

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

In the Matter of the Accusation)
Against:)

MALVERSE MARTIN, M.D.)

File No. 17-2002-138788

Physician's and Surgeon's)
Certificate No. G-38477)

Respondent)
_____)

DECISION

The Stipulated Settlement and Disciplinary Order, dated October 31, 2005 is hereby amended as follows, pursuant to Business and Professions Code section 125.3(k):

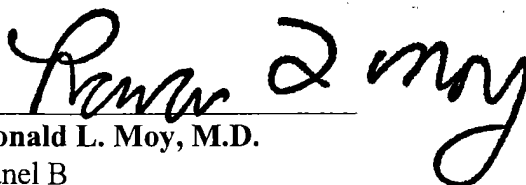
Page 8, condition 15 under the Order (cost recovery) is stricken.

The attached Stipulated Settlement and Disciplinary Order as amended is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on January 29, 2007

IT IS SO ORDERED December 28, 2006.

MEDICAL BOARD OF CALIFORNIA

By: 
Ronald L. Moy, M.D.
Panel B
Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 MIA PEREZ-ARGOTE, State Bar No. 203178
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-7007
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 17-2002-138788

13 MALVERSE MARTIN, M.D.

22110 Roscoe Blvd., #203
West Hills, CA 91304

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Physician & Surgeon Certificate No. G 38477

15 Respondent.

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. David T. Thornton (Complainant) is the Executive Director of the Medical
22 Board of California (Board). He brought this action solely in his official capacity and is
23 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Mia
24 Perez-Argote, Deputy Attorney General.

25 2. Respondent Malverse Martin, M.D. (Respondent) is representing himself
26 in this proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about November 20, 1978, the Medical Board of California issued
28 Physician & Surgeon Certificate No. G 38477 to Malverse Martin, M.D. (Respondent). The

1 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 17-2002-138788 and will expire on October 31, 2006, unless renewed.

3 JURISDICTION

4 4. Accusation No. 17-2002-138788 was filed before the Division, and is
5 currently pending against Respondent. The Accusation and all other statutorily required
6 documents were properly served on Respondent on March 20, 2005. Respondent timely filed his
7 Notice of Defense contesting the Accusation. A copy of Accusation No. 17-2002-138788 is
8 attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations
11 in Accusation No. 17-2002-138788. Respondent has also carefully read, and understands the
12 effects of this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
15 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
16 the right to present evidence and to testify on his own behalf; the right to the issuance of
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in
24 Accusation No. 17-2002-138788.

25 9. Respondent agrees that his Physician and Surgeon's Certificate is subject
26 to discipline and he agrees to be bound by the Division's imposition of discipline as set forth in
27 the Disciplinary Order below.

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1 programs. His failure to successfully complete the training program within the first six months of
2 probation is a violation of probation.

3 A medical record keeping course taken after the acts that gave rise to the charges
4 in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
5 Division or its designee, be accepted towards the fulfillment of this condition if the course would
6 have been approved by the Division or its designee had the course been taken after the effective
7 date of this Decision.

8 Respondent shall submit a certification of successful completion to the Division
9 or its designee not later than 15 calendar days after successfully completing the course, or not
10 later than 15 calendar days after the effective date of the Decision, whichever is later.

11 3. ETHICS COURSE Within 60 calendar days of the effective date of this
12 Decision, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in
13 advance by the Division or its designee. Failure to successfully complete the course during the
14 first year of probation is a violation of probation.

15 An ethics course taken after the acts that gave rise to the charges in the
16 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
17 Division or its designee, be accepted towards the fulfillment of this condition if the course would
18 have been approved by the Division or its designee had the course been taken after the effective
19 date of this Decision.

20 Respondent shall submit a certification of successful completion to the Division
21 or its designee not later than 15 calendar days after successfully completing the course, or not
22 later than 15 calendar days after the effective date of the Decision, whichever is later.

23 4. CLINICAL TRAINING PROGRAM Within 60 calendar days of the
24 effective date of this Decision, Respondent shall enroll in a clinical training or educational
25 program equivalent to the Physician Assessment and Clinical Education Program (PACE)
26 offered at the University of California - San Diego School of Medicine ("Program").

