

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

In the Matter of the Accusation)
Against:)

NICHOLAS G. BRAEMER, M.D.)
Certificate No. A-21927)

Respondent)
_____)

No. D-2962


DECISION

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

This Decision shall become effective on November 17, 1983.

IT IS SO ORDERED October 18, 1983.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE


MILLER MEDEARIS
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
2 of the State of California
3 ROBERT P. LEWIS, JR.,
4 Deputy Attorney General
5 3580 Wilshire Boulevard
6 Los Angeles, California
7 Telephone: (213) 736-2035

8 Attorneys for Complainant

9 BEFORE THE
10 DIVISION OF MEDICAL QUALITY
11 BOARD OF MEDICAL QUALITY ASSURANCE
12 DEPARTMENT OF CONSUMER AFFAIRS
13 STATE OF CALIFORNIA

14 In the Matter of the Accusation) NO. D-2962
15 Against:)
16)
17 NICHOLAS G. BRAEMER, M.D.) STIPULATION, DECISION
18 3400 W. Lomita Boulevard, Suite 3) AND ORDER
19 Torrance, California 90505)
20 Physician's and Surgeon's)
21 License No. A021927,)
22 Respondent.)

23 IT IS HEREBY STIPULATED by and between complainant's
24 successor Stephen R. Wilford, Acting Executive Director of the
25 Board of Medical Quality Assurance (hereinafter the "board"), by
26 and through his attorney of record John K. Van De Kamp, Attorney
27 General for the State of California and Robert P. Lewis, Jr.,
28 Deputy Attorney General, and respondent herein,
29 Nicholas G. Braemer, M.D., by and through his attorney of
30 record, Artis C. Grant, Jr., of the Law Firm of Grant and
31 Duncan, that:

32 1. Respondent Nicholas G. Braemer, M.D.
33 (hereinafter the "respondent") has received and read the

1 accusation heretofore filed herein in case number D-2962
2 currently pending before the Division of Medical Quality
3 (hereinafter the "division") of the board. A copy of said
4 accusation is attached hereto as Annex "A" and is incorporated
5 herein as though fully set forth.

6 2. Respondent has retained the services of
7 Artis C. Grant, Jr., to be his attorney of record in case
8 number D-2962. Furthermore, respondent has consulted with
9 Mr. Grant concerning the content and effect of this stipulation.

10 3. Respondent is aware of his right to a hearing on
11 the charges and allegations contained in the accusation, his
12 right to reconsideration, appeal, and all other rights which may
13 be afforded him by the California Administrative Procedure Act
14 in connection with the accusation. For the purposes of this
15 stipulation, respondent hereby freely and voluntarily waives his
16 right to a hearing, his right to reconsideration, to appeal, and
17 to any and all rights afforded him by the California
18 Administrative Act or any law with regard to the accusation.

19 4. Respondent understands the nature of the charges
20 alleged in the accusation and understands said charges may
21 constitute cause for disciplinary action upon his physician's
22 and surgeon's certificate.

23 5. At the time of the executing and filing of the
24 accusation in case number D-2962, Robert G. Rowland was the duly
25 appointed Executive Director for the board and filed the
26 accusation solely in his official capacity.

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1 6. At the time of the occurrence of the acts and
2 omissions alleged in the accusation, respondent was the holder
3 of physician's and surgeon's certificate number A021927.

4 7. Respondent Nicholas G. Braemer, M.D., admits
5 every factual allegation contained in paragraphs 1, 2, and 6 of
6 the accusation, to wit:

7 A. The board has heretofore issued physician's and
8 surgeon's license number A021927 to respondent and that at
9 all times mentioned herein, said license was in full force
10 and effect. In addition to the foregoing, respondent has
11 been a Medi-Cal provider assigned provider number
12 00A219270 by the California State Department of Health
13 Services; however, on March 31, 1982, said provider
14 certificate was suspended for three years pursuant to the
15 order of the Department of Health Services and the order
16 of the United States Department of Health and Human
17 Services pursuant to section 14123, subdivision (b) of the
18 Welfare and Institutions Code.

19 B. On June 15, 1981, respondent was convicted in
20 the United States District Court, Central District of
21 California, of ten counts of violating 42 United States
22 Code section 1396H(b)(1)(A) (receipt of remuneration for
23 referring patients for treatment, the cost of which were
24 reimbursable by Medi-Cal) in a matter entitled, "The
25 United States of America v. Nicholas George Braemer,
26 M.D.," case number CR 81-275. As a result of said
27 conviction, imposition of sentence was suspended and

1 respondent was placed on probation for a period of two
2 years, the terms and conditions of which included the
3 requirement that respondent pay a fine of \$20,000.

