1 2 3 4 5	DANIEL E. LUNGREN, Attorney General of the State of California STEVEN V. ADLER, Deputy Attorney General, State Bar No. 55392 Department of Justice 110 West A Street, Suite 1100 Post Office Box 85266 San Diego, California 92186-5266 Telephone: (619) 645-2072
6	Attorneys for Complainant
7	
8	BEFORE THE
9	MEDICAL BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation) NO. D-4819
12	Against:)
13	HARINDER GREWAL, M.D.) <u>STIPULATION IN</u> 500 S. Anaheim Hills Road) <u>SETTLEMENT AND DECISION</u>
14	Suite 200 Anaheim, CA 92807)
15	Physician & Surgeon's No.)
16	A32070)
17	Respondent.)
18	In the interest of a prompt and speedy settlement of
19	this matter, consistent with the public interest and the
20	responsibility of the Medical Board of California ("Board",) the
21	parties submit this Stipulation and Decision to the Board for its
22	approval and adoption as the final disposition of the Accusation.
23	The parties stipulate the following is true:
24	1. An Accusation, No. D-4819, is currently pending
25	against Harinder Grewal, M.D. ("respondent"), before the Board.
26	The Accusation, together with all other statutorily required
27	documents, was timely served on the respondent, and respondent
ì	

timely filed her Notice of Defense (contesting the Accusation).

A copy of Accusation No. D-4819 is attached as Attachment "A" and incorporated by reference as if fully set forth.

- 2. At all times relevant herein, respondent has been licensed by the Medical Board of California under Physician's and Surgeon's Certificate No. A 32070.
- 3. Respondent is represented by counsel Jack M. Earley, Esq. in this matter. Respondent has fully and completely discussed with her counsel the effects of this Stipulation.
- 4. Respondent understands the nature of the charges alleged in the Accusation and that the charges and allegations constitute cause for imposing discipline upon her license to practice. Respondent is fully aware of her right to a hearing on the charges and allegations contained in said Accusation, her right to reconsideration, appeal and all other rights accorded pursuant to the California Business and Professions Code and Government Code and freely and voluntarily waives such rights.
- 5. With these rights in mind, respondent submits the case for decision to the Board on the pleadings with the understanding that by doing so, the Board will find the charges in the Accusation to be true. Respondent consents to these true findings on the allegations in the Accusation and agrees they may be made without further hearing or other proceedings required by the Government Code's Administrative Procedures Act (sections 11500 et seq.) Respondent agrees to the Board's exercise of its jurisdiction and imposition of penalty as set out in the Order below.

- 7. It is understood by respondent that, in deciding whether to adopt this Stipulation, the Board may receive oral and written communications from its staff and the Attorney General's office. Communications pursuant to this paragraph shall not disqualify the Board or other persons from future participation in this or any other matter affecting respondent. In the event this settlement is not adopted by the Board, the Stipulation will not become effective and may not be used for any purpose, except for this paragraph, which shall remain in effect.
- 8. In consideration of the foregoing admissions and findings, the parties agree that the Board shall, without further notice of formal proceeding, issue and enter an Order as follows:

 ORDER

A. IT IS HEREBY ORDERED that Physician & Surgeon's number A32070 issued to Harinder Grewal, M.D. is revoked. However, the revocation is stayed and respondent is placed on probation for 5 years on the following terms and conditions:

1. MONITORING

Within 30 days of the effective date of this decision, respondent shall submit to the Division for its prior approval a plan of practice in which respondent's practice shall be

monitored by another physician in respondent's field of practice, who shall provide periodic reports to the Division.

The costs and fees of the monitor, if any, shall be the responsibility of the respondent.

Respondent shall meet with the monitor at least once every week. It shall be respondent's responsibility to make and keep the appointments with the monitor. Compliance with the monitor's instructions shall be a condition of respondent's probation.

If the monitor resigns or is no longer available, respondent shall, within fifteen (15) days, move to have a new monitor appointed, through nomination by respondent and approval by the Division.

2. PROHIBITED PRACTICE; REQUIRED CONSULTATION

During probation, respondent is prohibited from practicing obstetrics or gynecology. Specifically, respondent is prohibited from providing treatment for pre-menstrual syndrome (hereafter PMS) aside from psychiatric treatment. Respondent is prohibited from prescribing or ordering any drugs or substances for patients other than those prescribed for proper psychiatric treatment purposes. Respondent is prohibited from advertising during probation.

