

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

WEST COAST MEDICAL GROUP, INC.
MORTON WAYNE BARKE, M.D., et al.,

Respondents.

No. D-1449

DECISION

Pursuant to a STIPULATION heretofore entered into between all parties and their counsel in this matter, the Board of Medical Examiners of the State of California finds the following facts:

I

Raymond M. Reid filed the Accusation in this matter in his official capacity as Executive Secretary of the Board of Medical Examiners (hereinafter sometimes referred to as the "Board").

II

A. WEST COAST MEDICAL GROUP, INC. (hereinafter sometimes referred to as "respondent West Coast") was, and now is, a professional medical corporation registered with the Board pursuant to Business and Professions Code sections 2500-2508. Respondent West Coast is located at 8911 Wilshire Boulevard, Beverly Hills, California.

B. Respondent MORTON WAYNE BARKE, M.D. (hereinafter sometimes referred to as "respondent Barke"), was heretofore issued a Physician's and Surgeon's Certificate by the Board and at all times mentioned was, and now is, licensed to practice medicine in the State of California.

C. Respondent WILLIAM ATKIN MARKS, M.D., was heretofore issued a Physician's and Surgeon's Certificate by the Board and at all times herein mentioned was, and now is, licensed to practice medicine in the State of California.

D. Respondent HAROLD SIDNEY BARACH, M.D., was heretofore issued a Physician's and Surgeon's Certificate by the Board and at all times herein mentioned was, and now is, licensed to practice medicine in the State of California.

E. Respondent ROY JOSEPH CATIZONE, M.D., was heretofore issued a Physician's and Surgeon's Certificate by the Board and at all times herein mentioned was, and now is, licensed to practice medicine in the State of California.

III

At all times hereinafter mentioned, Joon Pill Lee (hereinafter "Lee"), Tae Eul Yun (hereinafter "Yun"), and Jang Ho Kim (hereinafter "Kim"), were not, and are not now, licensed by the Board as physicians and surgeons to practice any system or mode of treating the sick and afflicted in the State of California.

IV

At all times hereinafter mentioned, Lee, Yun, and Kim were, and each was, employed by respondent West Coast and under the direction and control of respondent Barke.

V

Respondent Barke did suffer and permit the following acts to occur at respondent West Coast as set forth below:

A. On or about December 16, 1972, Lee did select and locate acupuncture points on the person of D██████ H██████, and further Lee did place dots with a marker between H██████'s right thumb and forefinger below the wrist, on the right arm adjacent to the elbow, on the face below the right ear, on the

back of his neck, and several marks above the right shoulder blade.

B. On or about December 22, 1972, Lee did select and locate acupuncture points on the person of D██████ H██████, and further Lee did place dots with a marker on H██████'s right arm, back, neck, and face in the vicinity of his right ear and over each of his eyes.

C. On or about December 29, 1972, Lee did select and locate acupuncture points on the person of D██████ H██████, and further Lee did place dots with a marker on H██████'s arms and his back at approximately shoulder level.

D. On or about February 6, 1973, Yun did select and locate acupuncture points on the person of B██████ C██████, and further Yun did place dots with a marker on C██████'s back and shoulder area.

E. On or about February 14, 1973, Yun did select and locate acupuncture points on the person of B██████ C██████, and further Yun did place dots with a marker on C██████'s left shoulder and left elbow.

F. On or about February 8, 1973, Kim did select and locate acupuncture points on the person of S██████ D██████, and further Yun did place dots with a marker on D██████'s lower back and upper buttocks.

G. On or about February 26, 1973, Kim did select and locate acupuncture points on the person of S██████ D██████, and further Yun did place dots with a marker on D██████'s lower back and upper buttocks.

Pursuant to the foregoing findings of fact, the Board of Medical Examiners of the State of California makes the following determination of issues:

I

The foregoing facts constitute unprofessional conduct within the meaning of Business and Professions Code sections 2361(a), 2141, and 2392 on the part of respondent Morton Wayne Barke, M.D.

II

Cause for disciplinary action exists against respondent Morton Wayne Barke, M.D., pursuant to Business and Professions Code sections 2360 and 2361 as a result of determination of issue I.

WHEREFORE, THE FOLLOWING ORDER is hereby made:

A. The certificate of respondent Morton Wayne Barke, M.D., to practice medicine and surgery in the State of California is suspended for a period of fifteen (15) days; provided, however, execution of this Order of Suspension is hereby stayed and respondent Barke placed on probation for a period of one (1) year upon the following terms and conditions:

1. Respondent Barke shall comply with all the laws of the United States, the State of California and its political subdivisions, and all rules and regulations of the Board of Medical Examiners of the State of California.

2. Respondent Barke shall submit to the Board at quarterly intervals an affidavit to the effect that he is fully complying with all the terms and conditions of probation imposed herein. The first report shall be due MARCH 30TH, 1974.

3. Respondent Barke shall not suffer nor permit any unlicensed person to practice any system or mode of treating the sick or afflicted, directly or indirectly.

4. Respondent Barke shall not permit any unlicensed person to select and/or locate acupuncture points on the body or person of any of his patients.

B. In the event respondent Barke does not comply with the conditions of probation hereinabove set forth, and during the period of probation, the Board of Medical Examiners, after notice to respondent Barke and opportunity to be heard, may terminate said probation effective immediately, or make such other order modifying or changing the terms of probation as it deems just and reasonable in its discretion.

C. Upon expiration of the period of probation, the Stay or Order of suspension will become permanent, and respondent Barke's certificate will be restored.

D. Accusation No. D-1449 is hereby dismissed as to respondents West Coast Medical Group, Inc., William Atkins Marks, M.D., Harold Sidney Barach, M.D., and Roy Joseph Catizone, M.D.

This Decision shall become effective on the 27 day of March, 1974.

IT IS SO ORDERED this 12 day of December, 1973.

BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

By Gary S. Arvid
GARY S. ARVID
Secretary-Treasurer