

7 (c) Carrying out disciplinary actions appropriate to findings made by a panel or  
8 an administrative law judge.

9 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion  
10 of disciplinary actions.

11 (e) Reviewing the quality of medical practice carried out by physician and  
12 surgeon certificate holders under the jurisdiction of the board.

13 (f) Approving undergraduate and graduate medical education programs.

14 (g) Approving clinical clerkship and special programs and hospitals for the  
15 programs in subdivision (f).

16 (h) Issuing licenses and certificates under the board's jurisdiction.

17 (i) Administering the board's continuing medical education program.

18 5. Section 2227 of the Code provides that a licensee who is found guilty under the  
19 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
20 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
21 action taken in relation to discipline as the Board deems proper.

## 22 STATUTORY PROVISIONS

23 6. Section 2234 of the Code states:

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

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

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more  
negligent acts or omissions. An initial negligent act or omission followed by a  
separate and distinct departure from the applicable standard of care shall constitute  
repeated negligent acts.

1 (1) An initial negligent diagnosis followed by an act or omission medically  
2 appropriate for that negligent diagnosis of the patient shall constitute a single  
3 negligent act.

4 (2) When the standard of care requires a change in the diagnosis, act, or  
5 omission that constitutes the negligent act described in paragraph (1), including, but  
6 not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
7 licensee's conduct departs from the applicable standard of care, each departure  
8 constitutes a separate and distinct breach of the standard of care.

9 (d) Incompetence.

10 (e) The commission of any act involving dishonesty or corruption that is  
11 substantially related to the qualifications, functions, or duties of a physician and  
12 surgeon.

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

14 (g) The failure by a certificate holder, in the absence of good cause, to attend  
15 and participate in an interview by the board no later than 30 calendar days after being  
16 notified by the board. This subdivision shall only apply to a certificate holder who is  
17 the subject of an investigation by the board.

18 (h) Any action of the licensee, or another person acting on behalf of the  
19 licensee, intended to cause their patient or their patient's authorized representative to  
20 rescind consent to release the patient's medical records to the board or the  
21 Department of Consumer Affairs, Health Quality Investigation Unit.

22 (i) Dissuading, intimidating, or tampering with a patient, witness, or any person  
23 in an attempt to prevent them from reporting or testifying about a licensee.

## 24 COST RECOVERY

25 7. Section 125.3 of the Code states:

26 (a) Except as otherwise provided by law, in any order issued in resolution of a  
27 disciplinary proceeding before any board within the department or before the  
28 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the  
administrative law judge may direct a licensee found to have committed a violation or  
violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
investigation and enforcement of the case.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the  
order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where  
actual costs are not available, signed by the entity bringing the proceeding or its  
designated representative shall be prima facie evidence of reasonable costs of  
investigation and prosecution of the case. The costs shall include the amount of  
investigative and enforcement costs up to the date of the hearing, including, but not  
limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount  
of reasonable costs of investigation and prosecution of the case when requested  
pursuant to subdivision (a). The finding of the administrative law judge with regard to

costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

### **CAUSE FOR DISCIPLINE**

#### **(Gross Negligence)**

8. Respondent Paul Joseph Erickson, M.D. is subject to disciplinary action under section 2234, subdivision (b), of the Code, in that he committed gross negligence in connection with his care and treatment of a patient. The circumstances are as follows:

9. On or about December 20, 2021, Respondent admitted Patient 1,<sup>1</sup> a 40-year-old female with a history of schizoaffective disorder, for an emergency inpatient psychiatric hospitalization. Previously, Patient 1 had been treated by another psychiatrist in the community for a number of years, who had been prescribing clozapine<sup>2</sup> (brand name: Clozaril) to her, at a

<sup>1</sup> The patient is referred to by number to address privacy concerns.

<sup>2</sup> Clozapine is an antipsychotic medicine used to treat the symptoms of schizophrenia in adults after other treatments have failed.

1 dose of 500 mg at bedtime. Approximately two weeks prior to her admission for an emergency  
2 inpatient psychiatric hospitalization, Patient 1 had been tapered off clozapine 500 mg, due to  
3 difficulty in obtaining the medication, and had been switched to aripiprazole<sup>3</sup> (brand name:  
4 Abilify) 10 mg. Due to Patient 1's significant hallucinations and concerns for suicidal ideations  
5 while taking aripiprazole, Patient 1's treating psychiatrist referred her to the emergency  
6 department for monitoring and to restart her treatment with clozapine. Respondent admitted  
7 Patient 1 to the emergency department and restarted her on clozapine (400 mg at bedtime).

8 10. Approximately one hour after her bedtime dose, Patient 1 was found unresponsive in  
9 her room. She was resuscitated, but continued to be unresponsive and supportive care was  
10 discontinued. She was pronounced deceased on or about December 21, 2021.

11 11. The standard of care for restarting clozapine after an interruption is set forth in the  
12 U.S. Food and Drug Administration (FDA)'s guidelines. According to the FDA, if clozapine  
13 therapy has been interrupted for more than 48 hours, treatment should be resumed at the lowest  
14 dose (12.5 mg) and titrated based on patient tolerability to minimize the risk of serious adverse  
15 effects.

16 12. In Respondent's summary of care and treatment to the Board, dated February 14,  
17 2023, and during an interview with Board representatives on or about November 15, 2024,  
18 Respondent admitted he should have restarted Patient 1's dose of clozapine at 12.5 mg.

19 13. Respondent committed an extreme departure from the standard of care when he  
20 restarted Patient 1's clozapine at 400 mg, instead of 12.5 mg.

### 21 PRAYER

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

24 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 86595,  
25 issued to Respondent Paul Joseph Erickson, M.D.;


26 2. Revoking, suspending or denying approval of Respondent Paul Joseph Erickson,

27 \_\_\_\_\_  
28 <sup>3</sup> Aripiprazole is an antipsychotic medicine used to treat the symptoms of schizophrenia in  
adults and children at least 13 years old.

- 1 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 2 3. Ordering Respondent Paul Joseph Erickson, M.D., to pay the Board the costs of the
- 3 investigation and enforcement of this case, and if placed on probation, the costs of probation
- 4 monitoring; and
- 5 4. Taking such other and further action as deemed necessary and proper.

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7 DATED: APR 22 2025

  
REJI VARGHESE  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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