

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

In the Matter of the Accusation)
Against:)
)
AGNES KINTANAR, M.D.)
Certificate No. A-38376)
)
Respondent.)
_____)

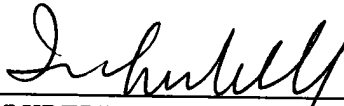
No. D-5159

DECISION

The attached Stipulation and Waiver Agreement is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective on July 15, 1995.

IT IS SO ORDERED May 30, 1995.

By: 
IRA LUBELL, M.D.
Chairperson, Panel A
Division of Medical Quality

1 DANIEL E. LUNGREN
Attorney General of the State of California
2 ELISA B. WOLFE
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 500
4 Los Angeles, California 90013
Telephone: (213) 897-2555
5
6 Attorneys for Complainant
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9 **BEFORE THE**
10 **DIVISION OF MEDICAL QUALITY**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation
15 Against:

16 AGNES KINTANAR, M.D.
17 19430 East Empty Saddle Road
18 Walnut, California 91789
19 Physician's and Surgeon's
20 Certificate No. A38376,

21 and

22 AGNES KINTANAR, M.D., dba
23 ST. THERESE MEDICAL CLINIC
24 2026 West Pico Boulevard
25 Los Angeles, California 90006
26 Fictitious Name Permit No. P-14852,

27 and

28 AGNES KINTANAR, M.D., dba
29 SAN FELIPE MEDICAL CLINIC, INC.,
30 a California Corporation
31 5240 Santa Monica Boulevard
32 Los Angeles, California 90029
33 Fictitious Name Permit No. P-13155,

34 Respondents.

) Board Case No. D-5159

) OAH Case No. L-60005

) STIPULATION AND WAIVER
) AGREEMENT; PROPOSED
) DISCIPLINARY ORDER

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1 IT IS HEREBY STIPULATED AND AGREED by and between DIXON
2 ARNETT ("complainant") and AGNES KINTANAR, M.D. ("respondent")
3 that the following matters are true:
4

5 1. Complainant is the Executive Director of the
6 Medical Board of California ("Board") of the Department of
7 Consumer Affairs of the State of California. As Executive
8 Director, complainant is empowered to bring accusations for
9 disciplinary action against licensees of the Board and to enter
10 into stipulations for discipline.

11 2. Complainant is represented in this matter by
12 Daniel E. Lungren, Attorney General of the State of California,
13 by and through Elisa B. Wolfe, Deputy Attorney General.

14 3. Respondent is represented in this matter, and has
15 been represented in this matter, by Ted Estrada.

16 4. On or about April 26, 1982, the Medical Board of
17 California^{1/} issued Physician's and Surgeon's Certificate No.
18 A38376 to AGNES KINTANAR, M.D. ("respondent"). Said certificate
19 was, at all times relevant herein, and is in full force and
20 effect.

21 5. On or about May 19, 1988, the Medical Board of
22 California issued Fictitious Name Permit No. P-14852 to AGNES
23 KINTANAR, M.D., a sole practitioner, doing business as ST.
24 THERESE MEDICAL CLINIC. Said permit was, all times relevant
25 herein, in full force and effect.

26 /

27
1. Then titled "Board of Medical Quality Assurance."

1 6. On or about October 24, 1986, the Medical Board of
2 California issued Fictitious Name Permit No. P-13155 to AZUCENA
3 M. ATAIZA, M.D., a sole practitioner and principal of SAN FELIPE
4 MEDICAL CLINIC, a California Corporation. The 1988-89 renewal
5 form for the fictitious name permit for SAN FELIPE MEDICAL CLINIC
6 was signed by AGNES KINTANAR, M.D., on February 29, 1988; in
7 said renewal form, respondent KINTANAR represented that she had
8 sole ownership and control of respondent SAN FELIPE and that she
9 was the only health care practitioner doing business at
10 respondent SAN FELIPE. Said permit was, at all times relevant
11 herein, in full force and effect.