Respondent is prohibited from treating any patients who reside outside California unless she sees the patient in person for every visit. Respondent shall not prescribe for out-of-state patients unless she has seen the patient in person and the order is approved by her monitor.

3. <u>EDUCATION COURSE</u>

Within ninety (90) days of the effective date of this decision, and on an annual basis thereafter, respondent shall submit to the Division for its prior approval an educational program or course to be designated by the Division, which shall not be less than 25 hours per year, for each year of probation. This program shall be in addition to the Continuing Medical Education requirements for re-licensure. Following the completion of each course, the Division or its designee may administer an examination to test respondent's knowledge of the course. Respondent shall provide proof of attendance for 50 hours of continuing medical education of which 25 hours were in satisfaction of this condition and were approved in advance by the Division or its designee.

4. ETHICS

Within 60 days of the effective date of this decision, respondent shall submit to the Division for its prior approval a course in Ethics, which respondent shall successfully complete during the first year of probation.

5. OBEY ALL LAWS

Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in California.

6. QUARTERLY REPORTS

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating

whether there has been compliance with all the conditions of probation.

7. <u>SURVEILLANCE PROGRAM</u>

Respondent shall comply with the Division's probation surveillance program.

8. <u>INTERVIEW WITH MEDICAL CONSULTANT</u>

Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

9. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE

The period of probation shall not run during the time respondent is residing or practicing outside the jurisdiction of California. If, during probation, respondent moves out of the jurisdiction of California to reside or practice elsewhere, respondent is required to immediately notify the Division in writing of the date of departure, and the date of return, if any.

10. <u>COMPLETION OF PROBATION</u>

Upon successful completion of probation, respondent's certificate will be fully restored.

11. <u>VIOLATION OF PROBATION</u>

If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is

final, and the period of probation shall be extended until the 1 matter is final. 2 3 Accusation No. D-4819 Paragraphs Numbers 1 through 43, inclusive, will be found true by the Board in light of 4 respondent's submission of this matter on the pleadings and 5 respondent's acquiescence that the Board may exercise its 6 disciplinary authority over her license, as specified in this 7 8 Stipulation and Order. 9 The within Stipulation shall be subject to the C. approval of the Board. If the Board fails to adopt this 10 Stipulation as its Order, the Stipulation shall be of no force or 11 effect for either party. 12 I concur in the Stipulation and Order. 13 14 DANIEL E. LUNGREN, Attorney General 15 of the State of California 16 17 Steven V. Adler Deputy Attorney General 18 19 Attorneys for Complainant 20 DATED: 21 22 Jack M. Earley, 23 Attorney for Respondent 24 25 I have carefully read and fully understand the Stipulation and Order set forth above. I have discussed the 26

terms and conditions set forth in the Stipulation and Order with

my attorney Jack M. Earley, Esq. I understand that in signing this Stipulation I am waiving my right to a hearing on the charges set forth in the Accusation on file in this matter. I further understand that in signing this Stipulation the Board shall enter the foregoing Order placing certain requirements, restrictions and limitations on my right to practice in the State of California.

HARINDER GREWAL, M.D.

Respondent

DECISION AND ORDER OF THE MEDICAL BOARD OF CALIFORNIA

The foregoing Stipulation and Order, in No. D-4819, is hereby adopted as the Order of the Medical Board of California. An effective date of <u>January 12</u>, 1995, has been assigned to this Decision and Order.

Made this 12th day of December, 1994.

FOR THE MEDICAL BOARD OF CALIFORNIA

chulell

SVA:nc 03573110SD90AD0788

ATTACHMENT "A"

