

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

**In the Matter of the Accusation and Petition)
to Revoke Probation Against:)
STEVEN CHASE BRIGHAM, M.D.)
Physician's and Surgeon's)
Certificate No. G 62438)
Respondent.)
_____)**

File No: D1-1994-34512

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 February 24, 2000.

DATED January 25, 2000.

**DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA**



**Ira Lubell, M.D.
Chair, Panel A**

BILL LOCKYER, Attorney General
of the State of California
GAIL M. HEPPELL
Supervising Deputy Attorney General
1300 I Street, Suite 125
P. O. Box 944255
Sacramento, CA 94244-2550
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Attorneys for Complainant

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

In the Matter of the Accusation and)	Case No. D1-94-34512
Petition to Revoke Probation)	
Against:)	OAH No. N-1999020089
)	
STEVEN CHASE BRIGHAM, M.D.)	STIPULATED SETTLEMENT
One Alpha Avenue 27)	AND
Voorhees, New Jersey 08043)	DISCIPLINARY ORDER
California Physician and)	
Surgeon's Certificate No. G62438,)	
)	
Respondent.)	
)	

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

1. An Accusation and Petition to Revoke Probation in case number D1-94-34512 was filed with the Division of Medical Quality, of the Medical Board of California Department of Consumer Affairs (the "Division") on December 28, 1998, and is currently pending against Steven Chase Brigham, M.D. (the "respondent").

2. The Accusation and Petition to Revoke Probation,

1 together with all statutorily required documents, was duly served
2 on the respondent on or about January 5, 1999, and respondent
3 filed a Notice of Defense contesting the allegations in the
4 Accusation and Petition to Revoke Probation. A copy of the
5 Accusation and Petition to Revoke Probation, Case No. D1-94-34512
6 is attached as Exhibit "A" and hereby incorporated by reference
7 as if fully set forth.

8 3. The Complainant, Ron Joseph, is the Executive
9 Director of the Medical Board of California and brought this
10 action solely in his official capacity. The Complainant is
11 represented by the Attorney General of California, Bill Lockyer,
12 by and through Supervising Deputy Attorney General Gail M.
13 Heppell.

14 4. The respondent is represented in this matter by
15 John T. Kennedy Esq., Nossaman, Guthner, Knox & Elliott whose
16 address is 915 L Street, Suite 1000, Sacramento, CA 95814-3701.

17 5. The respondent and his attorney have fully
18 discussed the charges contained in the Accusation and Petition to
19 Revoke Probation, and the respondent has been fully advised
20 regarding his legal rights and the effects of this stipulation.

21 6. At all times relevant herein, respondent has been
22 licensed by the Medical Board of California under Physician and
23 Surgeon's Certificate No. G 62438. By order effective April 24,
24 1997, in Medical Board Case No. 16-94-34512 respondent's license
25 was suspended, however, the suspension was stayed and respondent
26 was placed on three (3) years probation with terms and
27 conditions.

1 7. Respondent understands the nature of the charges
2 alleged in the Accusation and Petition to Revoke Probation and
3 that, if proven at hearing, the Board would have the authority to
4 impose discipline upon him. Respondent is fully aware of his
5 right to a hearing on the charges contained in the Accusation and
6 Petition to Revoke Probation, his right to confront and cross-
7 examine witnesses against him, his right to the use of subpoenas
8 to compel the attendance of witnesses and the production of
9 documents in both defense and mitigation of the charges, his
10 right to reconsideration, appeal and any and all other rights
11 accorded by the California Administrative Procedure Act and other
12 applicable laws. Respondent knowingly, voluntarily and
13 irrevocably waives and gives up each of these rights.

14 8. Respondent admits that he was convicted in New
15 York State for violating New York Penal Code section 190.65,
16 Scheme to Defraud, and two (2) counts of violating New York Tax
17 Code section 1801(b), Failure to File Corporate Tax Returns,
18 thereby subjecting his license to disciplinary action pursuant to
19 Business and Professions Code section 2234 and 2236(a).
20 Respondent is currently appealing the New York State convictions.
21 Respondent agrees to be bound by the Division's Disciplinary
22 Order as set forth below.

23 9. Based on the foregoing admissions and stipulated
24 matters, the parties agree that the Division shall, without
25 further notice or formal proceeding, issue and enter the
26 following order:
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1 successful, respondent is required to submit proof to the
2 Division in the form of documentation to substantiate this
3 assertion.