12 7. On April 9, 1993, complainant, in his official
13 capacity and not otherwise, filed an Accusation bearing Board
14 case no. D-5159 against respondent. The Accusation in Board case
15 no. D-5159 is currently pending before the Board's Division of
16 Medical Quality ("Division"). A true and correct copy of said
17 Accusation is attached hereto and incorporated herein by this
18 reference.

19 8. On or about April 9, 1993, the Accusation in Board
20 Case No. D-5159, together with all other statutorily required
21 documents, was duly served on respondent. Respondent filed her
22 Notice of Defense to the Accusation on or about April 20, 1993.

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1 RESPONDENT HEREBY MAKES, AND THE PARTIES HEREBY
2 STIPULATE TO THE MAKING OF, THE FOLLOWING WAIVERS:

3 9. Respondent understands the nature of the
4 Accusation filed against her, as well as the allegations,
5 charges, and causes for disciplinary action set forth therein.

6 10. Respondent understands that she has the right to a
7 hearing on the charges contained in the Accusation, at which
8 hearing the Division would determine the sufficiency and the
9 truth of the allegations in the Accusation and the propriety of
10 any penalty to be imposed by the Division. Respondent further
11 understands that by entering into this stipulation, she gives up
12 her right to a hearing before the Division and to present legal
13 and factual issues to the Division for its consideration.

14 11. Respondent understands that at a hearing, she
15 could use compulsory process to obtain witnesses and documentary
16 evidence on her behalf, and that by entering into this
17 stipulation, she gives up her right to compulsory process.

18 12. Respondent understands that at a hearing, she
19 could introduce relevant testimony and exhibits on her behalf,
20 including exculpatory evidence or evidence in mitigation of
21 wrongdoing, could rebut the evidence against her, could confront
22 and cross-examine witnesses against her, and that by entering
23 into this stipulation, she gives up her right to call witnesses
24 or introduce evidence on her behalf, and to rebut evidence
25 against her.

26 13. Respondent understands that by entering into this
27 stipulation, she gives up her right to seek reconsideration or to

1 appeal this matter, or to pursue any other rights which may be
2 accorded her under the California Administrative Procedure Act
3 and other relevant provisions of law. Respondent understands
4 that by entering into this stipulation, the Division may enter a
5 final, nonreviewable decision and order in this matter.

6 14. Respondent has not been forced, coerced,
7 threatened, or induced in any way into entering into this
8 stipulation. Respondent freely, voluntarily, and irrevocably
9 waives her hearing rights, and voluntarily enters into this
10 stipulation with full knowledge of its consequences and effect.

11

12 RESPONDENT MAKES THE FOLLOWING ADMISSIONS,
13 ACKNOWLEDGEMENTS, AND DECLARATIONS:

14 15. The factual allegations set forth in the
15 Accusation on file in Board Case No. D-5159 are true.

16 16. There exist grounds to impose discipline on
17 respondent's physician's and surgeon's certificate for the causes
18 for license discipline set forth in the Accusation on file in
19 Board Case No. D-5159.

20 17. Respondent agrees that the Division may impose
21 discipline upon her physician's and surgeon's certificate.

22 18. Respondent is aware that, in any petition she
23 files pursuant to Government Code § 11522 and in any other
24 proceeding before the Division or other body which regulates the
25 practice of medicine, the Division or other body may, can, and/or
26 will take as true the factual allegations in the Accusation filed
27 in Board Case No. D-5159.

1 19. Respondent agrees to be bound by the Division's
2 Disciplinary Order as set out below.

3
4 IN CONSIDERATION OF THE FOREGOING STIPULATIONS,
5 WAIVERS, ADMISSIONS, ACKNOWLEDGEMENTS, AND DECLARATIONS, THE
6 PARTIES STIPULATE AND AGREE THAT THE DIVISION SHALL, WITHOUT
7 FURTHER NOTICE OR FORMAL PROCEEDING, ISSUE AND ENTER THE
8 FOLLOWING ORDER:

9
10 DISCIPLINARY ORDER

11 IT IS HEREBY ORDERED that Fictitious Name Permit No. P-
12 14852, heretofore issued to AGNES KINTANAR, M.D., dba
13 ST. THERESE MEDICAL CLINIC, is revoked.

