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

In the Matter of the Accusation Against:)
)
)
ROBERT JOHN SANTELLA, M.D.)
)
Physician's and Surgeon's)
Certificate No. G 23945)
)
Respondent.)
_____)

File No: 10-1996-61463

DECISION AND ORDER

The attached Stipulation in Settlement and Order is hereby adopted by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on May 30, 2000.

DATED April 27, 2000.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA



Ira Lubell, M.D.
Chair, Panel A

1 BILL LOCKYER, Attorney General
of the State of California
2 SANFORD FELDMAN
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6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation)
Against:) Case No. 10-1996-61463
12)
13 **ROBERT JOHN SANTELLA, M.D.**)
4531 College Avenue) **STIPULATION**
San Diego, CA 92115) **IN SETTLEMENT**
14) **AND ORDER**
Physician's and Surgeon's)
15 Certificate No. G 23945)
16 Respondent.)

17
18 Complainant, Ron Joseph, Executive Director of the
19 Medical Board of California ("Board"), by and through his
20 attorney, Bill Lockyer, Attorney General of the State of
21 California, by Sanford Feldman, Deputy Attorney General, and
22 Robert John Santella, M.D. ("respondent"), by and through his
23 attorney Daniel S. Belsky, Esq., hereby stipulate as follows:

24 1. The Division of Medical Quality of the Board
25 ("Division") acquired jurisdiction over respondent by reason of
26 the following:

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1 A. Respondent was duly served with a copy of the
2 Accusation, Statement to Respondent, Request for Discovery,
3 Form Notice of Defense and copies of Government Code
4 sections 11507.5, 11507.6 and 11507.7 as required by section
5 11503 and 11505, and respondent timely filed a Notice of
6 Defense within the time allowed by section 11506 of the
7 code.

8 B. Respondent has received and read the
9 Accusation which is presently on file as Case No. 10-1996-
10 61463 before the Division. Respondent understands the
11 nature of the charges alleged in the Accusation and that the
12 charges and allegations constitute cause for imposing
13 discipline upon respondent's license to practice medicine
14 which was issued by the Board.

15 2. Respondent and his counsel are aware of each of
16 respondent's rights, including the right to a hearing on the
17 charges and allegations, the right to confront and cross-examine
18 witnesses who would testify against respondent, the right to
19 present evidence in his favor and call witnesses on his behalf,
20 or to testify, his right to contest the charges and allegations,
21 and other rights which are accorded to respondent pursuant to the
22 California Administrative Procedure Act (Gov. Code, § 11500 et
23 seq.), including the right to seek reconsideration, review by the
24 superior court, and appellate review.

25 3. Respondent freely and voluntarily waives each and
26 every one of the rights set forth in paragraph 2.

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1 4. Respondent understands that in signing this
2 stipulation rather than contesting the Accusation, he is enabling
3 the Division to issue the following order without further
4 process.

5 5. For the purpose of resolving Accusation
6 No. 10-1996-61463, respondent admits that he failed to maintain
7 adequate records as alleged in Paragraph 8 of the Accusation.
8 Respondent hereby gives up his right to contest the charges and
9 allegations in the Accusation relating to failure to maintain
10 adequate records and agrees to be bound by the Division's
11 Disciplinary Order which is based solely on his violations of
12 Section 2266 and set forth below.

13 6. Respondent understands and agrees that if
14 he ever files an application for modification or early
15 termination of probation, all of the charges and allegations
16 contained in Accusation No. 10-1996-61463 will be deemed to be
17 true, correct and admitted by respondent when the Division
18 determines whether to grant or deny the application.

19 7. It is understood by respondent that, in deciding
20 whether to adopt this stipulation, the Division may receive oral
21 and written communications from its staff and the Attorney
22 General's office. Communications pursuant to this paragraph
23 shall not disqualify the Division or other persons from future
24 participation in this or any other matter affecting respondent.
25 In the event this settlement is not adopted by the Division, the
26 stipulation will not become effective and may not be used for any
27 purpose, except for this paragraph, which shall remain in effect.

1 8. This Stipulation in Settlement and Decision is
2 intended by the parties herein to be an integrated writing
3 representing the complete, final and exclusive embodiment of the
4 agreements of the parties.

5 9. The parties agree that facsimile copies of this
6 Stipulation, including facsimile signatures of the parties, may
7 be used in lieu of original documents and signatures. The
8 facsimile copies will have the same force and effect as
9 originals.

10 10. Based upon the foregoing, it is stipulated and
11 agreed that the Division may issue the following as its decision
12 in this case.