1	DANIEL E. LUNGREN, Attorney General
2	of the State of California RANDALL B. CHRISTISON,
3	Deputy Attorney General 110 West "A" Street, Suite 700
4	P.O. Box 85266 San Diego, CA 92186-5266
5	Telephone: (619) 237-7772 Facsimile: (619)238-3313
6	Attorneys for Complainant
7	BEFORE THE MEDICAL BOARD OF CALIFORNIA
8	DIVISION OF MEDICAL QUALITY
9	STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: No. D- 4819
11	HARINDER GREWAL, M.D.
12	500 S. Anaheim Hills Road, Suite 200 Anaheim, CA 92807 ACCUSATION
13	Physician's and Surgeon's Certificate No. A32070
14	Respondent.
15	
16	The Complainant alleges:
17	<u>PARTIES</u>
18	1. Complainant, Kenneth Wagstaff, is the executive officer of the Medical
19	Board of California (hereinafter the "Board") and brings this accusation solely in his official
20	capacity.
21	2. On or about July 11, 1978, Physician's and Surgeon's certificate No.
22	A32070 was issued by the Board to Harinder Grewal, M.D. (hereinafter "respondent"), and
23	at all times relevant to the charges herein brought, said license has been in full force and
24	effect.
25	//
26	//
27	/ /

JURISDICTION

- 3. This accusation is brought under the authority of the Medical Practice Act (California Business and Professions Code section 2000 et seq.). 1/2
- 4. Section 2227 provides that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty of unprofessional conduct under the Medical Practice Act.
- 5. Section 2234 provides that the Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct.
- 6. Section 2234 further provides that unprofessional conduct includes, but is not limited to, the following:
- "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Business and Professions Code sections 2000-2515].
 - "(b) Gross negligence.
 - "(c) Repeated negligent acts.
 - "(d) Incompetence . . . "
- 7. Section 725 provides, in pertinent part, that repeated acts of clearly excessive prescribing or administering of drugs or treatment as determined by the standard of the community of licensees is unprofessional conduct for a physician and surgeon.
- 8. Business and Professions Code section 2261 defines as unprofessional conduct the making or signing of any certificate or other document, directly or indirectly related to the practice of medicine, which falsely represents the existence or nonexistence of a set of facts.
- 9. Business and Professions Code section 810, subdivision (a), provides that preparing, making or signing any false or fraudulent document or causing or allowing any

^{1.} All statutory references are to the Business and Professions Code unless otherwise stated.

such document to be presented for payment under an insurance contract constitutes unprofessional conduct and grounds for disciplinary action against a physician.²/

10. The acts and omissions alleged herein occurred while respondent was practicing medicine in Orange and Riverside counties, California.

FIRST CAUSE FOR DISCIPLINARY ACTION

11. Patient Doris S.

a. On or about June 15, 1989, a 48-year-old D.S. became the patient of respondent for treatment of her complaints of feeling hot, fatigued and lethargic. A member of respondent's staff took a history, but failed to conduct or record a physical examination. At the time D.S. was taking tamoxifen, Tegretol, and vitamins and undergoing radiation treatment. D.S. had a history of a seizure disorder and metastatic breast cancer, having undergone a mastectomy in 1988.

b. Respondent ordered a series of thyroid and hormone laboratory tests but failed to carry out preliminary and less expensive tests as were indicated. Respondent submitted a bill for the examination and numerous laboratory tests, including estradiol,⁵/ progesterone,⁶/ FSH,⁷/ LH,⁸/ testosterone,⁹/ and a thyroid panel, for which

(1) Knowingly present or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance.

^{2.} Section 810 provides in applicable part: (a) "It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate for a health care professional to do any of the following in connection with his professional activities:

⁽²⁾ Knowingly prepare, make or subscribe any writing with intent to present or use the same, or to allow it to be presented or used in support of any such claim. . . ."

Subdivision (b) defines a health care professional to include a physician.

^{3.} A nonsteroidal anti-estrogen indicated as adjuvant therapy in delaying recurrence in mastectomy patients and for treatment of metastatic breast cancer, with the most common adverse reactions of hot flashes and nausea. (Brand name, Nolvadex.)

^{4.} An anticonvulsant and specific analgesic for trigeminal neuralgia. (Chemical name, carbamapezine.)

^{5.} The most potent of naturally occurring estrogens (female hormones).

^{6.} An anti-estrogenic steroid.

 there was no medical indication. Respondent stated on the insurance billing a diagnosis of hormonal imbalance, thyroid disorder, and possible testosterone deficiency, which diagnosis was false.