4 2. ETHICS COURSE Within 60 days of the effective date
5 of this decision, respondent shall enroll in a course in Ethics,
6 approved in advance by the Division or its designee, and shall
7 successfully complete the course during the first year of
8 probation.

9 3. COST RECOVERY Respondent is hereby ordered to
10 reimburse the Division in the amount of \$400 within ninety (90)
11 days of the effective date of this decision for its investigative
12 and prosecution costs. Failure to reimburse the Division's cost
13 of investigation and prosecution shall constitute a violation of
14 the probation order, unless the Division agrees in writing to
15 payment by an installment plan because of financial hardship.
16 The filing of bankruptcy shall not relieve the respondent of his
17 responsibility to reimburse the Division for its investigative
18 and prosecution costs, nor shall this condition be subject to any
19 prior provision for tolling of this or any prior probationary
20 order.

21 4. COMPLETION OF PROBATION Upon successful completion
22 of probation, respondent's certificate shall be fully restored.

23 5. VIOLATION OF PROBATION If respondent violates
24 probation in any respect, the Division, after giving respondent
25 notice and the opportunity to be heard, may revoke probation and
26 carry out the disciplinary order that was stayed. If an
27 accusation or petition to revoke probation is filed against

1 respondent during probation, the Division shall have continuing
2 jurisdiction until the matter is final, and the period of
3 probation shall be extended until the matter is final.

4 6. PROBATION COSTS Respondent shall pay the costs
5 associated with probation monitoring each and every year of
6 probation, which are currently set at \$2,304, but may be adjusted
7 on an annual basis. Such costs shall be payable to the Division
8 of Medical Quality and delivered to the designated probation
9 surveillance monitor at the beginning of each calendar year.
10 Failure to pay costs within 30 days of the due date shall
11 constitute a violation of probation.

12 7. LICENSE SURRENDER Following the effective date of
13 this decision, if respondent ceases practicing due to retirement,
14 health reasons or is otherwise unable to satisfy the terms and
15 conditions of probation, respondent may voluntarily tender his
16 certificate to the Board. The Division reserves the right to
17 evaluate the respondent's request and to exercise its discretion
18 whether to grant the request, or to take any other action deemed
19 appropriate and reasonable under the circumstances. Upon formal
20 acceptance of the tendered license, respondent will no longer be
21 subject to the terms and conditions of probation.

22 CONTINGENCY

23 This stipulation shall be subject to the approval of
24 the Division. Respondent understands and agrees that Board staff
25 and counsel for complainant may communicate directly with the
26 Division regarding this stipulation and settlement, without
27 notice to or participation by respondent or his counsel. If the

1 Division fails to adopt this stipulation as its Order, the
2 stipulation shall be of no force or effect, it shall be
3 inadmissible in any legal action between the parties, and the
4 Division shall not be disqualified from further action in this
5 matter by virtue of its consideration of this stipulation.

6 ACCEPTANCE

7 I have read the above Stipulated Settlement and
8 Disciplinary Order. I have fully discussed the terms and
9 conditions and other matters contained therein with my attorney,
10 John T. Kennedy. I understand the effect this Stipulated
11 Settlement and Disciplinary Order will have on my physician and
12 surgeon's certificate, and agree to be bound thereby. I enter
13 this stipulation freely, knowingly, intelligently and
14 voluntarily.

15 DATED: 4/30/99

16
17 Steven C. Brigham, M.D.
18 STEVEN CHASE BRIGHAM, M.D.
19 Respondent

20 I have read the above Stipulated Settlement and
21 Disciplinary Order and approve of it as to form. I have fully
22 discussed the terms and conditions and other matters therein with
23 respondent Steven Chase Brigham, M.D.

24 DATED: 4/30/99

25
26 John T. Kennedy, Esq.
27 Attorney for Respondent


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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for the consideration of the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs.

DATED: 4/31/99.

BILL LOCKYER, Attorney General
of the State of California


GAIL M. HEPPELL
Supervising Deputy Attorney General

Attorneys for Complainant

EXHIBIT A

DANIEL E. LUNGREN, Attorney General
of the State of California
GAIL M. HEPPELL
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P. O. Box 944255
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Telephone: (916) 324-5336

Attorneys for Complainant

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

In the Matter of the Accusation)	Case No. D1-94-34512
and Petition to Revoke Probation)	
Against:)	
)	
STEVEN CHASE BRIGHAM, M.D.,)	ACCUSATION
One Alpha Avenue, 27)	AND PETITION TO
Vorhees, NJ 08043)	REVOKE PROBATION
)	
)	
Physician and Surgeon's)	
Certificate No. G 62438)	
)	
Respondent.)	