27 The Program shall consist of a Comprehensive Assessment program comprised of
28 a two-day assessment of Respondent's physical and mental health; basic clinical and

1 communication skills common to all clinicians; and medical knowledge, skill and judgment
2 pertaining to Respondent's specialty or sub-specialty, and at minimum, a 40 hour program of
3 clinical education in the area of practice in which Respondent was alleged to be deficient and
4 which takes into account data obtained from the assessment, Decision(s), Accusation(s), and any
5 other information that the Division or its designee deems relevant. Respondent shall pay all
6 expenses associated with the clinical training program.

7 Based on Respondent's performance and test results in the assessment and clinical
8 education, the Program will advise the Division or its designee of its recommendation(s) for the
9 scope and length of any additional educational or clinical training, treatment for any medical
10 condition, treatment for any psychological condition, or anything else affecting Respondent's
11 practice of medicine. Respondent shall comply with Program recommendations.

12 At the completion of any additional educational or clinical training, Respondent
13 shall submit to and pass an examination. The Program's determination whether or not
14 Respondent passed the examination or successfully completed the Program shall be binding.

15 Respondent shall complete the Program not later than six months after
16 Respondent's initial enrollment unless the Division or its designee agrees in writing to a later
17 time for completion.

18 Failure to participate in and complete successfully all phases of the clinical
19 training program outlined above is a violation of probation.

20 5. NOTIFICATION Prior to engaging in the practice of medicine, the
21 Respondent shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff
22 or the Chief Executive Officer at every hospital where privileges or membership are extended to
23 Respondent, at any other facility where Respondent engages in the practice of medicine,
24 including all physician and locum tenens registries or other similar agencies, and to the Chief
25 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
26 Respondent. Respondent shall submit proof of compliance to the Division or its designee within
27 15 calendar days.

28 This condition shall apply to any change(s) in hospitals, other facilities or

1 insurance carrier.

2 6. SUPERVISION OF PHYSICIAN ASSISTANTS During probation,
3 Respondent is prohibited from supervising physician assistants.

4 7. OBEY ALL LAWS Respondent shall obey all federal, state and local
5 laws, all rules governing the practice of medicine in California, and remain in full compliance
6 with any court ordered criminal probation, payments and other orders.

7 8. QUARTERLY DECLARATIONS Respondent shall submit quarterly
8 declarations under penalty of perjury on forms provided by the Division, stating whether there
9 has been compliance with all the conditions of probation. Respondent shall submit quarterly
10 declarations not later than 10 calendar days after the end of the preceding quarter.

11 9. PROBATION UNIT COMPLIANCE Respondent shall comply with the
12 Division's probation unit. Respondent shall, at all times, keep the Division informed of
13 Respondent's business and residence addresses. Changes of such addresses shall be immediately
14 communicated in writing to the Division or its designee. Under no circumstances shall a post
15 office box serve as an address of record, except as allowed by Business and Professions Code
16 section 2021(b).

17 Respondent shall not engage in the practice of medicine in Respondent's place of
18 residence. Respondent shall maintain a current and renewed California physician's and
19 surgeon's license.

20 Respondent shall immediately inform the Division, or its designee, in writing, of
21 travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last,
22 more than 30 calendar days.

23 10. INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE Respondent
24 shall be available in person for interviews either at Respondent's place of business or at the
25 probation unit office, with the Division or its designee, upon request at various intervals, and
26 either with or without prior notice throughout the term of probation.

27 11. RESIDING OR PRACTICING OUT-OF-STATE In the event
28 Respondent should leave the State of California to reside or to practice, Respondent shall notify

1 the Division or its designee in writing 30 calendar days prior to the dates of departure and return.
2 Non-practice is defined as any period of time exceeding 30 calendar days in which Respondent is
3 not engaging in any activities defined in Sections 2051 and 2052 of the Business and Professions
4 Code.

5 All time spent in an intensive training program outside the State of California
6 which has been approved by the Division or its designee shall be considered as time spent in the
7 practice of medicine within the State. A Board-ordered suspension of practice shall not be
8 considered as a period of non-practice. Periods of temporary or permanent residence or practice
9 outside California will not apply to the reduction of the probationary term. Periods of temporary
10 or permanent residence or practice outside California will relieve Respondent of the
11 responsibility to comply with the probationary terms and conditions with the exception of this
12 condition and the following terms and conditions of probation: Obey All Laws; Probation Unit
13 Compliance; and Cost Recovery.