4 C. Said conviction was substantially related to the
5 qualifications, duties and functions of a licensed
6 physician, in that said conviction arose from his practice
7 as a licensed physician and surgeon under the authority
8 given him by his Medi-Cal provider certification and by
9 his licensure by the board as a physician and surgeon.

10 8. Respondent further stipulates that, based upon
11 said factual allegations and admissions, cause for disciplinary
12 action against him exists based upon the provisions of
13 sections 2220, 2227, 2234, and 2236, subdivision (a) of the
14 Business and Professions Code.

15 9. Based upon the foregoing admissions,
16 stipulations, and recitals, the parties hereto hereby further
17 stipulate that the division may issue a decision and order upon
18 the stipulation as follows:

19 Certificate number A-21927 issued to respondent
20 Nicholas G. Braemer, M.D., is revoked; however, said
21 revocation is stayed and respondent is placed on probation
22 for five years upon the following terms and conditions:

23 A. As a part of probation, respondent is suspended
24 from the practice of medicine for sixty (60) days
25 beginning the effective date of this decision.

26 B. Within sixty (60) days of the effective date of
27 this decision, respondent shall submit to the division for

1 its prior approval a community service program in which
2 respondent shall provide free medical services on a
3 regular basis to a community or charitable facility or
4 agency of at least eight (8) hours a week for fifty (50)
5 weeks during each of the first two years of said
6 probationary period.

7 C. Within ninety (90) days of the effective date of
8 this decision, and on an annual basis thereafter,
9 respondent shall submit to the division for its prior
10 approval an educational program or course related to
11 general medicine, which shall not be less than forty (40)
12 hours per year, for each year of probation. This program
13 shall be in addition to the continuing medical educational
14 requirements for relicensure. Following the completion of
15 each course, the division or its designee may administer
16 an examination to test respondent's knowledge of the
17 course.

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

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

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

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1 G. Respondent shall appear in person for interviews
2 with the division's medical consultant upon request at
3 various intervals and with reasonable notice.

4 H. In the event respondent should leave California
5 to reside or to practice outside the state, respondent
6 must notify in writing the division of the dates of
7 departure and return. Period of residency or practice
8 outside California will not apply to the reduction of this
9 probationary period.

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

12 J. If respondent violates probation in any respect,
13 the division, after giving respondent notice and the
14 opportunity to be heard, may revoke probation and carry
15 out the disciplinary order that was stayed. If an
16 accusation or petition to revoke probation is filed
17 against respondent during probation, the division shall
18 have continuing jurisdiction until the matter is final,
19 and the period of probation shall be extended until the
20 matter is final.

21 10. In the event the Division of Medical Quality of
22 the Board of Medical Quality Assurance fails to adopt this
23 stipulation as its decision with regard to the accusation

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1 herein, then this stipulation shall have no force or effect upon
2 any of the parties hereto.

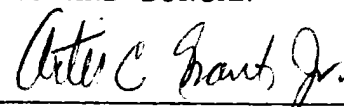
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4 JOHN K. VAN DE KAMP
Attorney General

5 Dated: 8/3/83


6 ROBERT P. LEWIS, JR.
7 Deputy Attorney General
Attorneys for Complainant

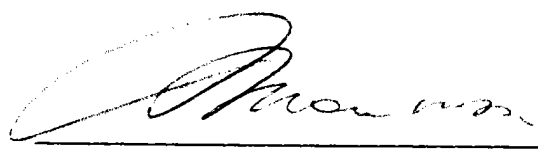
8 GRANT AND DUNCAN

9 Dated: 8/3/83


10 ARTIS C. GRANT, JR.
11 Attorneys for Respondent
Nicholas G. Braemer, M.D.

12 I UNDERSTAND THAT BY ENTERING INTO THIS STIPULATION,
13 THE DIVISION OF MEDICAL QUALITY OF THE BOARD OF MEDICAL QUALITY
14 ASSURANCE MAY REVOKE MY PHYSICIAN'S AND SURGEON'S CERTIFICATE
15 NUMBER A021927, BUT MAY STAY REVOCATION AND PLACE ME ON
16 PROBATION FOR A PERIOD OF FIVE YEARS PURSUANT TO CERTAIN TERMS
17 AND CONDITIONS WHICH INCLUDE AN ACTUAL SUSPENSION OF SIXTY (60)
18 DAYS, EIGHT (8) HOURS PER WEEK OF FREE COMMUNITY SERVICE FOR TWO
19 YEARS, FORTY (40) HOURS OF ADDITIONAL CONTINUING MEDICAL
20 EDUCATION DURING THE PERIOD OF PROBATION AS WELL AS OTHER TERMS
21 AND CONDITIONS OF PROBATION WHICH I MUST OBEY. I HAVE DISCUSSED
22 THIS STIPULATION WITH MY ATTORNEY AND THE TERMS AND CONDITIONS
23 HEREIN ARE AGREEABLE TO ME.