The Complainant alleges:

PARTIES

1. Complainant, Ronald Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation and petition solely in his official capacity.

2. On or about March 14, 1988, Physician and Surgeon's Certificate No. G 62438 was issued by the Board to

1 Steven Chase Brigham, M.D. (hereinafter "respondent"), and at all
2 times relevant to the charges brought herein, this license has
3 been in full force and effect. Said certificate is valid with an
4 expiration date of August 31, 1999.

5 By order effective April 24, 1997, respondent's license
6 was revoked, however, such revocation was stayed and respondent
7 was placed on three (3) years probation with terms and
8 conditions.

9 JURISDICTION

10 3. This accusation is brought before the Division of
11 Medical Quality of the Medical Board of California, Department of
12 Consumer Affairs (hereinafter the "Division"), under the
13 authority of the following sections of the California Business
14 and Professions Code (hereinafter the "Code"):

15 A. Section 2227 of the Code provides:

16 "(a) A licensee whose matter has been heard by an
17 administrative law judge of the Medical Quality Hearing
18 Panel as designated in Section 11371 of the Government Code,
19 or whose default has been entered, and who is found guilty
20 may, in accordance with the provisions of this chapter:

21 "(1) Have his or her license revoked upon order of the
22 division.

23 "(2) Have his or her right to practice suspended for a
24 period not to exceed one year upon order of the division.

25 "(3) Be placed on probation and be required to pay the
26 costs of probation monitoring upon order of the division.

27 "(4) Be publicly reprimanded by the division.

1 "(5) Have any other action taken in relation to
2 discipline as the division or an administrative law judge
3 may deem proper.

4 "(b) Any matter heard pursuant to subdivision (a),
5 except for warning letters, medical review or advisory
6 conferences, or other matters made confidential or
7 privileged by existing law, is deemed public, and shall be
8 made available to the public by the board."

9 B. Section 2234 of the Code provides that:

10 "The division of Medical Quality shall take action
11 against any licensee who is charged with unprofessional
12 conduct. In addition to other provisions of this article,
13 unprofessional conduct includes, but is not limited to, the
14 following:

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

19 "(b) Gross negligence.

20 "(c) Repeated negligent acts.

21 "(d) Incompetence.

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

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

1 C. Section 2236(a) of the Code provides that:

2 "(a) The conviction of any offense substantially
3 related to the qualifications, functions, or duties of a
4 physician and surgeon constitutes unprofessional conduct
5 within the meaning of this chapter. The record of
6 conviction shall be conclusive evidence only of the fact
7 that the conviction occurred."

8 D. Section 125.3 of the Code provides, in part, that
9 the Board may request the administrative law judge to direct
10 any licentiate found to have committed a violation or
11 violations of the licensing act, to pay the Board a sum not
12 to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 E. Section 16.01 of the Budget Act of the State of
15 California provides, in pertinent part, that: (a) no funds
16 appropriated by this act may be expended to pay any Medi-Cal
17 claim for any service performed by a physician while that
18 physician's license is under suspension or revocation due to
19 a disciplinary action of the Medical Board of California;
20 and, (b) no funds appropriated by this act may be expended
21 to pay any Medi-Cal claim for any surgical service or other
22 invasive procedure performed on any Medi-Cal beneficiary by
23 a physician if that physician has been placed on probation
24 due to a disciplinary action of the Medical Board of
25 California related to the performance of that specific
26 service or procedure on any patient, except in any case
27 where the board makes a determination during its

1 disciplinary process that there exist compelling
2 circumstances that warrant continued Medi-Cal reimbursement
3 during the probationary period.

4 4. Respondent is subject to discipline for
5 unprofessional conduct within the meaning of Code sections 2234,
6 2236(a), as more fully set forth hereinbelow.