14 IT IS HEREBY ORDERED that Fictitious Name Permit No. P-
15 13155, held by AGNES KINTANAR, M.D., as sole shareholder and
16 principal of SAN FELIPE MEDICAL CLINIC, INC., a California
17 Corporation, is revoked.

18 IT IS HEREBY ORDERED that Physician's and Surgeon's
19 Certificate No. A38376 issued to AGNES KINTANAR, M.D. is revoked.
20 However, said revocation is stayed, and respondent is placed on
21 probation for SEVEN (7) years on the following terms and
22 conditions:

23 1. ACTUAL SUSPENSION

24 As part of probation, respondent is suspended from the
25 practice of medicine for 120 days beginning the effective date of
26 this decision.

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2. EDUCATION COURSE

Within 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 40 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 65 hours of continuing medical education of which 40 hours were in satisfaction of this condition and were approved in advance by the Division or its designee.

3. ETHICS

Within ninety (90) 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.

4. CLINICAL TRAINING PROGRAM

Within ninety (90) days of the effective date of this decision, respondent shall submit to the Division for its prior approval, an intensive clinical training program. The exact number of hours and the specific content of the program shall be determined by the Division or its designee. Respondent shall successfully complete the training program and may be required to pass an examination administered by the Division or its designee related to the program's contents.

1 5. ORAL OR WRITTEN EXAM

2 Within sixty (60) days of the effective date of this
3 decision, respondent shall take and pass an oral or written exam,
4 in a subject to be designated and administered by the Division or
5 its designee. If respondent fails this examination, respondent
6 must take and pass a re-examination consisting of a written as
7 well as an oral clinical examination. The waiting period between
8 repeat examinations shall be at three month intervals until
9 success is achieved. The respondent shall pay the cost of any
10 and all examinations.

11 Respondent shall not practice medicine until respondent
12 has passed the required examination and has been so notified by
13 the Division in writing. Failure to pass the required
14 examination no later than 100 days prior to the termination date
15 of probation shall constitute a violation of probation.

16 6. MONITORING

17 Within ninety (90) days of the effective date of this
18 decision, respondent shall submit to the Division for its prior
19 approval a plan of practice in which respondent's practice shall
20 be monitored by another physician in respondent's field of
21 practice, who shall provide periodic reports to the Division.

22 If the monitor resigns or is no longer available, res-
23 pondent shall, within fifteen (15) days of notice of the resigna-
24 tion or lack of availability, move to have a new monitor appoint-
25 ed through nomination by respondent and approval by the Division.

26 During probation, respondent is prohibited from
27 engaging in the solo practice of medicine.

1 7. RESTRICTED PRACTICE

2 During probation, respondent is restricted to engaging
3 in the general practice of medicine.

4 8. REIMBURSEMENT FOR INVESTIGATION COSTS

5 Respondent shall pay to the Division its costs of
6 investigation in the amount of \$4133.96. Respondent shall pay
7 this sum at a rate of no less than \$50.00 per month until paid in
8 full. Failure to reimburse the Division's investigative costs in
9 full, as set forth above, shall constitute a violation of this
10 probation order, unless the Division has agreed in writing to
11 some other payment arrangement (due to, e.g., financial
12 hardship). The filing of bankruptcy by respondent shall not
13 relieve respondent of her obligation to reimburse the Division
14 for its investigative costs.

15 9. OBEY ALL LAWS

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

19 10. QUARTERLY REPORTS

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

24 11. SURVEILLANCE PROGRAM

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

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12. INTERVIEW WITH MEDICAL CONSULTANT

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

13. 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.

14. COMPLETION OF PROBATION

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

15. VIOLATION OF PROBATION

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 matter is final.

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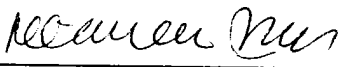
CONTINGENCY

This stipulation shall be subject to the approval of the Division. If the Division fails to adopt this stipulation as its Order, the stipulation shall be of no force or effect for either party, nor shall it be mentioned or referred to in any legal action between the parties.

