

BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

LAURENCE A. REICH, D.O.,

Certificate No. 20A-4424,

Respondent.

CASE NO. 82-18

L-27267

PROPOSED DECISION

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on October 28 and 29, and on November 23, 1982. Alexander R. Tobin, Esq., appeared on behalf of the Complainant. Respondent, Laurence A. Reich, D.O., appeared in person and was represented by his counsel Larry P. Fidler, Esq. Evidence, both oral and documentary, having been introduced and the matter submitted, the Administrative Law Judge finds the following facts:

I

Garath J. Williams, Complainant, is the Executive Director of the Board of Osteopathic Examiners of the State of California, and made the Accusation herein in his official capacity.

II

On or about February 28, 1979, Respondent, Laurence A. Reich, D.O., was issued physician's and surgeon's certificate No. 20A-4424 by the Board. Said certificate is currently in full force and effect.

III

During various periods between 1979 and 1981, Respondent engaged in acts of unprofessional conduct by sexually abusing the following named patients while engaged in medical practice, and which acts substantially relate to his qualifications, functions and duties as a licensee:

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A. [REDACTED] V [REDACTED]

1. In mid-October, 1981, Respondent, in taking a history concerning the patient's vaginal infection, asked the patient highly personal questions about her sex life; i.e., whether she had ever had extra-marital affairs, whether she was happy with her husband, her sexual fantasies, and her sex life before she was married.

2. During the physical examination performed by Respondent he began to rub the patient's genitals. He then stood between her legs and with the palms of his hands began pushing on her stomach while asking her whether she masturbated, whether her vagina became easily lubricated, and at what point during sexual activity did she lubricate. He then requested that she lubricate herself. The patient inquired whether he meant for her to masturbate, and the respondent answered in the affirmative. The patient refused. While talking to the patient, Respondent continued to apply pressure with his palms to the outside of her genitals, and then began rubbing her clitoris with his fingers. Respondent stated that it was unfortunate that she wouldn't comply with his request to masturbate in that it would be very helpful in diagnosing the infection.

B. G [REDACTED] C [REDACTED]

1. On September 18, 1979, the patient went to Respondent for a routine examination concerning her pregnancy. During the physical examination no nurse was present in the room.

2. Respondent asked the patient many personal questions about her pre-marital sex life and her sexual fantasies. Further, Respondent asked the patient whether she ever masturbated and how it felt. He asked her to masturbate so that he could observe, but she refused his request. Respondent began to rub her clitoris and genital area with both hands for about a minute. He asked the patient whether this felt good to her and, if so, to show him where it felt good.

C. S [REDACTED] G [REDACTED]

1. In March, 1981, the patient visited Respondent for the purpose of having a cervical cap fitted. On the first visit, Respondent asked the patient a series of questions about her sex life, in particular about the quality and frequency of her orgasms.

2. The patient was next taken into the examination room where Respondent explained to her that inserting the proper cervical cap was difficult and he proceeded to select and insert one into her vagina. Respondent informed the patient that the cervical cap could come off when the cervix dilates during an orgasm; he, therefore, requested that the patient reach an orgasm in front of him so that he could observe whether the cap was

firmly set. The patient refused this request. Respondent then suggested that he would leave the examination room while she would reach near-climax and then he would return and check the cap's position.

3. The patient complied with Respondent's wishes and after a few minutes she called Respondent back into the examination room, at which point he stated that because it was very important to make sure the cap would not come loose, that he would stimulate the patient to the point of orgasm. He told the patient to stimulate herself and he then inserted his finger into her vagina and masturbated her clitoris vigorously for three to five minutes. The patient again informed the Respondent that she could not go through with this, at which point Respondent told the patient to insert the cervical cap herself while he left the room. When he returned momentarily he again inserted his finger into her vagina, ostensibly to check the cap's position.