7 **FIRST CAUSE FOR DISCIPLINE**
8 **(Conviction of a Crime)**

9 5. On or about February 10, 1998, in case number
10 7818-96 before the State of New York, Supreme Court of Albany
11 County, respondent was found guilty of violating section 190.65,
12 of the New York Penal Code, scheme to defraud, an "E" felony, and
13 two counts of section 1801(b) of the New York Tax Code, failure
14 to file corporate tax returns, a misdemeanor. Respondent was
15 sentenced to 120 days in custody and 5 years probation, for count
16 one, to run concurrently, 60 days, for count 2, to run
17 concurrently, 120 days, for count three, to run concurrently in
18 the Albany County Penitentiary; was ordered to pay restitution in
19 the amount of \$21,744.66 from his conviction on the offense of
20 Scheme to Defraud in the First Degree and a total of \$8,188.95
21 from his conviction on the offenses of Failure to File Corporate
22 Income Tax Returns. Additionally, respondent was assessed a
23 mandatory surcharge of \$5.00 payable June 19, 1998.

24 (A) Respondent was found guilty of all the counts of
25 the indictment by the New York Court's verdict, rendered
26 February 10, 1998. From on or about September 1, 1993, to
27 about March 5, 1996, in the County of Albany and elsewhere

1 in the State of New York, respondent: (1) engaged in a
2 scheme constituting a systematic, on-going course of conduct
3 with intent to defraud more than one person and to obtain
4 property from more than one person by false and fraudulent
5 pretenses and representations, and so obtained property with
6 a value in excess of one thousand (\$1,000) dollars from one
7 and more such persons by submitting to various insurance
8 companies claim forms which systematically overstated the
9 charges for medical services rendered to insured patients,
10 thereby obtaining in excess of \$1,000 in overcharges from
11 several insurance companies; (2) on or about March 15, 1995,
12 with intent to evade a tax imposed under Article Nine-a of
13 the Tax Law of the State of New York for the privilege of
14 doing business and maintaining an office in that state,
15 failed to make, render, sign and file with the Commissioner
16 of Taxation and Finance a return and report of said business
17 activity and the tax due on same for the calendar year 1994
18 within the time required; and (3) on or about March 15,
19 1996, with intent to evade a tax imposed under Article Nine-
20 a of the Tax Law of the State of New York for the privilege
21 of doing business and maintaining an office in that state,
22 failed to make, render, sign and file with the Commissioner
23 of Taxation and Finance a return and report of said business
24 activity and the tax due on same for the calendar year 1995
25 within the time required.

26 ///

27 ///

1 6. Respondent's conduct as set forth in paragraphs 5
2 and 5(A) constitutes unprofessional conduct within the meaning of
3 sections 2234 and 2236(a) of the Business and Professions Code,
4 and is therefore cause for disciplinary action.

5 **FIRST CAUSE FOR PETITION TO REVOKE PROBATION**
6 **(Violation of Conditions of Probation)**

7 7. Complainant realleges paragraphs 5, and 5(A)
8 above, and incorporates them herein by reference as if fully set
9 forth at this point.

10 8. Following an administrative hearing, effective
11 April 24, 1997, in case number 16-94-34512, respondent was found
12 guilty of violating Code sections 2234 and 2305. A true and
13 correct copy of the Board's decision is attached as Exhibit A and
14 incorporated by reference as if fully set forth at this point.

15 9. Pursuant to the Decision and Order in case number
16 16-94-34512, respondent's license was revoked, however,
17 revocation was stayed and respondent was placed on probation with
18 various terms and conditions. Probationary terms and conditions
19 included:

20 "5. Respondent shall obey all federal, state, and
21 local laws, and all rules governing the practice of medicine in
22 California.

23 "11. If respondent violates probation in any respect,
24 the Division of Medical Quality, after giving respondent notice
25 and the opportunity to be heard, may revoke probation and carry
26 out the disciplinary order that was stayed. If an Accusation of
27 Petition to Revoke Probation is filed against Respondent during

1 probation, the Division shall have continuing jurisdiction until
2 the matter is final, and the period of probation shall be
3 extended until the matter is final.

4 10. Respondent's conduct as set forth in paragraphs
5 5, and 5(A) above, in violation of Code sections 2234 and 2236(a)
6 subject his license to revocation of probation and imposition of
7 the previously stayed disciplinary order and/or further
8 disciplinary conditions.

9 PRAYER

10 WHEREFORE, the complainant requests that a hearing be
11 held on the matters herein alleged, and that following the
12 hearing, the Division issue a decision:

13 1. Revoking the probation previously granted to
14 respondent, Steven Chase Brigham, M.D., in Medical Board Case No.
15 16-94-34512.