ACCEPTANCE

I have read the above Stipulation and Waiver Agreement and Disciplinary Order. I have fully discussed the terms and conditions and other matters contained therein with my representative Ted Estrada. I understand the terms of the Agreement and Order, including the effect they will have on my physician's and surgeon's certificate, and agree to be bound by them. I hereby make the agreements, stipulations, waivers, admissions, acknowledgements and declarations set forth in the Agreement and Order. I enter this stipulation freely, knowingly, intelligently, and voluntarily.

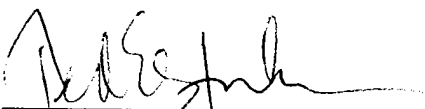
DATED: 5/1, 1995.



AGNES KINTANAR, M.D.
Respondent

Approved as to form:

DATED: 5/1, 1995.



TED ESTRADA
Respondent's Representative

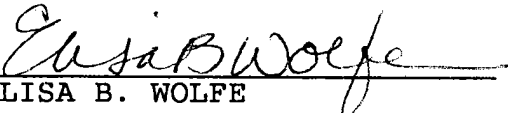
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ENDORSEMENT

The foregoing Stipulation and Waiver Agreement and Proposed Disciplinary Order is respectfully submitted for the consideration of the Division.

DATED: MAY 2, 1995.

DANIEL E. LUNGREN, Attorney General
of the State of California


ELISA B. WOLFE
Deputy Attorney General

Attorneys for Complainant

1 DANIEL E. LUNGREN
Attorney General of the State of California
2 ELISA B. WOLFE
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 500
4 Los Angeles, California 90013
Telephone: (213) 897-2555

5 Attorneys for Complainant
6
7

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

11 In the Matter of the Accusation
Against:

) Board Case No. D-5159

12 AGNES KINTANAR, M.D.
13 19430 East Empty Saddle Road
Walnut, California 91789
14 Physician's and Surgeon's
Certificate No. A38376,

) OAH Case No.

) A C C U S A T I O N

15 and
16

17 AGNES KINTANAR, M.D., dba
ST. THERESE MEDICAL CLINIC
2026 West Pico Boulevard
18 Los Angeles, California 90006
Fictitious Name Permit No. P-14852,

19 and
20

21 AGNES KINTANAR, M.D., and
AZUCENA M. ATAIZA, M.D., as
principals of
22 SAN FELIPE MEDICAL CLINIC, INC.,
a California Corporation
23 5240 Santa Monica Boulevard
Los Angeles, California 90029
24 Fictitious Name Permit No. P-13155,

25 Respondents.
26

27 /

1 DIXON ARNETT ("Complainant"), for causes for
2 discipline, alleges:

3
4 PARTIES

5 1. Complainant makes and files this accusation solely
6 in his official capacity as Executive Director of the Medical
7 Board of California, Department of Consumer Affairs, State of
8 California.

9 2. On or about April 26, 1982, the Medical Board of
10 California^{1/} issued Physician's and Surgeon's Certificate No.
11 A38376 to AGNES KINTANAR, M.D. ("respondent KINTANAR"). Said
12 certificate was, at all times relevant herein, and is in full
13 force and effect.

14 3. On or about May 19, 1988, the Medical Board of
15 California issued Fictitious Name Permit No. P-14852 to AGNES
16 KINTANAR, M.D., a sole practitioner, doing business as ST.
17 THERESE MEDICAL CLINIC ("respondent ST. THERESE"). Said permit
18 was, all times relevant herein, and is in full force and effect.

19 4. On or about October 24, 1986, the Medical Board of
20 California issued Fictitious Name Permit No. P-13155 to AZUCENA
21 M. ATAIZA, M.D., a sole practitioner and principal of SAN FELIPE
22 MEDICAL CLINIC, a California Corporation ("respondent SAN FEL-
23 IPE"). The 1988-89 renewal form for the fictitious name permit
24 for SAN FELIPE MEDICAL CLINIC was signed by AGNES KINTANAR, M.D.,
25 on February 29, 1988; in said renewal form, respondent KINTANAR
26 represented that she had sole ownership and control of respondent

27

1. Then titled "Board of Medical Quality Assurance."

1 SAN FELIPE and that she was the only health care practitioner
2 doing business at respondent SAN FELIPE. Said permit was, at all
3 times relevant herein, and is in full force and effect.