4. During this visit, while in Respondent's private office, Respondent stated that he was doing a study for a magazine and was surveying his patients as to how they felt about orally copulating their sex partners. He asked the patient about her feelings on the subject, and, given her answer, then asked her to explain how she did it. He asked her to show him by using his thumb as a symbolic penis.

IV

Respondent testified in his own behalf but failed to establish the existence of any mitigation, extenuation or rehabilitation from his problems.

V

All allegations not heretofore found to be true are deemed to be unproved by this record.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

I

Cause for disciplinary action exists against Respondent pursuant to Section 726 (formerly Section 730) of the Business and Professions Code.

II

No cause for disciplinary action exists against Respondent pursuant to Section 2234(a) through (f) of the Business and Professions Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I

A. The Physician's and Surgeon's Certificate No. 20A-4424, heretofore issued to Respondent, Laurence A. Reich, D.O., is hereby indefinitely suspended until the following terms and conditions occur:

1. Within 30 days of the effective date of this Decision, Respondent shall undergo a psychiatric evaluation by a psychiatrist designated by the Board who shall furnish a report to the Board which shall state whether Respondent is a danger to patients, and whether he is in need of further psychiatric treatment in order to engage in practice safely. If the latter is determined, said report shall indicate whether Respondent may practice during engagement in such therapeutic program.
2. If Respondent is judged capable of practicing during continuance of the therapeutic program, he shall within 30 days of said notification submit to the Board for its prior approval the name and qualifications of the psychiatrist of his choice. Upon approval, respondent shall undergo treatment until such time as the Board deems that no further psychiatric treatment is necessary. To make this determination, the Board may require periodic psychiatric evaluations.
3. Respondent shall not engage in practice as a physician and surgeon unless it shall be determined by the psychiatrist that he can engage in such practice without danger to the public, and said psychiatrist certifies in writing to that fact. On this occurrence

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the Board shall notify the respondent that the indefinite suspension is lifted and the following order shall immediately become effective.

* * * * *

II

A. The Physician's and Surgeon's Certificate No. 20A-4424, heretofore issued to respondent, Laurence A. Reich, D.O., is hereby revoked; provided, however, this order of revocation is hereby stayed for a period of ten (10) years upon the full and complete compliance with the following terms and conditions set forth below:

1. Respondent's certificate to practice shall be suspended for a period of one-hundred-eighty (180) days. Credit shall be granted for any period of suspension served under the indefinite suspension. (Section I of the Order above.)

2. Respondent shall be prohibited from engaging in solo practice. Within 30 days of the effective date of this probationary order (Section II of the Order), respondent shall submit to the Board, and receive its prior approval, a plan of practice limited to a supervised structured environment in which his activities will be overseen and supervised by another physician and surgeon engaged in the same specialization.

3. Respondent shall have a third party present while examining or treating female patients.

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

5. Respondent shall submit quarterly declarations to the Board, under penalty of perjury, stating whether he has fully complied with all the conditions of probation.

6. Respondent shall comply with the Board's probation surveillance program.

7. Upon at least 15 days notice from the Board respondent shall appear annually before it.


8. In the event Respondent should leave the State of California to reside or to practice outside the State, Respondent must notify in writing the Board of the dates of his departure and return. Periods of residency or practice outside the State of California will not apply to the reduction of this probationary period.

* * * * *

In the event respondent shall fail to fully comply with the terms and conditions hereof, the Board of Osteopathic Examiners, after notice to respondent and opportunity for him to be heard, may terminate the stay order and impose the order of revocation, or make such other order as may be appropriate; otherwise, upon expiration of the ten (10) year period, the stay shall become permanent.

I hereby submit the foregoing which constitutes my Proposed Decision in the above entitled matter as a result of the hearing had before me on the dates indicated, at Los Angeles, California, and recommend its adoption as the decision of the Board of Osteopathic Examiners.

DATED: Nov. 24, 1982


MILFORD A. MARON
Administration Law Judge
Office of Administrative Hearings

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