14 Respondent's license shall be automatically canceled if Respondent's periods of
15 temporary or permanent residence or practice outside California total two years. However,
16 Respondent's license shall not be canceled as long as Respondent is residing and practicing
17 medicine in another state of the United States and is on active probation with the medical
18 licensing authority of that state, in which case the two year period shall begin on the date
19 probation is completed or terminated in that state.

20 12. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

21 In the event Respondent resides in the State of California and for any reason
22 Respondent stops practicing medicine in California, Respondent shall notify the Division or its
23 designee in writing within 30 calendar days prior to the dates of non-practice and return to
24 practice. Any period of non-practice within California, as defined in this condition, will not
25 apply to the reduction of the probationary term and does not relieve Respondent of the
26 responsibility to comply with the terms and conditions of probation. Non-practice is defined as
27 any period of time exceeding 30 calendar days in which Respondent is not engaging in any
28 activities defined in sections 2051 and 2052 of the Business and Professions Code.

1 All time spent in an intensive training program which has been approved by the
2 Division or its designee shall be considered time spent in the practice of medicine. For purposes
3 of this condition, non-practice due to a Board-ordered suspension or in compliance with any
4 other condition of probation, shall not be considered a period of non-practice.

5 Respondent's license shall be automatically cancelled if Respondent resides in
6 California and for a total of two years, fails to engage in California in any of the activities
7 described in Business and Professions Code sections 2051 and 2052.

8 13. COMPLETION OF PROBATION Respondent shall comply with all
9 financial obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar
10 days prior to the completion of probation. Upon successful completion of probation,
11 Respondent's certificate shall be fully restored.

12 14. VIOLATION OF PROBATION Failure to fully comply with any term or
13 condition of probation is a violation of probation. If Respondent violates probation in any
14 respect, the Division, after giving Respondent notice and the opportunity to be heard, may revoke
15 probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to
16 Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation,
17 the Division shall have continuing jurisdiction until the matter is final, and the period of
18 probation shall be extended until the matter is final.

19 15. COST RECOVERY Within 90 calendar days from the effective date of
20 the Decision or other period agreed to by the Division or its designee, Respondent shall
21 reimburse the Division the amount of \$2000.00 for its investigative and prosecution costs. The
22 filing of bankruptcy or period of non-practice by Respondent shall not relieve the Respondent of
23 his obligation to reimburse the Division for its costs.

24 16. LICENSE SURRENDER Following the effective date of this Decision, if
25 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
26 the terms and conditions of probation, Respondent may request the voluntary surrender of
27 Respondent's license. The Division reserves the right to evaluate Respondent's request and to
28 exercise its discretion whether or not to grant the request, or to take any other action deemed

appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Division or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of Respondent's license shall be deemed disciplinary action. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

17. PROBATION MONITORING COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Division, which are currently set at \$2,874.00, but may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Division or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physician & Surgeon Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Division of Medical Quality.

DATED: Oct 31, 2005.

Malverse Martin MD
MALVERSE MARTIN, M.D. (Respondent)
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Division of Medical Quality.

DATED: 11/14/05.

BILL LOCKYER, Attorney General
of the State of California


MIA PEREZ-ARGOTE
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2005500537
60105475.wpd

Exhibit A

Accusation No. 17-2002-1138788

1 BILL LOCKYER, Attorney General
of the State of California
2 PAUL C. AMENT, State Bar No. 60427
Deputy Attorney General
3 For MIA PEREZ-ARGOTE
Deputy Attorney General
4 California Department of Justice
300 South Spring Street, Suite 1702
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Telephone: (213) 897-7007
6 Facsimile: (213) 897-9395
7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO March 10 20 05
BY Vanilla F. Mader

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

12 In the Matter of the Accusation Against:

Case No. 17-2002-138788

13 MALVERSE MARTIN, M.D.
22110 Roscoe Boulevard, #203
14 West Hills, California 91304

A C C U S A T I O N

15 Physician and Surgeon's Certificate No. G38477,
16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. David T. Thornton ("Complainant") brings this Accusation solely in
21 his official capacity as the Executive Director of the Medical Board of California,
22 Department of Consumer Affairs ("Board").

