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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 8002013002177

13 **GARY T. PROHASKA, M.D.**
14 **342 Red River Road**
Palm Desert, CA 92211

A C C U S A T I O N

15 **Physician's and Surgeon's**
16 **Certificate No. C 42755**

(Bus. & Prof. Code §822)

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Board).

24 2. On or about June 11, 1990, the Medical Board of California issued Physician's and
25 Surgeon's Certificate Number C 42755 to Gary T. Prohaska, M.D. (Respondent). The
26 Physician's and Surgeon's Certificate remained in full force and effect at all times relevant to the
27 charges brought herein until January 31, 2014, on which date it expired.

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JURISDICTION

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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 (Code) unless otherwise indicated.

4. Section 822 of the Code states:

“If a licensing agency determines that its licentiate’s ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

“(a) Revoking the licentiate’s certificate or license.

“(b) Suspending the licentiate’s right to practice.

“(c) Placing the licentiate on probation.

“(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

“The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person’s right to practice his or her profession may be safely reinstated.”

5. Section 118 of the Code states:

“(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against

1 the licensee upon any ground provided by law or to enter an order suspending or revoking
2 the license or otherwise taking disciplinary action against the licensee on any such ground.

3 “(c) As used in this section, ‘board’ includes an individual who is authorized by any
4 provision of this code to issue, suspend, or revoke a license, and ‘license’ includes
5 ‘certificate,’ ‘registration,’ and ‘permit.’”

6 SECTION 822 CAUSE FOR ACTION

7 **(Mental Illness and/or Physical Illness Affecting Competency)**

8 6. Respondent’s Physician’s and Surgeon’s Certificate No. C 42755 is subject to action
9 under section 822 of the Code in that his ability to practice medicine safely is impaired because he
10 is mentally ill, or physically ill affecting competency, as more particularly alleged hereinafter:

11 7. On or about December 20, 2013, the Board received information that Respondent
12 may have significant cognitive and functional decline consistent with a clinical diagnosis of early
13 dementia.

14 8. On or about February 14, 2014, Respondent voluntarily agreed to undergo a mental
15 examination in order to determine whether his ability to practice medicine safely is impaired due
16 to a mental illness affecting his competency.

17 9. On or about June 17, 2014, Respondent was examined by J.F., M.D., who is board-
18 certified in Psychiatry and Neurology. After conducting a psychiatric examination and
19 assessment of Respondent, Dr. J.F. diagnosed Respondent as having moderate severity cognitive
20 impairment. In the opinion of Dr. J.F., Respondent’s impairment is permanent and renders him
21 unsafe to practice medicine.

22 PRAYER

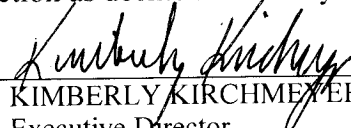
23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Medical Board of California issue a decision:

25 1. Revoking or suspending Physician’s and Surgeon’s Certificate Number C 42755,
26 issued to Respondent Gary T. Prohaska, M.D.;

27 2. Revoking, suspending or denying approval of Respondent Gary T. Prohaska, M.D.’s
28 authority to supervise physician assistants pursuant to section 3527 of the Code;

- 1 3. Taking action as authorized by section 822 of the Code as the Medical Board, in its
2 discretion, deems necessary and proper;
- 3 4. Ordering Respondent Gary T. Prohaska, M.D., if placed on probation, to pay the
4 Medical Board of California the costs of probation monitoring; and
- 5 5. Taking such other and further action as deemed necessary and proper.

6 DATED: August 12, 2014


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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