4
5 JURISDICTION

6 5. Business and Professions Code ("B&P") §2220 re-
7 quires that the Division of Medical Quality of the Medical Board
8 of California shall enforce and administer the provisions of
9 Article 12^{2/} of the Medical Practice Act^{3/} as to all holders of
10 physician's and surgeon's certificates.

11 6. B&P §2234 provides in relevant part that:

12 "The Division of Medical Quality shall take action
13 against any licensee who is charged with unprofessional con-
14 duct. In addition to other provisions of this article, un-
15 professional conduct includes, but is not limited to, the
16 following:

17 "(a) Violating or attempting to violate, directly or
18 indirectly, or assisting in or abetting the violation of, or
19 conspiring to violate, any provision of this chapter.

20 "(b) Gross negligence.

21 "(c) Repeated negligent acts.

22 "(d) Incompetence.

23 "(e) The commission of any act involving dishonesty or
24 corruption which is substantially related to the qualifica-
25 tions, functions, or duties of a physician and surgeon..."

26 2. Business and Professions Code sections 2220-2319.

27 3. Business and Professions Code section 2000 et seq.

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I. INSURANCE FRAUD

7. B&P §2261 states that, "Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct."

8. B&P § 2262 declares that, "Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct..."

9. B&P § 810 provides that:

"(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:

"(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) 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.

"(b) As used in this section, health care professional means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act."

1 In re: Mila and Margel Salva

2 10. MILA SALVA is a female adult individual who, at
3 all times relevant herein, resided in the State of California.
4 MARGEL SALVA is a male adult individual who, at all times
5 relevant herein, resided in the State of California. At all
6 times relevant herein, Mila Salva was married to Margel Salva.

7
8 The August 12, 1988 Accident / San Felipe Clinic

9 11. In or around 1988 and 1989, respondent KINTANAR
10 prepared and disseminated to insurance companies and other indiv-
11 iduals and entities, medical reports and medical bills which rep-
12 resented that Mila and Margel Salva were injured in an automobile
13 accident on August 12, 1988, and that respondent KINTANAR treated
14 Mr. and Mrs. Salva for resultant soft tissue injuries at
15 respondent SAN FELIPE.

16 12. In connection with the August 12, 1988 accident,
17 respondent KINTANAR made numerous statements in her reports and
18 bills about the purported medical condition of and treatment
19 rendered to patient Mrs. Mila Salva.

20 13. In connection with the August 12, 1988 accident,
21 respondent KINTANAR made numerous statements in her reports and
22 bills about the purported medical condition of and treatment
23 rendered to patient Mr. Margel Salva.

24
25 The August 28, 1988 Accident / St. Therese Clinic

26 14. Respondent KINTANAR also prepared and disseminated
27 to insurance companies and other individuals and entities,

1 medical reports and medical bills which represented that Mila and
2 Margel Salva were injured in an automobile accident on August 28,
3 1988, and that Mr. and Mrs. Salva were treated for resultant soft
4 tissue injuries at respondent ST. THERESE.

5 15. In connection with the alleged August 28, 1988
6 accident, respondent KINTANAR made numerous statements in her
7 reports and bills about the purported medical condition of pa-
8 tient Mila Salva, which statements contradicted her representa-
9 tions about the condition of Mrs. Salva in connection with the
10 alleged August 12, 1988 accident.

11 16. In connection with the alleged August 28, 1988
12 accident, respondent KINTANAR made numerous statements in her
13 reports and bills about the purported medical condition of pa-
14 tient Margel Salva, which statements contradicted her representa-
15 tions about the condition of Mr. Salva in connection with the
16 alleged August 12, 1988 accident.

17

18 Double-Billing for Physical Therapy

19 17. For approximately sixteen different dates,
20 respondent KINTANAR prepared and disseminated bills which
21 assessed charges for physical therapy rendered to Mrs. Mila Salva
22 on a given date at both respondent ST. THERESE and SAN FELIPE.