23 2. On or about November 20, 1978, the Medical Board of California
24 issued Physician and Surgeon's Certificate Number G38477 to Malverse Martin, M.D.
25 ("Respondent"). The Physician and Surgeon's Certificate was in full force and effect at all
26 times relevant to the charges brought herein and will expire on October 31, 2006, unless
27 renewed.
28

JURISDICTION

3. This Accusation is brought before the Board's Division of Medical Quality ("Division") under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

5. Section 2234 of the Code states:

"The Division of Medical Quality 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

1 constitutes a separate and distinct breach of the standard of care.

2 "(d) Incompetence.

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

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

8 6. Section 2261 of the Code states:

9 "Knowingly making or signing any certificate or other document directly or
10 indirectly related to the practice of medicine or podiatry which falsely represents
11 the existence or nonexistence of a state of facts, constitutes unprofessional
12 conduct."

13 7. Section 2266 of the Code states: "The failure of a physician and
14 surgeon to maintain adequate and accurate records relating to the provision of services to
15 their patients constitutes unprofessional conduct."

16 8. Section 14124.12 of the Welfare and Institutions Code states, in
17 pertinent part:

18 "(a) Upon receipt of written notice from the Medical Board of California,
19 the Osteopathic Medical Board of California, or the Board of Dental Examiners of
20 California, that a licensee's license has been placed on probation as a result of a
21 disciplinary action, the department may not reimburse any Medi-Cal claim for the
22 type of surgical service or invasive procedure that gave rise to the probation,
23 including any dental surgery or invasive procedure, that was performed by the
24 licensee on or after the effective date of probation and until the termination of all
25 probationary terms and conditions or until the probationary period has ended,
26 whichever occurs first. This section shall apply except in any case in which the
27 relevant licensing board determines that compelling circumstances warrant the
28 continued reimbursement during the probationary period of any Medi-Cal claim,

1 including any claim for dental services, as so described. In such a case, the
2 department shall continue to reimburse the licensee for all procedures, except for
3 those invasive or surgical procedures for which the licensee was placed on
4 probation.”

5 9. Section 125.3 of the Code provides, in pertinent part, that the
6 Division may request the administrative law judge to direct a licensee found to have
7 committed a violation or violations of the licensing act to pay a sum not to exceed the
8 reasonable costs of the investigation and enforcement of the case.

9
10 FIRST CAUSE FOR DISCIPLINE

11 (Making or Signing False Documents)

12 10. Respondent is subject to disciplinary action under section 2261 of
13 the Code in that on numerous occasions he knowingly made and/or signed documents
14 related to the practice of medicine which falsely represented the existence or nonexistence
15 of states of facts. The circumstances are as follows.

16 11. During the years 2001 and 2002, Respondent utilized in his
17 obstetrical practice a document entitled “Prenatal Obstetrical Record” to document patient
18 visits. On numerous occasions from on or about January 30, 2001, through a date
19 unknown to Complainant, Respondent made and/or signed such documents that contained
20 false “generic” values for temperature, pulse rate, and respiratory rate for his patients. In
21 each of these instances, the temperature is documented as “98.6,” the pulse rate as “80,”
22 and the respiration rate as “16.”

23 12. Respondent made and/or signed “Prenatal Obstetrical Records”
24 containing such false “generic” values for the following patients relating to office visits on
25 the following dates: Jamie G.¹ (January 30, 2001); Georgina H. (July 5, 2002); and
26

27
28

1. The complete names of the patients to whom reference is made herein will be disclosed
to Respondent upon an appropriate request for discovery.

1 Monica S. (August 2, 2002). At the time he made and/or signed these "Prenatal
2 Obstetrical Records," Respondent knew that they contained false "generic" values for
3 temperature, pulse rate, and respiration rate.

4 5 SECOND CAUSE FOR DISCIPLINE

6 (Failure to Maintain Adequate and Accurate Records)

7 13. Respondent is subject to disciplinary action under section 2266 of
8 the Code in that he failed to maintain adequate and accurate records relating to the
9 provision of services to his patients. The circumstances are as follows.

