

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
Modification/Termination of Probation:)
)
Geoffrey Di Bella, M.D.)
)
)
Physician's and Surgeon's)
Certificate No. G-021681,)
)
Respondent.)
_____)

No. D3591
OAH No. L-57223

DECISION

The Division of Medical Quality non-adopted the Proposed Decision in this case and proceeded to decide the case itself upon the record, including the transcript. The parties were afforded the opportunity to present both written and oral argument before the Division itself.

Having reviewed the entire matter, the Division now makes this decision.

The attached Proposed Decision of the MQRC panel is hereby adopted by the Division as its Decision in this case, except for the following changes in the order:

I

Probationary condition A is deleted and rewritten as follows:

"Respondent is restored privileges with controlled substances listed in Schedules IV and V of the California Uniform Controlled Substances Act; and also with two specific drugs, Dexedrine and Ritalin. For example, respondent may apply for Schedule II privileges with DEA, subject to the personal limitations imposed on Respondent by the Division restricting Schedule II privileges to the use of Ritalin and Dexedrine only."

II

With respect to probationary condition F, the prohibition against solo practice is deleted and stricken, but the balance of the condition requiring monitoring of practice remains in effect.

III

The request for early termination of probation is denied. The remaining terms and conditions shall continue in full force and effect.

This decision shall become effective on April 3, 1993 .

So ordered March 4, 1993 .

**DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA**

BY



**THERESA L. CLAASSEN
Secretary**

BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for)
Modification/Termination of)
Probation:)

GEOFFREY DI BELLA, M.D.)
Certificate No. G-21681)

Respondent.)

No.

OAH No. L-57223

NOTICE OF NON-ADOPTION
OF PROPOSED DECISION

NOTICE TO ALL PARTIES:

YOU ARE HEREBY NOTIFIED that the Division of Medical Quality voted not to adopt the Proposed Decision recommended in this case. The Division itself will now decide the case upon the record, including the transcript.

To order a copy of the transcript, please contact the Transcript Clerk, Office of Administrative Hearings, 314 West First Street, Los Angeles, CA 90012, (213) 620-4650.

After the transcript has been prepared, the Division will send you notice of the deadline date to file your written argument. No new evidence will be presented. The division is particularly interested in arguments on why the Order should not be reconsidered.

In addition to written argument, oral argument may be scheduled if any party files with the Division within 20 days from the date of this notice, a written request for oral argument. If a timely request is filed, the Division will serve all parties with written notice of the time, date and place of the hearing.

Please remember to serve the opposing party with a copy of your written argument and any other papers you might file with the Division. The mailing address of the Division is as follows:

Division of Medical Quality
Medical Board of California
1430 Howe Avenue
Sacramento, CA 95825

Dated: September 15, 1992.

Division of Medical Quality
Medical Board of California

Rev:kk:9/91

By 
LYNN THORNTON, Acting Chief

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition)
for Modification/Termination of) OAH No. L-57223
Probation:)
)
GEOFFREY DIBELLA)
)
Respondent.)
_____)

PROPOSED DECISION

On May 21, 1992, in San Diego, California, M. Gayle Askren, Administrative Law Judge, Office of Administrative Hearings, State of California, presided over this matter. A quorum of a panel of the Medical Quality Review Committee for District XIV was present, and consisted of Jerome H. Brodish, M.D., chair; Betty Wilkinson, public member; Victor Avedian, M.D.; Peter Shea, D.D.S., nonphysician licentiate of a healing arts board; Carl Bengs, M.D.; Rene Vega, M.D.; and Mary Kay Forsyth, public member.

Margaret Lafko, Deputy Attorney General, represented the Attorney General.

Geoffrey DiBella, M.D., represented petitioner.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

On December 23, 1991, Geoffrey DiBella, M.D. (petitioner) filed a petition for modification of probation/termination of probation before the Division of Medical Quality, Medical Board of California (Board). The petition was accompanied by the requisite number of verified recommendations. The matter was set for hearing as provided by law, and the present proceeding came on in due course.

II

Following an administrative proceeding, and pursuant to the stipulation of the parties to that administrative proceeding,

Case D-3591, the Board ordered, effective May 5, 1989, that respondent's certificate, G-21681, be revoked, revocation was stayed, 10 years' probation, no Schedule II and III controlled substance prescribing, 60 days' actual suspension, and other terms and conditions.

The prior discipline was based upon the conviction of petitioner, in the State of New York, of two counts of unlawfully distributing and dispensing Quaalude between November of 1981 and February of 1982. Petitioner prescribed nearly 40,000 dose units of the drug in connection with a sleep clinic. He was in federal custody from January of 1987 until June of 1988.

III

This is petitioner's first application for relief from the discipline previously imposed. He seeks permission to prescribe Schedule II and III controlled substances, to have a solo practice, to be free of the monitoring requirement, and to be discharged from further periods of probation.

IV

Petitioner has practiced for three years in the Lancaster-Palmdale area of Los Angeles County without incident. He specializes in psychiatry and requests permission to have Ritalin in his armamentarium for treatment of patients with attention-deficit disorders and dexedrine for patients with major depressions. Petitioner practices in a psychology group, where he is the only psychiatrist. He is monitored by one Dr. Gainsley, who checks the prescriptions he writes for controlled substances in Schedules IV and V.

He denies ever using drugs. He recognizes now as "sounds stupid" that he believed patients had insomnia and he actually wrote 770 prescriptions for Quaalude during the time covered by the charges for which he was convicted. Petitioner has gained insight, through individual and group psychotherapy as well as a 12-step program, into the addictive nature of drugs. He currently receives weekly psychotherapy from Dr. Fran Epton, with whom he has been for two years.

Petitioner has complied with all conditions of probation. A period of 10 years has passed since the actions which resulted in petitioner's conviction.

Petitioner was first licensed, in New York, in 1967. Although licensed in California since 1971, petitioner only began his practice in this state in 1989.

DETERMINATION OF ISSUES

I

Petitioner has established, pursuant to Business and Professions Code section 2307, by a preponderance of the evidence, that terms of his probation should be modified, as set forth in Finding IV.

II

Petitioner failed to establish, pursuant to Business and Professions Code section 2307, by a preponderance of the evidence, that his probation should be terminated, as set forth in Finding IV.

ORDER

I

By a vote of 6 in favor, and one against, it is ordered that probationary condition A be rescinded.

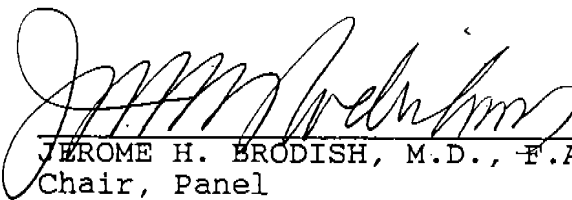
II

By a vote of 5 in favor, and two against, it is ordered that probationary condition F be modified in this respect: rescinded and deleted therefrom shall be the requirement that respondent is prohibited from engaging in solo practice. Without altering or modifying any other portion of condition F, it is expressly understood by this order that the requirement for a monitor shall continue in effect.

III

By a vote of 7 in favor and none against, it is ordered that the remaining terms and conditions of probation not herein modified or rescinded, shall remain in force and effect.

Dated: July 12, 1992



JEROME H. BRODISH, M.D., F.A.C.S.
Chair, Panel
Medical Quality Review Committee
District XIV
Division of Medical Quality
Medical Board of California
State of California