13 **ORDER**

14 IT IS HEREBY ORDERED that Physician's and Surgeon's
15 Certificate No. G 23945 issued to Robert John Santella, M.D., is
16 revoked. However, revocation of said certificate is stayed and
17 respondent is placed on probation for four (4) years on the terms
18 and conditions set forth below. Within 15 days after the
19 effective date of this decision, respondent shall provide the
20 Division, or its designee, proof of service that respondent has
21 served a true copy of this decision on the Chief of Staff or the
22 Chief Executive Officer at every hospital where privileges or
23 membership are extended to respondent or where respondent is
24 employed to practice medicine and on the Chief Executive Officer
25 at every insurance carrier where malpractice insurance coverage
26 is extended to respondent.

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1 1. **PRESCRIBING PRACTICES COURSE**

2 Within 180 days of the effective date of this decision,
3 respondent shall enroll in and complete the PACE Prescribing
4 Practices course given by the University of California at San
5 Diego School of Medicine. Respondent may satisfy this
6 requirement by submitting written proof that he has taken and
7 successfully completed the PACE Prescribing Practices course
8 within the one year preceding the effective date of this order.

9 2 **EDUCATION COURSE**

10 Within 90 days from the effective date of this
11 decision, and on an annual basis thereafter, respondent shall
12 submit to the Division or its designee for its prior approval an
13 educational program or course to be designated by the Division,
14 which shall not be less than 40 hours per year for each year of
15 probation. This program shall be in addition to the Continuing
16 Medical Education requirements for re-licensure. Following the
17 completion of each course, the Division or its designee may
18 administer an examination to test respondent's knowledge of the
19 course. Respondent shall provide proof of attendance for 65
20 hours of continuing medical education of which 40 hours were in
21 satisfaction of this condition and were approved in advance by
22 the Division or its designee.

23 3. **ETHICS COURSE**

24 Within sixty (60) days of the effective date of
25 this decision, respondent shall enroll in a course in Ethics
26 approved in advance by the Division or its designee, and shall

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1 successfully complete the course during the first year of
2 probation.

3 4. **CLINICAL TRAINING PROGRAM**

4 Within 90 days from the effective date of this
5 decision, respondent, at his expense, shall enroll in The
6 Physician Assessment and Clinical Education Program at the
7 University of California, San Diego School of Medicine
8 (hereinafter, the "PACE Program") and shall undergo assessment,
9 clinical training and examination. First, respondent shall
10 undergo the comprehensive assessment program including the
11 measurement of medical skills and knowledge and the appraisal of
12 physical health and psychological testing. After assessment, the
13 PACE Evaluation Committee will review all results and make a
14 recommendation to the Division or its designee and the respondent
15 and other authorized personnel regarding clinical training
16 (including scope and length), treatment of any medical and/or
17 psychological condition and any other matters affecting
18 respondent's practice of medicine. Upon approval of the
19 recommendation by the Division or its designee, respondent shall
20 undertake and complete the recommended and approved PACE Program.
21 At the completion of the PACE Program, respondent shall submit to
22 examination on its contents and substance. The examination shall
23 be designed and administered by the PACE Program faculty.
24 Respondent shall not be deemed to have successfully completed the
25 program unless he passes the examination. Respondent agrees that
26 the determination of the PACE Program faculty as to whether or
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1 not he passed the examination and/or successfully completed the
2 PACE Program shall be binding.

3 Respondent shall complete the PACE Program no later
4 than six months after his initial enrollment unless the Division
5 or its designee agrees in writing to a later time for completion.

6 If respondent successfully completes the PACE Program,
7 including the examination referenced above, he agrees to cause
8 the PACE Program representative to forward a Certification of
9 Successful Completion of the program to the Division or its
10 designee. If respondent fails to successfully complete the PACE
11 Program within the time limits outlined above, he shall be
12 suspended from the practice of medicine.

13 Failure to participate in, and successfully complete
14 all phases of the PACE Program, as outlined above, shall
15 constitute a violation of probation.

16 **5. OBEY ALL LAWS**

17 Respondent shall obey all federal, state and local
18 laws, all rules governing the practice of medicine in California,
19 and remain in full compliance with any court ordered criminal
20 probation, payments and other orders.

21 **6. QUARTERLY REPORTS**

22 Respondent shall submit quarterly declarations under
23 penalty of perjury on forms provided by the Division, stating
24 whether there has been compliance with all the conditions of
25 probation.

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1 7. **PROBATION SURVEILLANCE PROGRAM COMPLIANCE**

2 Respondent shall comply with the Division's probation
3 surveillance program. Respondent shall, at all times, keep the
4 Division informed of his or her addresses of business and
5 residence which shall both serve as addresses of record. Changes
6 of such addresses shall be immediately communicated in writing to
7 the Division. Under no circumstances shall a post office box
8 serve as an address of record.