16 2. Revoking or suspending Physician's and Surgeon's
17 Certificate Number G 62438, heretofore issued to respondent
18 Steven Chase Brigham, M.D.;

19 2. Revoking, suspending or denying approval of the
20 respondent's authority to supervise physician's assistants,
21 pursuant to Business and Professions Code section 3527;


22 3. Ordering respondent to pay the Division the actual
23 and reasonable costs of the investigation and enforcement of this
24 case and to pay the costs of probation monitoring upon order of
25 the Division; and

26 ///

27 ///

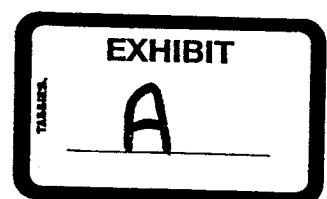
1 4. Taking such other and further action as the
2 Division deems necessary and proper.

3 DATED: December 28, 1998 .

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6 _____
7 RONALD JOSEPH
8 Executive Director
9 Medical Board of California
10 Department of Consumer Affairs
11 State of California

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Complainant

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MEDICAL BOARD OF CALIFORNIA

I do hereby certify that
this document is true
and correct copy of the
original on file in this
office.

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

SIGNED

DATE

TITLE

In the Matter of the Second
Amended Accusation Against:

STEVEN CHASE BRIGHAM, M.D.
1 Alpha Avenue 27
Voorhees, New Jersey 08043

Physician's & Surgeon's
Certificate No. G-62438,

Respondent.

File No. 16-94-34512


OAH No. N-9408049

DECISION

The attached Proposed Decision of the Administrative Law
Judge is hereby adopted by the Medical Board of California as its
Decision in the above-entitled matter.

This Decision shall become effective on April 24, 1997.

IT IS SO ORDERED March 25, 1997.


Ira Lubell, M.D.
Chair, Panel A
Division of Medical Quality
Medical Board of California

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

In the Matter of the Second)	
Amended Accusation Against:)	File No. 16-94-34512
)	
STEVEN CHASE BRIGHAM, M.D.)	OAH No. N-9408049
1 Alpha Avenue 27)	
Voorhees, New Jersey 08043)	
)	
Physician's & Surgeon's)	
Certificate No. G-62438,)	
)	
Respondent.)	

PROPOSED DECISION
PURSUANT TO
STIPULATION

The matter came on regularly for hearing before Jaime René Román, Administrative Law Judge, Medical Quality Hearing Panel, Office of Administrative Hearings, on November 4, 1996 and January 6, 1997, in Sacramento, California.

Complainant Medical Board of California was represented by Gail M. Heppell, Supervising Deputy Attorney General, Health Quality Enforcement Section, Department of Justice.

Respondent Steven Chase Brigham, M.D. ("Respondent"), appeared and was represented by Nathan L. Dembin, Esq.¹

A stipulation was received and the matter deemed submitted as of February 7, 1997. The parties were ordered to reduce their stipulation to writing, and upon submission of the signature page of the stipulation to the Office of Administrative Hearings, the submission to the Administrative Law Judge would be vacated and the matter taken off calendar. By February 7, 1997, the written stipulation was not fully executed; whereupon, having been submitted, the stipulation is reduced to a Proposed Decision Pursuant to Stipulation by the Administrative Law Judge² for submission and consideration of the Division of Medical Quality.

¹ Mr. Dembin is not a member of the Bar of the State of California.

² The Administrative Law Judge, by his execution of this Proposed Decision Pursuant to Stipulation, makes no independent finding, determination or order.

FINDINGS OF FACT

Procedural Findings

I

On July 14, 1994, Complainant Dixon Arnett, Executive Director of the Medical Board of California (hereinafter "the Board"), filed the Accusation in his official capacity.

II

A Request for Hearing was received from the Office of the Attorney General by the Office of Administrative Hearings on August 8, 1994, requesting a hearing after January 1, 1995. On August 16, 1994, the Office of Administrative Hearings originally set for the matter for hearing on March 6, 1995.

III

On October 24, 1994, the Accusation was amended by Dixon Arnett in his official capacity as set forth in Finding No. I.

IV

On March 3, 1995, Respondent filed a motion for continuance of the March 6, 1995 hearing inasmuch as Respondent and his counsel were currently engaged in disciplinary proceedings in New Jersey. The matter was continued, without objection by the Attorney General, to September 11, 1995.

