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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *August 11, 2010*
BY *Kamala D. Harris*

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. 04-2010-209853

13 SCOTT ISPIRESCU, M.D.

14 P.O. Box 4676
Mission Viejo, California 92690

A C C U S A T I O N

15 Physician's and Surgeon's Certificate A63583,
16 Respondent.

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19 Complainant alleges:

20 PARTIES

21 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Director of the Medical Board of California (Board).

23 2. On or about October 3, 1997, the Medical Board of California issued Physician and
24 Surgeon's Certificate number A63583 to Scott Ispirescu, M.D. (Respondent). That license was in
25 full force and effect at all times relevant to the charges brought herein and will expire on August
26 31, 2013, unless renewed.

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 unless otherwise indicated.

4. Section 2234 of the Code states:

"The Division of Medical Quality¹ 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 [Chapter 5, the Medical Practice Act].

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

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

"(d) Incompetence.

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

¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practices Act (Bus. & Prof. Code § 2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

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

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

6 FIRST CAUSE FOR DISCIPLINE

7 (Gross Negligence)

8 6. Respondent is subject to disciplinary action for gross negligence under section 2234,
9 subdivision (b) in that he violated doctor - patient boundaries in his care and treatment of patient
10 S.F. The circumstances are as follows:

11 A. Patient, S.F. had a total of two appointments with Respondent. She had previously
12 been treated for ADHD and needed to find a new provider. She initially saw Respondent on
13 August 11, 2010 for a consultation. He prescribed Adderall and Xanax.

14 B. S.F. came back for a follow-up appointment two weeks later on August 25, 2010.
15 They discussed the medications. The previous medical record from another physician showed
16 that she had been prescribed Zoloft and Xanax, and had "frontal lobe pathology of unknown
17 etiology".² However, this was not discussed with the patient.

18 C. Several hours after the appointment, Respondent called S.F. and told her he felt they
19 had chemistry and suggested she might get another psychiatrist and asked her out on a date. He
20 asked that she not use him as a resource in the future, and not to tell other psychiatrists that she
21 had seen him.

22 D. On their first date they went to a movie and a restaurant. They went on a second date
23 and he discussed religion with her which made her feel uncomfortable, and on the third date they
24 went to eat in Laguna. In only two days, from September 3 through September 4, 2010,

25 _____
26 ² The functions of the frontal lobe involve the ability to recognize future consequences resulting from current actions,
27 to choose between good and bad actions (or better and best), override and suppress unacceptable social responses,
28 and determine similarities and differences between things or events. Therefore, it is involved in higher mental
functions. The frontal lobes are considered our emotional control center and home to our personality. The frontal
lobes are extremely vulnerable to injury due to their location at the front of the cranium.

1 Respondent sent S.F. over 26 text messages. In these texts Respondent admitted he overstepped
2 boundaries when discussing religion with her and told her he wanted to keep the relationship
3 going. She told him she no longer wanted to see him. Respondent arrived, unannounced at the
4 patient's house on September 3 and 7, 2010. On one occasion S.F. was coming back from work
5 and Respondent was waiting for her with a dozen roses. He told her that he did not want to let
6 her go.

7 E. S.F. had a friend who knew Respondent's brother, and S.F. asked her friend if she
8 could ask the Respondent to stop bothering her.

9 F. There were no notes in the patient's chart about referring her to another physician and
10 no evidence that he sent the patient a statement terminating treatment with her.

11 Allegations of Gross Negligence:

12 G. This patient told Respondent she had just broken up with her boyfriend, and she was
13 identified as having frontal lobe pathology. With this combination, it was incumbent upon
14 Respondent to refrain from gratifying his own needs by exploiting the patient.

15 H. Doctors are required to place their patients' interests ahead of their own; however,
16 Respondent failed to do so in this case. Respondent was unable to provide objective treatment and
17 he seriously violated the doctor-patient boundary issues by taking the patient out on dates, and
18 then refusing to leave her alone when she asked him to do so.

19 SECOND CAUSE FOR DISCIPLINE

20 (Repeated Negligent Acts)

21 7. Respondent is subject to disciplinary action under section 2234, subdivision(c) in that
22 he was repeatedly negligent in his care and treatment of patient S.F.

23 A. The facts and circumstances alleged above in paragraphs 6(A) through 6(H) are
24 incorporated herein as if fully set forth.

25 B. Respondent failed to provide a full and complete evaluation of the patient when she
26 initially presented on August 11, 2010. There was no exploration of why this patient had been on
27 anti anxiety medication and Respondent failed to inquire about her frontal lobe pathology.

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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 and Surgeon's Certificate number A63583, issued to Scott Ispirescu, M.D.

2. Revoking, suspending or denying approval of his authority to supervise physician assistants, pursuant to section 3527 of the Code;

3. If placed on probation, ordering him to pay the Medical Board of California the costs of probation monitoring;

4. Taking such other and further action as deemed necessary and proper.

DATED: August 17, 2011



LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

LA2011503364