23 18. For approximately sixteen different dates,
24 respondent KINTANAR prepared and disseminated bills which
25 assessed charges for physical therapy rendered to Mr. Margel
26 Salva on a given date at both respondent ST. THERESE and SAN
27 FELIPE.

1 Causes for Disciplinary Action

2 19. Respondent's preparation and dissemination of
3 multiple false reports and bills in connection with the medical
4 condition and treatment rendered to Mila and Margel Salva, as set
5 forth in paragraphs 10 through 18, supra, constitutes the
6 commission of acts involving dishonesty and/or corruption, which
7 acts are substantially related to the qualifications, functions,
8 or duties of a physician and surgeon. Such dishonest and corrupt
9 acts are unprofessional conduct under B&P § 2234(e). Such
10 unprofessional conduct is grounds for disciplinary action against
11 respondent KINTANAR's physician's and surgeon's certificate
12 pursuant to B&P §§ 2234, 2220.

13 20. Respondent's preparation of multiple false reports
14 and bills in connection with the medical condition and treatment
15 rendered to Mila and Margel Salva, as set forth in paragraphs 10
16 through 18, supra, constitutes unprofessional conduct under B&P §
17 2261. Such unprofessional conduct is grounds for disciplinary
18 action against respondent KINTANAR's physician's and surgeon's
19 certificate pursuant to B&P §§ 2234, 2220.

20 21. Respondent's preparation of multiple false reports
21 and bills in connection with the medical condition and treatment
22 rendered to Mila and Margel Salva, as set forth in paragraphs 10
23 through 18, supra, constitutes unprofessional conduct under B&P §
24 2262. Such unprofessional conduct is grounds for disciplinary
25 action against respondent KINTANAR's physician's and surgeon's
26 certificate pursuant to B&P §§ 2234, 2220.

27 /

1 22. Respondent's preparation of multiple false reports
2 and bills in connection with the medical condition and treatment
3 rendered to Mila and Margel Salva, as set forth in paragraphs 10
4 through 18, supra, constitutes unprofessional conduct under B&P §
5 810(a)(2). Such unprofessional conduct is grounds for
6 disciplinary action against respondent KINTANAR's physician's and
7 surgeon's certificate pursuant to B&P §§ 2234, 2220, 810(a).

8 23. Respondent's preparation and dissemination of
9 multiple false reports and bills in connection with the medical
10 condition and treatment rendered to Mila and Margel Salva, as set
11 forth in paragraphs 10 through 18, supra, constitutes
12 unprofessional conduct under B&P § 810(a)(1). Such
13 unprofessional conduct is grounds for disciplinary action against
14 respondent KINTANAR's physician's and surgeon's certificate
15 pursuant to B&P §§ 2234, 2220, 810(a).

16 24. Respondent's preparation and dissemination of
17 multiple false reports and bills in connection with the medical
18 condition and treatment rendered to Mila and Margel Salva, as set
19 forth in paragraphs 10 through 18, supra, constitutes gross
20 negligence and/or repeated acts of negligence, and hence is
21 unprofessional conduct under B&P § 2234(b) and/or § 2234(c).
22 Such unprofessional conduct is grounds for disciplinary action
23 against respondent KINTANAR's physician's and surgeon's
24 certificate pursuant to B&P §§ 2234, 2220.

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1 II. USE OF UNLICENSED PERSONNEL

2 25. B&P § 2264 states that, "The employing, directly
3 or indirectly, the aiding, or the abetting of any unlicensed
4 person or any suspended, revoked, or unlicensed practitioner to
5 engage in the practice of medicine or any other mode of treating
6 the sick or afflicted which requires a license to practice
7 constitutes unprofessional conduct."

8 26. Beginning in 1988 or earlier, and continuing
9 through 1990 or later, respondent KINTANAR employed medical
10 assistants, and allowed said medical assistants to diagnose
11 patients' physical therapy needs and to provide such physical
12 therapy to the patients. Said medical assistants were neither
13 licensed physicians and surgeons nor registered physical
14 therapists.