- c. On or about June 26, 1989, D.S. made a follow-up visit to respondent's office to learn the results of the laboratory tests, but respondent could not locate the test results. The office visit lasted approximately 20 minutes. The following day, D.S. called for the test results, and was given a general description of the test results, but no further instruction. The thyroid levels were found to be normal.
- d. D.S. was told by respondent that the initial visit would cost \$190.00. Although D.S. paid \$100.00, respondent charged the insurance company the entire \$190.00. Respondent made no refund to D.S. Although the \$190 billing was assertedly for an initial consultation, such services were not given. Respondent charged the insurance company \$389.00 for laboratory work, an excessive figure, and \$150 for a brief follow-up visit, claimed to have been an extended office visit, also an excessive figure.
- e. Respondent failed to refer D.S. back to her treating oncologist and failed to consult with the oncologist before beginning treatment or ordering of laboratory tests.
- 12. Respondent's conduct in failing to perform a proper physical examination on patient D.S. prior to ordering a full panel of hormone levels, as alleged in subparagraphs 11.a. and 11.b. above, constitutes gross negligence and/or incompetence as defined in section 2234, subdivisions (b) and/or (d).
- 13. Respondent's conduct in ordering laboratory tests immediately without adequate assessment of D.S.'s emotional complaints, as alleged in subparagraphs 11.a. and

^{7.} Follicle stimulating hormone, a hormone which stimulates the maturation of the follicles.

^{8.} Luteinizing hormone, a hormone which stimulates the final ripening of follicles and release of an egg.

^{9.} The male hormone.

11.b. above, constitutes gross negligence and/or incompetence, as defined in section 2234, subdivisions (b) and/or (d).

SECOND CAUSE FOR DISCIPLINARY ACTION

14. Patient Sarah W.

- a. On or about April 14, 1989, 33-year-old S.W. visited respondent for treatment of anxiety. A member of respondent's staff took a history but failed to perform or record a physical examination. Respondent failed to order preliminary and less expensive laboratory tests but instead ordered expensive thyroid, viral antibody and hormone tests, including EBV antibodies, 10/1 thyroid profile, estradiol and progesterone.
- b. On or about April 30, 1989, S.W. was admitted to CPC Horizon Hospital for depression and an anxiety. Although the results of the tests ordered by respondent were normal, respondent refused to give the results to S.W. over the telephone. S.W. was thus forced to obtain a pass from the hospital to go to respondent's office for the test results.
- c. On or about May 9, 1989, S.W. made a follow-up visit to respondent's office, but again respondent failed to perform or record a physical examination. Respondent prescribed S.W. Premarin¹¹/ 0.3 mg. per day, the indication for which was not shown in the records.
- d. While at CPC Horizon Hospital, S.W. was given conjugated estrogens and had blood tests for estradiol. Such hormone tests were unnecessary, especially in light of the normal prior tests.
- e. Respondent charged \$150.00 for a purported extended office visit, which in fact was a 15-minute consultation.

^{10.} An antibody to the Epstein-Barr virus, a class of herpes virus found especially in Burkitt's lymphoma.

^{11.} A conjugated estrogen (naturally occurring forms of estrogens prepared from the urine of pregnant mares) indicated for treatment of moderate to severe vasomotor symptoms of menopause.

15. Respondent's conduct in failing to perform a physical examination of patient S.W. prior to ordering the above tests constitutes gross negligence and/or incompetence as defined in section 2234, subdivisions (b) and/or (d).

16. Respondent's conduct, in testing more than once for estradiol and progesterone while S.W. was an inpatient and receiving estrogens and the prescribing of oral estrogens each constitute gross negligent and/or incompetence as defined in section 2234, subdivisions (b) and/or (d).

THIRD CAUSE FOR DISCIPLINARY ACTION

17. Patient Janice A.

a. In or about August 1989, 30-year-old Jan A. became respondent's patient after reading an article in the Ladies Home Journal regarding respondent's reported successful treatment of women with premenstrual syndrome (PMS). J.A. paid respondent an initial consultation fee of \$125.00. Complainant is informed and believes that J.A.'s insurance co. was billed and paid \$150.00 for the same consultation, and respondent made no refund to either J.A. or the insurance company. Respondent treated J.A. through the Women's Life Care Medical Center. Said center was operated by respondent at the same time respondent treated her patients at Corona Community Hospital.

b. In or about late-August, 1989, respondent ordered for J.A. hormone tests, including thyroid, TSH, ¹²/₂ prolactin, ¹³/₂ estradiol, progesterone, and other pituitary ¹⁴/₂ tests. Respondent failed to perform or record any physical examination before ordering the tests. Respondent ordered prolactin without examining J.A.'s breasts, ordered a thyroid panel without examining J.A.'s neck and ordered hormone tests without

^{12.} Thyroid stimulating hormone.