V

On August 28, 1995, counsel for Respondent moved to continue the hearing set for September 11, 1995, citing a lack of final determination in the New Jersey proceedings. The matter was continued, without objection by the Attorney General, to February 5, 1996.

VI

On January 15, 1996, counsel for Respondent, reiterating any lack of finality in New Jersey (Finding No. V), moved to continue the hearing set for February 5, 1996. The matter was continued, without objection by the Attorney General, to May 6, 1996.

VII

On April 30, 1996, counsel for Respondent, reiterating any lack of finality in New Jersey (Finding Nos. V - VI), moved to

continue the hearing set for May 6, 1996. The matter was continued, without objection by the Attorney General, to November 4, 1996.

VIII

At the hearing on November 4, 1996, Complainant moved to further amend the Amended Accusation (Finding No. III). The motion was granted, a Second Amended Accusation filed and the hearing continued for further proceeding on the Second Amended Accusation to January 6, 1997.

IX

At the continued hearing on January 6, 1997, the parties, by, through and between their respective counsel, entered into a stipulation fully resolving this matter and, submitting the matter, given until February 7, 1997, to reduce their stipulation to writing, and upon submission of the signature page of the stipulation to the Office of Administrative Hearings, the submission would be vacated and the matter taken off calendar to comport with the stipulation of the parties and counsel. Respondent, as of the submission date, has not moved to vacate the stipulation or extend the submission date for execution of the stipulation.

STIPULATED FINDINGS

X

A Second Amended Accusation in Case No. 16-94-34512 was filed with the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, on November 15, 1996, and is currently pending against Respondent.

XI

The Second Amended Accusation, together with all statutorily required documents, were duly served on Respondent on November 22, 1996, and Respondent filed a Notice of Defense contesting the Accusation.

XII

Complainant Ron Joseph, Executive Director of the Medical Board, brought this action in his official capacity.

XIII

Respondent and his counsel have fully discussed the charges contained in the matter set forth in Finding Nos. I, III, VIII and X, and Respondent has been fully advised regarding his

legal rights and the effects of the stipulation by, among and through counsel and himself.

XIV

At all times relevant, Respondent has been licensed by the Medical Board of California under Physician's and Surgeon's Certificate No. G-62438.

XV

Respondent understands the nature of the charges set forth in Finding Nos. I, III, VIII and X and that, if proven at a hearing, the charges and allegations would constitute cause for the imposition of discipline upon him. Respondent is fully aware of his right to a hearing on the charges set forth in Finding Nos. I, III, VIII and X, his right to confront and cross-examine witnesses against him, his right to the use of subpoenas to compel the attendance of witnesses and the production of documents in both defense and mitigation of the charges, his right to reconsideration, appeal and any and all other rights accorded by the California Administrative Procedure Act and other applicable laws. Respondent knowingly, voluntarily and irrevocably waives and gives up each of these rights.

XVI

Respondent admits the truth of the allegations in the following paragraphs of the Second Amended Accusation (No. 16-94-34512):

A. Paragraph 4:

"Respondent Brigham is subject to disciplinary action under sections 2234 and 2305 of the Business and Professions Code in that on or about February 3, 1994, the New Jersey State Board of Medical Examiners issued an Order prohibiting respondent from performing second trimester abortions and required a supervisor to review respondent's patient records. The basis for the Order was that respondent had been accused of committing repeated acts of negligence and incompetence in performing second trimester abortions."

B. Paragraph 5:

"Respondent Brigham is subject to disciplinary action under sections 2234 and 2305 of the Business and Professions Code in that on or about November 23, 1994, the State of New York, Department of Health, Office of Professional Medical Conduct revoked respondent's license to practice medicine. The basis for the New York

discipline was several instances of gross negligence and/or incompetence by respondent in his treatment of obstetrical/gynecological patients."

C. Paragraph 6:

"Respondent Brigham is subject to disciplinary action under sections 2234 and 2305 of the Business and Professions Code in that on or about June 28, 1996, the State of Florida, Board of Medicine revoked respondent's license to practice medicine in that state for having had his license to practice medicine revoked, suspended or otherwise acted against in the states of Pennsylvania, New York and New Jersey, for failing to report to the Florida board that action had been taken in another state, for failing to notify the board of his change of status relating to his financial responsibility and for failing to notify the board of his intent to practice medicine in the State of Florida."