15 27. By virtue of the facts set forth in paragraph 26
16 supra, respondent KINTANAR has employed persons to engage in the
17 unlicensed practice of medicine, as well as the unlicensed
18 practice of physical therapy. Respondent KINTANAR's acts and
19 omissions constitute unprofessional conduct under B&P § 2264, and
20 hence are grounds for disciplinary action against respondent
21 KINTANAR's physician's and surgeon's certificate pursuant to B&P
22 §§ 2234, 2220.

23 28. By virtue of the facts set forth in paragraph 26
24 supra, respondent KINTANAR has aided and abetted the unlicensed
25 practice of medicine, as well as the unlicensed practice of phys-
26 ical therapy. Respondent KINTANAR's acts and omissions consti-
27 tutes unprofessional conduct under B&P § 2264, and hence are

1 grounds for disciplinary action against her physician's and
2 surgeon's certificate pursuant to B&P §§ 2234, 2220.

3
4 III. IMPROPER EMERGENCY REFERRAL

5 29. On or about June 8, 1989, an adult female came in
6 to respondent ST. THERESE and presented potentially severe post-
7 abortion complications. Respondent KINTANAR evaluated the woman,
8 then told her to go to the emergency room at L.A. County / U.S.C.
9 Hospital.

10 30. In connection with the referral of the woman to
11 the emergency room, respondent KINTANAR (1) did not contact the
12 emergency room to properly advise hospital personnel of the
13 referral, (2) did not stabilize the woman prior to sending her to
14 the emergency room, (3) did not send an adequate history and
15 physical evaluation along with the woman, and (4) did not assure
16 safe transit to the emergency room (e.g., proper equipment,
17 attendants).

18 31. Respondent's acts and omissions as set forth in
19 paragraphs 29 and 30, supra, constitute gross negligence.
20 incompetence. Gross negligence constitutes unprofessional
21 conduct under B&P § 2234(b). Such unprofessional conduct
22 constitutes grounds for disciplinary action against respondent
23 KINTANAR'S physician's and surgeon's certificate pursuant to B&P
24 §§ 2234, 2220.

25 32. Respondent's acts and omissions as set forth in
26 paragraphs 29 and 30, supra, constitute repeated negligent acts.
27 Repeated negligent acts constitute unprofessional conduct under

1 B&P § 2234(c). Such unprofessional conduct constitutes grounds
2 for disciplinary action against respondent KINTANAR'S physician's
3 and surgeon's certificate pursuant to B&P §§ 2234, 2220.

4 33. Respondent's acts and omissions as set forth in
5 paragraphs 29 and 30, supra, constitute incompetence.
6 Incompetence is unprofessional conduct under B&P § 2234(d). Such
7 unprofessional conduct constitutes grounds for disciplinary
8 action against respondent KINTANAR'S physician's and surgeon's
9 certificate pursuant to B&P §§ 2234, 2220.

10
11 IV. IN RE: "R.M.T.H."

12 34. R.M.T.H.^{4/} was a female adult individual who
13 expired on October 21, 1989.

14 35. On or about October 16, 1989, at approximately
15 3:00 a.m., R.M.T.H. went to a medical clinic at which respondent
16 KINTANAR was the physician on duty. R.M.T.H., who was eight
17 months pregnant, complained of difficulty breathing, chest pain,
18 and headache.

19 36. Respondent KINTANAR identified that R.M.T.H. had a
20 sudden markedly elevated blood pressure and noted a need to rule
21 out preeclampsia as the cause of symptoms. Respondent KINTANAR,
22 however, failed to proceed with proper evaluation or diagnosis of
23 R.M.T.H. in order to rule out preeclampsia, nor did respondent
24 KINTANAR properly manage or treat R.M.T.H., nor did respondent
25 take any other actions required under the circumstances (e.g.,
26

27 4. For privacy reasons only the initials of this patient
will be used in this accusation. The full name will be provided
to respondent in discovery upon request.