^{13.} A hormone which promotes lactation.

^{14.} An endocrine gland located in the skull which regulates many bodily processes, including growth, reproduction, and various metabolic activities.

7

8 9

10

11 12

13

14

15

16 17

18

20

19

21 22

23 24

25

26 27

 $/\!/$

performing a pelvic examination. There was no medical indication for the ordering of these tests, and the results were normal.

c. From about November 19, 1989, to about December 13, 1989, J.A. was treated by respondent at Corona Community Hospital. J.A. was admitted to the hospital with chief complaints of severe dizziness, anxiety, panic attacks, depression, suicidal ideation and threatened suicide attempts. Admitting diagnoses were: (1) acute panic disorder, (2) major depression, (3) endocrine disorder, (4) irritable colon, (5) ovarian cyst, and (6) skin sensation disturbance. Respondent ordered repeated hormone tests while J.A. was an inpatient for which there was no medical indication.

18. Respondent's conduct in failing to perform a physical examination on J.A. prior to ordering laboratory tests constitutes gross negligence and/or incompetence, as defined in section 2234, subdivisions (b) and/or (d).

FOURTH CAUSE FOR DISCIPLINARY ACTION

The matters alleged above at paragraphs 11, 14, and 17, are 19. incorporated by reference.

20. Overutilization

a. Respondent engaged in excessive prescribing or treatment in that hormonal therapy was not indicated for patient J.A. and further hormone tests were not necessary while J.A. was at Corona Community Hospital in light of the normal prior tests, as alleged above at subparagraph 17.c.

b. Respondent engaged in excessive prescribing or administering of drugs or treatment, as alleged above at paragraph 14, in that hormone therapy for patient S.W. was not medically indicated.

c. Respondent engaged in excessive prescribing or administering of drugs or treatment, as alleged above at subparagraphs 11.a. and 11.b., in that respondent ordered hormonal tests for D.S. when D.S. was on anti-estrogen medications.

- d. Respondent engaged in excessive prescribing or administering of drugs or treatment, as alleged above at subparagraph 11.c., in that patient D.S.'s follow-up visit was unnecessary.
- 21. Respondent's acts, as alleged above at subparagraphs 18.a., 18.b., 18.c., and/or 18.d., constitute jointly and severally unprofessional conduct, as defined in sections 725 and 2234, subdivision (a).

FIFTH CAUSE FOR DISCIPLINARY ACTION

22. The matters alleged above at paragraphs 11, 14, and 17 are incorporated by reference.

23. Repeated Negligent Acts

- a. Respondent undertook endocrinology therapy without a proper prior physical examination of patient D.S. Respondent also purportedly made thyroid and other hormonal diagnoses without a good-faith prior physical examination, as alleged at subparagraphs 11.a. and 11.b. Such constitutes a negligent act.
- b. Respondent ordered tests, such as estrogen, progesterone, LH, and FSH, for patient D.S. who was on an estrogen interfering medication, as alleged at subparagraphs 11.a. and 11.b. above. Such constitutes a negligent act.
- c. Respondent ordered inappropriate hormonal laboratory tests for patient S.W. despite a diagnosis of anxiety. Respondent also failed to perform a prior physical examination. Such testing and failure of examination as alleged at subparagraph 14.a. each constitutes a negligent act.
- d. Respondent ordered multiple laboratory tests for patient J.A., without a prior physical examination. Such testing and failure of examination as alleged at subparagraph 17.c. each constitutes a negligent act.
- e. Respondent ordered repeated hormonal testing and progesterone therapy for J.A. which were not medically indicated. Such testing and therapy as alleged at subparagraph 17.c. each constitutes a negligent act.

<u>PRAYER</u>

WHEREFORE, the complainant requests that a hearing be held on the matters alleged, and that following said hearing, the Board issue a decision:

1. Revoking or suspending Physician's and Surgeon's certificate Number A32070, heretofore issued to respondent Harinder Grewal, M.D.; and

2. Taking such other and further action as the Board deems proper.

DATED: July 10, 1992

Kenneth J. Wagstaff

Executive Director

Medical Board of California

Complainant

c3573160-SD90AD0788 c:\grawai\accusation.gre

10.