XVII

Respondent is currently appealing the decision issued by the State of Florida (Finding No. XVI.C).

STIPULATED DETERMINATION OF ISSUES

Respondent, by the conduct referenced in Finding Nos. XVI.A - XVI.C, agrees that he has subjected his license (Finding No. XIV) to disciplinary action pursuant to Business and Professions Code section 2234 and 2305.

ORDER PURSUANT TO STIPULATION

Physician's and Surgeon's Certificate No. G-62438 issued to Stephen Chase Brigham, M.D. is suspended for one year; however, the suspension is stayed and respondent placed on probation for three (3) years on the following terms and conditions:

I

Within 15 days after the effective date of this Decision, Respondent shall provide the Division, or its designee, proof of service that Respondent has served a true copy of this Decision on the Chief of Staff or the Chief Executive Officer at every hospital

where privileges or membership are extended to Respondent or where Respondent is employed to practice medicine and on the Chief Executive Officer at every insurance carrier where malpractice insurance coverage is extended to Respondent.

II

Within ninety (90) days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Division of Medical Quality or its designee 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.

III

Respondent, at his expense, shall take and pass an oral clinical examination in a subject to be designated and administered by the Division, or its designee. This examination shall be taken within ninety (90) days after the effective date of this Decision. If Respondent fails the first examination, Respondent shall be allowed to take and pass a second examination, which may consist of a written as well as an oral examination. The waiting period between the first and second examinations shall be at least three (3) months. If Respondent fails to pass the first and second examination, he may take a third and final examination after waiting a period of one (1) year. Failure to pass the oral clinical examination within 18 months after the effective date of this Decision shall constitute a violation of probation. Respondent shall not practice medicine until he has passed the required examination and has been so notified by the Division of Medical Quality or its designee in writing. This prohibition shall not bar Respondent from practicing in a clinical training program approved by the Division or its designee and is restricted only to that which is required by such approved training program.

IV

Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the Division or its designee for its prior approval a plan of practice in which his practice shall be monitored by another physician in Respondent's field of practice, who shall provide periodic reports to the Division or its

designee. If the monitor resigns or is no longer available, Respondent shall, within fifteen (15) days, move to have a new monitor appointed, through nomination by Respondent and approval by the Division or its designee.

V

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

VI

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

VII

Respondent shall comply with the Division of Medical Quality's probation surveillance program. Respondent shall, at all times, keep the Division informed of his addresses of business and residence which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Division. Under no circumstances shall a post office box serve as an address of record. Respondent shall also immediately inform the Division or its designee, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

VIII

Respondent shall, at his expense, appear in person for interviews with the Division of Medical Quality, its designee or its designated physician(s) upon request at various intervals and with reasonable notice.

IX

In the event Respondent should leave California to reside or practice outside the State or for any reason should Respondent stop practicing medicine in California, Respondent shall notify the Division of Medical Quality or its designee in writing within ten (10) days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty (30) days in which Respondent is not engaging in any activities defined in Business and Professions Code section 2051 and 2052. All time spent in an intensive training program approved by the Division or its designee shall be considered as time spent in the practice of medicine. Periods of

temporary or permanent residence or practice outside California or of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary period. Respondent, disciplined under Business and Professions Code section 2305 (sister-state discipline), may petition for modification of penalty:

- A. If the other state's discipline terms are modified, terminated or reduced; and
- B. If at least one year has elapsed from the effective date of the California discipline.

X

Upon successful completion of probation, Respondent's certificate shall be fully restored.

XI

If Respondent violates probation in any respect, the Division of Medical Quality, 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.

XII

Respondent shall pay the costs associated with probation monitoring each and every year of probation, which are currently set at \$2,304, but may be adjusted on an annual basis. Such costs shall be payable to the Division of Medical Quality and delivered to the designated probation surveillance monitor at the beginning of each calendar year. Failure to pay costs within thirty (30) days of the due date shall constitute a violation of probation.

XIII

Following the effective date of this Decision, if Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may voluntarily tender his certificate to the Medical Board of California. The Division of Medical Quality reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other

action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, Respondent will no longer be subject to the terms and conditions of probation.

Dated: February 13, 1997



JAIME RENÉ ROMÁN

Administrative Law Judge

Medical Quality Hearing Panel

Office of Administrative Hearings