24
25 Dated: 8/3/83


26 NICHOLAS G. BRAEMER, M.D.
27 Physician's and Surgeon's
Certificate No. A021927
Respondent

1 GEORGE DEUKMEJIAN, Attorney General
ROBERT P. LEWIS, JR.

2 Deputy Attorney General
3580 Wilshire Boulevard
3 Los Angeles, California 90010
4 Telephone: (213) 736-2035

5 Attorneys for Complainant

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

11 In the Matter of the Accusation
12 Against:

) NO. D-2962

13 NICHOLAS G. BRAEMER, M.D.
14 3400 West Lomita Boulevard, Suite 3
15 Torrance, California 90505
16 Physician's and Surgeon's
17 License No. A021927,

) ACCUSATION

18 Respondent.

19 Complainant, Robert G. Rowland (hereinafter
20 "complainant"), alleges as cause for disciplinary action that:

21 1. He is the executive director for the Board of
22 Medical Quality Assurance (hereinafter the "board") and makes
23 this accusation solely in his official capacity.

24 2. The board has heretofore issued physician's and
25 surgeon's license number A021927 to respondent Nicholas G.
26 Braemer, M.D. (hereinafter "respondent"). At all times mentioned
27 herein, said license was and is in full force and effect. In
addition to the foregoing, respondent has been a Medi-Cal provider.

1 assigned provider number 00A219270 by the California State
2 Department of Health Services; however, on March 31, 1982, said
3 provider certificate has been suspended for three years pursuant
4 to the order of the Department of Health Services and the
5 order of the United States Department of Health and Human
6 Services pursuant to section 14123, subdivision (b) of the
7 Welfare and Institutions Code.

8 3. Sections 2220 and 2227 of the Business and Professions
9 Code (hereinafter all statutory references are to the Business
10 and Professions Code unless otherwise indicated) provides that
11 the Division of Medical Quality may take action against all
12 persons guilty of violating the provisions of the Medical
13 Practice Act (section 2000, et seq.)

14 4. Section 2234 provides that the division shall take
15 action against any licensee who is charged with unprofessional
16 conduct.

17 5. Section 2236, subdivision (a), provides that the
18 conviction of any offense substantially related to the
19 qualifications or duties of a physician or surgeon constitutes
20 unprofessional conduct within the meaning of the Medical
21 Practice Act.

22 6. Respondent is subject to discipline under the
23 provisions of section 2234, taken in conjunction with
24 section 2236, subdivision (a). The circumstances follow:

25 A. On or about June 15, 1981, respondent was
26 convicted in the United States District Court, Central
27 District of California, of ten counts of violating

1 42 United States Code section 1395H(b)(1)(A) (receipt
2 of remuneration for referring patients for treatment,
3 the cost of which were reimbursable by Medi-Cal) in
4 a matter entitled, "The United States of America v.
5 Nicholas George Braemer, M.D.," case number CR 81-275.
6 As a result of said conviction, imposition of sentence
7 was suspended and respondent was placed on probation
8 for a period of two years, the terms and conditions
9 of which included the requirement that respondent pay
10 a fine of \$20,000.

11 B. Said conviction was substantially related
12 to the qualifications, duties and functions of a
13 licensed physician and surgeon in that said conviction
14 arose from his practice as a licensed physician and
15 surgeon and under the authority given him by his
16 Medi-Cal provider certification.

17 WHEREFORE, complainant prays that the division hold a
18 hearing into the matters alleged hereinabove and, following
19 such hearing, issue a decision:

20 1. Revoking or suspending physician's and
21 surgeon's certificate number A021927 heretofore
22 issued to respondent Nicholas G. Braemer, M.D.; and

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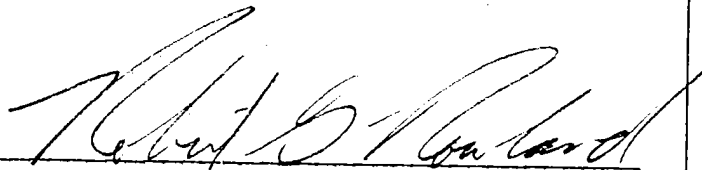
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1 2. Taking such other and further action as the
2 division deems necessary and proper under the circumstances.

3 Dated: October 15, 1982

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7 Robert G. Rowland
8 Executive Director
9 Board of Medical Quality Assurance
10 State of California

11 Complainant
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