1 seek an obstetrical consultation, make an appropriate and timely
2 referral). Respondent KINTANAR, however, did take inappropriate
3 and insufficient steps to deal with the complaints and symptoms
4 of R.M.T.H.

5 37. Several hours after respondent KINTANAR sent
6 R.M.T.H. home, R.M.T.H. began having seizures, suffered a massive
7 intracerebral hemorrhage, became comatose, and died.

8 38. Respondent KINTANAR's acts and omissions, as set
9 forth in paragraphs 34 through 37 supra, jointly and severally,
10 constitute gross negligence and hence are unprofessional conduct
11 under B&P § 2234(b). Such unprofessional conduct is grounds for
12 disciplinary action against respondent KINTANAR's physician's and
13 surgeon's certificate pursuant to B&P §§ 2234, 2220.

14 39. Respondent KINTANAR's acts and omissions, as set
15 forth in paragraphs 34 through 37 supra, jointly and severally,
16 constitute repeated negligent acts and hence are unprofessional
17 conduct under B&P § 2234(c). Such unprofessional conduct is
18 grounds for disciplinary action against respondent KINTANAR's
19 physician's and surgeon's certificate pursuant to B&P §§ 2234,
20 2220.

21 40. Respondent KINTANAR's acts and omissions, as set
22 forth in paragraphs 34 through 37 supra, jointly and severally,
23 constitute incompetence and hence are unprofessional conduct
24 under B&P § 2234(d). Such unprofessional conduct is grounds for
25 disciplinary action against respondent's physician's and
26 surgeon's certificate pursuant to B&P §§ 2234, 2220.

27

OTHER MATTERS

1
2 41. B&P § 2262 states in pertinent portion that, "In
3 addition to any other disciplinary action, the Division of
4 Medical Quality ... may impose a civil penalty of five hundred
5 dollars (\$500) for a violation of this section."

6 42. B&P §2227 states in pertinent part that:

7 "A licensee whose matter has been heard by the Divi-
8 sion of Medical Quality, ...or by an administrative law
9 judge, or whose default has been entered, and who is found
10 guilty may, in accordance with the provisions of this
11 chapter:

12 "(a) Have his or her certificate revoked upon
13 order of the division.

14 "(b) Have his or her right to practice suspended
15 for a period not to exceed one year upon order of the
16 division...

17 "(c) Be placed on probation upon order of the
18 division...

19 "(d) Publicly reprimanded by the division...

20 "(e) Have such other action taken in relation to
21 discipline as the division...or an administrative law judge
22 may deem proper."

23 43. B&P § 2415(f) requires that, "A fictitious-name
24 permit issued to any licensee in a solo practice is automatically
25 revoked in the event the licensee's certificate to practice
26 medicine . . .is revoked."

27

1 PRAYER

2 44. For the reasons set forth in paragraphs 2 through
3 43, inclusive, of this accusation, good cause exists to impose
4 discipline on the physician's and surgeon's certificate and the
5 fictitious name permits issued to respondents.

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

9 1. Revoking or suspending Physician and Surgeon
10 Certificate No. A38376, heretofore issued to respondent AGNES
11 KINTANAR, M.D.;

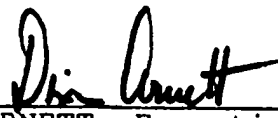
12 2. Revoking Fictitious Name Permit No. P-14852,
13 heretofore issued to AGNES KINTANAR, M.D., dba ST. THERESE
14 MEDICAL CLINIC;

15 3. Revoking Fictitious Name Permit No. P-13155,
16 heretofore issued to ~~AGNES KINTANAR, M.D.,~~ and/or AZUCENA M.
17 ~~ATAIZA, M.D.,~~ as principals of SAN FELIPE MEDICAL CLINIC, INC.,
18 a California Corporation;

19 4. Assessing a penalty of \$500.00 for each violation
20 of B&P § 2262;

21 5. Taking such other and further action as the Board
22 deems proper.

23 DATED: April 9, 1993

24
25 
26 DIXON ARNETT, Executive Director
27 Medical Board of California
Department of Consumer Affairs

Complainant