9 Respondent shall also immediately inform the Division,
10 in writing, of any travel to any areas outside the jurisdiction
11 of California which lasts, or is contemplated to last, more than
12 30 days.

13 8. **INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS**
14 **DESIGNATED PHYSICIAN(S)**

15 Respondent shall appear in person for interviews with
16 the Division, its designee or its designated physician(s) upon
17 request at various intervals and with reasonable notice.

18 9. **TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR**
19 **IN-STATE NON-PRACTICE**

20 In the event respondent should leave California to
21 reside or to practice outside the State or for any reason should
22 respondent stop practicing medicine in California, respondent
23 shall notify the Division or its designee in writing within ten
24 days of the dates of departure and return or the dates of non-
25 practice within California. Non-practice is defined as any
26 period of time exceeding 30 days in which respondent is not
27 engaging in any activities defined in Sections 2051 and 2052 of

1 the Business and Professions Code. All time spent in an
2 intensive training program approved by the Division or its
3 designee shall be considered as time spent in the practice of
4 medicine. Periods of temporary or permanent residence or
5 practice outside California or of non-practice within California,
6 as defined in this condition, will not apply to the reduction of
7 the probationary period. During periods of temporary or
8 permanent residence or practice outside California or of non-
9 practice within California, as defined in this condition,
10 respondent is not required to comply with any terms and
11 conditions of probation other than the requirement for the
12 payment of cost recovery, as set in paragraph 11 below.

13 10. **COMPLETION OF PROBATION**

14 Upon successful completion of probation, respondent's
15 certificate shall be fully restored.

16 11. **VIOLATION OF PROBATION**

17 If respondent violates probation in any respect, the
18 Division, after giving respondent notice and the opportunity to
19 be heard, may revoke probation and carry out the disciplinary
20 order that was stayed. If an accusation or petition to revoke
21 probation is filed against respondent during probation, the
22 Division shall have continuing jurisdiction until the matter is
23 final, and the period of probation shall be extended until the
24 matter is final.

25 12. **COST RECOVERY**

26 Within 90 days of the effective date of this order,
27 respondent shall pay the Division the amount of \$4,094.08 for its

1 investigation and prosecution costs. Failure to reimburse the
2 Division's cost of its investigation and prosecution as set forth
3 herein shall constitute a violation of the probation order,
4 unless the Division agrees in writing to payment by an
5 installment plan because of financial hardship. The filing of
6 bankruptcy by the respondent shall not relieve the respondent of
7 his/her responsibility to reimburse the Division for its
8 investigative and prosecution costs.

9 **13. PROBATION MONITORING COSTS**

10 Respondent shall pay the costs associated with
11 probation monitoring each and every year of probation. Such
12 costs, which are currently set at \$2,304 per year and may vary
13 from year to year, shall be payable to the Division at the
14 beginning of each calendar year. Failure to pay such costs shall
15 constitute a violation of probation.

16 **14. LICENSE SURRENDER**

17 Following the effective date of this decision, if
18 respondent ceases practicing due to retirement, health reasons or
19 is otherwise unable to satisfy the terms and conditions of
20 probation, respondent may voluntarily tender his/her certificate
21 to the Division. The Division reserves the right to evaluate the
22 respondent's request and to exercise its discretion whether to
23 grant the request, or to take any other action deemed appropriate
24 and reasonable under the circumstances. Upon formal acceptance

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1 of the tendered license, respondent will no longer be subject to
2 terms and conditions of probation.

3 ACCEPTANCE

4 I have carefully read and fully understand the
5 stipulation and order set forth above. I have discussed the
6 terms and conditions set forth in the stipulation and order with
7 my attorney, Daniel S. Belsky, Esq. I understand that in signing
8 this stipulation I am waiving my right to a hearing on the
9 charges set forth in the Accusation on file in this matter. I
10 further understand that in signing this stipulation the Division
11 may enter the foregoing order placing certain requirements,
12 restrictions and limitations on my right to practice medicine in
13 the State of California.

14 DATED: 2-14-00

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18 *Robert J Santella, mds*

19 Robert John Santella, M.D.
20 Respondent

21 I concur in the Stipulation.

22 DATED: 2-25-00

23
24
25 *for Daniel S Belsky*
26 Daniel S. Belsky
27 Attorney for Respondent

1 I concur in the Stipulation.

2 DATED: 2-25-00.

3 BILL LOCKYER, Attorney General
4 of the State of California

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7 SANFORD FELDMAN
8 Deputy Attorney General

9 Attorneys for Complainant

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