10 11 False "Generic" Values

12 (Patients Jamie G., Georgina H., and Monica S.)

13 14. The facts alleged in paragraphs 11 and 12 above are re-alleged at
14 this point. The "Prenatal Obstetrical Records" referenced in these paragraphs were
15 inadequate and inaccurate because they documented false, "generic" values for
16 temperature, pulse, and respiration.

17 18 Unacknowledged Additions and Contradictory Data

19 (Patient Georgina H.)

20 15. A comparison of patient records that Respondent supplied to the
21 Department of Health Services ("DHS") with the patient records Respondent later
22 disclosed to the Board concerning Patient Georgina H. reveals that after he supplied the
23 records to the DHS, Respondent, on a date or dates unknown to Complainant, added data
24 to Georgina H.'s medical record without making thereon any notation to acknowledge the
25 fact that the data were late additions. The data added by Respondent, relating to a visit of
26 July 2, 2002, are a present weight of "126 ½;" a new temperature of 98.4, a new pulse
27 rate of 76, and a new respiration rate of 14 (which conflict with the "generic" values
28 contained in the document submitted to DHS); and the fact that the patient's mother,

1 father, and siblings were "alive + well." Moreover, the "Prenatal Obstetrical Record" on
2 which these new data appear is itself a newly-created document, existing in the patient's
3 record alongside the "Prenatal Obstetrical Record" for the same date that had been
4 submitted to the Department of Health Services. The newly-created document is
5 inadequate because it fails to note that the new and/or changed data are late additions and
6 that it is itself a newly-created document. The medical record for Georgina H. maintained
7 by Respondent is inadequate and inaccurate also because it contains two partially-
8 contradictory "Prenatal Obstetrical Records" for a single patient visit (July 2, 2002).

9
10 Failure to Document Prior Examination and Medical Indication for Prescriptions

11 (Patient Jamie G.)

12 16. On or about February 15, 2002, Respondent, or someone acting on
13 Respondent's behalf, transmitted to a pharmacy by telephone a prescription for Terazol 7
14 vaginal cream for Patient Jamie G. Terazol 7 vaginal cream is a dangerous drug as
15 defined in section 4022 of the Code. Jamie G.'s medical record as maintained by
16 Respondent contains no documented prior examination or medical indication for this
17 prescription.

18 17. On or about February 19, 2002, Respondent, or someone acting on
19 Respondent's behalf, transmitted to a pharmacy by telephone a prescription for ampicillin
20 for Patient Jamie G. Ampicillin is a dangerous drug as defined in section 4022. Jamie
21 G.'s medical record as maintained by Respondent contains no documented prior
22 examination or medical indication for this prescription.

23
24 THIRD CAUSE FOR DISCIPLINE

25 (Prescribing Without Prior Examination—Patient Jamie G.)

26 18. Respondent is subject to disciplinary action under section 2242 of
27 the Code in that he prescribed dangerous drugs as defined in Section 4022 to Patient Jamie
28 G. without a good faith prior examination and medical indication therefor. The

1 circumstances are as follows.

2 19. The facts alleged above in paragraphs 16 and 17 above are re-
3 alleged at this point.

4
5 FOURTH CAUSE FOR DISCIPLINE

6 (Repeated Negligent Acts—Patients Jamie G., Georgina H., and Monica G.)

7 20. Respondent is subject to disciplinary action under section 2234,
8 subdivision (c), of the Code in that he was repeatedly negligent in his care and treatment of
9 patients. The circumstances are as follows.

10 21. The facts alleged above in paragraphs 10-17 are re-alleged at this
11 point. Each and every act or omission alleged in those paragraphs as a violation of section
12 2261, 2266, or 2242 of the Code constituted a departure from the standard of care.

13
14 DISCIPLINE CONSIDERATIONS

15 22. To determine the degree of discipline, if any, to be imposed on
16 Respondent, Complainant alleges that on June 28, 2002, the Board issued a citation to
17 Respondent. The citation was resolved by way of payment of \$1,000.00 on August 6,
18 2002. That citation is now final and is incorporated by reference as if fully set forth.

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